

ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1

Protection of Adults at Risk of Harm

Investigations

Section 7 - Visits

14. This section enables relevant council officers, as defined in section 53, to enter premises to make the necessary investigations which will establish whether or not further action is needed to protect an adult at risk from harm.

Section 8 – Interviews

15. This section permits a council officer and anyone accompanying the officer to interview an adult in private within the place being visited under section 7. This right exists regardless of whether or not the sheriff has granted an assessment order. In circumstances where it is not practicable to carry out a private interview in the place of the visit and the council officer requires to take the person to other premises, an assessment order must be obtained from a sheriff (see section 11, Assessment Orders). Subsection (2) states that an adult interviewed under this section is not required to answer any question and the adult must be informed of this fact before the interview starts.

Section 9 – Medical examinations

16. This section allows a health professional, as defined in section 52(2), to conduct a private medical examination of the adult at risk in the place being visited under section 7. Where an assessment order is obtained (see section 11, Assessment Orders), the person may be taken to another place for a medical examination. This may be necessary if, for example, a health professional is not present during the initial visit, or where it is not practicable to conduct a private medical examination. Whether action is taken under this section or in pursuance of an assessment order, the adult at risk must be informed of his or her right to refuse to be examined before the examination is carried out. A health professional is defined in section 52(2) as a doctor, a nurse, a midwife or any other suitably qualified individual described, by reference to appropriate skills, qualifications and experience, in an order made by the Scottish Ministers.

Section 10 – Examination of records

17. This section gives council officers the right to require those holding health, financial or any other records relating to an adult known or believed to be at risk to produce

*These notes relate to the Adult Support and Protection (Scotland)
Act 2007 (asp 10) which received Royal Assent on 21 March 2007*

them for inspection, either at the time of the visit or subsequently, if this is required to establish whether further action is required to protect that adult from harm. Records may be examined by the council officer or an appropriate person, but health records can only be inspected by a health professional (as defined in section 52(2)).