



# Adult Support & Protection Procedure

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## Version Control

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June 2021	Nikki Fildes	2.1	Addition of Appendix 2 – Care Inspectorate guidance
Apr. 2020	Nikki Fildes	2	New procedure template Align to new policy

# Adult Support & Protection Procedure

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## 1.0 Introduction

### 1.1 Relevant Policies and Procedures

This procedure is aligned with policy **G36 – Keeping People Safe**

It should be read and understood in conjunction with:

- CS02 Personal Planning
- CS04 Risk & Vulnerability
- CS06 Reducing Restrictive Practice
- HR04 Equality & Diversity
- HR14 Personal Relationships at Work
- HR15 Whistleblowing

## 2.0 Protecting people from harm and abuse

### 2.1 Who is an adult at-risk of harm and abuse?

Under the Adult Support and Protection (Scotland) Act 2007, an 'at-risk' adult is someone aged 16 or above who is:

- unable to safeguard their own well-being, property, rights or other interests
- at risk of harm
- more vulnerable to being harmed than other adults because they have a disability, mental disorder, illness, or physical or mental infirmity.

All three points must be met in order to be defined as an adult 'at-risk' and for the provisions of the Act apply to the individual.

The Act does not automatically apply because an individual is disabled. A person may have a disability and also be able to safeguard their own interests.

An adult is at risk of harm when another person's conduct is causing or is likely to cause them harm. It can also mean that the individual's own conduct is causing or is likely to cause self-harm.

## 2.2 What is harm and abuse?

Harm means 'all harmful conduct' and includes physical harm, psychological harm and unlawful conduct that affect property, rights or interests, and conduct causing self-harm. It applies whether the harmful conduct was intentional or not.

Harm and abuse can occur through acts of commission (directly doing something) as well as acts of omission (failing to do something). Employees should be aware that acts of omission and neglect are still considered harm and abuse and must be reported.

Adults at-risk may be harmed by a wide range of people; family, friends, staff, volunteers, colleagues, acquaintances, strangers and people seeking deliberately to befriend and exploit vulnerable people.

Adults at-risk may not recognise the harm being caused. Harm caused by family, friends or partners can be more difficult to recognise due to the otherwise loving nature of these relationships.

All harm and abuse involves a denial of an individual's human rights

**Appendix 1** contains types of abuse, related behaviours and indicators to help employees further understand harm and abuse.

## 3.0 Suspicions and allegations of harm and abuse

### 3.1 General

All ARK employees must undergo mandatory Adult Support & Protection training as part of the induction process, and thereafter every 3 years.

All employees must report suspicions and allegations of harm and abuse. These must be reported to their line manager as soon as possible, no longer than 24 hours later.

We recognise that individuals may not wish staff to act upon concerns and that this may affect the working relationship between an individual and the employee, however confidentiality is overridden by the requirement to keep people safe from harm or abuse.

All complaints of abuse will be investigated; this includes allegations of historical abuse and anonymous reports.

The person alleging abuse should be kept informed, consulted and be supported through the process.

## 3.2 Allegations against an employee

Any employee implicated in any way may be subject to a disciplinary investigation.

Allegations may arise through reporting by a supported person, tenant, colleague or member of the public. These will be recorded and reported as per any other allegation.

Employees raising concerns should refer to **HR15 Whistleblowing**

Employees subject to an allegation should refer to **HR18 Disciplinary** and **HR19 Grievance**

## 4.0 Recording, reporting and investigations

### 4.1 Recording and reporting

Information must be recorded accurately and objectively on an incident form, see **HS04 Incident Reporting**; employees may not express opinions or make judgments. Initial recording must include:

- when the information was shared – date and time
- the allegation made, concerns observed and information shared
- to whom the allegation was made
- any initial action taken

If an individual has been physically or sexually assaulted, immediate action must be taken. This includes calling the police, seeking medical attention, informing the relevant line manager or Manager On-Call and advising the social work department where relevant.

After ensuring the individual's safety, staff should preserve evidence and where possible ensure the person accused of the abuse is not informed, as this can have impact on criminal investigation

The manager should then begin to gather information about the allegation as soon as possible – the following day at the latest. Keeping timescales short at this and subsequent stages can be vital for any further investigations.

The manager should meet or speak with their line manager to inform them of the allegation or suspicion.

The manager must follow their local authority's Adult Support & Protection multi-agency guidelines and report allegations and suspicions of harm or abuse to the individual's care manager, or the duty social worker. The manager must also inform the police.

If the allegation or suspicion is related to an individual receiving Care & Support services from ARK, the manager must also notify the Care Inspectorate.

The person alleging abuse should be informed of this process. If the individual does not have capacity it must be explained to them that ARK has a duty to report to relevant agencies.

Where relevant, any legal guardians and family members should be informed at this stage - if they are not part of any allegation or suspicion.

Where relevant, notification responsibilities should be recorded in the individuals' Good Life plan. Other ARK departments should ensure they keep a record of actions taken and that this is kept in a secure place.

It may be that all parties involved require additional support at this stage of the process. Employees should be reminded of the Employee Assistance Programme. Supported people should be offered independent advocacy. In addition, or for any other relevant individual, other services may be signposted to; for example, the local rape crisis service.

If no further action is to be taken, the manager must inform all relevant parties of the outcome. This should be recorded to inform future risk management and/or support planning. The Care Inspectorate should also be advised of this outcome.

Malicious allegations will be responded to via internal disciplinary and/or grievance procedures.

## 4.2 Investigations

Where the investigation indicates there should be further inquiry, the manager must follow the local authority's Adult Support & Protection Committee's multi-agency guidelines. Each investigating agency (i.e. police / social work) will have their own procedures to follow depending on the outcome of the investigation. The manager must give assistance when required.

We will cooperate with all agencies involved in the investigation and comply with requests to provide information. Where appropriate, the manager may liaise with ARK's Quality &

Compliance Officer to ensure that information is shared in line with the Data Protection Act 2018 and the General Data Protection Regulations (EU) 2016/679

An internal investigation must take place, even if the police and social work department undertake their own investigations, due to the differing standards of proof required to take action. Advice should be sought from the police and local authority regarding the timescales of proposed investigations.

Throughout investigations, appropriate levels of confidentiality must be maintained. See **G13 Openness & Confidentiality**

### 4.3 Capacity, consent and undue pressure

An adult at-risk may not agree to any subsequent agency intervention. Where the individual is judged to lack capacity, professionals are required to act in the best interests of the individual, in line with the Adults with Incapacity (Scotland) Act 2000.

Where there is concern or uncertainty about the individual's capacity, the manager should seek advice from social work and make a referral to relevant professionals to determine capacity.

Where an individual has capacity, but is unable to make choices due to undue pressure from others, the manager must inform the individual's care manager or duty social work about these concerns.

An adult at-risk may disclose information and ask for the information to be kept confidential. Staff must explain their obligation to report to their line manager and advise the individual of what is likely to happen next.

### 4.4 People supported by ARK

Supported people have the right to take risks and make unwise decisions where they have capacity to do so, but also have the right to be protected from harm. We have a responsibility to maintain the safety and welfare of the people we support; often referred to as 'duty of care'

The Care & Support Manager / Registered Operations Manager must ensure that **CS04 Risk & Vulnerability** and **CS06 Reducing Restrictive Practice** are followed to ensure that risks and hazards are managed in order to balance these rights with our responsibilities.

## 4.5 Priory staff

Any employee at the Priory could be contacted by an individual regarding an Adult Support & Protection concern. The employee should then advise the relevant Care & Support Manager / Registered Operations Manager or Housing Services Manager.

The employee should advise the individual that they will contact the relevant manager to inform them.

It is the responsibility of the manager to then report this allegation or suspicion to the relevant agencies. Please note that while the provisions of the Adult Support & Protection (Scotland) Act 2007 require meeting the three-point test (see 2.1 above), this information may not be known regarding a tenant of an ARK property. The manager may need to seek advice from the relevant social work department.

## 5.0 Implementation and Review

### 5.1 Implementation

Managers will monitor implementation of this procedure on an ongoing basis and ensure that relevant decisions within ARK are taken in line with the obligations and expectations set out in this procedure.

### 5.2 Review

ARK Area Managers' group is responsible for the review of these procedures, at least every 3 years. Any changes to the associated policy (**G36 Keeping People Safe**) as a result, must be submitted to the Board of Management for approval.

**Next Review by: April 2023**

## Appendix 1: Types of abuse

Type of harm/abuse:	Explanation:	Example:	Relevant information:
Discrimination	Treating someone less favourably because of protected characteristic or because of the assumption that an individual has that protected characteristic. It can include harassment, victimisation and direct or indirect discrimination.	Not providing information in an accessible format	Equality Act 2000 Human Rights Act 1998 HR04 Equality & Diversity
Physical	Non-accidental injury or attempted injury	Hitting, shaking, biting, involuntary isolation or sensory deprivation	CS06 Reducing Restrictive Practice Mental Welfare Commission 'Use of Seclusion'
Psychological / Emotional	Using threats, intimidation or bullying to cause mental distress. Employees not maintaining their professional boundary and developing an inappropriate relationship with a customer	Confiscating important personal belongings Treating an adult like a child Giving someone the 'silent treatment' as a 'punishment'	NHS Scotland 'Making Choices, Keeping Safe'
Financial	The misuse of someone's money, theft of money or property.	Items missing from the individual's home without reason, inability to pay bills, changing wills	CS05 Supporting Service Users in Managing their Money G11 / G54 Entitlements, Payments and Benefits
Sexual	Any sexual or intimate activity where an individual does not – or cannot – consent. This includes innuendo, pornography, coercion and relationships where there is a power imbalance because one person has a position of authority or trust.	An intimate relationship between a supported person and an employee An intimate relationship where only one person has capacity.	NHS Scotland 'Making Choices, Keeping Safe' Mental Welfare Commission 'Consenting Adults' HR14 Personal Relationships at Work
Domestic abuse	Abusive conduct from one or both people in an intimate relationship. It includes same-sex	One partner being isolated from friends/family.	Domestic Abuse (Scotland) Act 2018

	partners, ex-partners and couples who do not live together. Also includes honour crimes and forced marriage. Both men and women may be subject to honour crime or forced marriage	An individual being made to marry someone without their consent.	Scottish Women's Rights Centre 'Reporting Forced Marriage and Honour Crimes – Your Rights'
Neglect and self-neglect	This is the failure to meet the individual's basic needs, or of the individual to meet their own needs.	Malnutrition Failure to implement support plans	CS02 Personal Planning HM49 Hoarding
Exploitation	Including modern slavery, trafficking, cuckooing and mate crime. The exploitation of an individual for someone else's benefit	Befriending a vulnerable person and using their home for parties or drug-dealing	Offences (Aggravation by Prejudice) (Scotland) Act 2009  ARC 'An easy read guidance booklet for hate crime and mate crime'
Institutional	Abuse or harm cause by the practices or culture of an organisation.	People being made to get up a certain time to suit the organisation	CS02 Personal Planning
Restraint	The planned or unplanned, conscious or unconscious actions of staff that place undue limits to the individual's freedom	Not providing walking aids. Medicating with sedatives to stop wandering behaviours. Bed sides, lap-belts and passive alarms.	Mental Welfare Commission 'Rights, Risks and Limits to Freedom'  CS06 Reducing Restrictive Practice
Information misuse	An organisation or individual not sharing personal information properly, failing to record accurate information	Sharing an individual's medical diagnosis without their consent. Failing to securely store an individual's information	Data Protection Act 2018 General Data Protection Regulations (EU) 2016/679  G13 Openness & Confidentiality G48 Privacy & Data Protection

