

# **Adult Support and Protection Code of Practice and Guidance for Adult Protection Committees - consultation analysis summary report**

**March 2022**



**Scottish Government**  
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# **Adult Support and Protection Code of Practice and Guidance for Adult Protection Committees - consultation analysis summary report – February 2022**

## **Overview**

From 06 July to 28 September 2021, the Scottish Government issued a consultation concerning the proposed updating of the Adult Support and Protection Code of Practice and the corresponding Guidance for Adult Protection Committees. This guidance is to aid practitioners and professionals in implementing the [Adult Support and Protection \(Scotland\) Act 2007](#).

The aim of the consultation was to ensure guidance takes account of policy and practice developments, and thus bring the guidance up to date with current legislation and relevant changes in policy. In order to ensure the revised guidance meets the needs of its users, we consulted with targeted stakeholder groups including public bodies named in the Act to invite review and comment. Users of this guidance are professionals and practitioners who require to implement the [Adult Support and Protection \(Scotland\) Act 2007](#) within the context of their work.

The ASP policy team undertook a number of engagement events throughout August and September 2021, which included presentations at stakeholder meetings and bespoke discussion sessions as requested. Stakeholders included Social Work Scotland; ASP Committee Conveners and Leads; NHS ASP Leads Network; Police Scotland; Integrated Joint Boards Chief Officers Group and the ASP National Strategic Forum (whose membership covers a wide range of bodies, including COSLA; Care Inspectorate; Healthcare Improvement Scotland; Office of the Public Guardian; Scottish Care; NHS Chief Executives and the Mental Welfare Commission). Feedback from these events, as well as the formal consultation responses, has been added to a comprehensive database and continues to be a vital resource informing policy and guidance developments.

## **Code of Practice response summary**

For the Code of Practice section, we received 56 written responses in total. There were 9 responses from individuals, and 47 responded as organisations, but not all respondents answered every question.

**Q1a: Chapter 2 seeks to clarify understanding of the previous distinction between people who are unwilling, and those who are unable, to protect themselves. How well do you think these objectives are fulfilled?**

34 responses felt that this was addressed mostly or completely and 13 somewhat (for balance - A little - 1; Not at all - 1; Not answered – 7). A number of comments recognised that this is a very important distinction to be made as it changes perspective around many factors of engagement, or lack of, and looks below the surface of actions.

**Q1b: Secondly it seeks to provide greater clarity around issues of consent and capacity. How well do you think this objective is fulfilled?**

41 responses indicated completely, mostly or somewhat for this question (A little - 6; Not at all - 3; Not answered – 6). The more detailed distinction and considerations were welcomed but with some respondents stating a preference for examples of context to aid comprehension of a complex area.

**Q2a: Chapter 3 seeks to strengthen the guidance around the duty to refer and the duty to cooperate. How well do you think these objectives are fulfilled?**

44 responses indicated completely, mostly or somewhat (A little - 2; Not at all - 2; Not answered – 8). Clarity was better achieved although requests for more explicit responsibility for all public bodies to refer were made, and a widening of the “named” bodies, to include other services such as dentists, opticians etc.

**Q2b: Secondly, Chapter 3 seeks to significantly strengthen the guidance in relation to expectations regarding information sharing. How well do you think this objective is fulfilled?**

Again a complex area, enhanced detail was welcomed, with 39 indicating completely or mostly. (A little - 3; Not at all - 1; Not answered – 9)

**Q3a: Chapter 5 seeks to give more detail in relation to the nature of referrals. Is this fulfilled?**

43 respondents felt that this objective was fulfilled and welcomed enhanced information. (A little - 2; Not at all - 2; Not answered – 9)

**Q3b: Chapter 5 also seeks to reflect the introduction of welfare concern referrals and IRD processes in some areas of Scotland. How well do you think this objective is fulfilled?**

Respondents indicated that specific detail about both processes was clear, with 38 selecting completely, mostly or somewhat. (A little - 5; Not at all - 4; Not answered – 9)

**Q4: Chapter 6 seeks to clarify the relationship between an inquiry and an investigation. How well do you think these objectives are fulfilled?**

This section received mixed responses, ranging from appreciating a distinction being drawn, to those who felt their understanding differed from the language used. Overall the intent was welcomed, with 30 responding positively. (A little - 6; Not at all - 2; Not answered – 8)

**Q5: Chapter 8 is a new chapter, providing more specific guidance in relation to risk assessment, case conferences, protection plans and managing risk. It seeks to offer greater clarity and explanation around these issues. How well do you think these objectives are fulfilled?**

46 responded positively to this question, with some expressing a desire for further detail around case conferences and also adult participation in managing risk. (A little - 2; Not at all - 1; Not answered – 7)

**Q6: The chapters on protection orders have been rationalised. Chapter 11 now covers the common elements of protection orders, and the subsequent chapters (12-14) focus on each type of order separately. The intention is to make this section more user-friendly but still provide sufficient guidance and clarity. How well do you think these objectives are fulfilled?**

Here 44 responses were positive with a general comment that the rationalisation of previous sections and re-ordered chapters made much easier reading and would be straightforward in terms of finding information quickly. (A little - 0; Not at all - 1; Not answered – 7)

**Q7: 6 If you would like to provide any comments or suggestions about the changes please do so here:**

Of the 56 respondents who answered this question, we received some very detailed suggestions for consideration, and the **key issues raised included:**

- **Transitions / Young people** – the crossovers between legislative areas and suitability in an individual context
- **Language and terminology** – choice of language / interpretation / implications
- **Capacity and Consent** – assessments / context specific / impact of life experiences / legalities
- **Training** – gaps / needs
- **Processes** – sequence and timings of ASP procedures / local variations / national consistencies / frameworks
- **Individual at risk** – advocacy / risk assessment / holistic approach / person centred / relatives, family and influential contacts

### **Guidance for Adult Protection Committees response summary**

42 responses were received for this section of the consultation. Note that the APC guidance is expected to be used in conjunction with the full Code of Practice (and so APC practitioners will read both), but not everyone using the Code of Practice has need of the APC guidance.

**Q1: The revised guidance has been reordered to better follow the structure of the Act, and thus be more efficient to use. How well do you think these objectives are fulfilled?**

40 respondents indicated that the structure was much improved and was easier to navigate. It was felt the information flowed in the order an individual may be likely to

use it and thus made for a smoother experience. (A little - 0; Not at all - 1; Not answered – 15)

**Q2: The revised guidance strengthens the expectations regarding the duties to cooperate and refer, and regarding information sharing , offering greater clarity and guidance. How well do you think these objectives are fulfilled?**

39 of the 42 gave positive responses here. Greater detail and clarity of expectation was welcomed. (A little -1 ; Not at all - 1; Not answered – 15)

**Q3: The revised guidance has a new section covering the role of Adult Protection Committees (APCs) in giving information or advice and in making proposals to named public bodies. Again this seeks to offer greater clarity of expectations. How well do you think these objectives are fulfilled?**

This was received favourably with 37 indicating the addition of this section is very helpful. (A little - 2; Not at all - 1; Not answered – 15)

**Q4: The revised guidance has more to say about audit activity, biennial reports, case reviews and Large Scale Investigations. This is intended to offer more information around these issues. How well do you think these objectives are fulfilled?**

39 responses indicated that the expanded information and addition of more detail around LSIs is a positive step. A number of suggestions were offered regarding use of report data, and where case reviews and LSIs currently sit in local practice. (A little - 1; Not at all - 1; Not answered – 15)

**Q5: The revised guidance has a new section on governance, covering the relationship between APCs and Chief Officer Groups and other overarching forums. Included in this are matters relating to the appointment of conveners. This seeks to clarify the structures and interactions of each. How well do you think these objectives are fulfilled?**

This section was well received with 40 positive responses. The addition of this section was felt to offer clarity and greater understanding of the expected interface between various bodies. (A little - 0; Not at all - 1; Not answered – 15)

**Q6: If you would like to provide any comments or suggestions about the changes please do so.**

Of the 42 respondents who answered this question, we received some very detailed suggestions for inclusion, and the key issues raised included:

- **Transitions** – processes / crossovers / legalities / support
- **Processes** – local variance / national frameworks / oversight and scope
- **Reporting and Audit** – learning / submissions / storage / legal requirements
- **Learning** – case reviews / sharing learning
- **Language and terminology** – inclusive language / clarity around terminology

- **Role and Scope** – Boundaries and clarity / signposting / good practice / practice improvements
- **Composition and attendance** – membership / diversity / lived experience / autonomy

Where respondents had agreed, written consultation responses to both the Code of Practice and the APC guidance are made available on the CitizenSpace website.

Thank you to everyone who took part in the consultation and made time to provide a response.

The Scottish Government is now considering all the responses, and the updated guidance will be published on our website in due course.



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