Understanding Age in Adult Support and Protection Legislation and Child Protection Guidance: A Review of the Resource

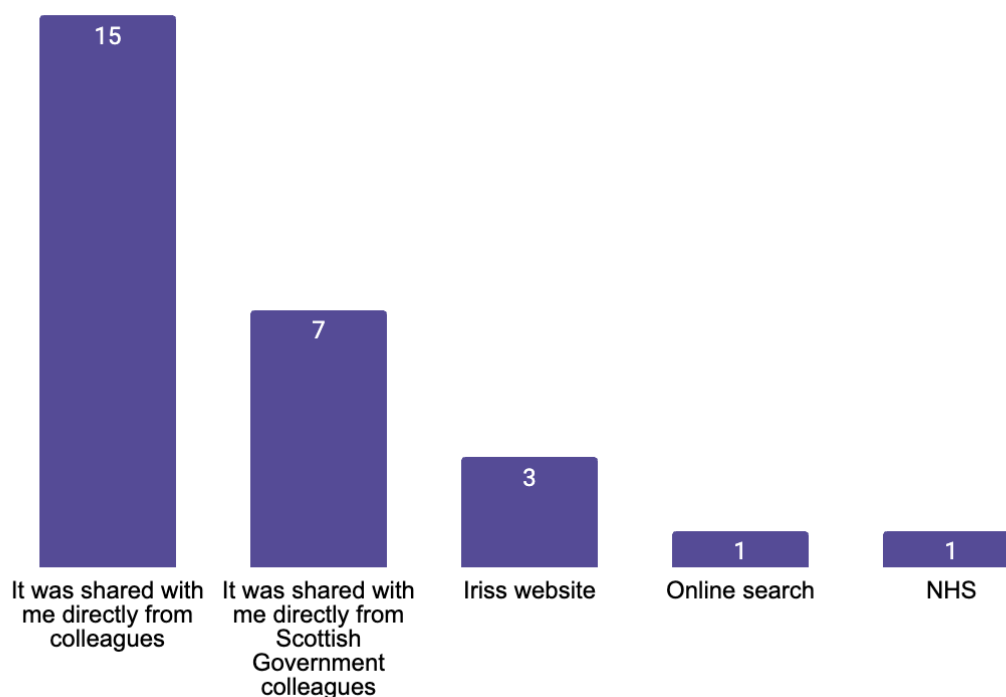**Hannah Martin**

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Background

Having now been available to download online since February 2024, a review of the report 'Understanding Age in CP guidance and ASP legislation' was undertaken. The aim of the review was to gain a broad understanding of how practitioners are using this resource, where they are accessing it from; and anything users of the resource felt was missing or required to be amended.

Opportunities to participate via survey and online focus group were circulated by Scottish Government colleagues, Iriss and via social media channels and the Iriss website. Two online focus group sessions were hosted, across which 17 people joined to share their thoughts and experiences of using the resource. An online survey was completed by 24 participants. Participants of both the focus groups and the survey were not only social work professionals; but included representation from NHS, education, Police Scotland and third sector organisations.

The following report draws on the information and experiences given by all 41 participants. This report highlights the key information that was shared, recognising that this may not be a complete representation of everyone who has used the resource. Overall, participants shared that this resource is useful, although would benefit from wider dissemination. No amendments or edits were suggested, although conversation did include wider challenges that face practitioners when working with this age group.

Hearing about the Resource

Most of the focus group participants had had the resource shared directly with them from colleagues (n=15), which was mirrored in the survey responses. Other responses included that it was shared directly by Scottish Government colleagues (n=7) or the Iriss website (n=3). For more information see Graph 1.
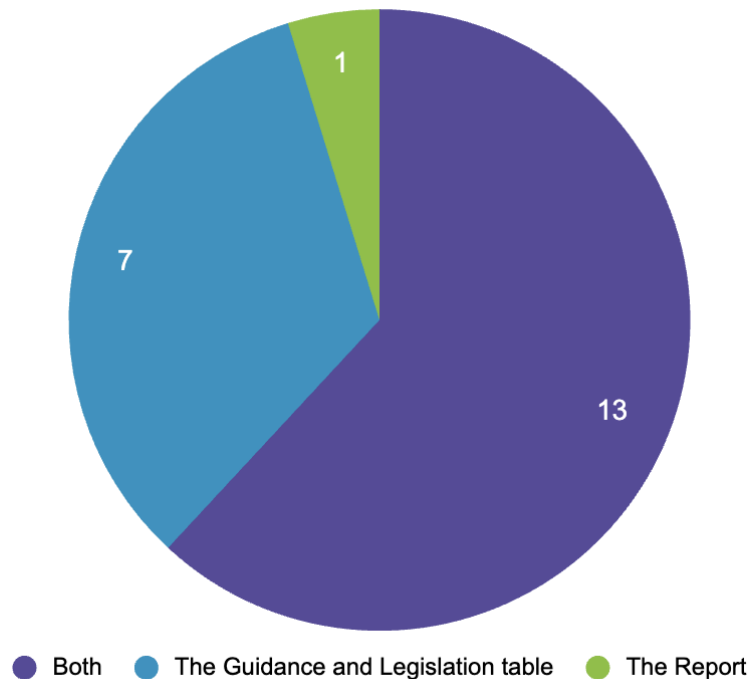
Graph 1. How did you hear about the resource? [source: survey and focus groups; participants were able to name more than one option]

Participants shared that dissemination of the resource is not best achieved through emails, as they are easily lost in the volume of emails received. Some participants also shared that the resource would benefit from being more widely disseminated across the sector, including with housing and education, to increase procedural knowledge of ASP and CP among different professionals.

Using the Resource

Which section of the report are practitioners using?

We were interested to understand which part of the resource practitioners are using and found most useful. Survey participants were asked to share if they were using the legislation and guidance comparison table or the report section of the resource.

Graph 2. Which part of the resource do you use? [source: survey; n=21]

In the focus groups, further detail was given around which part of the report was used, which highlighted that, as expected, the section used depends on the task or aim of the practitioner. The report was broadly considered useful in highlighting and reflecting some of the key experiences and challenges in working with this age group, and sharing knowledge about that.

"The resource was useful to highlight the challenges when working with this age group. It was interesting to consider transitions and mental health in this context." - Survey participant

The table was most useful for providing insight into the processes that are possible within each area, adding to practical understanding of differences between the two. The table layout was also mentioned as being helpful in supporting decision making about a young person.

"The table is the useful aspect - giving the parameters of the legislative options. The rest is about practice and professional skills and knowledge practice and skill." - Survey participant

"To provide accurate advice to practitioners on the options available to them in each situation is different and what is right for each young person may be different so helping them see the legislative basis for making that best interest decision is critical." - Survey participant

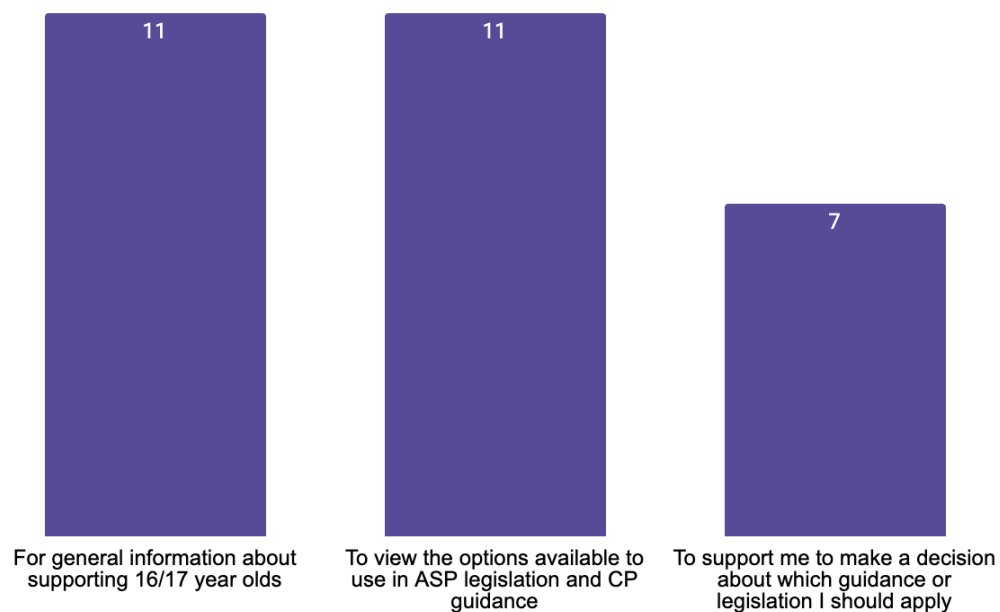## How are practitioners using the resource?

Focus group participants reported mixed experience of using the resource, with many saying that they were aware of the resource, but had not yet had an opportunity to look at it in depth; use it in their practice; or share it with others in the way they intend to. Some participants explained this in terms of the capacity they have:

"Having the capacity to utilise this resource. Having an easy read guide, 7 minute briefing or short video may be of benefit." - Survey participant

However, there were participants who had positive experience of using the resource; and even those with limited use of the resource, shared that it had been useful and they intended to use it more.

"I liked this resource a lot. The content was relevant and the format made it easier to read." - Survey participant

Survey answers were helpful in giving broad indications of the ways in which it is being used.

Graph 3. How do you use this resource? [source: survey; participants were able to name more than one option]

Survey participants also added other options which included Other with no additional information (n=3), Practitioners aren't fully aware of the resource (n=1) and to inform policy making (n=1).

Survey participants used a free text box to share more about ways they used the resource, or how it supported them in their work; raising topics that were also explored in focus groups.

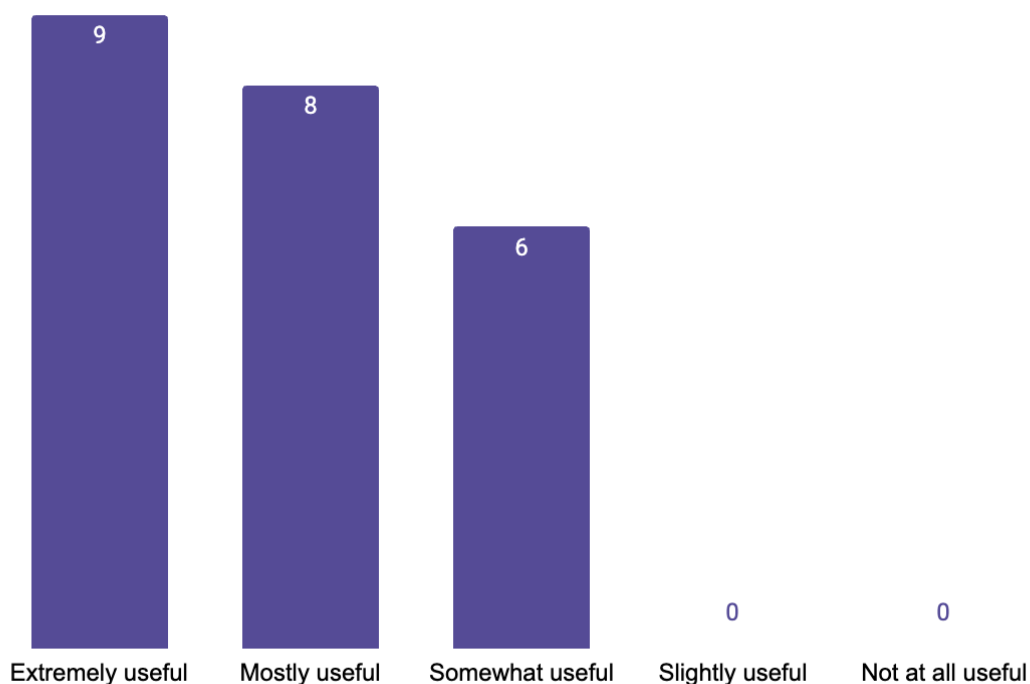Survey respondents explained that the resource supported them in the following ways:

- To understand the different options for support between adult support and protection teams, and children and families teams;
- To make a decision about a young person's support from either an adult support and protection team or a children and families team;
- To facilitate transitions of young people from one service to another;

- To support conversations about decisions for (and with) young people, including how most appropriately and effectively to assess and safeguard them;
- To gain information and understanding about what processes are involved in ASP and CP;
- To gain an understanding of social work processes for non-social work practitioners

How useful is the Resource?

There was a clear sense in the focus groups that among those who had used it, it was considered to be useful; and there was an expectation that it would be useful among those who had not yet had the chance. The accessibility of the resource, in terms of being easy to read in both layout and language, was highlighted as being particularly useful.

Survey respondents overall found the resource useful, with the majority of respondents indicating that the resource was extremely or mostly useful (s. Graph 5).

Graph 4. How useful do you find the resource? [source: survey; n=23]

One survey participant highlighted that utility of resources like that are impacted by contextual factors, such as budgets and workloads.

"Increased protection work and reduced experience in the workforce compromises the implementation of resources like this. Practitioners would struggle to have the capacity to fully utilise this resource. Budgets also restrict effective transitions." - Survey participant

Another participant suggested that the resource could be strengthened by including examples from practise:

"I think some case studies and some details around the complexities of the discussion and the outcome, e.g. did it progress under CP or ASP and the rationale for the decisions [would be helpful to include]. I know that the documents emphasise professional discretion and discussion but they may have helped highlight how the understanding of CP guidance and ASP legislation was applied, more so consideration of the ASP principles of 'benefit' and 'least restrictive', as these seem to guide a lot of decisions under ASP." - Survey participant

Work with 16 and 17 year olds

Other Supports Needed

Survey respondents were asked if there is any other support or information that they would like to help in their work with 16 and 17 year olds. Six respondents suggested other supports they need to work more effectively with this age group. This included having local agreements in place between CP and ASP teams, to support young people transitioning between teams; as well as an increased focus on transitions support more widely. One participant suggested that increased awareness of what other local services are available to support a young person is required. Constructive and appropriate inclusion of partners who might be involved with the supported individual, such as health, or the police would be helpful; while recognising that the conventions that other
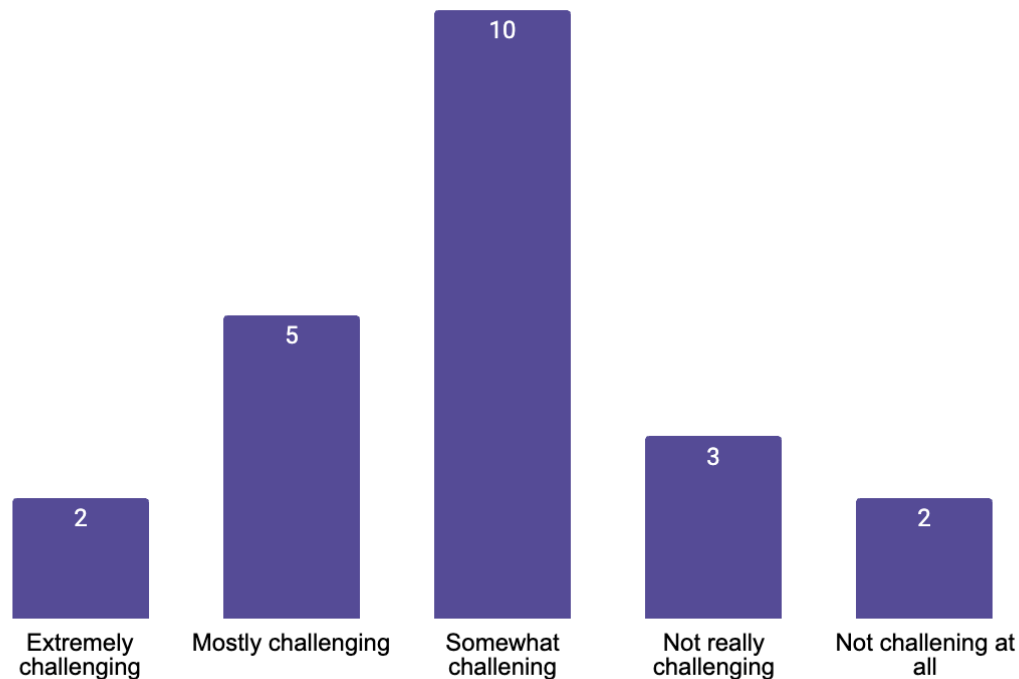
partners use to guide their consideration of a 16 or 17 year old as an adult or child, may differ to those used in social work. For example, a Police Scotland participant explained:

"… Police Scotland will shortly be moving to a national position whereby all 16 and 17 year olds, who were previously recorded on iVPD as Adult Concerns and therefore shared, where appropriate, with SW Adult Services, will now be recorded as Child Concerns and shared, where appropriate, with SW Child Services…. we recognise it might be beneficial for a 16/17 year old who is receiving support from Adult Services to continue to receive that support and not transfer to Child Services. Police Scotland… will accommodate the sharing of information with the most appropriate support service as best they can."

Participants also requested clearer guidance on how to support people aged 16/17 than is currently given in the CP Guidance would be helpful, and a national training event to promote a more uniform application of CP or ASP processes was suggested.

Challenges in applying ASP/CP processes

Survey respondents were asked how challenging they find identifying and using the most appropriate and effective guidance/procedures for the 16/17 year olds. This question was included to further understand the experiences raised in the focus groups to inform the resource; that working out what procedures are most appropriate and effective is not necessarily the primary challenge for practitioners. Rather, that challenge for practitioners is: what else can support a young person if the ASP eligibility criteria is not met?

Graph 5. How challenging do you find identifying and using the most appropriate and effective guidance/procedures for the 16/17 year olds? [source: survey; n=22]

A majority of respondents sat somewhere in the middle, reflecting the focus group conversation that shared there are times where application of the correct processes are difficult; but more often, the challenges in supporting this age group come from wider, contextual factors.

Some of the respondents to the survey are not social workers, and so are not those that make the decision about which processes to apply or which team should take ownership of an individual's case or intervention. These participants shared that they rely on social workers' judgement about which team can best respond to the needs of a young person. One participant's response also highlights that where there is a challenge in referring a young person to the appropriate team. This impacts all the professionals involved with a young person, not only social work:

"I am a lead for the NHS so find it is social work who make the final decision, on which framework should be used, and we tend not to have a say in this. I use the guidance to inform staff of the challenges, but ultimately we refer to SW and they make the decision. I know for staff it can be frustrating, when there is

professional disagreement around which team a young person should sit with."
- Survey participant

Wider Contextual Factors

In both the focus groups and in survey responses, wider challenges that exist around this age group and topic were discussed. A resource cannot respond to all wider, and contextual challenges; nor does this resource attempt to do so. However, the discussion is helpful in considering what support might make this resource, and others like it, more impactful or useful for the workforce; and what support is needed beyond resources.

Discussion included the view that considered the overlap in ASP and CP for 16 and 17 year olds, as creating ambiguity; and considered that confusion would remain while there is an overlap.

"The report and resources continue to acknowledge how confusing this landscape is but are only a small start into considering how we respond to people in this age group about whom we are worried. I feel until Scottish Government aligns their laws, national policy and expectations in terms of age and stage, competing approaches will continue to exist." - Focus group participant

Echoing the focus group discussions that informed the report, some practitioners feel that distinguishing which legislation should apply to 16 and 17 year olds is necessary to iron out differences in how these young people are supported. Focus group discussion around local conventions guiding which team is best placed to respond to a young person's needs - such as if they are still in education - echoed those conversations that contributed to the resource.

Again, as was discussed in the focus groups for the resource, practitioners shared that professionals coming to understand a young person as a child or an adult is not straightforward. The life circumstances of some 16 and 17 year olds supported by – or brought to the attention of - social work, may mean their

chronological age does not meaningfully reflect their developmental stage; and this can complicate which processes are most appropriate for them.

"Many young people are not presenting as their chronological age. Even over 18 years of age they are not really presenting as 18 year olds; is adult support and protection even suitable for them?" - Survey participant

Again echoing what was heard in previous focus groups, the difference between what children's and adult services can provide for a young person was raised as a consideration about which team should support them. In this way, practitioners felt that decisions can be resource-led, rather than led by the needs of the young person.

Other contextual factors were considered to contribute to a lack of confidence in social workers making decisions about 16 and 17 year olds, or understanding parts of the system that they don't ordinarily work in. Remote and home working and changes to co-location of children and families and adults teams have impacted on the ability for social workers to informally learn from their colleagues.

"...we are lucky that we are kinda co-located in an open plan office with adults, mental health, adults with incapacity team … that co-location, you hear something in an open plan office and you go 'oh!' … and then you ask questions, and information gets shared…" - Focus group participant

 Practitioners shared that they felt this has impacted on the ability social workers have to work in areas outwith their expertise; for example, one participant noted that they had experienced children and families social workers making home visits via child protection processes, but failing to consider the duties they have to adults in the family who are vulnerable.

"…now I could be going out to a house and chapping a door where there may well be child protection issues, but there may well be adult support and protection issues, cause you know, there might be a gran there or a really vulnerable mum… I don't think our staff really see our responsibilities when it comes to both aspects… in terms of Child Protection and Adult Support and

Protection, I'm not quite sure that staff now, really get that responsibility."
- Focus group participant

There was a sense among focus groups, that interrelation of ASP and CP was important for practitioners to recognise; and that this understanding should in turn impact on how they support 16 and 17 year olds.

"… everything crosses over. When you go to child protection case conferences, you're there because of the needs of that child. But actually in many cases, the harm that's been caused is in relation to the needs of the adult. But we don't deal with that well… saying 'actually if we deal with the adult issues, which may be wellbeing rather than a threshold of protection, we're actually addressing the child's needs.' "- Focus group participant

This prompted discussion of experiences and perspectives on joint training for ASP and CP teams. There was varied experience of joint training in the focus groups, with the majority of participants not having had this opportunity; but considering that it could support practitioners to better respond to the needs of 16 and 17 year olds.

"We deal with 16 year olds right up, so it would be really beneficial because you get a lot of people that just start in social work, they are newly qualified, they do an online learning module in child protection; but it doesn't really hammer home the issues that they could face if they are out working with adults that have got children… and it's the same for children and families social workers. They don't understand adult support and protection and if they were involved in that training as well it would give them a better understanding and a better skill set and it would probably make the joint working approach a lot more effective." - Focus group participant

It was also raised that joint training could improve understanding in CP social workers and ASP social workers about the role and resources of the other service.

"…personally I tend to think C&F workers are less aware of adult protection procedures and are less resourced than adult teams re implementing protection

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plans. By this I mean young people with significant challenging behaviour relating to self harm, harm to others. An adult team could consider 24 hour support long term; a C&F team think long term is 12 weeks and 24 hour support in the community is never an option." - Focus group participant

Misunderstanding between teams was considered to contribute to challenging transitions for young people; inappropriate referrals to adults' services; or a lack of understanding of the options available to 16 and 17 year olds. However, one participant shared that the assessments and systems used by the children and families teams, and adult support and protection teams in their area, are very different. For this reason attempts at joint training had not been successful. This highlights that joint training needs to be well considered and relevant for both teams to make it effective.

Another participant noted that joint training might not always be necessary; rather each team having an understanding of the other might be enough in some circumstances to improve support for 16 and 17 year olds:

"… even if those trainings don't come together, it's actually that bit in the middle that should be shown to each other… this is how adults' services work. This is how child's services work. This is how you transition between both." - Focus group participant

Next Steps

Positively, no edits, revisions or additions were suggested by participants; and it was clear this has been a welcome resource, with practitioners using both sections to support their work with 16 and 17 year olds. Respondents made use of the resource in various ways, including increasing knowledge and understanding of parts of the social work system in which they do not work; understanding the legislative options available to support 16 and 17 year olds; and better understanding the general experience of working with people in this age group.

This group of practitioners expressed an understanding of ASP and CP as connected to one another; and shared that more explicitly recognising this link could lead to improved support for 16 and 17 year olds. This resource, and the conversations it supports was considered to be helpful in highlighting this connection between ASP and CP; and the possibility and opportunities of joint or shared training between the teams, was discussed as a result.

However, it also emerged that practitioners would like more time to explore and use this resource, echoing what is commonly shared across the sector about increased workloads squeezing practitioners time for learning and development. Sharing the resource more widely, and not relying on email dissemination, was suggested by participants in ensuring it is more widely known about and used. There was broad consensus that particularly since the pandemic, the volume of emails received increases the likelihood that anything not urgent might be missed.

Accounting for the limitations raised by participants about workforce knowledge of, and access to this resource; the following actions and considerations are given, with increasing the reach of the resource and maximising its utility for the workforce in mind:

1. Dissemination through Networks

There are multiple organisations, groups and networks that contribute directly to ASP and CP in Scotland, or are adjacent and relevant to this work, including but not limited to:

Child Protection Committees Scotland	SG colleagues in GIRFEC and GIRFE policy development
Cross-policy Working Group on Transitions	GIRFE and GIRFEC Learning Networks

Social Work Scotland Children and Families and Adult Standing Committees	CELCIS
ASP Convenors Scotland Group	National ASP and CP Learning and Development Networks
National Contextual Safeguarding Group	Scottish Health Leadership Group for ASP
Scottish Nursing Child Protection Network	Social Work Scotland Child Protection Subgroup and SWS Adult Support and Protection Subgroup
Education Scotland Safeguarding Leads Networks	Police Scotland Child Protection and Public Protection Policy Teams
National Public Protection Leadership Group	Coalition of Care and Support Providers in Scotland

Recognising that the resource has been previously shared through the majority of these networks already, the evaluation highlights the need to re-share it with a focus on requesting that the resource be circulated with members of these organisations/groups. This will be valuable in refreshing knowledge and awareness.

New groups and organisations emerge and form from evolving policy priorities, and in response to new challenges. The resource should be proactively shared with any newly formed organisations/groups; and consideration should be given to wider professional networks, such as health colleagues, that could benefit from the resource.

2. Online Networks and Training

The Iriss newsletter, website and social media channels continue to feature and present the resource, with the aim of refreshing the knowledge of current audiences; and reaching out to new ones.

The resource is also hosted on the [ASPire Hub](), and will be a featured resource to spotlight it, and encourage traffic. The CP Knowledge Hub will be invited to host the resource. A one page, easy share explainer of the resource will be created, as a simple way to understand and share the resource.

Relatedly, links to the resource can be included in any online training that is created; or added retroactively to existing training content that the resource is relevant to. Contacting NHS Education Scotland, Social Work Scotland and Learning and Development teams locally and nationally will support with the inclusion of the resource where relevant.

3. Presentation Opportunities

To date, the resource has been presented at CPC Scotland, a CPC and ASP Joint Meeting and to Adult Support and Protection Convenors Scotland. However, the groups and organisations that make up the CP and ASP landscape evolve and new groups emerge; as well as the membership of these groups refreshing and changing over time. As such, it is important to continue to take opportunities to present or share the resource at meetings of current and future strategic groups.

4. Local Leadership and Learning and Development Teams

Exploration with ASP and CP leads and Learning and Development teams in local authorities will support understanding how, or if, they are using, embedding and sharing the resource. In reaching out to these teams:

- local awareness of the resource can be raised
- using and embedding the resource in practise can be promoted
- we can understand if or how the resource is built into local learning; and
- promote knowledge and use of the resource throughout local teams

This resource can be used by teams to scaffold and complement existing learning resources; and to support identification of any gaps in knowledge and skills that could benefit from inclusion of the resource - particularly the table - in shared learning opportunities.

Local Learning Development, ASP and CP teams may build a session around this resource, to explore how it is, or could be used in practice. The resource is a practical tool, but can also be used as a facilitator to reflective practise, for individuals and teams to consider:

- what are the experiences of, and considerations made when supporting 16 and 17 year olds in context?
- are there recurring themes or challenges when working with this age group that the team needs to respond to, or consider more fully?
- what, if anything, needs to be done to support social workers and other professionals in the team working with this age group?
- how does, or can this resource support best practice in the team?
- how does, or can the resource be embedded in learning and practice; and folded into working processes, like supervision?

These prompts are examples, that can be built on to suit specific team needs.

5. <u>Wider Networks</u>

The resource will be (re)distributed with the organisations and networks listed in the part 1 table. However, itt was raised that wider sector knowledge of the resource would be helpful, with housing, education and health colleagues raised as sectors to share this with. Specifically suggested, are:

- The Education Scotland Safeguarding Leads Network
- Healthcare Improvement Scotland

Encouraging social workers to share the resource with non-social work professionals supporting young people, will contribute to broader knowledge and awareness of the resource.