

## BIELD HOUSING AND CARE

### POLICIES PROCEDURES AND GUIDELINES

#### ALL SERVICES

#### GOOD PRACTICE GUIDELINES

#### 4.0.2 SAFEGUARDING ADULTS (formerly adult support and protection and abuse of vulnerable adults)

##### POLICY STATEMENT

The purpose of this Policy and Procedure is to provide staff/volunteers working in Services managed by Bield with clear information on what action all staff/volunteers must take to ensure the protection of any Service User at risk of harm, abuse or neglect. This must be done whilst ensuring, as much as possible, the safety of the Service User, staff/volunteers and the general public. As an employer, Bield has a duty under the Health & Safety of Work Act 1974 to ensure, as far as possible, the Health and Safety of its employees.

Bield considers the harm of any person is unacceptable.

Bield considers that any adult living within accommodation provided by Bield or receiving Services from Bield staff may be an adult at risk of harm who may be in need of support and protection.

All Service Users living in Bield accommodation and/or being supported by Bield staff are entitled to live as full, positive and active a life as their physical and mental condition will allow. All Service Users have the right to Dignity and Respect, Confidentiality, Independence, Choice and Fulfilment.

**However**, where a person is deemed to be at risk of harm, Bield fully supports the Adult Support and Protection (Scotland) Act 2007 which makes provisions intended to protect those adults who are unable to safeguard their own interests, such as those affected by disability, mental disorder, illness or physical and mental infirmity which adversely affects their ability to protect themselves from harm, exploitation or neglect.

This Legislation requires any employee of a Voluntary Agency to report on information about adults at risk of harm to the relevant Statutory Agency (except in emergency situations when this is the Social Work Department).

As a Voluntary Agency Bield will ensure all staff will receive instruction and training related to this Legislation to ensure its statutory duty of reporting on information about adults at risk of harm and co-operating with any investigation is fulfilled.

## **LEGISLATION RELATING TO ADULTS AT RISK OF HARM (abuse, or neglect)**

1. Human Rights Act 1998
2. Adults with Incapacity (Scotland) Act 2000
3. Mental Health (Care and Treatment) (Scotland) Act 2003
4. Protection of Vulnerable Groups (Scotland) Act 2007
5. Adult Support and Protection (Scotland) Act 2007

## **KEY ELEMENTS OF THE ADULT SUPPORT AND PROTECTION LEGISLATION**

Principles governing intervention in an adult's affairs

Definitions of an 'adult at risk' and 'harm'

Statutory duties on Councils to inquire and investigate

Duties to consider the provision of advocate and other Services

Duties of Inter Agency Co-operation

Offences

Three types of Protection Order

Duty to establish Adult Protection Committees

The purpose of the Legislation is to protect adults at risk of harm by enabling systems to be put in place to inform staff in Social Care and other Services relating to the support of adults about

The principles to be followed in adult protection interventions

The definitions of an 'adult at risk' and 'harm'

Statutory duty to inquire and investigate

The 3 types of Protection Order

## **STAFF TRAINING**

### **Induction**

- **Policy and Procedure to be covered by Manager with all new staff members**
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- **The academy 10 Adult Support and Protection both the e-learning and classroom training that has been assigned to their role, must be completed during the first 3 months of employment or 6 months at the very latest.**

## Ongoing training

- **All staff must complete their Mandatory Adult Support and Protection Training automatically assigned to their role for both classroom and e-learning every 3 years.**
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- **This Policy and Procedure must be read by all development staff on an annual basis and discussed at supervision.**
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- **The Policy and Procedure is reviewed and reissued every February**

## Training outcomes

All staff/volunteers will be aware of the action they require to take if an harmful/potentially harmful situation is suspected, witnessed by a Bield staff member or disclosed by a Service User, carer etc

All staff/volunteers will know how to record their observations

All staff/volunteers will be aware of their responsibilities under the provisions of this act as interpreted by Bield.

All staff/volunteers will be aware of where to locate the Local Inter-Agency Protection Guidelines for Adults for their area (on Grapevine)

All staff will be familiar with the above Guidelines

All staff will read the 'Easy Guide to the Adult Support and Protection (Scotland) Act 2007' (on Grapevine)

Be aware of the types of harm to which adults may be at risk and the situations in which harm may occur

Be able to recognise the signs and symptoms which may indicate that an adult is being harmed

All Registered Services within Bield are required to hold a hard copy of their Local Inter-Agency Guidelines. These will include local arrangements on how to report any suspicions to a trained Social Work, Health or Police Professional with the responsibility and skills to progress the investigation.

## HOW TO IDENTIFY AN ADULT AT RISK OF HARM

**An adult at risk of harm is an adult (aged 16 years or over) who:**

Is **unable to safeguard** their own wellbeing, property, rights or other interests

Is at **risk of harm**; and

**Because he/she is affected by** disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than an adult who is not so affected

All 3 of the above points must be met for the Adult Support and Protection Legislation to be used

**An adult is at risk of harm if:**

- a) another person's conduct is causing (or likely to cause) the adult to be harmed (physical, psychological or unlawful), or
- b) the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self harm

**N.B 'conduct' includes neglect and other failures to act**

**DEFINITIONS OF HARM, abuse or neglect**

**There are many different types of harm, abuse and neglect, and many people can be subject to more than one at the same time. The main types are:**

**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.

Signs of physical abuse may include:

Cuts, burns, bruises and scratches

Injuries that don't match the explanation given for them

Injuries and wounds in concealed places

Injuries in protected areas eg. Underarms

Untreated injuries

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

Excessive shouting, bullying, humiliation, insulting, ignoring

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

Signs of emotional/psychological abuse may include:

The person may feel depressed, withdrawn, agitated, anxious, stress/distressed

**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

Signs of financial abuse

Signatures on cheques do not resemble the other person's signature

Sudden changes in bank accounts

Unexplained withdrawals of large sums of money, sudden inclusion of additional signatories on the account, numerous unpaid bills and rent arrears when someone else is responsible for paying the bills.

**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

Inappropriate touching or verbal or physical sexual harassment

Signs of sexual abuse can include:

Pain/injury or itching in the genital area, torn stained or bloody underwear, venereal disease or re-currant bouts of cystitis

**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.

Withholding of the necessities of life such as nutrition, appropriate 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 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, co-habiting 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 the 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. Bield has a Charter of Rights for Service Users which states its commitment to protecting vulnerable individuals and groups from exploitation.

Harm of vulnerable people in care and community settings is a national issue. People with learning difficulties and physically and mentally frail older people being particularly affected.

Although the above people are particularly vulnerable, any person can be subject to harm and any form of harm in any situation is unacceptable.

Harm can take place in any setting; a person’s own home, supported housing, care homes, day care or hospital, or when someone is out and about.

Bield provides a range of Services which support people living in Bield accommodation or within the wider community.

If you have concerns, receive information or suspect that an adult is at risk of harm

### **ACTION REQUIRED OF ALL STAFF**

If you suspect or witness harm whilst representing Bield either in Bield property or in the wider community you have a responsibility, under the Adult Support and Protection (Scotland) Act 2007, to report and record any suspicions or disclosures concerning suspected harm of adults at risk.

Where a person is deemed to be an adult at risk, the protection of that person supersedes all other rights the person may have. This includes the right to confidentiality and the right to be consulted about whether you should report on to Statutory Services.

You must report on all information you have relating to the harm of an adult at risk using the Procedures below. It is however advisable to tell the person of the action you require taking.

Bield staff do not have responsibility to investigate the *cause* of the harm to an individual; this is the responsibility of the Statutory Services under the Act.

Once any Bield staff member has reported on their findings to the appropriate Statutory Agency that staff member may not be party to the findings of the full investigation and its conclusions.

However, if the contact, care or support Bield provides to the individual is a significant aspect of preventing future harm Bield will be involved in multi-agency discussions about their role in this safeguarding process.

### **Confidentiality**

Where information has been reported on a Manager or to the relevant Statutory Agency all staff must be very careful to respect the confidential nature of the information they have reported on and not share information inappropriately or speculate as to what will be the outcome of the enquiry with any other person. To do this may result in disciplinary action being taken against them.

No staff member should discuss their involvement in this investigation with any other person apart from their Line Manager. There is no requirement for the investigating officer (usually a Social Work Team Leader) to inform any staff member of the outcome of the investigation.

## **PROCEDURES**

### **1. WHERE AN ADULT AT RISK IS IN IMMEDIATE DANGER**

To prevent immediate and ongoing harm, e.g. physical/sexual assault or other actions that may pose an immediate risk to a Service User.

You must:-

Where it is safe to do so, challenge the perpetrator of the harm and/or seek assistance from another member of staff.

Contact the Police if the Service User is in immediate danger.

Once immediate danger is past calmly speak to the victim of the harm giving reassurance, providing ongoing support as required.

Report the incident to the Manager or Senior staff member on duty/on call.

If you are the most senior person on duty or the senior person on duty is the perpetrator of the harm contact BR 24 by

Pulling the cord (or using the emergency phone if you have no direct BR 24 link) if in a Bield property

Telephoning BR24 on **0141 950 1025** if you are working in a community setting

Requesting that your Manager and Service Manager be contacted. The Manager will provide support and guidance in reporting the incident to Social Work Services and initiating a referral under the Adult Support and Protection Act

Permission from the Service User or carer is not required before reporting concerns of abuse or suspected abuse to the statutory authorities i.e., Social Work Services, Police etc

Telephone referrals should be followed up in writing within 48 hours using the Local Authority Multi-Agency Adult Protection Procedures Pro-forma

Complete an Incident Report on why you suspect there was harm and how the situation was dealt with. Sign this report. This report may be used as evidence in any subsequent investigation or court action so must be based on your observations and actions taken.

Managers must keep a detailed record of actions taken and decisions made.

All records must be given to the investigating officer (in this case the Police) and will be used to further the investigation.

The Service Manager will report any incidents to the Care Inspectorate (SCSWIS).

## **2. WHERE HARM IS SUSPECTED**

**If you suspect harm is occurring** or feel uncomfortable about a situation.

You must:-

Discuss this with your Line Manager or external Line Manager immediately or within 24 hrs at the most.

Fully complete an Incident Report on why you suspect there was harm and how the situation was dealt with. Sign and date this report. This report may be used as evidence in any subsequent enquiry or court action so must be based on your observations and actions taken.

It is the responsibility of the Manager and the Housing Officer (Housing Services) and the Service Manager to conduct an initial investigation, keeping a record of actions taken and decisions made and contact the Statutory Services (Social Work Team Leader) if the investigation suggests that there may be an adult at risk of harm. The Housing Officer or the Manager may also wish to consult with the Social Work Team Leader for advice before deciding to formally report the information.

Your Manager will inform you of whether your suspicions were reported on to the Social Work Department and if not, why not.

## **3. WHERE YOU WITNESS HARM OR YOU ARE INFORMED ABOUT AN HARMFUL SITUATION BY A SERVICE USER**

It is the responsibility of the Social Work Department to investigate any staff witnessed incidences of harm or any harmful situations reported by a Service User.

You must:-

Discuss what has happened with your Manager or External Line Manager immediately.

Fully complete an Incident Report on what was witnessed or what the Service User told you and how the situation was dealt with. Sign and date this report.

This report may be used as evidence in any subsequent enquiry or court action so must be based on your observations and actions taken.

Your Manager, with support from the Housing Officer (Housing Services) or the Service Manager will immediately contact the Social Work Department and ask that the situation is investigated. This may include a referral to the Police.

The Housing Officer or Service Manager will keep a written record of the details of the suspected harm and a record of all decisions made.

The above reports will be given to the officer investigating the harm.

The Service Manager will report any incidents to the Care Inspectorate (SCSWIS).

#### **4. WHERE THE HARM IS CAUSED BY A BIELD STAFF MEMBER/VOLUNTEER**

All staff must be aware that a Bield employee or volunteer may not have had a previous record of harm and so will not have a criminal record of abusing others.

You must:-

Follow (ii) or (iii) above

In addition to the above action

Bield also has the responsibility to investigate the situation from a Staff Management perspective. However this investigation must not interfere with the investigation being done by the Statutory Services on the harm to the individual Service User and it is advisable that contact is made with the relevant Statutory Service to inform them of any action taken with staff concerned.

The Housing Officer (Housing Services) or Service Manager will immediately inform the Director of Human Resources.

A copy of any reports written by staff will be given to the Director of Human Resources.

**Any staff member/volunteer suspected of harming a Service User may be suspended pending investigation.**

**Any staff member/volunteer identified as harming a Service User will immediately be suspended pending full investigation. The outcome of the investigation may result in disciplinary action being taken against the staff member. The outcome of this action may be dismissal.**

If a staff member is suspended by Bield pending investigation into any form of harm of a Service User the Care Inspectorate (SCSWIS) will be informed of the suspension and the subsequent outcome of any enquiry.

If any staff member

Resigns pending a disciplinary based on the harm/neglect or exploitation of a Service User.

Is dismissed from Bield following a disciplinary based on harm/neglect or exploitation of a Service User.

Depending on what department the staff member is employed in, the Service Manager or the Service Manager (Housing Services) will inform the Scottish Social Services Council of the circumstances of that employee leaving Bield. This will be done with support from the Director of Human Resources.

The person will be put on a register by the SSSC which must be checked by future employers before employment commences and will mean that the person is prohibited from working with Vulnerable Adults (Adults at Risk of Harm) in future.

Any form of mistreatment of an older person (whether intentional or unintentional) receiving care and/or support in any of Bield's properties or where a Community Service is provided will be dealt with using the Procedures outlined in this document.

## **5. WHERE THE HARM IS CAUSED BY YOUR LINE MANAGER**

Immediately report the matter to the next level of Management or contact Human Resources (see 07.08: Whistle Blowing Policy: Grapevine).

Fully complete an Incident Report on what was witnessed or what the Service User told you and how you dealt with the situation. Sign and date this report. This report may be used as evidence in any subsequent enquiry so must be based on your observations and actions taken.

In liaison with the Department of Human Resources, the next level Manager will determine the action to be taken.

The next level Manager will immediately contact the Social Work Department and ask that the situation is investigated.

A copy of any reports written by staff will be given and used as part of the investigatory process.

The Disciplinary Procedure will be referred to and suspension from duty of the member of staff considered to protect the Service User from further harm and the reporting staff member.

**The next Level Manager will report any incidents to the Care Inspectorate (SCSWIS). The Department of Human Resources will report the incident to the SSSC**

## **6. WHERE A STAFF MEMBER/VOLUNTEER REPORTS HARM AND DOES NOT HAVE THEIR CONCERNS ADEQUATELY ADDRESSED BY THEIR MANAGER**

The staff member/volunteer have/has the personal responsibility to report the situation to the Director of Housing and Care Services and to request an investigation.

## **7. FAILURE TO REPORT HARM**

Any failure to report suspected or witnessed harm or information about harm reported by a Service User will result in a Management investigation which may result in disciplinary action being taken against that staff member.

## **8. STAFF REQUIREMENT TO CO-OPERATE WITH ANY INVESTIGATION**

As a Voluntary Sector Organisation Bield have the responsibility to report the facts and circumstances to the local Council when they know or believe someone is an adult at risk and that action is needed to protect that adult from harm

All Bield staff must co-operate with the Council and other agencies to enable or assist the Council making enquiries

## **9. SERVICE USER AND STAFF SUPPORT**

It is important that both individual Service Users and staff and groups of Service Users and staff are given appropriate support when subject to harm.

In the case of Service Users it may be appropriate to access support from an Advocacy Service

Staff can be referred to the Staff Counselling Service.

## **WHAT HAPPENS AFTER AN ADULT AT RISK OF HARM IS REPORTED TO THE RELEVANT STATUTORY AGENCY**

The Adult Protection concern reported will result in the Council Social Work Department 'duty to enquire' under the Act (Section 4) and a multi-agency 'duty to co-operate' under the Act (Section 5) in relation to an Adult Protection Inquiry and Investigation.

Social Work staff (most often the Social Work Team Leader) should ensure that an INTERAGENCY REFERRAL DISCUSSION (IRD) takes place, with the Police and any other appropriate agency in relation to the adult protection concern reported.

Where a decision to proceed to a case conference is taken previous Good Practice Interagency Guidelines will apply

Ensure all actions and decisions are recorded throughout the steps taken, as above

The PRINCIPLES of the ACT are to

BENEFIT the ADULT

Act on LEAST RESTRICTIVE ALTERNATIVE (out of the range of options available)

Take into account ADULT'S ASCERTAINABLE WISHES (past and present)

Take into account the VIEWS OF RELEVANT OTHERS

Support the PARTICIPATION of the ADULT

Support NON-DISCRIMINATION and EQUALITY (the adult should not be treated any less favourably than any other adult, who is not an 'adult at risk' in a comparable situation)

Have RESPECT FOR DIVERSITY

Those involved in a case discussion determine whether action is required, what that action is and how the desired outcome can be achieved. They also have access to 3 Protection Orders when someone is at risk of serious harm. These would be administered by a Sheriff.

**Assessment Order:** This allows for an adult at risk of serious harm to be taken to a more suitable place in order to conduct an interview in private or a medical examination in private.

**Removal Order:** Permits an adult who is likely to be seriously harmed if not moved, to be moved to a suitable place for up to 7 days

**Banning Order or Temporary Banning Order:** Bans the subject of the order from being in a specific place, or subject to specified conditions, for up to 6 months. The Sheriff can also attach a Power of Arrest to the Order

## **OTHER IMPORTANT RELATED BIELD POLICIES, PROCEDURES and GUIDELINES**

Adult Harm and Abuse

Protecting Children Visiting Bield's Accommodation (4.0.6)

Visitors Policy 5.0.5

Easy Guide to the Adult Support and Protection (Scotland) Act 2007 (on Grapevine)

Local Inter Agency Guidelines on Protection of Vulnerable Adults (on Grapevine)

**ON RECEIPT OF THIS POLICY AND PROCEDURE AND BEFORE IT IS INSERTED INTO THE OPERATIONAL MANUAL EACH BIELD MANAGER MUST COMPLETE THIS PAGE BY INSERTING THE TELEPHONE NUMBERS REQUIRED TO REPORT ADULT'S AT RISK OF HARM.**

**These numbers can be accessed through your local Inter Agency Guidelines held on Grapevine**

**SOCIAL WORK:**

**OUT OF HOURS SOCIAL WORK:**

**POLICE (LOCAL):**

**GP SURGERY:**

**EMERGENCY SERVICES: 999**

**LOCAL ADVOCACY GROUP/S:**

**BIELD STAFF COUNSELLING SERVICE:**

The **Elder Harm Response Line** is available for information and advice Monday – Friday 9am-5pm Tel: **080 8808 8141**.

**BIELD HOUSING AND CARE****INCIDENT REPORT (BIELD HOUSING AND CARE SERVICES)**

(To be completed immediately after the incident and forwarded (preferably using e-mail) to the relevant Housing Officer/Service Manager) within 24 hrs

Where did the incident take place?  Please note address and location within the building/area	
What happened?  Please record exactly what happened.	
What time was it?	
Who was involved?  To include staff, Service Users, family etc. Please note names, status and home addresses (if known)	
Have all staff involved made statements?  Are signed and dated statements attached?	
Was anyone injured?  If yes please complete an accident report form.	
Was there any reason for the incident happening?  Please look for any triggers that may have caused the incident.	
What did you do?  Detail any action you took to resolve/de-escalate the situation	
When did you report the incident to your Manager?	
Signed	Date

<b>MANAGER'S ACTION</b>	
Name of Manager:	Location:
When did you contact your Housing Officer/Service Manager?	
What support was provided for the people involved in the incident?  Please include staff if they required support.	
Were any training requirements identified for staff?	
If the situation involved harm or was a situation which requires a statutory service to be contacted, which services were contacted?  Name of person/s you reported to?  What time did you report the incident?	
Signed:	Dated

ADMINISTRATION	ACTION	SIGN	DATE
Accident form completed	Yes/No		
Accident/incident book completed	Yes/No		
Report sent to Service Manager	Yes/No		
Report sent to Statutory Services (harm)	Yes/No		

**BIELD HOUSING & CARE****INCIDENT WITNESS REPORT (BIELD HOUSING AND CARE SERVICES)**

Name of Witness:	Date of Report:
Home/Work Address:	Tel No:
Status: Staff member, service user, relative, friend, contractor etc	
Location of Incident:	Date and Time of incident:
Please detail exactly what happened. <i>(Continue on the back of this sheet, if necessary)</i>	

[Empty rectangular box for content]

Name (BLOCK CAPITALS)

Signature:

Date: