

NATIONAL ADULT SUPPORT AND PROTECTION RESOURCE

# Oversight of Non-Council Officers

**Developed by:**

The National ASP Implementation Group

**Subgroup:**

Inquiries and Investigative Activity

**Endorsed:**

This national ASP Resource was formally endorsed by the National ASP Strategic Forum on 05/03/2024

## **Development of this Resource:**

In August 2022 the National Implementation Group and its Subgroups were set up to assist Adult Protection Committees with the implementation of changes to policy and practice that may be required as a result of the introduction of the Revised ASP Code of Practice, which was published in July 2022.

The Intended audience for this specific resource has been specified as:

Those local authority areas who use staff who are not Council Officers to undertake non-investigatory ASP inquiry work. This guidance is not intended to encourage a change towards use of non-Council Officers. It is intended to support best practice where non-Council Officers are used due to workforce demographics or local ways of working. It should therefore be disseminated to those involved in ASP inquiry work that involve non-Council Officers and their line management structures. The proposed review date of this Resource is intended to be no later than March 2027. This will generally be three years from the date of introduction, though this can be amended if required.

The Responsibility for overseeing reviews and revisions of this resource currently lies with the National ASP Implementation Group. However, in future, should that Group have ceased to operate, this responsibility will move to the National Adult Support and Protection Coordinator, who will call upon appropriate support and assistance – consulting with relevant parties.

## **Oversight of Non-Council Officers Undertaking ASP Inquiry Work**

The Adult Support and Protection (Scotland) Act 2007 (the Act) revised Codes of Practice (COP) indicate that an inquiry can be undertaken by a non-Council Officer, unless there is a need to use investigative powers. These include Sections 7 to 10 of the Act, relating to a visit, interview, medical examination or examination of records.

The COP stipulates that 'Good practice would ensure that a Council Officer is involved in overseeing or supervising all activity relating to the Act' (Pg. 48, ASP Code of Practice).

Due to recognised variation in workforce demographics or local ways of working, the ASP Code of Practice National Implementation Group Inquiries and Investigative Activity Sub-Group has agreed to offer further direction as to what "oversight," in any part of the overall inquiry, should entail.

Additionally, this document offers direction as to who can record investigative activity under sections 7-10 of the Act.

### **Best Practice in "oversight of all ASP Act activity" includes the following:**

Inquiries under section 4 of the Act are the statutory duty of the Council. Local adult support and protection procedures should be followed.

An inquiry does not need to be undertaken by a Council Officer, unless there is a need for direct contact (either in person, by phone or virtually) with the adult and use of investigatory powers, in terms of a visit, interview, medical examination or examination of records in terms of sections 7-10 of the Act.

Non-Council Officers undertaking inquiries must be supported by a Council Officer (who could be a frontline practitioner or manager\*) regarding their ASP role and the related tasks involved in the inquiry work, supporting the non-Council Officer to adhere to local ASP procedures.

These ASP 'desktop inquiries' can include the collation and consideration of relevant material, including consideration of previous records relating to the individual; and seeking the views of other agencies and professionals in accordance with section 5 Duty to Cooperate.

If other professionals/disciplines are not providing information as requested as part of 'desk-top' inquiries, or if written records are required, this may require a section 10 request for information sharing. This can only be undertaken by a Council Officer.

Once non-Council Officers have completed the tasks required as part of the desk-top inquiry, their findings should be reviewed by a Council Officer and/or a manager\*

A non-Council Officer can act as a second worker and support a Council Officer, as agreed, during a section 7 visit and/or a section 8 investigative interview. Good practice is that the second worker has adult protection training appropriate for their role. (See Pg.52-53 of the Code of Practice).

Where a fuller assessment of circumstances, including risk, is warranted, the Council Officer has the lead responsibility.

If the non-Council Officer identifies additional risks, these should be discussed immediately with the Council Officer or responsible manager\*

The non-Council Officer should have access to regular supervision, as per local supervision procedures, where they can reflect on their role and practice in ASP.

NOTE: \*This manager should be a Council Officer or have undertaken Council Officer training as per localised training requirements.