



# The Adult Support and Protection (Scotland) Act 2007



An Easy Guide to Part 1 of the Act



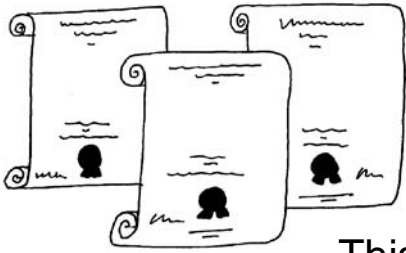
## **What this guide is about**

This guide tells you about Part 1 of The Adult Support and Protection (Scotland) Act.

This Act will come into use in autumn 2008.

The Act has 5 parts to it. This guide only talks about Part 1.

## What is The Adult Support and Protection (Scotland) Act?



This is a piece of law to try and protect people from being harmed.

This is because there are certain people who might find it more difficult to stop harm happening to them.

The Act calls people in this situation 'adults at risk'.

'Adults at risk' might include people over 16 who:



- find it difficult to keep themselves or their property (their home, the things they own) safe;
- might be harmed by other people;
- might be more vulnerable because of a disability, illness or mental disorder (this could mean people with mental health problems, people with dementia, people with learning disabilities).





It doesn't mean that all people with learning disabilities, mental health problems or illnesses or disabled people are always 'at risk'.



It means that there are certain people in this situation who find it more difficult to keep themselves safe.

The Act talks about people being 'harmed'. The ways the Act thinks people can be harmed are:



- getting physically hurt (for example punched, hit, kicked);



- being really frightened or bullied by someone making you feel really upset;



- having your money or personal things taken away from you, stolen or damaged;



- hurting yourself.

## What does Part 1 of The Adult Support and Protection Act say?

Part 1 of the Act is all about things that can be done to help keep 'adults at risk' safe.

The kinds of things that can be done to help keep someone safe are:



- **Advocacy Services**  
An advocate is someone who will speak up for you. They tell people what you want to happen.



- **Inquiries (finding out information)**  
If the council thinks someone is at risk, they must ask about how that person is doing, and if their home or money is being properly looked after.



- **Investigations (asking questions)**  
The local council can visit and speak to the person they are worried about.



They can also ask to look at the person's money and ask a doctor or nurse to look at the person's health records.



They can also ask the person to be examined by a doctor or nurse.



The person doesn't have to answer any questions they are asked and can refuse to be examined by a doctor or nurse.

- Co-operation

The law says that other organisations should work together with local councils when they know or think a person is being harmed.



- Protection Orders

These are explained on the next page.

## What are Protection Orders?



There are 3 different types of protection orders - assessment orders, removal orders and banning orders.

A sheriff (someone who makes decisions about laws) would decide if someone needs a Protection Order.

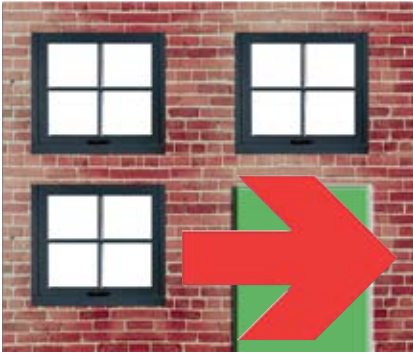


- Assessment (talking to someone to help them decide what support they might need) orders. Sometimes it might be hard for people to talk about any harm they're facing in their usual place or with other people about.



- If the council needs to talk to someone in private to find out if they are being harmed they can ask a sheriff to allow the council to take the person to somewhere private to ask them questions or be examined by a doctor or nurse.





- Removal orders

If the council thinks that someone is likely to be really seriously harmed if they stay where they are, they can ask a sheriff to allow them to take that person to a safer place, but only for a short while.



- Banning orders

Local councils can ask a sheriff to ban someone from a place if they think that person might harm another person there.

The person could be banned from the place for up to 6 months.

It should only be used if it would keep the person at risk safer than them being taken away from the situation.

## When will the orders be used?



The different orders in the law should only be used in special circumstances and it's important that other things to keep the person safe are tried first.



If the person at risk of harm refuses to consent to an order, the sheriff shouldn't make the order.



But if the sheriff thinks that the person at risk was put under pressure to say no to the order then they can decide to make the order without the person agreeing to it.

## What about the person's rights?



The law says that a person's right to choose what to do in life should always be respected.

Their feelings and thoughts should always be listened to.



They can refuse to agree to an order, to answer questions or be examined by a doctor or nurse.



They also have the right to ask for a banning order so that someone who's harming them can be banned from a place.

When the sheriff looks at their situation, people will have the chance to add their views to this.



## Where can I get more information about the Adult Support and Protection Act?

If you need more information about the Act you can  
contact

Adult Support and Protection Act Implementation Team  
2 East Rear  
St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Telephone 0131 244 3287

E-mail [ASPunit@scotland.gsi.gov.uk](mailto:ASPunit@scotland.gsi.gov.uk)

Website [Adult Support and Protection \(Scotland\)  
Act 2007](http://www.scotland.gsi.gov.uk/adult-support-and-protection-act-2007)



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Building respect in the  
Scottish community

This guide was written by the Scottish  
Consortium for Learning Disability on  
behalf of The Scottish Government.

With thanks to

