



Scottish  
**Independent  
Advocacy**  
Alliance

**Independent Advocacy  
and the  
Adult Support & Protection  
(Scotland) Act 2007**

**A survey of independent  
advocacy organisations**

**April 2013**

## Introduction

The Adult Support & Protection (Scotland) Act 2007 placed a duty on Local Authorities and Health Boards to support and protect adults who may be, for a variety of reasons, unable to safeguard themselves. One feature of the Act requires that if a council decides, after making inquiries under the Act, that intervention is required, it...

*“...must have regard to the importance of the provision of appropriate services (including, in particular, independent advocacy services) to the adult concerned”*

*“Independent advocacy” is as defined in the Mental Health (Care and Treatment) (Scotland) Act 2003*

Recurring funding has been made available to Local Authorities to support the implementation of the Act.

In February 2013, SIAA carried out a survey of its members to determine if organisations had received additional funding or changes in Service Level Agreements in relation to the Adult Support & Protection (Scotland) Act 2007.

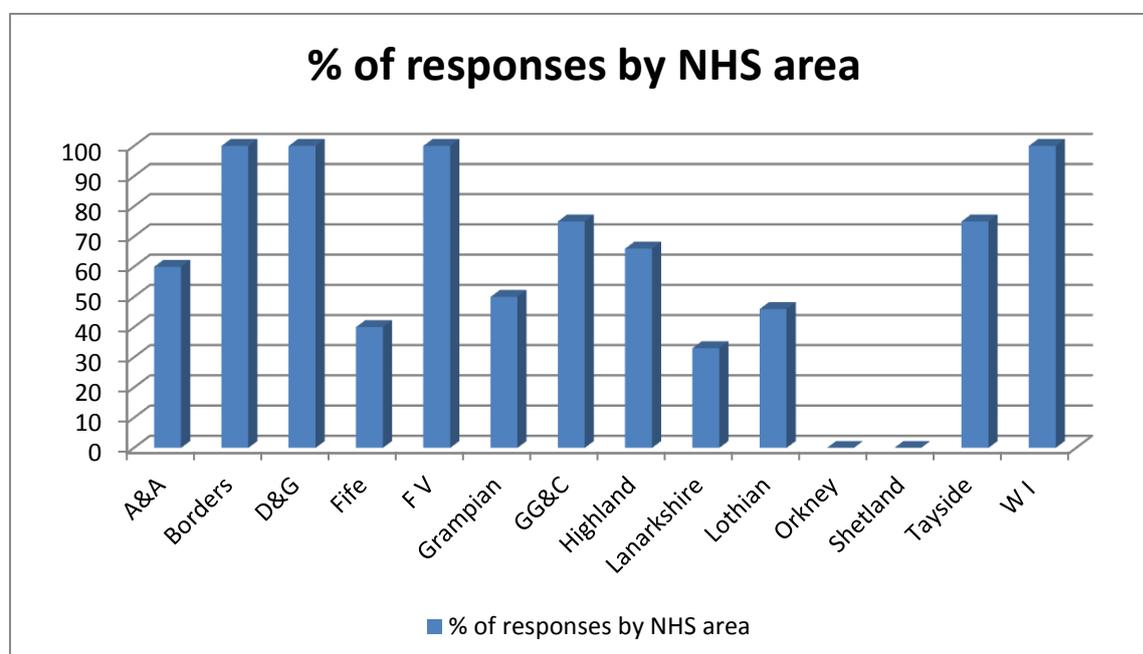
## Responses by NHS Board area

The survey was sent to all Scottish advocacy organisations working with adults. Responses were received from 60% of all those surveyed. All responses were from independent advocacy organisations. Table 1 shows percentages of organisations who responded within each NHS Board area, based on the numbers of organisations within area. No responses were received from Orkney or Shetland NHS Board areas.

It should be noted that some respondents did not answer all questions.

% of responses from each NHS Board area			
Ayrshire & Arran	60%	Highland	66%
Borders	100%	Lanarkshire	33%
Dumfries & Galloway	100%	Lothian	46%
Fife	40%	Orkney	0%
Forth Valley	100%	Shetland	0%
Grampian	50%	Tayside	75%
Greater Glasgow & Clyde	75%	Western Isles	100%

**Table 1**



## Impact on Service Level Agreements

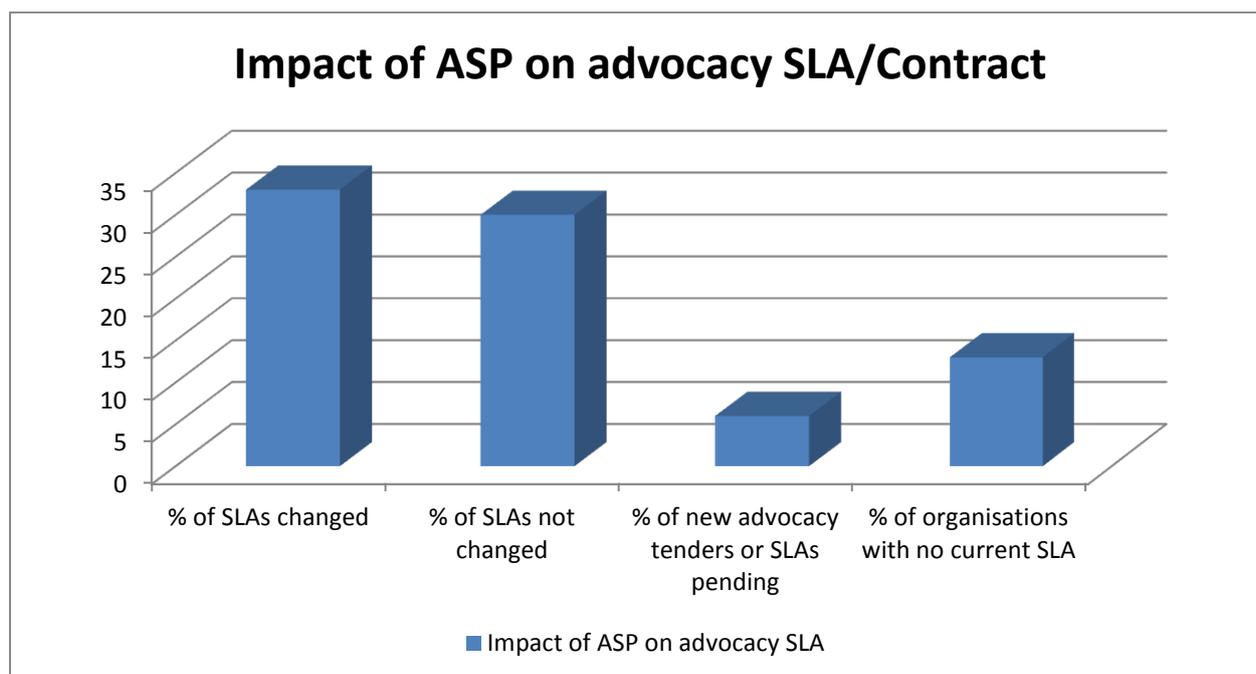
Organisations were asked about changes to their Service Level Agreement or Contract that had been agreed in relation to Adult Support & Protection work. 33% of responding organisations stated that changes had been made to their Service Level Agreements to take account of the anticipated demand. Of that number one third had received some additional funding; the remaining two thirds reported changes to their Service Level Agreements with no additional funding.

30% of organisations confirmed no changes to their Service Level Agreements in respect of the Adult Support and Protection Act, 6% reported a new tender process in their area with no current information available on what will be included in new contracts, while 13% reported not having a Service Level Agreement in place.

Over 60% of all organisations reported receiving referrals in relation to Adult Protection.

<b>Impact of Adult Support &amp; Protection (Scotland) Act 2009 on advocacy Service Level Agreements (SLA) or Contracts</b>	
% of SLAs changed	33%
% of SLAs not changed	30%
% of new advocacy tenders or SLAs pending	6%
% of organisations with no current SLA	13%

**Table 2**



## Adult Protection Committees

The legislation requires that an Adult Protection Committee is established in each Local Authority area. Some areas have invited a representative from their local independent advocacy organisations to sit on the Committee. As part of the survey organisations were asked if they were part of their local Adult Protection Committees. 48% of respondents are on their local Committee.

## Referrals to independent advocacy

The survey also sought to gather information on the number of referrals received by independent advocacy organisations in relation to Adult Protection over the period 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012. The total number stated from all respondents was 797. At the time of the survey organisations were unable to give final figures for the period from 1<sup>st</sup> April 2012 however anecdotal evidence from respondents suggest that the annual figures for that period will show greatly increased numbers of such referrals. 60% of responding organisations provided advocacy support in relation to Adult Protection proceedings.

Many independent advocacy organisations are now providing advocacy support in relation to Adult Protection. This includes those organisations that do not have any specific inclusion of this work in their SLAs and many more than those that have specific funding for this work.

Evidence suggests that the scale of this work is rising and independent advocacy organisations will need to ensure that they continue to have sufficient resources for this work.

## Recommendations

**Recommendation 1** – Adult Protection Committees ensure that information on referrals made to independent advocacy in relation to the Act are included in the data gathering process and included in their Biennial Reports. This will give some indication of the levels of demand placed on independent advocacy organisations in relation to this work.

**Recommendation 2** – Advocacy commissioners should ensure that strategic advocacy planning takes account of the need for independent advocacy provision in relation to Adult Protection and include this work and associated funding in Service Level Agreements.

Barbara Brown  
Researcher

**Scottish Independent Advocacy Alliance**