



The Adult Support and Protection (Scotland) Act 2007

Report on the consultation on the draft Adult Protection Committee guidance

Introduction

1. The Adult Support and Protection (Scotland) Act 2007 (the Act) was passed by the Scottish Parliament in Spring 2007. Part 1 of the Act, which is scheduled to commence on 29 October 2008, introduces new measures to identify and protect adults at risk of harm. These measures include a legislative framework for the creation of local multi-agency Adult Protection Committees (APCs) across Scotland. The Act requires APCs and councils to have regard to any guidance issued by the Scottish Ministers about their functions under the Act.

2. This paper reports on the public consultation undertaken by the Scottish Government on the draft guidance for APCs.

The consultation

3. The consultation material, was issued to over 280 individuals and organisations as well as being made available on the Scottish Government website. Fifty five responses were received. The views represented are wider as some local authority respondents advised that their response also included the views of partner organisations they work with.

4. The responses to this consultation, where confidentiality has not been requested, are available on the Scottish Government website and in the Scottish Government library, K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD Telephone 0131 244 4565.

Consideration of responses

5. Overall, respondents welcomed the opportunity to respond to the consultation and supported the introduction of the Act and APC guidance. All comments received have been carefully considered and taken account of in moving forward. While there were minor differences of opinion between respondents on some aspects of the consultation, overall, the responses were fairly similar and also extremely helpful in identifying where the guidance could be improved.

6. The following outlines the key issues arising from the consultation and sets out what action the Scottish Government has decided to take.

7. The guidance has been redrafted to:

- *clarify some aspects of the guidance;*
- *improve the structure of the guidance;*
- *strengthen references to the partnership working aspects of APCs;*
- *include additional good practice activities.*

APC formation and membership

Clarification was sought on whether the Act allows for an APC to cover more than one council area. The Scottish Government is keen to maximise the effectiveness of inter-agency working and is therefore content if people wish to work collaboratively across more than one council area. However, where this happens, each authority will remain accountable for the activities in their own council area.

The Act allows councils to appoint representatives with particular expertise to the committee. Good practice requires this is done in a way that ensures the APC operates effectively without becoming unwieldy. For example, inviting specific representatives to attend for particular agenda items only or by establishing sub-committees for those matters where particular expertise is required.

In their response, the Procurator Fiscal Service indicated the importance of their involvement in specific APC matters such as agenda items relating to criminal justice. The Scottish Government recognises the importance of this and has amended the guidance accordingly.

Independent convener

Given its lead role in undertaking inquiries and investigations, the Act requires the APC convener to be independent of the council. Good practice would be the appointment of a convener who is independent of all representative bodies. However, the Scottish Government recognises a number of APCs and their conveners are already in existence and that not all will currently meet this wider independent good practice point. Consideration of the need to amend the Act in line with good practice will be delayed until Ministers have considered the first biennial reports.

In response to the small number of requests for a national job description and other related material, this should be dealt with at local level in line with local requirements.

Procedures and practices

The Scottish Government will establish an APC Convener's forum, the remit and objectives of which will be determined by its membership. The forum will, however, enable APCs to learn from each other, to share good practice and to address procedure and practice issues, especially for those agencies that work across council areas.

Training and awareness raising

8. The training issues raised by respondents are already being addressed through phase 1 of the Scottish Government's national training strategy. A number of nationally organised training and awareness raising events took place over the summer:

- two-day training seminars for those with training responsibilities for APC and other specialist staff in councils, NHS, the police, and the Care Commission. The aim was to

- equip attendees with a sufficient level of knowledge and understanding of the Act to enable them to run training events within their own organisations;
- one-day training and awareness events for voluntary and other non-statutory organisations that play a key role in adult protection; and
 - a SCLD event comprising 150 participants drawn from relevant care groups across Scotland. A report of this event will be issued to APCs for them to build on in their own area.

These events were supported by a wide range of national training material which is available on the Scottish Government website and which can easily be adapted for local use.

Recognising the importance of adult protection and the need for appropriately trained staff, longer term training requirements are currently being considered as part of phase 2 of the Scottish Government's national training strategy.

Adult Protection Units

9. The Financial Memorandum set out a particular model of Adult Protection Unit based on that in the Scottish Borders. Funding for implementation of the Act has been made available to authorities partially on this basis. If councils decide not to follow this model, they will need to demonstrate that what they put in place is able to achieve the same result.

Information sharing, data collection and reporting

The Scottish Government recognises the benefits, both nationally and locally of a national approach in this area and is considering how to take this forward.

Next Steps

The guidance has been revised and will be issued early October 2008.

Over the next six months activities will focus on longer term training requirements and the establishment of an APC Convener forum.

A range of publicity material will be produced to raise general awareness amongst adults throughout Scotland.

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