Families Outside Protection of Adults at Risk of Harm Policy

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**Statement of Intent**

In seeking to be the leading organisation in Scotland which works on behalf of families affected by imprisonment, we strive to safeguard the welfare of all people, regardless of age, who come into contact with Families Outside staff, students and volunteers.

This policy applies to all individuals working at all levels and grades, including directors, senior managers, employees (whether permanent, fixed-term or temporary), students, volunteers or any other person associated with or providing services to Families Outside.

**Policy Objectives**

Families Outside is committed to safe recruitment policies for all staff, students and volunteers. This will include relevant criminal record checks and ensuring references are requested.

This policy does not stand alone and should be implemented with reference to other Families Outside’ policies, procedures and guidance, including:

Data Protection

Health & Safety

Code of Conduct

Recruitment & Selection

Social Media

Disclosure Scotland – Protecting Vulnerable Groups (PVG)Scheme

Child & Adult Protection Reporting Flowchart

Families Outside is committed to having procedures and processes in place to enable staff, volunteers and students to:

* protect adults at risk from harm and exploitation; and
* respond appropriately in the event of abuse being suspected.

**Legal Framework**

Most adults, who might be considered to be at risk of harm, live their lives without experiencing harm. However, some people may experience physical or psychological harm or exploitation of their finances and not be able to manage this without help. The Adult Support and Protection (Scotland) Act 2007 was introduced to ensure that adults who experience harm or are at risk of harm and who need assistance to stay safe, will be offered support and protection. The Adult Support and Protection (Scotland) Act 2007 seeks to protect and benefit adults at risk of being harmed and places duties on public bodies to work together to support and protect adults who are unable to safeguard themselves, their property or their rights. Some people may find it more difficult to stop harm happening to them. The Act calls people in this situation ‘adults at risk’.

For the legislation and accompanying national guidance see the following sources:

* Adult Support and Protection (Scotland) Act 2007 Part 1 - [Adult Support and Protection (Scotland) 2007 Act](http://www.legislation.gov.uk/asp/2007/10/contents)
* Code of Practice (2014) Adult Support and Protection (Scotland) Act 2007 Part 1 - [click here](https://www.gov.scot/publications/adult-support-and-protection-revised-code-of-practice/pages/1/)
* Guidance for Adult Protection Committees –[click here](https://www.webarchive.org.uk/wayback/archive/20181226013103/https%3A/www2.gov.scot/Topics/Health/Support-Social-Care/Adult-Support-Protection/Committees)

**Adult Protection roles and responsibilities**

Families Outside Board of Trustees have a duty to manage risk and protect the organisation’s reputation and assets. This includes acting in the interests of adults at risk of harm whom Families Outside supports, including taking steps to prevent them from harm.

The Chief Executive and Head of Family Support (Child & Adult Protector Co-ordinator) are the accountable senior managers responsible for the management of serious adult protection incidents.

Managers at all levels have a key role in developing and maintaining a culture that protects adults at risk of harm, and promotes their welfare.

Line managers are responsible for the implementation of the Adults at Risk of Harm policy, and effective management of adult protection concerns. They provide advice and support to staff, student and volunteers and oversee adult protection practice in their area.

Line managers are responsible for ensuring that their staff understand and apply the policy and have the requisite training and support.

Staff have a duty and authority to exercise ‘professional curiosity’ and to question, challenge and raise concerns about adults at risk of harm. They must speak to their line manager if something feels wrong.

The Senior Management Team is responsible for providing support and advice in relation to safe recruitment, learning and development, and the management of allegations against Families Outside personnel.

**Principles**

Families Outside adheres to the generally accepted principle that no information that indicates that a vulnerable person may be, or is, at risk of significant harm, can be kept confidential.

Any such information **MUST** be passed on to those who have legal responsibility, skills and experience to deal with it in the best interests of the person concerned.

To achieve this, Families Outside provides the following background information relating to:

1. Definition of ‘adults at risk’;
2. Definition of ‘harm’, and;
3. Responding to disclosure from people who are experiencing harm.

**Who is an ‘Adult at Risk’?**

The Act defines an ‘Adult at Risk’ as someone aged 16 or over who:

* is unable to safeguard their own well-being, property, rights or other interests;
* is 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.

The presence of a particular condition or disability does not automatically mean that an adult is at risk. A person can have a disability but be perfectly able to look after their own well-being etc. Their circumstances as a whole should be considered, and all three elements of the definition must be met in order for them to be classed as an ‘adult at risk’. In practice, this means that the following groups may *sometimes* be at risk of harm: people with learning disabilities, physical disabilities or mental health difficulties; older people; people affected by substance misuse; or people who are homeless.

In deciding whether an adult is at risk, consideration should be given to the person’s capability and capacity to safeguard themselves. If they are not deemed ‘at risk’, then their choice to continue with their behaviour or remain in the situation must be respected.

Considerations may include the following:

* Does the person have the mental capacity to make informed choices?
* Can they make decisions, remember them and communicate them?
* Are they being placed under undue pressure by the perpetrator (which inhibits their ability to voice a complaint or seek help)?

If there is any doubt about capacity, or if there is undue pressure, then information must be shared.

**What is ‘harm’?**

The term ‘harm’ covers all harmful behaviour, for example:

* physical harm
* self-harm
* psychological harm causing fear, alarm or distress
* neglect
* behaviour which adversely affects property, rights or interests (for example, theft, fraud, embezzlement or extortion).

## **When Drug/Alcohol Misuse is an Issue**

In terms of the definition of an “adult at risk” the 2014 Code of Practice (Code of Practice (2014) Adult Support and Protection (Scotland) Act 2007 Part 1) states that vulnerability or a lack of ability to safeguard, which is due to temporary problematic alcohol or drug use, would not by itself result in an individual being considered an “adult at risk”. Adults have the right to make choices and decisions about their lives, including the use of alcohol and drugs, even if that means they choose to remain in situations or indulge in behaviour which others consider inappropriate.

Without any additional vulnerability, such as an illness or disability, adult protection intervention would not normally be appropriate. Young people aged 16-18 can be particularly easily influenced and legislation places limits on children not in place for adults such as access to alcohol. The ongoing problematic use of drugs or alcohol may take place alongside (and on occasions contribute to) a physical or mental illness, mental disorder or a condition such as alcohol related brain damage. If this is the case an adult may be considered an “adult at risk”. It must be stressed, however, that it is the co-existing illness, disability or frailty, which would trigger adult protection considerations, rather than the substance use itself.

**Responding to disclosure**

Should an adult disclose issues of abuse it is important to be aware of the following guidelines:

How you react, what you say, and how you handle the situation regarding disclosures is hugely important. The abused person may not understand that they are being, or have been abused and might not realise the significance or severity of what they are telling you. It may be the case that the disclosure is happening many months or even years after the abuse took place, one reason for the delay in disclosure may be the person they were afraid of has left the setting or organisation and they now feel safe to tell you.

Speaking out is never easy. So, if someone does confide in you, it’s important that you listen carefully to what you’re being told.

Be aware of your body language and tone of voice; stay calm and try not to let the disbelief or shock you may feel show.

It’s important that you let the person know you’re sorry this has happened to them, and that what has happened isn’t their fault. Remember to tell them they have done the right thing telling you and that you will keep them informed and involved in any decisions.

Letting the person know that you are taking them seriously is most important, and assuring them that steps will be taken to prevent them from any further harm. You may also consider asking the person what action they’d like you to take. Don’t press the person for more information, remember, it’s not your job to investigate the situation. If the matter is referred to the adult social care team, they will decide who, how and what to investigate.

Never promise to keep secrets as you cannot keep the information they have shared with you confidential – you must report it. Likewise, don’t make promises you can’t keep, such as "I will never let this happen to you again”.

Don’t be judgemental or jump to any conclusions – just focus on the person and listen.

If you believe the person is in immediate danger, or in need of urgent medical assistance you must contact the emergency services.

Investigation into the disclosure of abuse is the responsibility of the Police and/or Social Work Department. Keep questions to an absolute minimum to ensure a clear and accurate understanding of what has been said. Explain what will happen next.

**Recording and Reporting**

Staff who have concerns or suspicions about abuse or potential abuse, or are informed of abuse, must report the incident directly to the appropriate local authority Adult Protection Team. If an adult is at immediate risk, concerns should be reported to the police.

The Local Authority must act on the information and make enquiries. It has a number of options available to help protect an adult at risk of harm, including:

* A visit to interview the adult, to explain what support services may be available to them or to offer them a medical examination where appropriate
* Requiring health, financial or other records to be produced
* An application to court for a protection order

If a person raises concerns of abuse being experienced by another party to Families Outside staff, the person should be encouraged to contact the Adult Protection Team directly, or provide Families Outside with enough information to act on their behalf.

If the person neither wishes to report concerns themselves nor for Families Outside to act on their behalf and has already given details of the suspected abuse, it should be explained to them that Families Outside staff are duty bound to forward the information to the appropriate authority.

Where protection concerns are raised during a helpline call, staff may not be provided with sufficient information for staff to act, in which case there may be very little that can be done. This should still be recorded on a child and adult protection incident form but retained only for our own records.

If a member of staff suspects possible abuse or risk but does not have sufficient information, additional information should be sought from relevant social work teams.

Social media such as ‘googling’ a family member should NOT be used to glean information about a case unless staff have concerns about immediate safety. Please refer to the policy on Social Media for further guidance.

Staff who have concerns or suspicions about abuse or potential abuse, or are informed of abuse, should note down as much information as possible in the first instance. The Families Outside Adult Protection Flowchart (Appendix 1) details the recording, reporting, and monitoring of any welfare concerns.

Please note that it is not our responsibility to assess if someone is deemed a vulnerable adult.

**Support and Back-up for Staff**

Families Outside staff may want to discuss or check the incident with another person either before, or immediately after, taking appropriate action and should advise their line manager of the nature of the discussion at the next opportunity.

After each incident of disclosure, a review should be undertaken by the line manager with the staff member to address personal or procedural issues. It is important that staff are given an opportunity to discuss the incident. Staff should also be able to access support for themselves at any time to discuss the way they are feeling, taking time to reflect on the situation. Please refer to the policy on Staff Wellbeing for further guidance.

**Training**

Families Outside will identify the most appropriate and effective up to date Adult Protection training in order for staff to develop their skills and knowledge in relation to Adult Protection legislation.

**Staff working in other organisations’ premises**

Families Outside staff working in premises run by other organisations (e.g. Visitors’ Centres) should be aware of, and follow, that organisation’s reporting policy and procedures, should an incident occur. However, they must also complete a Families Outside “Welfare Concern Form” and forward a copy to their line manager and Adult Protection Coordinator.

**Managing an allegation made against a member of staff, student or volunteer**

The safety of the individual concerned is paramount. Families Outside will ensure that any allegations made against members of staff or volunteers will be fully investigated and dealt with swiftly.

Where a staff member, student placement or volunteer is thought to have committed a criminal offence, Police Scotland will be informed.

A risk assessment will be undertaken immediately to assess the level of risk to all other clients by the alleged perpetrator. This will include whether it is safe to for them to continue in their role or any other role within the service whilst the investigation is undertaken.

**Making Referrals**

If, following an allegation the decision is made to permanently remove someone from regulated work, the organisation needs to decide if the reason(s) that they were removed mean Disclosure Scotland need to be informed. This is called “Making a Referral” and includes circumstances where you would have removed them if, for any reason, they have already left the role.

Disclosure Scotland will use this information to help decide if someone remains suitable to continue to do regulated work (with children/adults/both) or if they should be removed from regulated work.

When a volunteer or member of staff is permanently removed from a regulated work position, there are certain circumstances where the organisation must notify the Protection Unit at Disclosure Scotland that this has happened.

Two conditions must be met before we let Disclosure Scotland know that something has happened. These are:

**Condition** A person has been permanently removed/or removed themselves from regulated work.

**Condition 2** At least one of the following five grounds apply:

* Caused harm to a child or protected adult
* Placed someone at risk of harm
* Engaged in inappropriate conduct involving pornography
* Engaged in inappropriate sexual conduct
* Given inappropriate medical treatment

When both of these conditions have been met, it is a legal requirement to inform Disclosure Scotland and the organisation must make a referral within three months of the permanent removal of the individual.

Where there is an historical allegation of harm or inappropriate behaviour about someone who is no longer in regulated work with us but which we believe would, in all probability, have led to the two conditions being met, consideration will be given about whether we want to make a referral (the legal responsibility applies only after 28 February 2011 when PVG was first introduced).

Where it is necessary to make a referral, this process will be carried out by the Chief Executive; in their absence, the referral process will be carried out by the Head of Resource & Development.

The effective operation of this policy will be reviewed bi-annually. Internal control systems and procedures will be subject to audit under the internal audit process.

**Appendix 1**

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Member of staff has concerns or suspicions about abuse or potential abuse, or a disclosure is made, about an Adult

**If an adult is at immediate risk, dial 999**

Discuss concerns with line manager as soon as possible. If appropriate, and not putting the adult at further risk, discuss with them

**Option 1**

If the concerns do not pose any welfare or safety risks for the adult or a third party, complete a Monitoring Form and update this regularly to record your concerns. This should be saved in the Adult Protection secure folder. Signposting to specialised services should be discussed for ongoing support.

**Option 2**

If a member of staff is supporting a family member and concerns are raised or a disclosure is made, which could have an impact on their safety or wellbeing or of a third party’s, you should complete a Welfare Concern form and submit it to the relevant statutory agency. Copy in line manager and Child and Adult Protection Coordinator. This should be saved in the Adult Protection secure folder

Debrief and discuss implications for ongoing support for the family and agree any follow up actions with line manager

Additional Notes

* Child and Adult Protection Coordinator – Head of Family Support (Kerry Knox)
* Monitoring Form Template (internal purposes to monitor concerns) – saved in SharePoint Family Support /Secure folder/ Adult Protection
* Welfare Concern Form Template (for passing information to statutory services) – saved in SharePoint Family Support /Secure folder / Adult Protection
* Completed Monitoring Form and Welfare Concern Forms – saved in SharePoint Family Support / Secure Folder / Adult Protection (save with adult’s initial and surname)
* It is not our role to determine whether the family member is deemed an adult at risk. If there is enough concern, then we should always report it.
* Some Local Authorities will have a specific form to complete when making an adult support and protection referral. A Families Outside Welfare Concern Form should always be completed and saved for our information, the information from this will help to complete the Local Authority form.
* Adult protection forms should never be saved on the Families Outside Database, however, the database should be updated to indicate there is a welfare concern form or monitoring form for the family member.