

Adult Support and Protection (Scotland) Act 2007
Consultation on guidance for Adult Protection Committees
Response from Community Care Providers Scotland
August 2008

Community Care Providers Scotland (CCPS) is the association of voluntary sector organisations providing care and support services in Scottish communities. Our membership comprises 65 of the leading national non-profit and charitable providers in Scotland. CCPS members provide a variety of services for children and adults, both in registered residential settings and in their own homes. The majority of these services are provided under contract on behalf of local authorities.

CCPS has been involved in the development and implementation of the Adult Support and Protection (Scotland) Act through membership of the Bill Steering Group, Implementation Group and Code of Practice Working Group, as well as through responding to several consultations during the development of the Bill and subsequent guidance.

Throughout our involvement with the Act, CCPS has called for the voluntary sector's involvement in Adult Protection Committee's to be considered. We are therefore pleased to see at [paragraph 41](#) that "[a]lthough not a statutory requirement, it would be considered good practice to invite service providers from the independent sector to be represented on each Committee given their significant role in service delivery," and are content that this provides sufficient leverage for providers to argue the case for their involvement if necessary.

We are also pleased to see at [paragraph 21](#) that local training should be provided to staff in all sectors, not only those from public bodies. Given the significant role of the voluntary sector in service delivery identified above, we would emphasise the importance of ensuring that training provided by the APC is made available to staff in this sector. There is some ambiguity in the guidance as to whether or not training is intended to be available to the voluntary sector, as while [paragraph 21](#) refers to "staff working in any sector", [paragraph 20](#) states that "APCs have a duty to make or assist with arrangements for improving the skill and knowledge of the *public bodies and office holders* [emphasis added] that have responsibility relating to the safeguarding of adults in their area," which would not include voluntary organisations.

Overall, we have a slight concern about the ambiguity in the guidance between public bodies and office holders (identified in the Act and at [paragraph 9](#) of this guidance as the council, the Care Commission, Health Boards and the chief constable) and "agencies with responsibility for adult protection" (as used, for example, in [paragraph 13](#)) – it is not clear to us whether these two terms are used interchangeably in the guidance, or whether "agencies" might have a wider meaning to include, for example, voluntary organisations.

Our final point echoes an issue raised in our response to the consultation on the draft code of practice, and relates to information sharing. It is our understanding that voluntary organisations are not obliged to share information under the Adult Support and Protection Act, as recognised in [paragraph 51](#) of the guidance, where it states that APCs will want to "promote the adoption by service providers of the same practices in information sharing and co-operative working as are required of statutory agencies". In [paragraph 24](#), however, it states that "[a]ll staff in all sectors will need to understand and accept the absolute necessity of sharing information about adults at risk, and be clear about their roles and responsibilities in supporting those adults" which could be read as suggesting that all staff are obliged to share information, including those working in voluntary organisations. All voluntary organisations would want to work in the best interests of the adults they work with, but concerns remain about information sharing where this is not required by law, as some

providers are wary of falling foul of client confidentiality and data protection issues. It would be useful if training to staff in the voluntary sector were to cover these issues, and if APCs were made more explicitly aware that, as independent providers are not legally obliged to share information, there may be concerns and sensitivities around doing so.

This issue highlights the importance of suggestions made in paragraphs 54 and 26 of the guidance that APCs should be explicit about what they expect from all stakeholders, and have procedures in place for dealing with disagreements between agencies about their responsibilities. In turn, this reinforces the need for the voluntary sector to be represented on APCs, as their involvement in the drawing up of such policies and procedures will help to raise these issues at an early stage.

Please do not hesitate to contact me should you have any questions on any of the issues raised in this submission, or if further information would be helpful.

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Respondent Information

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I am responding on behalf of an organisation, and am content for my submission to be made publicly available, and for the Scottish Government to contact me in future.