



Adult Support and Protection (Scotland) Act 2007

2007 asp 10

PART 1

PROTECTION OF ADULTS AT RISK OF HARM

Inquiries

4 Council's duty to make inquiries

A council must make inquiries about a person's well-being, property or financial affairs if it knows or believes—

- (a) that the person is an adult at risk, and
- (b) that it might need to intervene (by performing functions under this Part or otherwise) in order to protect the person's well-being, property or financial affairs.

5 Co-operation

(1) This section applies to—

- (a) the Mental Welfare Commission for Scotland,
- (b) the Care Commission,
- (c) the Public Guardian,
- (d) all councils,
- (e) chief constables of police forces,
- (f) the relevant Health Board, and
- (g) any other public body or office-holder as the Scottish Ministers may by order specify.

(2) The public bodies and office-holders to which this section applies must, so far as consistent with the proper exercise of their functions, co-operate with—

- (a) a council making inquiries under section 4, and
- (b) each other,

where such co-operation is likely to enable or assist the council making those inquiries.

- (3) Where a public body or office-holder to which this section applies knows or believes—
- (a) that a person is an adult at risk, and
 - (b) that action needs to be taken (under this Part or otherwise) in order to protect that person from harm,
- the public body or office-holder must report the facts and circumstances of the case to the council for the area in which it considers the person to be.

6 Duty to consider importance of providing advocacy and other services

- (1) This section applies where, after making inquiries under section 4, a council considers that it needs to intervene in order to protect an adult at risk from harm.
- (2) Where this section applies, the council must have regard to the importance of the provision of appropriate services (including, in particular, independent advocacy services) to the adult concerned.
- (3) “Independent advocacy services” has the same meaning in subsection (2) as it has in section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 ([asp 13](#)).