

Social Work Scotland Response to the Scottish Government Consultation on establishing a statutory Appropriate Adult service in Scotland.

Social Work Scotland is the professional leadership body for the social work and social care professions. We are a membership organisation which represents social workers and other professionals who lead and support social work across all sectors.

1. We propose to use the definition of vulnerable person as set out at section 42 of the Criminal Justice (Scotland) Act 2016, but extended to cover victims and witnesses. Do you agree?

Yes No

2. We propose to use the definition of the type of support to be made available as set out at section 42 of the Criminal Justice (Scotland) Act 2016, Do you agree?

To fulfil the duty to help the person understand what is happening and facilitate communication, the Appropriate Adult must

- Be Appropriately trained
- Be able to assess and/or have access to information about communication needs to facilitate inclusive communication
- Have access to and skills to use any appropriate tools
- Have the authority to ensure that the police act in a manner appropriate to the person's communication needs and that the interview environment does not impede communication.

The Appropriate Adult Scheme only applies to contact with police. Vulnerable adults are also likely to require support in communication with other parts of the justice system. It will be helpful for the Scottish Government to bring forward further proposals or clarify its policy intentions with regard to this and the role of any potential proposals in relation to intermediaries.

3. We propose to place the duty on local authorities for ensuring that people are available to provide Appropriate Adult support, do you agree?

Yes No

If no, who do you think this duty should be placed on?

Social Work Scotland believes that local authorities, as statutory bodies with public protection responsibilities, are well placed to arrange the scheme in order that there is equality of access to an Appropriate Adult scheme across the country that reflects local need. There should be flexibility to commission this service in order that it can be provided by the third sector depending on local circumstances. It is important that solutions can be developed locally. We believe this local approach will be more efficient than commissioning or creating another body to provide the scheme either nationally or on a regional basis.

Social Work Scotland welcomes the commitment to working with COSLA on sustainable resourcing of the scheme. Resources will need to address all the required functions that will be associated with scheme, including support functions, training, supervision, quality assurance as well as direct service provision. Resources will also need to take account of any increase in demand. It is essential that monitoring of the take up of the AA service is monitored locally and nationally given that demands may vary and possibly increase.

4. We propose to keep details of the statutory duty at a high level but develop more detailed guidance to sit below this and to which those responsible for delivery must have regard, do you agree with this approach?

Yes No

Any guidance should not be overly prescriptive and should be focused on outcomes for individuals.

5. We propose to place a duty on local authorities to deliver training to Appropriate Adults. Do you agree with this?

Yes No

If the responsibility for delivering/commissioning the Appropriate Adult Service is given to local authorities, there should be duty placed on local authorities to deliver training for the service. It is

essential that such training is sustainable, responds to quality assurance, inspection and research findings. As such it is vital that it is resources adequately.

The training should involve users of services. It should also link with the National Trauma Training Framework developed by NES. It could be conducted on regional and consortium basis.

6. We propose to place a duty on the Care Inspectorate to carry out a quality assessment role in relation to the provision of Appropriate Adult services, do you agree?

Yes No

If not, who do you think should be responsible?

Social Work Scotland believes it is important to make a distinction between inspection and quality assessment or assurance.

We urge the Scottish Government to fund the scheme sufficiently to ensure there is capacity within local authorities to quality assure the service in order that vulnerable witnesses receive a consistently high service. Quality assurance or assessment should not be dependent on the Care Inspectorate. We would welcome the development of any quality improvement frameworks.

We believe the Care Inspectorate should scrutinise and inspect the service as part of its strategic inspections in order that the effectiveness of the scheme can be scrutinised within its wider context with a focus on outcomes for the individuals. The Care Inspectorate may work with HMIC to examine the experiences and outcomes of vulnerable adults in contact with justice services for improvement purposes.

7. How might we best engage with service users to understand their experience?

Understanding the experience of service users, should be built into the quality assurance systems put in place when schemes are established locally.

We believe local authorities will be well placed to develop local approaches, in partnership with third sector partners.

Engagement should be tailored to individuals' needs but importantly individuals should be able to see the value of the process (e.g. 'you said, we did'). This process needs resourced but we believe such an approach will be more effective than discreet inspection activity.

8. We propose to place a duty on the Mental Welfare Commission to have oversight of how Appropriate Adults services are provided across Scotland, do you agree?

Yes No

The suggested functions are welcome but are more properly described as support and development functions. These functions would benefit from national coordination. However, it is not clear what the role of the Scottish Appropriate Adult Network (SAAN) would be and how it would relate to any functions given to MWC or other agency. A national co-ordinator (similar to that funded in Adult Support and Protection) may be a way forward and could coordinate with all relevant stakeholders and users of services in taking forward these functions.

Social Work Scotland believes that more detail is required around this proposal. It is not clear what a duty to provide 'oversight' means. The distinctions between oversight and inspection will need to be clear. Social Work Scotland will be pleased to be part of developing how these national oversight and development functions should be delivered.

9. Do you agree with the proposed functions of oversight role?

Yes No

We agree that that there should be a national approach to providing good practice guidance, support to local areas with improvement activity, and contributing to development and research in this area.