
ADULT SUPPORT AND PROTECTION CROSS BOUNDARY CASES

BEST PRACTICE PRINCIPLES

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Adult Support and Protection Cross Boundary Cases - Best Practice Principles

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Background

Local procedures are largely designed to ensure practitioners apply local processes to support and protect adults at risk of harm. A number of unpublished reviews have identified that local procedures may require augmentation to support an adult at risk of harm when moving between local authority areas. This would clarify the transition arrangements when an adult at risk of harm is moving between areas in either a planned or spontaneous way. This document therefore articulates the principles which should be considered by both local authority areas when an adult at risk of harm transfers between them. These principles have been prepared to support permanent changes of residence though they may be useful in guiding the exchange of information in relation to temporary changes in residence. Where an adult moves on a temporary basis and is already known to be at risk of harm, arrangements for managing their care should be in accordance with Section 53 of the Adult Support and Protection (Scotland) Act 2007 in relation to the definition of 'council'. However where the original council retains the supportive and protective role this should be clarified and agreed between the agencies involved based upon the principles outlined in this document.

This strategic principles document is not of itself a procedure. It has been prepared to promote parity between all areas across Scotland in relation to the exchange of information regarding adults at risk of harm when they relocate to another local authority area. It is hoped that consideration of these principles within local procedures will assist in achieving this aim.

Purpose of the Principles

This document states the principles for effective information sharing regarding Adults at Risk of Harm where they are moving/have moved from one area to another with or without notice to relevant authorities, and are subject to an Adult Support and Protection (Scotland) Act 2007:

- Pre- inquiry screening or
- Inquiry or,
- Investigation or,
- Protection Plan

Statutory Requirements

The Adult Support and Protection (Scotland) Act 2007 lays out how individual local authority areas must share information about adults at risk and Section 5(2) (b) makes explicit a duty to cooperate with each other. Section 5 of the Scottish Government Guidance for Adult Protection Committees (2008) states that Committees have a significant role in ensuring cooperation and communication within and between agencies to promote appropriate support and protection for adults. Sections 22 to 25 further state they should have regard to the need for communication and cooperation with *other* Committees. The guidance further states that all staff in all sectors 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. It states that there should be clear guidance about information sharing in procedures for:

- inter-agency referral discussions;
- inquiry and investigation;
- assessment;

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- protection planning;
- risk assessment, monitoring and review; and
- any process related to protection orders.

Adult Protection Committees also need to ensure that there are effective arrangements in place for resolving disagreements and disputes between agencies about decisions in individual cases and about their roles and responsibilities.

This document therefore sets out a set of principles for each Adult Protection Committee/Integration Joint Board/Local Authority. Their purpose is to ensure that an adult at risk in one local authority area will be provided with the same level of support and protection until the circumstances of any move are assessed, shared and reviewed and can indicate whether the risks are reduced or eliminated in the new setting.

Overarching Principles

[Section 53 \(1\) of the Adult Support and Protection \(Scotland\) Act 2007](#) states that adult protection duties are held by the council in which the Adult at Risk of Harm *'is for the time being in'*. However where there are resource implications reference should be made to [Scottish Government Ordinary Residence Guidance](#). All local processes should be applied in accordance with the principles below:

- The safety and welfare of the Adult at Risk of Harm is paramount
- **Immediate Protection** There will be no delay in any necessary immediate protective action to ensure the safety of the adult pending the outcome of any dispute resolution process.
- All agencies have responsibility for promoting and creating positive communication and information sharing within and between other Local Authority and Integrated Joint Board areas in respect of the adult's support and protection plan
- All agencies have a responsibility to promote effective adult support and protection case transfers to avoid drift and delay for the adult and their family/carers and to ensure adults are protected
- All agencies prioritise robust adult support and protection planning taking account of all available information, including the identification and offering of services or supports to the Adult at Risk of Harm in a timely manner.

Cross Boundary Information Sharing

All Adult Protection Committees (APCs) must articulate within their procedures their model for these circumstances including how information about an Adult at Risk of Harm will be communicated and shared. An example of the types of information that may be required are noted in appendix one.

Where the local authority (or delegated agency) is aware that an Adult at Risk of Harm has moved to another local authority area, they will notify them immediately and confirm the details in writing or via secure email/fax etc. Where the receiving authority becomes aware of any move they will notify and request relevant information from the originating authority.

Each local authority (or delegated agency) must include in their procedure how any reduction or increase in risk the move may present will be considered. This will include consideration of the need for a transfer case conference (or equivalent) and/or the essential information which should be shared, including:

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- Is the adult known to the originating authority
- Determination of the adults legal status e.g. Adult at Risk of Harm, Guardianship, Power of Attorney etc.
- Confirmation and sharing of any restricted information. (Examples of restricted access information are provided at appendix two).
- How the receipt of restricted information will be managed when received.
- The need for a transfer case conference, who should be invited and any advocacy or other support issues.
- Which Local Authority/IJB is responsible for chairing and minuting any conference?
- Timescales for case conference based upon level of risk.
- Whether referral to advocacy services is required.
- How transfers to and from areas outwith Scotland will be managed including timescales.

Preparation for Case Conferences

Each Adult Protection Committee and their constituent agencies should consider whether their procedures address the following in the context of supporting effective transfer:

- Identifying which agencies should be present e.g. originating and receiving Council Officer, police etc.
- How to mitigate the impact of large meetings upon the adult at risk e.g. the use of a core group model or equivalent to allow certain issues to be considered separately reducing the size of the meeting.
- The completion of transfer summaries (suggested information to include is noted at appendix one) timescales and with whom they are shared
- How issues of capacity, consent or undue pressure will be managed and communicated.
- How all participants will be encouraged to contribute, especially the adult at risk and any carer.
- How issues of the harmer being a significant other for the Adult at Risk of Harm will be managed with regard to attendance and communication.
- How decisions are made and ratified.
- How any lack of consensus and dissent is recorded and communicated (see appendix three for definitions).

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Appendix One Council Officer Report for Transfer Adult Support and Protection Case Conference – Suggested Information

Adult's Name:

Adult's DOB:

Adult's Address (moving from):

Adult's Address (moving to)

Council Officer:

Case Conference Chair:

SUGGESTED SUPPORTING DOCUMENTS FOR TRANSFER CASE CONFERENCE

Chronology

Risk Assessment

Health report

Police report with list of convictions

OTHER SUGGESTED INFORMATION

Date of Inter-agency Referral Discussion or equivalent multi-agency liaison (where applicable)

Health Concerns

Background Information Informing Adult Support and Protection Status

Detail of historic and/or current concerns and/or risks

Is the adult at risk of being seriously harmed by another person (or likely to be)

Summary of measures currently being provided to support and protect the Adult and any immediate action taken to reduce the risk of harm

Adults Views/wishes (please include strengths and indicate if there is an advocate involved)

Details of the Adult Support and Protection Plan (including consideration of Protection Orders)

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Appendix Two - Restricted access information

Restricted information includes:

- Sub-judice information that forms part of legal proceedings and which could compromise those proceedings;
- Information from a third party that could identify them if shared;
- Information about an individual that may not be known to others, even close family members, such as medical history and intelligence reports; and
- Information that if shared, could place any individual(s) at risk, e.g. home address to a known or suspected Harmer.

Appendix Three - Definitions

- *Consensus* means 'general or widespread agreement'. It does not mean a majority vote, nor does it mean unanimity is required or that one person who dissents can control the overall decision making process;
- *Dissent* means to differ in sentiment or opinion, especially from the majority, withhold assent, disagree, disagreement, dissatisfaction and opposition. Dissent may express either withholding of agreement or open disagreement.