

## CONSULTATION QUESTIONS

This consultation questionnaire sets out the consultation questions from within the relevant sections of the revised Adult Support & Protection Code of Practice.

The revised Code of Practice is a larger and more comprehensive document than the original Code and we welcome your views on any of the changes made. In particular, we would appreciate your views on the following matters.

Please insert your response to the questions in the text boxes provided.

### Question 1: Chapter 3

This chapter of the Code sets out the principles of the Adult Support and Protection legislation and the definition of an adult at risk.

Does this chapter help in your understanding of the legislation and whom it applies to?

If not, what changes would you suggest?

#### Comments

Responses received relating to the draft revised Code of Practice express the view that in some respects the revised Code does not fully help increase understanding of the legislation. An important aspect of the legislation relates to intervention and the duty to report. It is felt that greater clarity and guidance on the role of non Council Officers with regard to these matters would be appropriate.

The draft Code outlines principles which a public body or office-holder must have regard to when performing a function under the Act. However it would be helpful if the final Code provided adequate guidance on the fundamental duty to report. For example the decision to intervene or not is one solely taken "upstream" of the Council Officer. Intervention begins when the police office, health professional or care worker considers reporting suspected or actual harm or highlighting the need to support an adult at risk.

The draft Code recognises the importance of striking a balance between an individual's right to freedom of choice and the risk of harm to that individual. It states that there is a need to weigh and consider the various principles, particularly when the adult at risk does not wish support. The draft Code infers that this dilemma is one that only requires to be addressed by Council Officers. In practice this often arise at an earlier stage. The issue of whether or not health staff and others should consider these issues prior to making a referral ought to be explicitly stated in the final Code.

It would be helpful if the draft Code would recognise that circumstances will arise where a public body or office-holder is best place to take action immediately to protect and make safe a person harmed or in danger of

being harmed. In such circumstances where the vulnerable person is no longer at risk is it really necessary to retrospectively report all incidents to Social Work? Again clear explicit guidance on this would be appropriate.

There has been raised in our local consultation the need for clear thresholds for action. While recognising the lead role of the local authority, comment has been received to suggest that there can be very different thresholds applied by Social Work and health professionals in considering the appropriateness of using the powers of the Act. Indeed this difference in approach applies from local authority to local authority.

It is welcomed that the draft Code now refers to “problematic alcohol and drug use” and “young people in transition”. However the narrow definition of an “adult at risk” means that many vulnerable people are out with the scope of the provisions of the Act.

### **Question 2: Chapter 5**

This chapter of the Code considers the principle of ensuring full regard is given to the wishes of the adult, and ensuring that the adult participates in decisions as fully as possible.

Does this chapter adequately cover the issues arising from ensuring as far as possible full participation by adults in decision making?

If not, what changes would you suggest?

#### **Comments**

This chapter would appear to be comprehensive and well thought through particularly the reference to advocacy services for adults with mental disorders and the involvement /needs of carers.

### **Question 3: Chapter 6**

This chapter includes new guidance on large scale inquiries. Does this provide sufficient clarity for this type of inquiry or are there additional matters you would wish considered?

#### **Comments**

The guidance related to large scale inquiries is to be welcomed however we understand that work has been commissioned centrally to produce much needed guidance on Significant Case Reviews. Is it the case that this national work will supplement the guidance in the Code? It would be helpful to have this clarified.

The guidance does not address the potential of a conflict of interest arising. While this potentially applies to any referral it would be interesting to know what should happen when the enquiry is into a service commissioned by a Health Board or local authority and the robustness of the commissioning

process or monitoring is an issue.

#### **Question 4: Chapter 11**

This chapter is a new addition to the Code and considers a multi-agency approach. Does this provide sufficient clarity and support for your organisation in handling multi-agency assessments and practice?

Are there other matters that you consider should be included in this chapter?

##### **Comments**

The introduction of a chapter about multi-agency decision making is welcomed. It should help provide clarity and support in handling multi-agency assessments. The standards laid out in paragraph 7 could be used to audit multi-agency planning in each council area. Dissenting opinions should be minuted .

#### **Question 5: Users and Carers**

The Code seeks to develop and articulate good practice as regards service user and carer involvement, particularly in chapters 5 and 16. Does it succeed in this? If not please suggest ways in which this area could be improved on.

Chapters 5 and 16 provide useful guidance as regards service user and carer involvement.

#### **Question 6:**

Do you consider this revised Code of Practice will enable you to carry out your professional responsibilities effectively? Please feel free to comment on any areas of the Code which you consider could be improved in any way.

##### **Comments**

See the answer to question 1 above.

#### **Any further comments**

##### **Comments**