



## **THE COMMUNITY BROKERAGE NETWORK**

### **V1 POLICY ON ADULT PROTECTION**

#### **INTRODUCTION**

The Community Brokerage Network is committed to the protection of adults at risk of harm and recognise that this is everyone's responsibility. The expectation for all 'at risk' adults (we use the term 'vulnerable adults' in this policy) in our communities is that they are empowered, through a range of support and where necessary by agencies to be free from any preventable harm or exploitation. They are vulnerable but need to be enabled to make their own choices about their lives and to live as independently as their personal circumstances may permit.

#### **LEGISLATION CONTEXT AND KEY MESSAGES**

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 Adult Support and Protection 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

In Scotland, there are three Acts of the Scottish Parliament, which relate specifically to adult protection.

The Adults with Incapacity (Scotland) Act, 2000 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.

The Mental Health (Care & Treatment) Scotland Act, 2003 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.

The Adult Support and Protection (Scotland) Act 2007 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 in Scotland.

Under the Adult Support and Protection (Scotland) Act 2007 each council must establish an Adult Protection Committee (APC); duties are listed in the Act at S42; (a) to keep under review the procedures and practices of the public bodies and officeholders to which this section applies which relate to the safeguarding of adults at risk present in the council's area (including, in particular, any such procedures and practices which involve co-operation between the council and other public bodies or office-holders to which this section applies), (b) to give information or advice, or make proposals, to any public body and officeholder to which this section applies on the

exercise of functions which relate to the safeguarding of adults at risk present in the council's area, (c) to make, or assist in or encourage the making of, arrangements for improving the skills and knowledge of officers or employees of the public bodies and officeholders to which this section applies who have responsibilities relating to the safeguarding of adults at risk present in the council's area, (d) any other function relating to the safeguarding of adults at risk as the Scottish Ministers may by order specify.

There are three key messages from the legislation and guidance, which are: -

- 1. Everyone has a responsibility to protect vulnerable adults**
- 2. Every vulnerable adult has at all times a right to feel safe and protected from any situation or practice which could result in them being physically or emotionally harmed or exploited in any way**
- 3. Above all, the welfare of the vulnerable adult is the paramount consideration and we must all work together to ensure they are protected**

The Community Brokerage Network is committed to the empowerment of all vulnerable adults and we recognise our moral and legal obligations to protect them and will ensure that the self-employed Brokers, Board Members and others associated with us will take all reasonable steps to promote safe practice and to protect vulnerable adults from harm, abuse, and exploitation.

#### **Our Policy is based on the following principles:**

- The welfare of vulnerable adults is always the paramount consideration.
- All adults have the right to be protected from abuse regardless of their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and / or sexual identity.
- Protecting vulnerable adults is everybody's responsibility.
- All adults have a right to their views on matters affecting them and these views should be taken into account when making decisions.

#### **We will:**

- Treat everyone with respect.
- Respect and promote the rights, wishes and feelings of vulnerable adults.
- Provide time for vulnerable adults to talk to us and listen to what they say.

- Respect confidentiality and only share information / *concerns* with the people who need to know in order to protect the person having regard to the provisions of the Data Protection Legislation.
- Engage self-employed Brokers using safe recruitment practices.
- Take action to stop any inappropriate verbal or physical behaviour including bullying.
- Take all concerns / allegations seriously and respond appropriately in line with the Local authorities procedures. We will refer **not** investigate, investigation being the responsibility of other professional agencies.

This Policy will be monitored and reviewed every two years or

- When there is a change in legislation or guidance on the protection of vulnerable adults
- Following any issues or concerns raised about the protection of vulnerable adults in the course of our work

## **TYPES OF HARM**

Vulnerable adults are at risk of variety of types of abuse. These can be: -

Physical Abuse involving actual or attempted injury 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 the 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.

Exploiting the adult and the deliberate targeting of vulnerable adults for personal benefit.

Discriminatory abuse for example, treating person less favourably than another.

Multiple Forms of Abuse, which 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 such as 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 victimization in a community or neighbourhood, local authority Adult Protection procedures may also apply in respect of effective multi-agency intervention.

Domestic Violence as defined by Police Scotland 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.

**It is not your job to decide if someone has been abused but it is your responsibility to report concerns.**

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.

Vulnerable adults or adults at risk may not be able to easily alert you to the abuse they are experiencing. There are often indicators, which may be a sign of them being a victim of abuse or exploitation. Examples may include the following:

- Have unexplained bruising or bruising in an unusual place
- Appear afraid, quiet or withdrawn
- Appear afraid to go home
- Be acting out in a sexually inappropriate way
- Be misusing drugs or alcohol chaotically
- Be unable to meet the costs of their living needs

**If you are worried about a vulnerable adult you must take action to protect them.**

The protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Although it is recognised that a person's privacy must be protected at all times, in situations where abuse is suspected protection from harm over rides the need to retain confidentiality.

### **WHAT TO DO IF YOU ARE CONCERNED ABOUT A CHILD OR YOUNG PERSON**

If a vulnerable adult *discloses* i.e. gives you information that might suggest he / she is being abused or you have concerns about them you should:

- Remain calm, no matter how difficult it is to listen to them – think of how hard it must be for them to make the disclosure. Some things are very difficult to talk about; you've been chosen because they feel they can talk to you. If you show anger, disgust, disbelief then the person may stop talking for fear of upsetting you or may feel that your negative feelings are being directed towards them
- Listen to the vulnerable person and take him / her seriously. Reassure him / her they have done the right thing by telling you
- Allow them time to speak. Never interrupt or make suggestions to the person. Avoid asking questions other than to clarify your understanding. ***You must never interview the person or investigate.*** This is the job of trained *professionals*
- No matter how well you know the person, spare them having to repeat

themselves over and over. Apart from anything else, they may begin to think that you don't believe them

- Be honest, tell them that you cannot keep what has been *disclosed* secret and that, you have a responsibility to talk to someone who can help
- As soon as practical record in writing everything they told you using the person's own words (sample form attached). Pass the information to the Community Brokerage Adult Protection Officer as soon as possible. Thereafter the information should only be shared with those who need to know in order to protect the person.

If the Adult Protection Officer is not available, then the information should be passed to the Social Work Department or police without delay. Do not be afraid to contact them for advice and guidance. Remember – you may not be the only one to have concerns. All referrals are discussed thoroughly by *professionals* prior to any action being taken. Your *concerns* will be treated sensitively.

### **AFTER CONCERNS HAVE BEEN RAISED**

All information received by the Social Work Department and the police is fully investigated and will be acted upon. This might include:

- Checking records and gathering information
- Speaking to the person and family and assessing the situation
- Making sure the person is safe

### **WHAT WILL HAPPEN TO THE PERSON?**

Once enquiries have been completed one or more of the following might happen:

- No further action
- Support or advice offered to the person/family
- Referral to another agency for a service e.g. counselling
- Legal action initiated, if appropriate.

### **PHOTOGRAPHING, VIDEOING AND FILMING**

Publications and websites are used to promote the achievements of people. However, there is evidence that some people have used some activities as an opportunity to take inappropriate photographs or film footage of vulnerable people.

We will adhere to the good practice below and will contribute to a person's safe participation in promoting the work of the Community Brokerage Network:

- Consent to photographing, videoing or filming the person will always be obtained from them or their legal representative if they lack capacity to give informed consent. They will be made aware as to why the photographs etc are being taken / used. Consent will also be sought from any other person who may appear in the photograph / video / film.
- No unsupervised photographic/filming/videoing etc sessions with a vulnerable person will be permitted under any circumstances.
- The Community Brokerage Network reserves the right to prohibit the use of photography, film or video at any event or activity with which it is associated.
- People will be made aware to whom they can report *concerns* about the use of photographs and films i.e. the Adult Protection Officer for the Community Brokerage Network and / or the police / social work department.

### **PUBLICATIONS AND WEBSITES**

The Community Brokerage Network will always obtain consent from the person or their legal representative if they lack capacity to give informed consent before displaying pictures or information relating to that person, whether in a publication or on the internet.

- We will never include personal information about the person or place them at risk e.g. full name, home address, e-mail address, telephone number, dates, place and times activities take place.
- We will never depict vulnerable adults in an inappropriate manner and only use images of them in suitable dress, to reduce the risk of the images being used inappropriately.

Any images be destroyed either after 2 years from the date of consent or if the images are for a specific project, at the end of that project

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