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Hilary Patrick and Nicola Smith, ADULT PROTECTION AND THE LAW IN SCOTLAND

Hayward's Heath: Bloomsbury Professional, 2009. xxxvi + 227 pp. ISBN 9781847664877. £38.

The Adults with Incapacity (Scotland) Act 2000, the first bill to be passed into law by the Scottish Parliament, launched a period of significant reform in the area of adult protection in Scotland. Two further pieces of new legislation, the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adult Support and Protection (Scotland) Act 2007, have combined with the remnants of the earlier provisions on local authority powers to act, and the influence of domestic and international human rights obligations, to create an innovative structural framework for dealing with vulnerable adults. The rapid pace of reform and the intricacies of the new legislation are likely, however, to prove bewildering both to practitioners of various stripes in the field and, most importantly, to the adults who may find themselves the subject of the law. Hilary Patrick and Nicola Smith seek, in this text, to offer a clear roadmap to the new legislative landscape, an aim which they achieve with considerable success.

The authors lay the foundations of their guide to the law in chapters 2, 3 and 4 of the book. Chapter 2 provides a concise and easily comprehensible overview of the three key pieces of legislation, in each case defining which adults are covered by the statute and then addressing the scope of the Act, the potential uses of the provisions and the information needs of relevant parties where the provisions apply. Chapter 3 identifies and explains the roles of the key organisations and individuals in the area. Chapter 4, perhaps most importantly, sets out the shared principles which underpin the overall picture of the reformed law of adult protection. An understanding of these principles is likely to be critical in determining how the legislation will operate in practice, and the concise summary offered by the authors here offers a solid basis for their examples of the law in practice elsewhere in the text.

Subsequent chapters use these foundations to deal with a range of key topics, such as harm and abuse, the parameters of the powers of local authorities and other parties, and the provisions applying in emergency situations. Each topic draws on more than one of the relevant statutes, but the principle-focused approach to the law adopted by Patrick and Harris allows for the details to be constructed into a whole with a minimum of confusion. Good use is made of text boxes clarifying how the underlying principles operate in each topic area, and practical examples serve to keep the explanations clear. The content is book-ended by an opening chapter on the history of adult protection law and a closing chapter on potential future developments in the area. These help to place the detailed consideration given to the legislative materials in a broader context, in addition to flagging up issues of concern for the future.

The book is clearly targeted towards practitioners in this field, including lawyers, social workers, medical health professionals and care workers, and the highly practical approach taken in the text suggest it will be a valuable resource in this regard. It is also encouraging to see a foreword in the text from Henry Simmons, Chief Executive of Alzheimer's Scotland, along with a note of thanks to ENABLE Scotland in the authors' foreword, which suggests the needs and interests of the most important people in this arena – adults affected by the legislation – have remained uppermost in the minds of the authors throughout. Overall this text provides a much needed practical guide to a complex and important area of the law. Those working in the area of adult protection would benefit from having a copy close to hand.

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