

ABERDEEN CITY COUNCIL

COMMITTEE	Public Protection Committee
DATE	7 th October 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Statutory Appropriate Adult Service
REPORT NUMBER	HSC/20/142
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CHIEF OFFICER	Sandra McLeod
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TERMS OF REFERENCE	1.2

1. PURPOSE OF REPORT

1.1 The purpose of this report is to provide the Committee with an overview of the statutory Appropriate Adult service in Aberdeen in light of its recent implementation.

2. RECOMMENDATION(S)

2.1 That the Committee notes the report and indicates receipt of assurance that the local authority has now established a statutory Appropriate Adult service deliverable under statutory guidance published by Scottish Ministers under the Criminal Justice (Scotland) Act 2016.

3. BACKGROUND

3.1 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 to assist vulnerable persons (aged 16 or over) in police custody who have communication difficulties as a result of a mental disorder. Although this section refers to those in custody, this provision has been extended to include victims and witnesses.

3.2 Appropriate Adults are responsible for providing support at any stage during police procedures. Support in these circumstances refers to helping the vulnerable person understand what is happening and facilitate effective communication between the person and the police. To do this effectively, an Appropriate Adult should:

- identify how the person's communication needs may impact on their understanding of proceedings;
- actively raise concerns about person's communication needs or welfare with the relevant individuals;
- ensure, as far as possible, that the person understands their rights;
- remain independent and objective at all times.

3.3 The legislation governing Appropriate Adults allows flexibility for local authorities to tailor services to suit local needs. Specifically, local authorities can work with other local authorities and organisations and can enter into contracts with third parties to deliver Appropriate Adult services. Each local authority has the function of ensuring a sustainable service that meets national standards set out by the Care Inspectorate and in statutory guidance. Each area must provide Appropriate Adult support when it is required within that local authority and initial and ongoing training of the AA cohort based on national training guidelines.

3.4 Local authorities have been responsible for the provision of an Appropriate Adult service and in Aberdeen this was delivered by social workers on a voluntary basis. During working hours, the duty social work team, and other volunteers in adult social work fieldwork, responded to requests from police. During evenings and weekends a social worker responded via Out of Hours Social Work from an agreed list of Appropriate Adults who indicated a willingness to be 'called out'. 'Call outs' were not funded for overtime payment, but the worker could claim the time back.

3.5 During the establishment of a statutory service Appropriate Adult provision was kept 'in-house' to support effective commencement of the legislation and to allow time and scoping of the new duties and have a clearer picture of the overall demand. It was also acknowledged that further work was required to explore how best to ensure sufficient staff interest to respond to Appropriate Adult callouts out of hours as only a small number of staff were willing to assist during this time period.

3.6 Dedicated funding from Scottish Government was utilised to support the creation of an Appropriate Adult Coordinator role (on a Higher Graded duty basis) 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 are fully understood. 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 and payment given for standby and 'call-outs' to provide 365 day out of office cover.

3.7 During Coronavirus lockdown the duty social work team provided the Appropriate Adult service over a 24hr period for high risk public protection cases and since the start of this year they have fulfilled 48 priority requests from Police for Appropriate Adult provision. However, the duty social work team are already facing considerable demand pressures and there is a credible risk that while accommodating its own existing fieldwork responsibilities there will be sufficient available staff to undertake all daytime Appropriate Adult requests with the timeframes expected of a statutory service.

3.8 Social work staff are quite expensive on an hourly basis and employing a support worker to provide Appropriate Adult support in response to service needs for a fixed-term period until 31st March 2021. 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 hour provision.

3.9 The Partnership has already undertaken significant work with regards to the timeous and successful roll out of the statutory service. However, it has been a challenge to recruit and develop and maintain a team of Appropriate Adults proportionate to levels of demand. It is acknowledged that further work is required to explore how we continue to prioritise delivery of this essential service alongside what best fits local resources (this includes the flexibility to provide the service in-house or contract it from an external, voluntary or private provider).

3.10 The decision to request Appropriate Adult support lies with the police who are currently reviewing and updating the Standard Operating Procedures (SOP) document which relates to Appropriate Adults. We are working together to develop further guidance including best practice advice for our Appropriate Adults.

3.11 Our Appropriate Adult training is based on the Scottish Appropriate Adult Network (SAAN) training pack which is an interim measure until the Scottish Government national training framework is implemented. In the meantime, we are developing our training provision to incorporate good practice and address local training needs with input from speech and language therapy and Police Scotland.

3.12 Ongoing support is crucial for the development of our AA cohort and the Appropriate Adult Coordinator ensures Appropriate Adults are given support and advice in relation to their role via regular contact and briefings and this could include access to specialist support such as counselling. Microsoft Teams is currently our preferred communication and collaboration platform and our intention is to establish practitioner forums where practitioners can discuss good practice and share information and identify issues at an operational level.

3.13 Local authorities are required to ensure that Appropriate Adult services have a management structure in place to support, supervise and develop the local AA service. In this regard our current management structure involves representatives from the police, NHS and other organisations who have a role to play in adult protection. However, we need to raise awareness of the Appropriate Adult service and the role of the Appropriate Adult and this includes responsibility for ongoing policy development.

3.14 The duty to assess the quality of Appropriate Adult services has been conferred on the Care Inspectorate (CI) and we are fully committed to supporting the CI to develop and implement a quality assurance framework where we self-evaluate as part of a wider system and support individuals to provide feedback. While this provides some challenges given the complex communication needs of some users it is essential for there to be some form of ongoing monitoring of the quality of the Appropriate Adult service being delivered.

3:15 The figures show the amount of Appropriate Adult requests received since the commencement of the statutory service (10 January to 01 September 2020).

Duty Social Work 104 requests for Appropriate Adult provision
Out of Hours 43 requests for Appropriate Adult provision

4. FINANCIAL IMPLICATIONS

4.1 On previous activity figures 2019 there were around 80 requests per year for an appropriate adult. These call outs did not result in direct expenditure, but there was an indicative cost based on the worker time committed to each call out. This resulted in an average cost of £6300.

4.2 Scottish Government agreed the distribution of £501,000, Scotland wide for 2019/20 to enable Local Authorities to meet their new duties. Aberdeen City's funding was £42,000. Additional funding of £1 million has also been pro-rated for 2019/20 to enable authorities to prepare for the service. Funding was distributed based on population share of those aged 16 and over and Aberdeen City's funding to cover period from Oct 2019 to 31st March 2020 was £21,000 and will be included as a redetermination of the 2019/20 General Revenue Grant paid in 2020/21.

4.3 Average cost of £4258.86 from start of statutory provision January 2020 to August for standby and callout rates.

4.4 The duty social work service has a vacant G13 (£38,064 - £43,483) Social Worker post because the substantive postholder is seconded out. This post will fund the G10 (£26,026 - £29,261) Support Worker Appropriate Adult post with a net saving of £8,803 (min) to £17,457 (max).

5. LEGAL IMPLICATIONS

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

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Prevention of our delivery of strategic aims and outcomes	Low	We currently provide a statutory Appropriate Adult Service.
Compliance	Non-compliance with legislation	Low	If practical planned engagement with the adult is requested.
Operational	Demand outstrips supply	Medium	Employ dedicated AA support worker. Continue to train Appropriate Adult.

			Prioritise high profile public protection cases that require an immediate turnaround.
Financial	Cost pressures applied to the service	Medium	Scottish Government dedicated funding. Appraise the cost of in-house service versus commissioning to inform best value.
Reputational	Non-delivery of statutory service	Low	Prioritise high profile public protection cases that require an immediate turnaround.
Environment / Climate	Nil		

7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

The Criminal Justice (Scotland) Act 2016 esp. S98-101, S42(3), 104(2) (a). Scottish Statutory Instruments 2019 No. 437.

The Criminal Justice (Scotland) Act 2016 (Support for Vulnerable Persons) Regulations 2019. Criminal Procedure Made 19 December 2019. Came into force 10 January 2020.

Appropriate Adults: guidance for local authorities. Scottish Government. Published 10 Jan 2020.

Victims and Witnesses. Scottish Government. Policy actions 3 of 4.

Establishing a statutory appropriate adult service in Scotland: consultation. Scottish Government. Published 3 April 2018.

Appropriate Adults Standard Operating Procedures. Police Scotland.V5. Published 18 January 2019.

10. APPENDICES – Nil

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