



Adult Protection Policy and Procedure

**Hear My Music
Scottish Charity SC048278**

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A. Hear My Music ADULT PROTECTION POLICY

1. Purpose of Policy

The purpose of this policy is to set out what actions are required of staff working in *Hear My Music* when dealing with adult protection and to ensure effective links are made into the relevant local authority Adult Protection Committees (APCs).

2. Introduction

The protection of adults at risk of harm 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 from 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.

It is the policy of *Hear My Music* 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.

Our organisation strives to ensure to 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.

Hear My Music undertakes to ensure it will protect adults it works with from exploitative relationships. In such circumstances where it is found that an adult is at risk then we undertakes to liaise with the relevant APCs to ensure that the adult continues to receive a service as agreed as appropriate.

Hear My Music 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 the *Hear My Music* reporting procedures, as detailed in the procedure outlined at Section B.

Hear My Music 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 relate specifically to adult protection. These are:

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 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.

2: 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.

3: 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:

- whether or not an adult is at risk from harm or suspected harm; and, if so,
- which, if any, of the protective measures available in terms of the legislation are most appropriate to an adult at risk’s individual circumstances.

It is, however, **everyone’s** responsibility 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, *Hear My Music* staff should report concerns directly to their line manager/named person in the first instance. The procedure outlined at Section B sets out the reporting guidelines.

For the purposes of the Adult Support & Protection (Scotland) Act 2007 (“ASP Act”), 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 s/he is already subject to a Supervision Order or other Order under the Children (Scotland) Act, 1995, or other social work or childcare legislation. If *Hear My Music* staff know that such an Order is in place in respect of that person, they should include that information in their report to their line manager/named person. It is the responsibility of Social Work Services to carry out any investigations about anyone who may be subject to such an Order. The procedure outlined at Section B sets out the reporting guidelines.

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

- 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.

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.

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.

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. The abuse can be multiple, involving some or all of the above.

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.

Staff will be aware that adults using *Hear My Music's* service(s) might have come to the service because they have been subject to harm

- in their own home
- in the community
- having been abused by a relative, friend or acquaintance

Alternatively, adults might be at risk of harm after they come to the service, for example from

- someone who is not a service user coming into the service from outside
- another service user
- a member of staff

On some occasions the perpetrator of the abuse might be at risk of abuse themselves; such as a service user who regularly becomes inebriated and puts other service users 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.

There is an expectation 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. The procedure outlined at Section B sets out the reporting guidelines.

5. Types of Harm

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.

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

- Excessive shouting, bullying, humiliation
- Manipulation of, or prevention of access to, services that would be of benefit to the adult
- Isolation or sensory deprivation
- Denigration of culture or religion

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.

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.

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 to 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 - 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 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 Act.

6. Training

As an allegation of abuse can come to the notice of any member of staff at any time, all staff members will receive training in Adult Protection Procedures, either as part of an initial induction, or as part of an ongoing training programme.

Employees / volunteers will be made aware of the existence of the Adult Protection Policy and Procedure, and their responsibilities in relation to the Adult Protection process:

- Through the provision of training

AND

- By issuing a copy of the policy to all new staff members

AND

- By publicising its existence at strategic points of office/service locations.

Staff can access this policy at all times at the following location:

In the Staff Handbook, located in the office bookshelves.

7. Confidentiality

There is a clear requirement across agencies to co-operate in relation to the protection of adults seen to be at risk of harm. *Hear My Music* 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. *Hear My Music* will also ensure that appropriate mechanisms are in place in relation to any ongoing 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 measures can be put in place, it is recognised that confidential information will need to be shared with other workers, managers and other agencies on a 'need to know' basis.

Hear My Music staff have a duty to report concerns about an adult thought to be at risk of harm (as defined in the ASP Act).

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 *Hear My Music* to take appropriate action to ensure the adult deemed to be at risk is protected from harm.

8. Principles of Reporting and Information Sharing

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 *Hear My Music* staff 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/named person immediately.

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. 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.

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.

If the adult is profoundly deaf and requires the services of a sign language interpreter or communication support worker, one should be appointed to work with the adult. This should be arranged in consultation between *Hear My Music* and social work as appropriate. Other forms of assistance to communication should be utilised if the adult cannot communicate using speech.

If the adult does not have English as a first language and requires the services of an interpreter, an interpreter from the Interpreting Service should be appointed to work with the adult. This should be arranged in consultation between *Hear My Music* and social work as appropriate.

Using a member of the adult's family as an interpreter or communication support worker should be avoided.

9. Named Person

Hear My Music acknowledges 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.

Hear My Music recognises 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.

The named person/post will monitor issues and detect trends as these occur.

Our named person/post is:

*Emily Carr, Creative Director
Email - emily@hearmymusic.org.uk
tel - 07890 512 824*

If the named person / post is not available:

*Moyra Hawthorn – policies advisor
Email - moyrahawthornbg@gmail.com
tel - 07786 704 969*

10. Registration for Protection of Vulnerable Groups

Hear My Music will register all employees, freelance practitioners and volunteers onto the Protection of Vulnerable Groups Scheme (PVG).

B. Hear My Music ADULT PROTECTION PROCEDURE

1. Introduction

This procedure details the action you should take on suspecting harm or poor practice to ensure the welfare and safety of adults at risk of harm.

2. Responsibilities of Hear My Music 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 your line manager/named person.

Our named person/post is:

Emily Carr, Creative Director
Email - emily@hearmymusic.org.uk
tel - 07890 512 824

If the named person / post is not available:

Moyra Hawthorn – policies advisor
Email - moyrahawthornbg@gmail.com
tel - 07786 704 969

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/have been abused, you should be aware that the adult may be feeling vulnerable or upset when disclosing this information.

You should be supportive and reassure the adult by listening carefully, but do not ask unnecessary questions. It is not your role to investigate.

3. Reporting

(see Appendix 2: important contacts)

You should advise the adult that the information will have to be passed on to your line manager/named person and that Social Work Services may be required to investigate further.

When you feel it is appropriate to leave the service user who is disclosing the abuse, the information given by the service user should be passed on immediately to your line manager/named person.

Where you are concerned for the immediate safety and well-being of an individual, contact emergency Services i.e. ambulance and Police immediately. Do not delay. You can contact your line manager/named person once you are satisfied that the person is safe.

If you suspect that a criminal act has been committed, for example in cases of physical or sexual

abuse:

You should contact the Police immediately and steps should be taken to preserve evidence. You can then contact your line manager/named person.

If there is no line manager/named person available on the day when the abuse is detected, you must contact Social Work Services at the appropriate CHCP office to report your concerns.

If you are unhappy with the response from your line manager/named person, you should contact Social Work Services at the appropriate CHCP office and outline your concerns and the basis for them.

If you are unhappy with the response from Social Work Services you can raise this through the Complaints procedure and/or the Care Commission. (See Appendix 1: Contact List for details).

NOTE: You should follow the above procedure for all instances of suspected abuse, for example where you become aware of

- Abuse by another service user
- Abuse by someone from within the community (family or friend)
- Abuse by a member of staff.

4. Recording

Write down the nature of your concern and anything the person may have told you using, as far as possible, the words used by the person. Remember to sign and date the notes taken. This information will form the basis of the referral, and will also be required if there is an investigation.

This information will be kept and securely stored in a locked filing cabinet in the office. Your line manager/named person will determine who this information can be shared with, will maintain an overview of reports from staff, monitor issues and detect trends as these occur.

5. Responsibilities of Hear My Music's Manager/Named Person

Referral: The line manager/named person will telephone the relevant Social Work Services location 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 using the Local Authority Multi agency referral form. This can be found online by googling 'Adult Protection Referral *name of relevant council*.'

Where information is given to your line manager/named person out of hours it must be passed to the Social Work Services Standby Service.

The line manager/named person making contact with Social Work Services and/or the Police 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 to make contact must also be recorded.
- Name, address and full details of those contacted.
- Details of who should be contacted for future follow-up/agreed further action.

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.

6. Role of Senior Managers Social Work Services

All concerns of an adult protection nature should be reported to the relevant Social Work Services office. Social Work Services will seek to allocate the matter to a member of their staff who has sufficient knowledge and expertise to deal with any concerns raised. It will be the responsibility of the designated *Hear My Music named person* to ensure that all instances of alleged or suspected harm to an adult seen to be at risk and requiring protection are treated seriously and that appropriate liaison with Social Work Services and/or the Police is effected.

7. Allegations Involving Staff

What if it is someone within *Hear My Music* that you are concerned about?

If you have observed *Hear My Music* staff acting in a way that has caused you to be concerned you should contact your line manager/named person outlining your concerns and the basis for them. They will take your concerns seriously, make appropriate enquires into them and thereafter decide on the appropriate course of action.

If your concerns are about your line manager/named person, then you should inform Moyra Hawthron, Policies advisor. You can also contact social work directly to pass on your concerns and seek further advice.

In situations where the alleged abuser is a member of staff, *Hear My Music* Investigatory and Disciplinary Procedures should be followed, but will not supersede an adult protection referral to and investigation by statutory agencies. In other words, care must be taken to ensure that implementation of any internal procedures (for example, fact finding) does not undermine or impede any investigation by statutory agencies. Advice should be sought from Social Work Services before proceeding.

In such cases the Scottish Social Services Council's statutory requirements should be applied at this stage by the appropriate Manager from Hear My Music. The decision will be recorded in the staff members' personnel file in the Unit and in their Corporate Personnel file.

(NOTE: Providers may wish to refer to their 'WHISTLEBLOWING' policy here)

8. Frequent Complaints without Foundation

A situation where a service user makes frequent complaints alleging abuse, which after full investigation are found to be vexatious, 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 regularly in case abuse is taking place.

9. What Happens Next?

Once they have received a referral, it is the duty of 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 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 in consultation with the Police.

The investigating officers may need to speak to the staff member from whom the concerns originated. Managers and staff of *Hear My Music* will co-operate fully with any Police or Social Work Services enquiries, and managers will ensure staff are facilitated in this.

The line manager/named person will take advice from the investigating officer about the suitability of seeking an Advocacy Worker or and Appropriate Adult to work with the adult.

The Care Commission will be contacted by *Hear My Music* line manager/named person to report incidents of abuse within the service.

10. Supporting the Adult at Risk of Harm

It is important that all employees and those involved directly with the adult seen to be at risk of harm act throughout in a facilitating and 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 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 person you are supporting is likely to continue to be involved with *Hear My Music* following the reporting of the concerns. Links should be maintained with the Social Work Services office involved in any investigation, in order to offer the appropriate support to the service user.

Appendix 1

Please complete and attach to HMM's Adult Protection Policy

NAMED RESPONSIBLE PERSON

Name Emily Carr

Position within HMM/Title Creative Director

Address 5 Acacia Way, Cambuslang, Glasgow, G72 7ZY

Email address emily@hearmymusic.org.uk

Tel No 07543 043 131 (days) OR 07890 512 824 (evenings/weekends)

IN ABSENCE OF NAMED RESPONSIBLE PERSON PLEASE CONTACT:

Name Moyra Hawthorn (Board Member)

Email address moyrahawthornbg@googlemail.com

Tel No 01360 770 248 or 07786 704 969

**If the named people are unavailable please contact Social Work Services -
(See attached contact list)**

Appendix 2

Important Contacts

Police: For all non emergencies call 101 or 01786 289 070 (Police Scotland)

If you consider a **vulnerable adult** to be in IMMEDIATE danger, call 999

GLASGOW

Agency/Organisation	Contact Details
Social Work	0141 287 0555
Social Work - out of hours	0300 343 1505

SOUTH LANARKSHIRE

Agency/Organisation	Contact Details
Social Work	0303 123 1008
Social Work - out of hours	0303 123 1008 (same number)

FIFE

Agency/Organisation	Contact Details
Social Work	03451 551 503
Social Work - out of hours	0845 155 0099

RENFREWSHIRE

Agency/Organisation	Contact Details
Social Work	0300 300 1199
Social Work - out of hours	0300 343 1505

EDINBURGH

Agency/Organisation	Contact Details
Social Work	0131 200 2324
Social Work - out of hours	0800 731 6969

WEST LoTHIAN

Agency/Organisation	Contact Details
Social Work	01875 824 090
Social Work - out of hours	01506 281 028 or 029

