

ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection Committee
DATE	28th April 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Statutory Appropriate Adult Service
REPORT NUMBER	ACHSCP/21/091
DIRECTOR	Sandra MacLeod, IJB Chief Officer
CHIEF OFFICER	Claire Wilson, Social Work Lead
REPORT AUTHOR	Carol Simmers, Service Manager
TERMS OF REFERENCE	1.1

1. PURPOSE OF REPORT

- 1.1 To provide the Public Protection Committee with an update on the progress of the statutory Appropriate Adult Service since its commencement on 10th January 2020.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 note and endorse the information contained within this report.

3. BACKGROUND

- 3.1 At its meeting on 7th October 2020, the Committee received a report from the Aberdeen City Health and Social Care Partnership (ACHSCP) which provided an overview of the statutory Appropriate Adult service in Aberdeen considering its recent implementation. The Committee requested that a further update be provided in six months' time, and this report provides that update.
- 3.2 On 10th January 2020 the Scottish Government under section 42(3) of the Criminal Justice (Scotland) Act 2016 placed a duty on local authorities to provide an Appropriate Adult service to assist vulnerable persons (aged 16 or over) in police custody who have communication difficulties because of a mental disorder. This is defined in the Mental Health Care and Treatment (Scotland) Act 2003 as 'any mental illness, personality disorder, learning disability however caused or manifested'. In practice this includes people with acquired brain injury, autistic spectrum disorder or dementia. Related [Guidance for Local Authorities](#) was also published by Scottish Government.
- 3.2 Assistance from the Appropriate Adult Scheme is available to victims, witnesses, suspects and accused persons. Appropriate Adults are independent of the police and are not usually known to the person being interviewed. Their role is to provide support at any stage during police procedures, including searches, interviews, medical examinations, the taking of forensic samples and

fingerprinting. Support in these circumstances refers to helping the vulnerable person understand what is happening and facilitate effective communication between the person and the police.

- 3.3 Prior to the implementation of the Criminal Justice (Scotland) Act 2016, the Appropriate Adult service in Aberdeen was delivered by social workers who responded to call-outs from police as and when required. During evenings and weekends a social worker responded via Out of Hours Social Work from an agreed list of Appropriate Adults.
- 3.4 During the establishment of the statutory service, Appropriate Adult provision was kept 'in-house' to allow scoping of the new duties and have a clearer picture of the overall demand. Under the current 'in-house' option the onus on delivering statutory Appropriate Adult services sits with the adult Duty Social Work team and for out of hours duties a rota of current Appropriate Adults is held.
- 3.5 Dedicated funding from Scottish Government was utilised to set up the statutory scheme and create an Appropriate Adult Coordinator role with the responsibility for oversight of the service and training delivery and for the scoping and scaling up of a future service once statutory demands were fully understood.
- 3.6 Data from the Scottish Appropriate Adult Network (SAAN) has shown that, contrary to expectations, the demand for Appropriate Adults has fallen in many areas of Scotland since the implementation of the Criminal Justice (Scotland) Act 2016, and the number of requests in Aberdeen has been in line with that (see below). However, this may be linked to COVID, as the number of persons taken into custody has reduced and some reported crime levels are down, therefore there are less victims/witnesses.

Date	No. of requests for an AA
2014-2015	168
2015-2016	133
2016-2017	119
2017-2018	110
2018-2019	112
2019-2020	113

- 3.7 As we progressed through 2020, a National Appropriate Adult Coordinator was appointed, the Care Inspectorate have taken on the quality assessment role, and a National Oversight Group has been formed.
- 3.6 Despite reducing figures, the duty social work team because of its size continue to face demand pressures with its existing fieldwork responsibilities responding to the pandemic.
- 3.7 Our intention was to scope the benefits of contracting out the appropriate adult service and proceed with a procurement process, but due to the lockdown restrictions this has not been possible, and the service remains in house.

- 3.8 Dedicated Appropriate Adult support to undertake and cover most appropriate adult duties during working hours is the cheapest option with 'call-outs' being reserved for out of hours provision. The Appropriate Adult Coordinator was initially a 12-month post but we are now in the process of making this a permanent post to oversee and coordinate the service.
- 3.9 As we continue to develop our appropriate adult scheme it is important to bear in mind the potential changes to our current model of provision in Aberdeen as we await outcomes at a National level. In the meantime, to support progression of the service and ensure local quality improvement, we are creating local performance measures based on the Scottish Government guidelines.
- 3.10 An Appropriate Adult Steering Group has been set up in partnership with colleagues in Aberdeenshire. We are currently embarking on a training needs analysis and reviewing the current provision of Appropriate Adult services within our health and social care partnerships. The Steering Group will also consider the potential rise in requests when the lockdown eases.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	None for this report		
Compliance	Non compliance with legislation	L	Arrangements in place as outlined in this paper
Operational	None for this report		
Financial	None for this report		
Reputational	None for this report		
Environment / Climate	None for this report		

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Aberdeen City Local Outcome Improvement Plan	
Prosperous People Stretch Outcomes	<p>Appropriate Adults exist to ensure that vulnerable people are treated fairly with respect for their rights and entitlements and can participate effectively in procedures related to a police investigation and / or their detention.</p> <p>The provision of the Appropriate Adults service aligns with the LOIP:</p> <ul style="list-style-type: none">- Stretch Outcome 11 - Healthy life expectancy (time lived in good health) is five years longer by 2026; and- related Driver - Supporting vulnerable and disadvantaged people, families and groups
UK and Scottish Legislative and Policy Programmes	The report sets out progress in fulfilling the requirements placed upon the Council by the Child Poverty (Scotland) Act 2017 in relation to Appropriate Adults.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

[Criminal Justice \(Scotland\) Act 2016](#)

Scottish Government [Appropriate Adults – Guidance for local authorities](#) (January 2020)

10. APPENDICES

N/A

11. REPORT AUTHOR CONTACT DETAILS

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