



# Adult Protection Policy and Procedures

## Purpose of Policy

The purpose of this policy is to set out what actions are required of staff working in early years and childcare groups when dealing with adult protection issues and to ensure effective links are made into the local authority Multi Agency Adult Protection Procedures. This document should be read in conjunction with your local authority's - Multi Agency Adult Protection Procedures.

## Introduction

The protection of adults at risk of harm is not an option but a responsibility across agencies. The expectation for all "at risk" adults in our communities is that they are empowered, through support from all the public services including social services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as their personal circumstances may permit.

## Legislation

In Scotland, there are three Acts of the Scottish Parliament which relate specifically to adult protection. These are:

### **Adults with Incapacity (Scotland) Act, 2000**

This Act imposes duties on, and assigns functions to, local authorities in relation to the making of enquiries in respect of adults who lack capacity, and the creation, application and supervision of proxy decision making powers in respect of such adults. Under the terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000, the local authority must investigate any circumstances made known to them in which the personal welfare of an adult seems to be at risk.

This means that the local authority must investigate allegations of abuse involving an adult who lacks the capacity to make or convey decisions for him or herself, whether the adult concerned agrees to the investigation or not.

### **Mental Health (Care & Treatment) Scotland Act, 2003**

This Act imposes duties on, and assigns functions to, local authorities and health boards in respect of social and mental health well-being, the making of enquiries in respect of persons who appear to have a mental disorder, and (where necessary) the application of compulsory measures in relation to the assessment and treatment of persons having a mental disorder.

### **Adult Support and Protection (Scotland) Act 2007**

This Act imposes duties on, and assigns functions to, local authorities in respect of the making of enquiries, the conduct of investigations, the application for protective powers in respect of adults defined by the legislation to be at risk of actual or suspected harm. This Act also brought about the creation of Adult Protection Committees in every local authority area.

It is the responsibility of adult protection agencies such as Social Services and the Police to make enquiries (proactive and reactive) and to carry out appropriate investigations in order to establish:

- whether or not an adult is at risk from harm or suspected harm; and, if so,
- which, if any, of the protective measures available in terms of the legislation are most appropriate to an adult at risk's individual circumstances.

It is, however, everyone's responsibility to report concerns regarding any adult who is, or who appears to be at risk of harm, to Social Services. If you are concerned that a vulnerable adult is at risk of exposure to criminal activity such as fraud then the Police must be notified as well as Social Services. However, in order to avoid confusion and to have clear lines of accountability, staff should report concerns directly to their line manager/named person in the first instance.

For the purposes of the Adult Support & Protection (Scotland) Act 2007 ("ASP Act"), an "adult" is a person aged 16 or over. However, if the adult concerned is 16 or 17 years of age, it is possible that s/he is already subject to a Supervision Order or other Order under the Children (Scotland) Act, 1995, or other social work or childcare legislation. If staff know that such an Order is in place in respect of that person, they should include that information in their report to their line manager/named person. It is the responsibility of Social Services to carry out any investigations about anyone who may be subject to such an Order.

**Under the Adult Support and Protection (Scotland) Act 2007 'adults at risk' are defined as adults aged 16 or over who**

- are unable to safeguard their own well-being, property, rights or other interests,
- are at risk of harm, and,
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

It is important to stress that all three elements of this definition must be met. The presence of a particular condition does not automatically mean an adult is an 'adult at risk'. Someone could have a disability but be able to safeguard their well-being etc.

**The Adult Support and Protection (Scotland) Act 2007 states harm includes all harmful conduct and in particular includes:**

- Conduct which causes physical harm
- Conduct which causes psychological harm (for example by causing fear, alarm or distress)
- Unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- Conduct which causes self-harm.

**Factors which may indicate harmful behaviour towards an adult at risk**

These can include one or a combination of the following actions. The following indicators must, however, be used only as a guide.

Harm can be a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an adult. It can take the form of physical, sexual, emotional, psychological or domestic abuse, acts of neglect or omission, financial and material abuse and the withholding of information. The abuse can be multiple, involving some or all of the above.

Harm can occur in any setting: when an adult lives alone or with a relative; within nursing, residential, supported living or day care settings; in hospitals, custodial situations, support services in people's own homes and other places previously assumed safe, or in public places.

Staff will be aware that adults using the group's services might have come to the group because they have been subject to harm either in their own home, in the community or having been abused by a relative, friend or acquaintance.

Alternatively, adults might be at risk of harm after they come to the service, for example from someone who is not a service user coming into the service from outside, or another service user or a member of staff.

On some occasions the perpetrator of the abuse might be at risk of abuse themselves; such as a service user who regularly becomes inebriated and puts other service users or members of staff into a state of fear. All parties involved can be considered as being potentially at risk, however the person behaving abusively can also be treated as an adult at risk.

Where the perpetrator of abuse is a member of staff an internal investigation will not take precedence over reporting concerns to allow an investigation by Social Services and/or Police.

Accidents and incidents within the group will be recorded. Notification and recording of these will include analysis to identify any patterns of incidence.

## **Types of Harm**

### **Physical Abuse- involving actual or attempted injury to an adult defined as at risk. For example:**

- Physical assault by punching, pushing, slapping, tying down, giving food or medication forcibly, or denial of medication
- Use of medication other than as prescribed
- Inappropriate restraint.

### **Emotional/Psychological Abuse- resulting in mental distress to the adult at risk. For example:**

- Excessive shouting, bullying, humiliation
- Manipulation of, or the prevention of access to services that would be of benefit to the adult
- Isolation or sensory deprivation
- Denigration of culture or religion.

### **Financial or Material Abuse - involving the exploitation of resources and property belonging to the adult at risk. For example:**

- Theft or fraud
- Misuse of money, property or resources without the informed consent of the adult at risk.

### **Sexual Abuse - involving activity of a sexual nature where the adult at risk cannot or does not give consent. For example:**

- Incest, rape, acts of gross indecency or inappropriate touching or verbal or physical sexual harassment.

**Neglect and acts of omission by others charged with the care of the adult, including ignoring medical or physical care needs. For example:**

- Failure to provide access to appropriate health, social care or educational services or withholding of the necessities of life such as nutrition, heating, etc.

**Exploitation** - the deliberate targeting of vulnerable adults for personal benefit.

**Discriminatory abuse** - for example, treating one service user less favourably than another.

**Information abuse** - deliberately giving erroneous information or withholding information.

**Human rights abuse** - for example deprivation of a right to family life or to a fair hearing.

**Multiple Forms of Abuse** - This may occur in an ongoing relationship or service setting or to more than one person at a time. It is important therefore to look not only at a single incident, but to also consider the underlying dynamics and patterns of harm.

**Random Violence** - An attack by a stranger on an adult defined as at risk is an assault; this is a criminal matter and should be reported to the Police. However, where there is the possibility that the violence may be part of a pattern of victimisation in a community or neighbourhood, local authority Adult Protection Procedures may also apply in respect of effective multi-agency intervention.

**Domestic Violence** – The police define domestic violence as “any form of physical, non-physical or sexual abuse which takes place within the context of a close relationship committed either in the home or elsewhere”. In most cases this relationship will be between partners (married, cohabitating partners or ex-partners).

The similarity between the above acts of harm in relation to adult protection is recognised. However, the key factor in relation to activating Adult Protection Procedures in such situations is that the victim (or suspected victim) must be an adult at risk of harm as defined in The Act.

## **Policy**

The group's policy is to support and protect anyone who receives our services. We are committed to the protection of adults at risk of harm, and the safeguarding and promoting of the interests and well-being of such adults is of paramount concern.

The group will strive to ensure to the best of its ability that service users and volunteers will not encounter harm of any form while at the group, and that, if abuse is detected, the situation will be reported immediately to allow investigation by the appropriate statutory agencies.

The group undertakes to ensure it will protect adults it has dealings with from exploitative relationships. In such circumstances where it is found that an adult is at risk then we will liaise with Social Services to ensure that the adult continues to be treated appropriately.

Staff and volunteers will be alert to the possibility that they may become aware of adults requiring support and protection who are not service users for example relatives, friends, visitors etc. In all cases staff will report their concerns using the groups reporting procedures, as detailed in the procedure outlined in this policy document.

The group recognises that the protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality.

Safe recruitment procedures, including PVG checks, checks with professional registers (eg SSSC, NMC, GTC), two references, (one preferably from the most recent employer) and a medical declaration will be put in place when recruiting staff.

### **Training**

As an allegation of abuse can come to the notice of any member of staff at any time, all staff members will receive training in Adult Protection Procedures, either as part of an initial induction, or as part of an ongoing training programme.

Employees and volunteers will be made aware of the existence of the Adult Protection Policy and Procedures, and their responsibilities in relation to the Adult Protection process by providing induction and training, by issuing a copy of the policy to all new staff members and by publicising its existence within the welcome pack and during staff and committee induction training.

Staff will be able to access this policy at all times within the group's Policies and Procedures folder.

### **Confidentiality**

There is a clear requirement across agencies to co-operate in relation to the protection of adults seen to be at risk of harm. Appropriate mechanisms will be put in place for staff to report any concerns to Social Services and/or the Police, as may be appropriate in the circumstances. The group will also ensure that appropriate mechanisms are in place in relation to any ongoing involvement and assistance in consultation with the relevant statutory agencies, towards effective risk management and continuing support to the service user.

To ensure appropriate protective measures can be put in place, it is recognised that confidential information will need to be shared with other workers, managers and other agencies on a "need to know" basis.

Staff have a duty to report concerns about an adult thought to be at risk of harm (as defined in the Adult Support and Protection (Scotland) Act 2007). Where an adult is seen to be at risk of harm, this will always override a professional or organisational requirement to keep information confidential, subject to the provisions of the Data Protection Act 1998. It is the responsibility of those employed or involved with the group to take appropriate action to ensure the adult deemed to be at risk is protected from harm.

### **Principles of Reporting and Information Sharing**

The protection of an adult at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Any concerns a staff member may have regarding the safety and well-being of an adult at risk of harm will be brought to the attention of their line manager/named person immediately.

Although it is recognised that a service user's privacy must be protected at all times, in situations where abuse is suspected, there must be free communication between participating agencies throughout the investigation. Under no circumstances will information on an adult be withheld from Social Services because the holder of the information thinks that it might compromise a third party. If a staff member is given information relating to adult abuse 'in confidence' they will make clear that any information relating to adult or child abuse must be passed on to Social Services and/or the Police for investigation.

In all cases of suspected adult abuse, it will be recognised that children involved in the situation might also be at risk and that Child Protection Procedures might have to be invoked.

If the adult is profoundly deaf and requires the services of a sign language interpreter or communication support worker, one will be appointed to work with the adult. Other forms of assistance to communication will be utilised if the adult cannot communicate using speech. This will be arranged by Social Services.

If the adult does not have English as a first language and requires the services of an interpreter, an interpreter from the Interpreting Service will be appointed to work with the adult. This will be arranged by Social Services. Using a member of the adult's family as an interpreter or communication support worker will be avoided.

### **Named Person**

Having a specific member of staff as a named person in respect of adult protection is good practice. This person can also be the person who monitors child protection issues within the group. The adult protection monitor will be a manager/staff member within the group who has sufficient knowledge/expertise to deal with any concerns raised.

Providing a named person ensures that all allegations of abuse are reported to a central point to allow a consistent response and to maintain an overview of reports from staff. Concerns can then be passed on quickly and appropriately. The named person will monitor issues and detect trends as these occur. In the event that the named person is not available a senior worker/depute will stand in.

### **Adult Protection Procedures**

#### **Introduction**

These procedures detail the actions that should be taken on suspecting harm or poor practice to ensure the welfare and safety of adults at risk of harm.

#### **Responsibilities of Management Committee and Staff**

Any report that an adult may be at risk of harm, including anonymous referrals, should be taken seriously. All cases should be considered with an open mind. In all instances, the information given must be reported immediately to your line manager/named person. If the named person is not available a senior worker/depute will stand in.

In the event of becoming aware that an adult may be at risk of harm or that they are being/have been abused, be aware that the adult may be feeling vulnerable or upset when disclosing this information. Be supportive and reassure the adult by listening carefully, but do not ask unnecessary questions. It is not the group's role to investigate.

#### **Reporting**

If a protected adult approaches a member of staff or volunteer to disclose that abuse has or is taking place, show that you take the protected adult seriously and listen to what he or she is saying, reassure them that they can trust you, and is safe and that you will pass on this information to people who will be able to support him or her. Advise them that the information will have to be passed on to your line manager/named person and that Social Services may be required to investigate further.

Do not ask the protected adult questions to obtain more information than the protected adult has volunteered, or to investigate the allegations (for example in order to form your own judgment as to their veracity). Only ask the protected adult questions to clarify what the protected adult has said.

When you feel it is appropriate to leave the person who has disclosed the abuse, the information given should be passed on immediately to your line manager/named person. Where you are concerned for the immediate safety and well-being of an individual, contact the Social Services or Police immediately. Contact your line manager/named person once you are satisfied that the person is safe.

If you suspect that a criminal act has been committed, for example in cases of physical or sexual abuse, you should contact the Police immediately and steps should be taken to preserve evidence, then contact your line manager/named person. If there is no line manager/named person available on the day when the abuse is detected, contact Social Services to report your concerns.

If you are unhappy with the response from your line manager/named person, you should contact Social Services and outline your concerns and the basis for them. If you are unhappy with the response from Social Services you can raise this through the group's Complaints Procedure and/or the Care Inspectorate.

NOTE: You should follow the above procedure for all instances of suspected abuse, for example where you become aware of

- Abuse by another service user
- Abuse by someone from within the community (family or friend)
- Abuse by a member of staff.

### **Recording**

Write down the nature of your concern and anything the person may have told you using, as far as possible, the words used by the person. Remember to sign and date the notes taken. This information will form the basis of the referral, and will also be required if there is an investigation this information will be kept and securely stored in a locked cabinet. Your line manager/named person will determine who this information can be shared with, will maintain an overview of reports from staff, monitor issues and detect trends as these occur.

### **Responsibilities of the Manager/Named Person**

The line manager/named person will telephone Social Services and give details of the alleged abuse. In accordance with the Multi Agency Adult Protection Procedures, the information should be followed up in writing within 24 hours using the Multi Agency Referral Form.

If information is given to your line manager/named person out of hours it must be passed to the Social Services Standby Service.

The line manager/named person making contact with Social Services and/or the Police must make a note of the following:

- The date and time that contact was made. Where contact cannot immediately be made, the reason for this must be recorded. Details of all unsuccessful attempts to make contact must also be recorded.
- Name, address and full details of those contacted.
- Details of who should be contacted for future follow-up/further action.

Where the adult at risk is care managed by a local authority, the line manager/named person should contact the care manager in that local authority immediately.

In all cases of suspected adult abuse, it must be recognised that children involved in the situation might also be at risk and Child Protection Procedures might have to be invoked.

### **Role of Senior Social Services Managers**

All concerns of an adult protection nature should be reported to the relevant Social Services office. Social Services will seek to allocate the matter to a member of their staff who has sufficient knowledge and expertise to deal with any concerns raised. It will be the responsibility of the group's manager to ensure that all instances of alleged or suspected harm to an adult seen to be at risk and requiring protection are treated seriously and that liaison with Social Services and/or the Police is made.

### **Allegations Involving Staff**

*What if it is someone within your own group that you are concerned about?*

If you have observed someone within your own group acting in a way that has caused you to be concerned you should contact your line manager/named person outlining your concerns and the basis for them. They will take your concerns seriously, make appropriate enquires into them and thereafter decide on the appropriate course of action.

If your concerns are about your line manager/named person, then you should inform your group's chairperson or owner. You can also contact Social Services directly to pass on your concerns and seek further advice.

In situations where the alleged abuser is a member of staff, your groups Disciplinary Procedures should be followed, but will not supersede an adult protection referral to statutory agencies. In other words, care must be taken to ensure that implementation of any internal procedures (for example, fact finding) does not undermine or impede any investigation by statutory agencies. Advice should be sought from Social Services before proceeding. In such cases the Scottish Social Services Council will be contacted at the discretion of the appropriate manager. The decision will be recorded in the staff members' personnel file.

Staff can use the procedures outlined in the group's Whistleblowing Policy.

### **Frequent Complaints without Foundation**

A situation where a service user makes frequent complaints alleging abuse, which after full investigation are found to be vexatious, cannot be ignored. In such cases it is good practice to always follow the aforementioned reporting procedures. The allegation must be reported to the manager and the pattern of allegations must be reviewed regularly in case abuse is taking place.

### **What Happens Next?**

Once they have received a referral, it is the duty of Social Services to make enquiries and to investigate matters of concern in relation to the protection of an adult deemed to be at risk of harm as defined by the legislation. Where it is alleged that a crime has been committed against the adult, investigation is likely to be progressed jointly in consultation with the Police.

The investigating officers may need to speak to the staff member from whom the concerns originated. Managers and staff will co-operate fully with any Police or Social Services enquiries, and managers will ensure staff are supported in this.



The line manager/named person will take advice from the investigating officer about the suitability of seeking an Advocacy Worker or an Appropriate Adult to work with the adult.

The Care Inspectorate should be contacted by the line manager/named person to report incidents of abuse within the service, if the group is registered with the Care Inspectorate.

### **Supporting the Adult at Risk of Harm**

It is important that all employees and those involved directly with the adult seen to be at risk of harm act throughout in a supportive manner. Staff should avoid being judgmental and should not introduce personal or third party experiences of harm. Every effort should be made to enable the adult to express their wishes and to make decisions to the best of their ability where appropriate, but, within a duty of care, the overriding concern is the protection of the adult from harm.

The person you are supporting is likely to continue to be involved with your group following the reporting of the concerns. Links should be maintained with the Social Services office involved in any investigation, in order to offer the appropriate support to the service user.

#### **Important Contacts:**

Social Services:	67 Market Place, Inverurie	01467 625567
Police:	Police Scotland - B Division Headquarters Inverurie Police Station, Blackhall Road, Inverurie AB51 3QD	101
Care Inspectorate:	Compass House 11 Riverside Drive Dundee DD1 4NY	0345 600 9527