ADULT PROTECTION

1. PURPOSE

The purpose of this policy is to set out what actions are required of staff working in Aberness Recruitment Agency when dealing with adult protection and to ensure effective links are made into the Grampian Interagency Policy and Procedure for the Support and Protection of Adults at Risk of Harm. This document should be read in conjunction with the Grampian Interagency Policy and Procedure for the Support and Protection of Adults at Risk of Harm.

2. INTRODUCTION

a. The protection of adults at risk is not an option but a responsibility across agencies. The expectation for all 'at risk' adults in our communities is that they are empowered through support for all the public services including social work services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as their personal circumstances may permit.

b. It is the policy of Aberness Recruitment Agency to support and protect anyone who receives our service. We are committed to the protection of adults at risk of harm and the safeguarding and promoting of the interests and well-being of such adults is of paramount concern.

c. Aberness Recruitment Agency strives to ensure the best of its ability that service users will not encounter harm of any form while in its care, and that, if abuse is detected, the situation will be reported immediately to allow investigation by the appropriate statutory agencies.

d. Aberness Recruitment Agency undertakes to ensure it will protect adults it works with from exploitive relationships. In such circumstances where it is found that an adult is at risk, then we will liaise with NHS Highland Social Work Services to ensure that the adult continues to receive a service agreed as appropriate.

e. Aberness Recruitment Agency will ensure that staff will be alert to the possibility that they may become aware of adults requiring support and protection who are not service users e.g. relatives, friends, visitors etc. In all cases staff will report their concerns using our reporting procedures.

f. Aberness Recruitment Agency recognises that the protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality

3. LEGISLATION

In Scotland there are three Acts of the Scottish Parliament which relates specifically to Adult Protection. These are:

- **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,

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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.

- **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.
- **Adult Support and Protection (Scotland) Act 2007.** 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. This Act also brought about the creation of Adult Protection Committees in every local authority area.

It is the responsibility of adult protection agencies such as Social Work Services and the Police to make enquiries (proactive and reactive) and to carry out appropriate investigations in order to establish:

a. whether or not an adult is at risk from harm or suspected harm and if so –
b. which if any, of the proactive measures available in terms of the legislation are most appropriate to an adult at risk's individual circumstances.

3.1 Everyone has a duty of care to report concerns regarding any adult who is, or who appears to be at risk of harm to Social Work Services. If you are concerned that a vulnerable adult is at risk of exposure to criminal activity such as fraud, then Police must be notified as well as Social Work. However, in order to avoid confusion and to have clear lines of accountability, Aberness Recruitment Agency staff should report any concerns directly to their line manager immediately as per our reporting procedure.

3.2 For the purposes of the Adult Support & Protection (Scotland) Act 2007, an 'adult' is a person aged 16 or over. However, if the adult concerned is 16 or 17 years of age, it is possible that they are already subject to a Supervision Order or other Order under the Children (Scotland) Act 1995, or other social work or childcare legislation. If Aberness Recruitment Agency staff knows

that such an Order is in place in respect of that person, they should include that information in their report to their line manager. It is the responsibility of Social Work Services to carry out any investigation about anyone who may be subject to such an Order. The details of how to report are further explained in our procedures.

3.3 Under the Adult Support and Protection (Scotland) Act 2007 'adults at risk' are defined as adults aged 16 or over who:

a. unable to safeguard their own well-being, property, rights or other interests
b. are at risk of harm
c. 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 Adult Support & Protection (Scotland) Act 2007 states harm includes all harmful conduct and in particular includes:
  - Conduct which causes physical harm
  - Conduct which causes psychological harm (e.g. by causing fear, alarm or distress)
  - Unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion)
  - Conduct which causes self-harm

4. Factors which may indicate harmful behaviour towards an adult at risk

These can include one or a combination of the following actions. The following indicators must however be used only as a guide:

I. Harm can be a single or repeated act or lack of appropriate action, occurring within any relationship where there is an exception 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 abuse can be multiple, involving some or all of the above.

II. 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.

III. Staff will be aware that adults using Aberness Recruitment Agency might have come to the service because they have been subject to harm in their own home, in the community or have been abused by a relative, friend or acquaintance.

IV. Adults might be at risk of harm after they come to the service from someone who is attending to them from another agency or a member of our own staff.

V. On some occasions, the perpetrator of the abuse might be at risk of abuse themselves, e.g. a service user who regularly becomes inebriated and puts other 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.

VI. There is an exception where the perpetrator of abuse is a member of staff that an internal investigation will not take precedence over reporting concerns to allow an investigation by Social Work Services and/or Police.

5. TYPES OF HARM

Physical abuse – any physical contact which harms or is likely to cause them unnecessary and avoidable pain and distress:

- Punching, pushing, slapping, scratching, forcing food or medication or denying medication
- Use of medication other than as prescribed
- Poor application or manual handling techniques
- Inappropriate restraint

Emotional/Psychological Abuse – non-verbal behaviour which demonstrates disrespect, resulting in emotional or psychological distress to the adult at risk:

- Excessive shouting, bullying, humiliation
- Manipulation of or the prevention of access to services that would benefit the adult
- Isolation or sensory deprivation
- Threatening to cause physical harm
- Denying privacy
- Denigration of culture or religion

Financial or Material Abuse – involving the exploitation of resources and property belonging to the adult at risk:

- Theft or fraud
- Misuse of money, property and resources without the informed consent of the adult at risk

Sexual Abuse – involving activity of a sexual nature where the adult at risk cannot or does not give consent:

- Incest
- Rape
- Acts of gross indecency
- Engaging in sexual discussions which have no relevance to the adult's care

- Inappropriate touching or verbal or physical sexual harassment

Neglect and acts of Omission by others charged with the care of the adult:

- Ignoring medical or physical care needs
- Failure to provide access to appropriate health, social care and 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 – treating one person less favourable than the other Information Abuse – deliberately giving erroneous information or withholding information.

Human Rights Abuse – deprivation of a right to family life or to a fair hearing.

Multiple Forms of Abuse – this may occur in an on-going 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. If there is a possibility that the violence is part of a pattern of victimisation in a community or neighbourhood, Adult Protection procedures may also apply.

Domestic Violence – Grampian 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. 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 Act.

6. TRAINING

a. All staff employed by Aberness Recruitment Agency will receive training in Adult Protection as part of their initial induction.

b. Employees will be made aware of the Adult Protection Policy and procedure and their responsibilities in relation to the Adult Protection process by issuing them all with a copy at induction.

c. Staff can access the Adult Protection Policy at all times at Aberness Recruitment Agency office.

7. CONFIDENTIALITY

There is a clear requirement across agencies to cooperate in relation to the protection of adults seen to be at risk of harm. Aberness Recruitment Agency will

ensure appropriate mechanisms are in place for staff to report any concerns to Social Work Services and/or the Police, as may be appropriate in the circumstances. We will also ensure that appropriate mechanisms are in place in relation to any on-going involvement and assistance by us, in consultation with the relevant statutory agencies, towards effective risk management and continuing support to the service user.

To ensure appropriate protective measure can be put in place, it is recognised that confidential information will need to be shared with other staff and other agencies on a 'need to know' basis.

Aberness Recruitment Agency have a duty to report concerns about an adult thought to be at risk of harm as defined in the Adult Support & Protection (Scotland) Act 2007.

Where an adult is seen to be at risk of harm, this will always override a professional or organisational requirement to keep information confidential, subject to the provisions of the Data Protection Act 1998. It is the responsibility of those employed or involved with Aberness Recruitment Agency to take appropriate action to ensure the adult deemed to be at risk is protected from harm.

8. PRINCIPLES OF REPORTING AND INFORMATION SHARING

a. The protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Any concerns a member of Aberness Recruitment Agency may have regarding the safety and well-being of an adult at risk of harm should be brought to the attention of their line manager immediately.

b. Although it is recognised that a service user'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. 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.

c. 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 might have to be invoked.

d. If an interpreter is required whether it is due to language problems or communication difficulties, the adult's family should be avoided.

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PROCEDURE

INTRODUCTION

The procedure details the action staff should take on suspecting harm or poor practise to ensure the welfare and safety of adults at risk of harm.

PREVENTION OF ABUSE

Breaches of the boundary of the relationship between an employee and a service user increase when potentially abusive situations are not detected. If proper professional boundaries are to be maintained, it is very important that the potential for abuse is openly acknowledged by employees and managers.
When employees and service users engage in a close caring relationship, the potential and opportunity for the relationship to develop in an improper manner increases. In order to ensure the safety of employee and service user, special consideration should be given to employees who already work unsupervised. All such employees should develop an understanding of relationship issues and processes whereby a service user transfers experiences and expectations from the past onto the employee and vice versa. All employees who work with service users unsupervised should have access to appropriate training, supervision and support.
The prevention of abuse depends upon understanding how, why, when and where abuse occurs.

FACTORS

Factors that may contribute to the development of abuse within a relationship are:

a. Staff Attitudes – the employee who seeks control, displays disrespectful attitudes or behaviour, cultural tolerance of abuse
b. Supervision – lack of effective supervision, lack of support by managers, low staff morale, staff working under undue stress
c. Resources – lack of training, inability to defuse or prevent a behaviour that is challenging, lack of risk assessments and management of.

DETECTION OF ABUSE

Detecting abuse can be very difficult and is not a simple process. Many incidents remain private and undocumented. However, investigations of alleged abuse have offer identified signs of difficulties within a relationship which, if recognised earlier, could have led to the detection of abuse. Examples would include:

- The service user exhibiting a sudden change in behaviour – body language, stress, withdrawn, anxiousness, lack of concentration, anger, fear, low self-esteem, uncooperative
- The employee exhibiting a sudden change in behaviour or dress – stress, secrecy and defensiveness towards care of service user
- The service user showing signs of physical injury, unexplained bruising, grazes, swelling and bleeding

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- Service user showing signs of having inside knowledge of other employees and other residents
- Discovering a lack of comprehensive records about a service user
- Reporting of incidents by the service user, the employee or a family member
- Formal complaints
- Direct observation

RESPONSIBLITIES OF STAFF

Any report that an adult may be at risk of harm, including anonymous referrals, should be taken seriously. All cases should be considered with an open mind. In all instances, the information given must be reported immediately to the line manager.
In the event that you become aware that an adult may be at risk of harm or you are told directly by a service user that they are being or have been abused, staff should be aware that the adult may be feeling vulnerable or upset when disclosing this information.
Staff should be supportive and reassure the adult by listening carefully, but do not ask unnecessary questions.

REPORTING

Staff should advise the adult that the information will have to be passed on to the line manager and that Social Work Services may be required to investigate further.
If it is appropriate to leave the service user who has disclosed the abuse, the information given should be passed on immediately to the line manager.
If there is any concern for the immediate safety and wellbeing of the adult, emergency services should be contacted i.e. Ambulance or Police. Do not delay.
The line manager should be contacted once you are satisfied that the adult is safe.
If there is a suspicion that a criminal act has been committed (e.g. in cases of physical or sexual abuse) staff should contact the Police immediately and steps should be taken to preserve evidence. The line manager should be contacted thereafter.
If staff are unhappy with the response from their line manager, they should raise this through our complaints procedure.

RECORDING

Aberness Recruitment Agency staff need to write down the nature of the concern and anything the adult may have told them using, as far as possible, using their own words. All notes should be signed and dated. This information will form the basis of the referral and will also be required if there is an investigation.
The information will be kept and securely stored. The line manager will determine who this information will the shared with, whether there is a need for further investigation from other staff, monitor any previous issues and detect any trends.

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REFERRAL

Aberness Recruitment staff member will telephone the relevant Social Work Services and give details of the alleged abuse. In accordance with the Multi Agency Adult Protection Procedures, the information should be followed up in writing within 24 hours.

Where an alleged abuse has taken place out of hours, the information is required to be passed onto Social Work Service out of hours Service Team and again the information documented on the relevant paperwork and emailed immediately for their attention in the morning.

The staff member making contact with Social Work Services must make a note of the following:

- The date and time that contact was made. Where contact cannot immediately be made, the reason for this must be recorded. Details of all unsuccessful attempts must also be recorded.
- Name and telephone number of those contacted

The staff member will also contact the adult's care manager immediately.

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

The line manager will complete a notification to the Care Inspectorate in relation to the alleged abuse, along with all information given by member of staff and anyone else involved.

ALLEGATIONS INVOLVING STAFF

If a member of staff has observed a work colleague acting in a way that has caused concern, they should contact their line manager immediately outlining their concerns and the basis for them. The line manager will take the concerns seriously, make appropriate enquiries into them and thereafter decide on the appropriate course of action.

If a member of staff has concerns about their line manager, then they should raise this through our complaints procedure.

In situations where the alleged abuser is a member of staff, Aberness Recruitment Agency Disciplinary Procedure will be followed, but will not supersede an adult protection referral which will be investigated by Social Work Services and the Police.

FREQUENT COMPLAINTS WITHOUT FOUNDATION

Where a Service User makes frequent complaints alleging abuse, which after full investigation are found to be vexatious, these cannot be ignored. In such cases it is good practise to always follow the above reporting procedures. The allegation must be reported to their care manager and the pattern of allegations must be reviewed regularly in case abuse has taken place. It is also good practise to suggest two members of staff always present when attending to the care of the Service User.

FOLLOW UP

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Once a referral has been made, it is the duty of the Social Work Services to make enquiries and to investigate matters of concern in relation to the protection of an adult deemed to be at risk of harm. Where it is alleged that a crime has been committed against the adult, investigation is likely to be progressed jointly in consultation with the Police.
The investigating officers may need to speak to the staff from whom the concerns originated and anyone involved in the report. Aberness Recruitment Agency staff will cooperate fully with any Police or Social Work Services enquiries.
The line manager will take advice from the investigating officer about any staff involved who may be formally charged with alleged abuse.

SUPPORT

It is important that all employees and those involved directly with the adult seen to be at risk of harm continue to support them as much as possible. Staff should avoid being judgemental and should not introduce personal or third party experiences of harm. Every effort should be made to enable the adult 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 adult from harm.
The adult being supported is likely to continue to be involved with Aberness Recruitment Agency following the reporting of concerns.

Adult Health and Social Care Teams

All referrals regarding an adult who may be at risk should be directed to the relevant Adult Services Team Manager.

Adult Social Care Teams

Nairn & Ardersier
Nairn Town & County Hospital, Cawdor Road, Nairn. IV12 5EE
Tel: 01667 442702
Email: high-uhb.ccna@nhs.net

Badenoch & Strathspey
The Glen Centre, 17 Kinveachy Gardens, Aviemore. PH22 1RX
Tel: 01479 812618
Email: high-uhb.bandsduty@nhs.net

Inverness East Rural & Urban
Assynt House. Beechwood Business Park. Inverness. IV2 3BW
Tel: 01463 888333
Email: high-uhb.spoainvernesseastwest@nhs.net

Inverness West Rural & Urban
Corbett Centre, Coronation Park, Inverness, IV3 8AD
Tel: 01463 888333
Email: high-uhb.spoainvernesseastwest@nhs.net

Mid Ross
Dingwall Health Centre, Ferry Road, Dingwall, IV15 9QS
Tel: 01349 860460
Email: high-uhb.mrhscc@nhs.net

Easter Ross
County Community Hospital, Saltburn Road, Invergordon, IV18 0JR
Tel: 01349 853131
Email: nhshighland.eric@nhs.net

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West Ross
Ullapool Service Point, North Road,
Ullapool, IV23 2XL
Tel: 01471 820174
Email: high-uhb.singlepointofcontactSLWR@nhs.net

Skye & Lochalsh
Tigh na Drochaid, Bayfield, Portree, IV51 9EW
Tel: 01471 820174
Email: high-uhb.singlepointofcontactSLWR@nhs.net

Lochaber
Fort William Health Centre, Camaghael,
Fort William, PH33 7AQ
Tel: 01397 709873
Email:

Sutherland
1st floor, Lawson Memorial Hospital,
Golspie, Sutherland, KW10 6SS
Tel: 01408 664018
Email: high-uhb.Sutherland-sw-duty@nhs.net

Caithness (Wick)
Health & Social Care, Trust Wing,
Riverview Practice,Martha Terrace, Wick,
Caithness, KW1 5EL
Tel: 01955 604134
Email: high-uhb.westcaithnessintegratedteam@nhs.net

Caithness (Thurso)
Health and Social Care, Community
Health Centre Davidson's Lane, Thurso,
Caithness,KW14 7AF
Tel: 01847 893442
Email: high-uhb.EastCaithnessIntegratedTeam@nhs.net

RESPONSIBILITY

All those persons referred to within the scope of this policy are required to be familiar with the terms of this policy.
Maintenance, regular review and updating of this policy is conducted and agreed by the Director. Revision, amendments and alterations to the policy can only be implemented following consideration and approval by the Director of Aberness Recuitment Agency.