

Adult Protection Policy

SCOPE

The Adult Support and Protection (Scotland) Act 2007 affords greater protection to adults at risk of harm or neglect. The Act defines adults at risk as those aged 16 years and over who are unable to safeguard their own wellbeing, property, rights or other interests. Everybody has the right to be safe and well looked after. The Act is there to protect adults vulnerable to harm/abuse.

A Code of Practice for local authorities and practitioners provides information on the 2007 Act's guiding principles and its measures, including guidance on when and where it would normally be appropriate to use the powers that it provides (the Adult Support and Protection Code of Practice was revised in 2022).

This policy sets out Capability Scotland's role in the protection of vulnerable adults and is an integral part of our wider Safeguarding approach. All Capability Scotland staff play a role in Adult Protection. There is a staffing structure that supports the reporting of concerns and that ensures Capability Scotland take action. Capability Scotland is committed to working in partnership with key agencies and individuals in line with:

- Local Authority Adult Protection Procedures
- The Scottish Government's Policy and Guidance on Protecting Vulnerable Adults
- The United Nations Convention on Rights of Persons with Disabilities

EXTERNAL REFERENCES

This framework is contextualised by a wide range of national legislation, regulatory frameworks, and codes of practice. Further information on key legislation and external documentation can be found in Appendix 9.

International Treaties

- United Nations Declaration of Human Rights
- United Nations Convention on Rights of Persons with Disabilities

National Legislation

- Adult Support and Protection (Scotland) Act 2007
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Protection of Vulnerable Groups (Scotland) Act 2007
- Human Rights Act 1998
- Equality Act 2010

Regulations, Codes of Practice, and Other National Strategies

- Adult Support and Protection Code of Practice
- SSSC Codes of Practice
- Health and Care Professions Council Codes of Practice
- The Scottish Strategy for Autism
- Scottish Government - The Keys to Life

Appendices

Appendix 2 - Adult Services Safeguarding and Protection Forum Remit

Appendix 4 - Body Map and Basic Assessment Chart

Appendix 5 - Safeguarding Responsibilities

Appendix 6 - Capability Scotland C&AP Referral Form

Appendix 7 - Self-Harm and Suicide Information

Appendix 8 - Types of Abuse

Appendix 9 - Introduction to legislation and links to key documents

1. Purpose

Capability Scotland is committed to protecting vulnerable adults and to assisting individuals, families, and staff in providing a safe and supportive environment for vulnerable adults. Capability Scotland is an Adult Protection Agency working in partnership with agencies that refer to us to:

- Work positively to keep vulnerable adults safe and well and prevent harm.
- Monitor the well-being of vulnerable adults.
- Observe, report, and record concerns.
- Participate fully and openly in investigations of adult protection concerns.

To achieve this, we will:

- Use safe recruitment practices, including requiring all staff to undergo appropriate background checks.
- Train all our staff in Adult Protection procedures.
- Maintain strong lines of communication between vulnerable adults, staff, and senior managers to listen to and respond to concerns.
- Work closely with all relevant agencies to strengthen our systems and practice.

Concerns regarding protecting vulnerable adults include harm from other adults, neglect, and exploitation.

Harm is any deliberate physical, emotional, or financial abuse or exploitation, as well as neglect. Harm may arise due to a failure to appropriately protect vulnerable adults.

All staff concerned about a vulnerable adult who may have been harmed or is at potential risk of harm must follow Adult Protection Procedures.

2. Principles

2.1 What is an Adult Protection Concern?

An Adult Protection concern is any concern about a vulnerable adult who may have experienced harm or be at risk of significant harm. For the purpose of this policy a vulnerable adult is a person who is sixteen years of age or over, and who may be in need of care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him/herself, or unable to protect him/herself against harm or exploitation.

- It is not your responsibility to prove harm.
- If you have a concern, exploring this by sharing it with senior staff, including your Team Leader or Service Manager, is the best way to consider the situation and how to respond.

2.2 What kind of concern?

An Adult Protection concern is where there is a suspicion of harm or risk of harm to a vulnerable adult, serious neglect, or financial exploitation.

IF YOU HAVE REASON TO BELIEVE A VULNERABLE PERSON HAS SUFFERED OR IS AT RISK OF SUFFERING IMMEDIATE HARM THIS SHOULD BE REPORTED IMMEDIATELY. REFER TO THE “Adult Protection Referral” PROCEDURE.

2.3 What are common indicators of abuse?

A full description of the indicators of abuse is available in **Appendix 8**. Some indicators of abuse include but are not limited to:

- Unexplained injuries or bruises
- Emotional distress

- Financial exploitation
- Being afraid of particular places or attempting to avoid particular people
- Having angry outbursts or behaving aggressively towards others
- Becoming withdrawn or appearing anxious, clingy or depressed
- Self-harming or suicidal ideations
- Showing changes in eating habits or developing eating disorders
- Regularly experiencing nightmares or sleep problems
- Running away or regularly going missing from home or care services
- Not receiving or seeking adequate medical attention after injuries exploitation
- Neglect

2.4 What are our responsibilities in relation to confidentiality?

A vulnerable person may share information with a member of staff they trust. Staff members hearing a disclosure of abuse **must not** keep this to themselves, even if the person asks you to do so. Confidentiality and data protection laws allow confidentiality to be breached when information relates to harm or the potential of harm to an individual. Any concern about a vulnerable adult's welfare, no matter how small, must be shared with the relevant manager.

2.5 What are our duties in passing on concerns?

Capability Scotland is required by local authorities responsible for the care of vulnerable adults placed with us, to help them fulfil their legal duties to report concerns. The local authority Social Work department and/or Police has the duty to decide on any action regarding the concern. The social work department may investigate or convene a multi-disciplinary meeting to decide how to proceed. It is our duty to co-operate with social workers and the police, including sharing information.

Remember:

- It is not your responsibility to prove harm.
- If you have a concern, exploring this by sharing it with senior staff, including your Team Leader or Service Manager, is the best way to consider the situation and how to respond.

3. Roles and Responsibilities within Capability Scotland

3.1 Organisational Lead Officer for Adult Protection

The Director of Services and Business Development is the Lead Officer for Adult Protection and Child Protection.

- Name: Callum MacGregor
- Address: Capability Scotland, Vantage Point, 24 St Johns Rd, Edinburgh EH12 5HG

In absence of the Lead Officer the Deputy Director of Services will assume responsibility:

- Name: Sean Donachie
- Address: Capability Scotland, Vantage Point, 24 St Johns Rd, Edinburgh, EH12 5HG

The role of the Organisational Lead Officer for Adult Protection includes:

- Coordinating organisational policy, procedure, and action on adult protection matters.
- Ensuring that all services and staff are fully aware and compliant with statute, policy, and procedure relating to adult protection matters.
- Ensuring that each relevant service has a designated 'Adult Protection Coordinator.'
- Acting as the organisational lead point of contact with statutory bodies and other organisations on protection matters.
- Oversight of all protection matters relating to vulnerable adults and ensuring appropriate organisational actions and responses.
- Ensuring that adult protection processes are subject to regular internal audit.

The Lead Officer for Adult Protection must be informed of the handling of all adult protection concerns. They will be available to offer advice in ensuring that all actions are consistent with this policy. Where the Lead officer is not available, responsibility is automatically delegated to the Deputy Director.

3.2 Designated Adult Protection Coordinator (Service Manager/Head of College) - or person acting on their behalf:

The role of the Designated Adult Protection Coordinator is to handle and follow through an Adult Protection concern to conclusion, with advice and guidance from the Lead Officer throughout this process as required. This will include:

- **'Adult Protection Reporting Form' must be completed on CAMI or through the Local Authority reporting format and submitted within 24 hours.** This will be kept updated until there is an agreed closure with investigating bodies.
- In cases where there is an immediate risk of harm, the emergency services should be contacted.
- As per Capability Scotland's 'Accident and Incident Reporting' process an 'Accident and Incident Report' should also be submitted.
- For Registered Services, the Care Inspectorate must be informed in accordance with their e-form reporting requirements.
- All actions, including any ongoing or subsequent actions must be recorded as a timeline, allowing the timeframe, events, actions, and outcomes to be easily identified, tracked, and monitored.
- The Service Manager/Head of College, or person acting on their behalf, must notify the Operations Manager as soon as practical via phone and by using the accident and incident reporting process and an email alert copied to both the Organisational Lead Officer for Adult Protection and the Improvement and Quality Manager for tracking.

- All services must maintain clear and accessible recording, to ensure that all required information contained within the above notifications can be reported accurately and without delay.

3.3 Everyone

All employees and volunteers (including Trustees) must have a comprehensive understanding of their Adult Protection responsibilities and should attend initial training and refreshers commensurate with their job role as set out in the **Safeguarding Framework**.

When there are concerns that a vulnerable adult may have experienced or may experience significant harm, and these concerns relate to the possibility of abuse or neglect, then the Adult Protection Referral Procedure should be followed without delay. For more information of roles and responsibilities see **Appendix 5**.

4. Allegations Against Staff

Capability Scotland is committed to working from an adult's rights perspective, where concerns are listened to and responded to positively. Central to this is an approach where trusting relationships are encouraged and nurtured. At the same time, we recognise that our staff provide care and support to vulnerable adults who have a complex range of issues.

In considering any allegation against a staff member, the relevant Capability Scotland Policies and Procedures will be referred to by the Service Manager/Head of College/Investigating Officer. In general the following principles apply:

- The welfare of the vulnerable person is paramount.
- Adults about whom there are concerns should be treated fairly and honestly.
- Consideration will be given as to whether an allegation should be investigated as an AP concern, depending on the circumstances in question.
- Decisions should be made as quickly as possible (considering the need for a thorough and comprehensive investigation) in consultation with Social Work and / or Police and informed by the needs of the vulnerable person.

5. Quality Assurance and Record Retention

5.1 Monitoring and Quality Assurance

The Improvement and Quality Manager will monitor the management of Adult Protection activity to ensure:

- The safety of the vulnerable person was addressed appropriately and timeously and that contact was immediate and effective
- Staff operated in line with local authority and regulatory requirements
- That the basis of staff concerns, and their assessments, were fully relayed to the local authority or HSCP

- Any telephone contact was followed up in writing no later than 24 hours from the referral
- Adult Protection and Safeguarding Reports are collated and shared with the Executive Team monthly

5.2. Updating Care Plans, Risk Assessments and Ongoing Care

It is essential that Care and Support Plans are reviewed and updated in accordance with any assessments and actions that may arise from an Adult Protection concern. This should include measures to ensure a supported person's ongoing safe care, and protection needs, and any additional support they may require. Consideration must be given to the sensitivity of concerns and how changes in support are recorded.

These must be agreed by all relevant stakeholders, including evidence of their involvement and agreement detailed in our records.

All Capability Scotland staff and volunteers who are responsible for providing direct support to the adult must read and sign acknowledgement of their understanding of any changes in the care and support being provided and their duties and responsibilities in that regard.

5.3 Storing Information

It is essential that Care and Support Plans are reviewed and updated in accordance with any assessments and actions that may arise from an Adult Protection concern. This should include measures to ensure the person's ongoing safe care and protection needs, and any additional support they may require. Consideration must be given to the sensitivity of concerns and how changes in support are recorded.

These must be agreed by all relevant stakeholders, including evidence of their involvement and agreement detailed in our records.

All Capability Scotland staff and volunteers who are responsible for providing direct support to the person must read and sign acknowledgement of their understanding of any changes in the care and support being provided and their duties and responsibilities in that regard.

5.4 Record Retention

Capability Scotland is required to retain a significant volume of customer or learner data to ensure it is able to comply with its obligations. This can mean records are maintained for the lifetime of the customer and significant time periods thereafter. Staff should presume that Customer records must be preserved in line with the Record Retention Schedule.