**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014**

**ACTIVITY**

## Adult Protection and Support Orders (APSOs)

## Purpose

### Social Services and Well-being (Wales) Act 2014 Part 7, Section 127

This section has no associated Explanatory Notes

(1) An authorised officer may apply to a justice of the peace for an order (“an adult protection and support order”) in relation to a person living in any premises within a local authority’s area.

(2) The purposes of an Adult Protection and Support Order are:

(a) to enable the authorised officer and any other person accompanying the officer   
to speak in private with a person suspected of being an adult at risk,

(b) to enable the authorised officer to ascertain whether that person is making decisions freely, and

(c) to enable the authorised officer properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken.

(3) When an adult protection and support order is in force the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2).

(4) The justice of the peace may make an adult protection and support order if satisfied that:

(a) the authorised officer has reasonable cause to suspect that a person is an adult   
at risk,

(b) it is necessary for the authorised officer to gain access to the person in order properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken,

(c) making an order is necessary in order to fulfil the purposes set out in subsection (2), and

(d) exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect.

(5) An adult protection and support order must:

(a) specify the premises to which it relates;

(b) provide that the authorised officer may be accompanied by a constable;

(c) specify the period for which the order is to be in force.

(6) Other conditions may be attached to an adult protection and support order, for example:

(a) specifying restrictions on the time at which the power of entry conferred by the order may be exercised;

(b) providing for the authorised officer to be accompanied by another specified person;

(c) requiring notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk.

(7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult protection and support order set out in subsection (2).

(8) On entering the premises in accordance with an adult protection and support order the authorised officer must:

(a) state the object of the visit,

(b) produce evidence of the authorisation to enter the premises, and

(c) provide an explanation to the occupier of the premises of how to complain about how the power of entry has been exercised.

(9) In this section “an authorised officer” means a person authorised by a local authority for the purposes of this section, but regulations may set restrictions on the persons or categories of persons who may be authorised.

In small groups, create a two-minute explanation for other staff in their organisation that says:

* What an APSO is
* Why it exists
* Who it is for
* Where and when it can be used
* How it works.

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| Suggested answer  Participants should already be very familiar with the detail of the law. Possible pitfalls are confusion about the exact purpose and necessity of an APSO. It is essential that everyone is clear about these. This exercise should establish consistency of understanding.  APSO guidance gives more detail about the purpose of APSOs.  *APSOs are to be used to enable an ‘authorised officer’, and any other person specified in the order, to speak to an adult suspected of being at risk of abuse or neglect in private, to establish whether the adult can make decisions freely, to assess whether the person is an adult at risk and to establish if any action should be taken.*  *Importantly, Adult Protection and Support Orders do not grant a power of removal. The principle is that the wishes of an adult at risk should be capable of being freely expressed and that they should be respected.* (Introduction)  *1.2 APSOs are civil orders that can be sought by an ‘authorised officer’. An ‘authorised officer’ must be a person authorised by a local authority for the purpose.*  *When an APSO is in force, the ‘authorised officer’, a constable and other persons specified in the order may enter premises where an adult at risk is living for the purposes set out above.* |