



PARTNERS FOR INCLUSION


ADULT SUPPORT AND PROTECTION POLICY

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1. Contents

Document control history	2
Policy approval record (signature block)	2
1. Contents	2
1. Background	3
2. Purpose	3
3. Legislation	3
4.1 Adults with Incapacity (Scotland) Act, 2000.	3
4.2 Mental Health (Care & Treatment) Scotland Act 2003	4
4.3 Adult Support and Protection (Scotland) Act 2007.	4
4. How we will make the policy work	5
5. Types of harm	5
6. What the ASP act means for Partners for Inclusion	8

7.	Reporting.....	8
8.	Appropriate adult.....	9
9.	Confidentiality and Information sharing	9
10.	Training	10
11.	Named person.....	11
12.	Statutory responsibilities	11
13.	Supporting the adult at risk of harm.....	12
14.	Support to staff.....	12
15.	Signing Sheet.....	13
16.	Appendix 1	14
17.	Associated policies and procedures	15

1. Background

Partners for Inclusion 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. They are written to help us, employees of Partners for Inclusion, 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:

4.1 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 (Health and Social Care Partnership -HSCP), 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.

4.2 Mental Health (Care & Treatment) Scotland Act 2003

The Mental Health (Care and Treatment) Scotland Act 2003 (The Act) imposes duties on, and assigns functions to, local authorities (HSCP) 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.

4.3 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. 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 act should we observe or be aware of any form 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, in the event that an allegation of harm has been made towards a person we support, the organisation has a duty to inform specific external agencies, such as Care Inspectorate, and the relevant Health and Social Care Partnership (HSCP). This would be done by informing the Care Manager and completion of an AP1 Form for that Local HSCP and where appropriate, the Police would also be informed.

5. Types of 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.

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.

On some occasions the perpetrator of the abuse might be at risk of abuse themselves, such as a person who regularly becomes inebriated and puts other persons 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.

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, materials, or equipment which is used to restrict or prevent movement.

Sexual harm

Involving 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.*

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.*

Financial or Material harm

Involving 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.*

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.*

Discriminatory harm

For example, treating one person less favourably than another.

Exploitation

The deliberate targeting of vulnerable adults for personal benefit.

Information abuse

Deliberately giving untrue information or withholding information.

Human rights abuse

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

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.

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

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 Domestic Abuse (Protection) (Scotland) Act 2021 makes provision for domestic abuse protection notices and orders for the purpose of protecting a person from abusive behaviour by the person's partner or ex-partner.

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 (Scotland) 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.

Harm can take form in several ways, involving some or all of the above. 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.

6. What the ASP act means for Partners for Inclusion

Partners for Inclusion 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. Partners for Inclusion individually tailored services, safe 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, other professionals working with them, from family members, friends, acquaintances or from members of the public.

Any of us who observe, are aware or suspect 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.

7. Reporting

Each funding HSCP holds its own procedures within the legislation when dealing with an allegation of harm. We will follow this as instructed, the Line Manager and/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.

We also have the responsibility to notify the Care Inspectorate (CI). This is submitted via the CI eforms system. The CI will also require to be updated on the outcome of any ASP concern that has been raised.

In situations where the alleged abuser is a member of staff, investigatory and disciplinary procedures will be followed, but will not take precedence over reporting concerns of an adult protection referral or an investigation by statutory agencies.

It is important to ensure that implementation of any internal procedures (for example, fact finding) does not undermine or impede any investigation externally by statutory agencies. It may be appropriate to suspend the member of staff concerned. Advice should be sought internally from the HR Manager.

The Scottish Social Services Council (SSSC) are the regulator for the social work, social care, children and young peoples' workforce in Scotland. If a member of staff has been suspended, then we have a duty to notify the SSSC and furnish them with any relevant information requested. The appropriate manager will make the notification and update them as required.

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

8. Appropriate adult

The Partners for Inclusion 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.

If the person we support is interviewed by Police Scotland, it is our duty to inform the Care Manager or Duty Social Worker. If this does happen then we should give as much detail as possible, they will liaise with Police Scotland who will arrange for an appropriate adult to be appointed.

The role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, ensuring that they are treated in a fair and just manner, and are able to participate effectively.

Appropriate adults are expected to be an active participant. In order to be effective, they need to be assertive, speak up and intervene - not simply be a passive observer.

9. Confidentiality 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 should be avoided. If the person supported has an advocate, we would involve them if deemed appropriate.

Where a person makes frequent complaints alleging abuse, which after full investigation are found to be false, cannot be ignored. In such cases it is good practice to always follow the above reporting procedures. The allegation must be reported to their care manager and the pattern of allegations must be reviewed in case abuse is taking place.

10. Training

The Health and Social Care Standards (Scotland) 2017, sets out what people should expect when using health, social care or social work services in Scotland.

Dignity and respect

3: I have confidence in the people who support and care for me

3.14 I have confidence in people because they are trained, competent and skilled, are able to reflect on their practice and follow their professional and organisational codes.

Wellbeing

3.20 I am protected from harm, neglect, abuse, bullying and exploitation by people who have a clear understanding of their responsibilities.

3.21 I am protected from harm because people are alert and respond to signs of significant deterioration in my health and wellbeing, that I may be unhappy or may be at risk of harm.

As a social care employee, and in line with our contractual agreements with local HSCP and the Care Inspectorate, we will ensure that all new staff receive ASP training as part of their mandatory induction. Within support teams, there is ongoing training using the ASP workbook which should be completed every 2 years and when new staff members join the team.

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 (ASP) Policy and Procedure, and their responsibilities in relation to the Adult Protection process.

As a social service worker, I am accountable for the quality of my work and will take responsibility for maintaining and improving my knowledge and skills (SSSC Codes of Practice 6).

As a registered social care worker, individual team members, must undertake relevant learning to maintain and improve their knowledge and skills and contribute to the learning and development of others (SSSC Codes of Practice 6.9).

All staff members will also have access to:

the ASP Policy which will be available on the Partners for Inclusion website which can be downloaded.

- *The ASP Policy will be held in each service (if appropriate).*
- *ASP Policy is also available by request from the Admin Team*

11. Named person

Partners for Inclusion 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 of Operations
Office tele: 01563 825555
Mobile: 07717 793 976

If unavailable, the second named person/post is:

Rod Leach
CEO
Mobile: 07860 924 746

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)

12. Statutory responsibilities

Once Social Work have received the referral, it is their responsibility 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 if this is deemed appropriate.

The investigating officer(s) may need to speak to the staff member with whom the concerns originated. Managers and staff of Partners for Inclusion will co-operate fully with any Social Work Services and/or Police enquiries; Line 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 appropriate eform report will be submitted to the Care Inspectorate, by the Registered Manager or in their absence an appointed member of the Senior Leadership Team.

13. 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.

14. Support to staff

Staff involved will be offered support and counselling from an independent counsellor, as appropriate.

15. Signing Sheet

Policy: PFIPol37. V7

This sheet should be signed and dated by each member of the team when policy is read. Line Manager should ensure each team member understands the policy in relation to Adult Support and Protection.

1. Name: Date:

2. Name: Date:

3. Name: Date:

4. Name: Date:

5. Name: Date:

6. Name: Date:

7. Name: Date:

8. Name: Date:

9. Name: Date:

10. Name: Date:

16. Appendix 1

Contact List

Agency	Address	Tele No:
East Renfrewshire HSCP	Adult Support Protection Single Point of Contact (SPOA)	0141 451 0866
Renfrewshire HSCP	Social Work Services	0300 300 1199
East Ayrshire HSCP	East Ayrshire HSCP 9, Balmoral Road Kilmarnock KA3 1HL	01563 503301 Out of Hours: 0800 328 7758
North Ayrshire HSCP	Cunningham House ASP Social Services 4th Floor West Wing Irvine KA12 8EE	01294 317700 Out of Hours: 0800 328 7758
South Ayrshire	South Ayrshire Council County Buildings, Wellington Square, Ayr, KA7 1DR	01292 612055 Out of hours 0800 811 505
Glasgow City HSCP	Centenary House Social Work Services Mental Health Commissioning 100 Morrison Street	0141 305 6970 Out of hours 0800 811505
Care Inspectorate	Compass House 11 Riverside Drive Dundee DD1 4NY	01382 207100
Police Scotland		101 / 999 in an emergency

17. Associated policies and procedures

Internal references:

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.

Policy No.	Version no.	Policy name	Approved on
PFIPol12	V6	Child Protection Policy	Jan 2026
PFIPol09	V5	Complaints Policy	August 2025
PFIPol33	V1.1	Equality, Equality, Diversity & Inclusion Policy	August 2024
PFIPol15	V1	Managing Person supported Finance Policy	February 2024
PFIPol08	V6	Health & Safety Policy	June 2025
PFIPol39	V3	Physical Intervention Policy – CALM	June 2025
PFIPol06	V5.3	Whistleblowing policy	January 2024
PFIPol36	V1	Recruitment and Selection Policy	May 2024
		Employee Handbook	PFI website
		Adult Support & Protection Workbook.	PFI website

External references:

- *Adult Support and Protection (Scotland) Act 2007*
- *Adults with Incapacity (Scotland) Act 2000*
- *Domestic Abuse (Protection) (Scotland) Act 2021*
- *Mental Health (Care & Treatment) Scotland Act 2003*
- *Protection of Vulnerable Groups (Scotland) Act 2007*
- *Scottish Social Services Council (SSSC) Codes of Practice*
- *The Children (Scotland) Act 1995*
- *The Data Protection Act 1998*

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

www.gov.scot.uk
www.sssc.uk.com