

**PARTNERS FOR INCLUSION GROUP**

**ADULT SUPPORT AND PROTECTION**

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# 1 BACKGROUND

The Partners for Inclusion Group provides Policy and Procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policy and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Partners for Inclusion Group, to make good, safe decisions.

None of these documents stand alone, all fit within the larger framework of how we work.

# 2 PURPOSE

The purpose of this policy is for staff to understand what adult support and protection means within their role and what they must do, should they suspect the person supported is at risk.

# 3 LEGISLATION

There is legislation in place to provide protection to people who may find it more difficult to stop harm happening to them, this includes people who may be more vulnerable because of disability or mental disorder (mental health difficulty). The Act refers to those people as ‘people at risk of harm’.

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

## 3.1 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. It is the function of the Public Guardian to investigate situations of suspected financial abuse involving adults who lack capacity under Section 6 of the same Act.

## 3.2 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.

For the purposes of the Adult Support & Protection (Scotland) Act 2007 (“ASP Act”), an “adult” is a person aged 16 or over who meets the following criteria (known as “the three-point test”:

* 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.

## 3.3 Adult Support and Protection (Scotland) Act 2007.

The Adult Support and Protection (Scotland) Act 2007 (The Act) seeks to protect and benefit adults at risk of being harmed. The Act requires councils and a range of public bodies to work together to support and protect adults who are unable to safeguard themselves, their property and their rights.

The Act provides a range of measures which they can use. The public bodies are required to work together to take steps to decide whether someone is an adult at risk of harm, balancing the need to intervene with an adult's right to live as independently as possible

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.

# 4 HARM

The ASP Act 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.

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 harm 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.

It is recognised that harm may take many different forms and that each may be carried out as a result of deliberate intent, negligence or ignorance. The following information is only intended to act as a basic guide to help us understand what harm may mean.

## 4.1 Physical Harm

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.

Inappropriate physical intervention may be defined as any method of responding to behaviour which is often described as ‘challenging’ that involves some degree of direct physical force to limit or restrict movement or mobility. This can include the use of barriers or materials or equipment which is used to restrict or prevent movement.

### 4.2 Sexual Harm

**I**nvolving activity of a sexual nature where the adult at risk cannot or does not give consent, or was pressured into consenting to. For example:

* Incest
* Rape
* Acts of gross indecency
* Inappropriate touching or verbal or physical sexual harassment.

## 4.3 Emotional/Psychological Harm

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, religion, gender, age or sexuality

## 4.4 Financial or Material Harm

**I**nvolving the exploitation of resources and property belonging to the adult at risk. This includes pressure for the vulnerable person to allow people into their home, either explicit or implied. For example:

* Theft or fraud
* Misuse of money, property or resources without the informed consent of the adult at risk.
* exploitation and pressure in connection with inheritance, property or financial transactions.

## 4.5 Neglect and acts of omission (which can be intentional or unintentional)

By others charged with the care of the adult, including ignoring medical or physical care needs. For example:

### Intentional

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

### Unintentional

 occurs when a person unknowingly fails to provide the basic necessities of care/human rights

## 4.6 Discriminatory Harm

For example, treating one person less favourably than another.

## 4.7 Exploitation

The deliberate targeting of vulnerable adults for personal benefit.

## 4.8 Information abuse

Deliberately giving untrue information or withholding information.

## 4.9 Human rights abuse

For example, deprivation of a right to family life or to a fair hearing.

## 4.10 Multiple Forms of Harm

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

## 4.11 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.

## 4.12 Domestic Violence

Police Scotland 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 or otherwise) 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 ASP Act.

The ASP Act places a responsibility on those working with people who may be at risk from any type of harm to take action to prevent it continuing should they observe or be aware of it happening.

# 5 WHAT THE ASP ACT MEANS FOR THE PARTNERS FOR INCLUSION GROUP

The Partners for Inclusion Group takes its responsibilities within the Act very seriously. The structure and values of the Organisation seeks to support people to lead the life they choose while minimising their risk from harm. The Partners for Inclusion Group’s individually tailored services, recruitment procedures, including PVG Membership through Disclosure Scotland checks and Policies and Procedures all seek to promote this.

However, we recognise that we cannot guarantee that the people we support will not come to harm either from staff within the organisation, professionals working with them or from members of the public.

Any of us who observe, are aware or suspect of an act of harm towards one of the people we support must report it to our line manager as soon as possible. If our line manager is not available, or not felt to be appropriate to speak to, we should contact any of the Directors or CEO. The Chair of the Partners for Inclusion Board may also be contacted should the concern be regarding any of the CEO or Directors. The Administration Team at our West Kirk Office can provide details of how this can be done.

Each funding Local Authority holds its own procedures within the legislation when dealing with an allegation of harm. We will follow this as instructed but an Area Facilitator or the Director/CEO will have a responsibility to ensure the person’s Care Manager is informed promptly and that an AP1 form is completed. (See Appendix 1 for example of AP1 Forms).

It is important for staff members to know should they feel that the PFI Group are not managing the risks then they can make their own referral to the appropriate Local Authority.

The Partners for Inclusion Group may support people who pose a risk to others. How we support that person in situations where others may be at risk will be agreed with the multidisciplinary team and described in their Working Policy.

It is important that we all understand what constitutes harm for each person we support and our responsibility to act should we observe or be aware of any harmful act carried out by another person.

To help with this we should be aware of other relevant pieces of legislation. Whilst we don’t need to read and retain all the information we should understand that we must work within the following:

* The Children (Scotland) Act 1995
* National Assistance Act 1948 - Section 47
* The Data Protection Act 1998
* Scottish Social Services Code of Conduct

Copies of the above legislation may be found at the websites below:

[www.gov.scot.uk](http://www.gov.scot.uk/) [www.sssc.uk.com](http://www.sssc.uk.com/)

# 6 HOW WE WILL MAKE THE POLICY WORK

We should be aware that as part of our role we have a personal responsibility not to act in a manner that harms any of the people we support and to take action should we observe or be aware of an act of harm towards one of the people we support. Our Policies and Procedures describe the boundaries within which we do our job. Individual Service Designs and Working Polices relate our policies and procedures to each service. These tell us how to do our jobs safely and well.

Under the Adult Support and Protection (Scotland) Act 2007, the organisation has a duty to inform certain external agencies in the event that an allegation of harm towards one of the people we support is raised. This would be done by informing the Care Manager and completion of an AP1 Form for that Local Authority and where appropriate, the Police would also be informed.

# 7 TRAINING

As an allegation of abuse can come to the notice of any member of staff at any time. All staff members will be made aware of the existence of the Adult Support and Protection Policy and Procedure, and their responsibilities in relation to the Adult Protection process; this will be achieved by ensuring that all new staff receive ASP training as part of their induction and ongoing training within teams using the ASP workbook which should be completed every 2 years or when there are new staff members joining the team.

All staff members will also have access to:

* the ASP Policy which will be available both on the PFI Group website and within each service
* ASP Policy is also available by request from the Admin Team

# 8 CONFIDENTIALITY, REPORTING, AND INFORMATION SHARING

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

Although it is recognised that a person’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 Work 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 must make clear that any information relating to adult or child abuse must be passed on to Social Work Services and/or Police for investigation. Where it is clear a crime has been committed, then this must be reported to the Police.

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

If the person supported is profoundly deaf and requires the services of a sign language interpreter, one would be appointed. Other forms of assistance to communication should be utilised if the adult cannot communicate using speech.

If the person supported does not have English as a first language and requires the services of an interpreter, an interpreter from an appropriate Interpreting Service would be appointed.

Using a member of the person’s family as an interpreter would be avoided.

If the person supported has an advocate, we would involve them if deemed appropriate.

# 9 NAMED PERSON

The Partners for Inclusion Group recognises that having a specific member of staff as a named person/post in respect of adult protection is good practice. Our named person/post will be a manager within the organisation who has sufficient knowledge/expertise to deal with any concerns raised.

We also recognise that 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.

**Our named person/post is:**

**Michele Munro**

**Director**

**Office tele: 01563 825555 or 01563 825516**

**Mobile: 07717 793 976**

**If unavailable, the second named person/post is:**

**Pete Richmond CEO**

**Mobile: 07854 849 569**

## 9.1 Action to be taken by the Named Person

All cases of suspected or alleged abuse must be treated seriously and the local Social Work Services Office should be contacted immediately. The concerns should be clearly stated including the basis for them. When the local office is closed the Emergency Social Work Service should be alerted. (See Contact List)

# 10 WHAT HAPPENS NEXT?

Once the referral has been received by Social Work, it is their duty 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 and in consultation with the Police is this is deemed appropriate.

The investigating offices may need to speak to the staff member with whom the concerns originated. Managers and staff of the Partners for Inclusion Group will co-operate fully with any Police or Social Work Services enquiries, and managers will ensure staff are supported with this. The Line Manager will take advice from the investigating officer about the suitability of seeking an Advocacy Worker or an Appropriate Adult to work with the person supported.

The Care Inspectorate will be contacted by the Partners for Inclusion Group’s Registered Manager or in their absence an appointed Senior Service Leader to report incidents of abuse within the service.

# 11 SUPPORTING THE ADULT AT RISK OF HARM

It is important that all employees and those involved directly with the person supported seen to be at risk of harm, continue to work with the person in a supportive manner. Staff should avoid being judgemental and should not introduce personal or third party experiences of harm.

Every effort should be made to enable the person supported 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 person from harm.

# 12 SUPPORT TO STAFF

All staff involved will be offered support and counselling as appropriate.

# 13 RELATE POLICIES AND PROCEDURES

The following Partners for Inclusion Group Policies and Procedures also set out the standards of how we work in this area and can be accessed via our website.

* Child Protection
* Physical Intervention
* Health and Safety
* Support work and friendship
* Sex and Sexuality
* Finance
* Equal Opportunities
* Whistleblowing

# 14 CONTACT LIST

|  |  |  |  |
| --- | --- | --- | --- |
| **East Renfrewshire**  |   |  Adult Support Protection  | 0141 451 0866  |
|    |   | Single Point of Contact (SPOA)  |  |
| **Renfrewshire Council**  |   |  Social Work Services  | 0300 300 1199  |
|    |   |   |  |
| **East Ayrshire Council**   |  | East Ayrshire Council 9, Balmoral Road Kilmarnock KA3 1HL  | 01563 503301 Out of Hours: 0800 328 7758  |

|  |  |  |  |
| --- | --- | --- | --- |
| **North Ayrshire Council**  |  | Cunningham House ASP Social Services 4th Floor West Wing Irvine KA12 8EE   | 01294 317700 Out of Hours: 0800 328 7758  |
| **South Ayrshire Council**  |  | South Ayrshire Council Burns House Burns Statue Square Holmston Road Ayr KA7 1UT    | 01292 612055 Out of hours 0800 811 505  |
| **Glasgow City**  |  | Centenary House  | 0141 305 6970  |
| **Council**  |   | Social Work Services Mental Health Commissioning  |  |
|  |  | 100 Morrison Street  | Out of hours  |
|  |  | Glasgow  | 0800 811505  |
|  |  | G5 8LN  |  |
| **Care Inspectorate**  |  | Compass House  | 01382 207100  |
|   |   | 11 Riverside Drive  |   |
|   |   | Dundee  |  |
|   |   | DD1 4NY |  |
| **SSSC**  |  | Scottish Social Services Council 01382 207101 Compass House 11 Riverside Drive  Dundee DD1 4NY enquiries@sssc.uk.com  |
| **Police Scotland**  |  | 101  |