

**Protection of Adults at Risk Policy**

**Introduction**

Many of the people CAPS works with may be considered adults at risk and all CAPS workers can play an important part in promoting their safety and protection. By workers this policy is referring to paid staff, self-employed contractors, Management Committee members, volunteers and students on placement with the organisation.

The aim of this policy is to ensure that any adults at risk are protected and kept safe from harm while they are working with CAPS.

In addition to this policy CAPS has a framework of policies and procedures which are designed to ensure the emotional and physical safety of workers and people we work with which include:

- Recruitment Policy
- Recruitment of Ex-Offenders Policy
- Protection of Vulnerable Groups Policy
- Child Protection Policy
- Disciplinary & Grievance Procedures
- Data Protection Policy
- Confidentiality Policy
- Health & Safety Policy
- Lone Working and Personal Safety Policy
- Risk Assessment Policy for Individual Advocacy

**Background**

The Adult Support and Protection (Scotland) Act 2007 provides support and protection to adults known or believed to be at risk of harm through powers to investigate and intervene in situations of concern.

The Act:

- Places a duty on Councils to make inquiries and investigations to establish whether or not further action is required to stop or prevent harm occurring;
- Places a duty on specified organisations, including the NHS, to co-operate in investigating suspected or actual harm;
- Introduces a range of protection orders including assessment orders, removal orders and banning orders; and
- Provides a legislative framework for the establishment of Adult Protection Committees across Scotland.

**Definitions**

Under the Adult Support and Protection (Scotland) Act 2007 an “adult at risk” means a person aged sixteen years or over who:

- a) is unable to safeguard their own wellbeing, property, rights or other interests;
- b) is at risk of harm, and

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.

All the above must apply to consider a person an adult at risk.

### **16- and 17-year-olds**

In the first instance, Child Protection Procedures should be considered for 16- and 17-year-olds, as 'child' is defined as a person up to 18 years of age, in line with the United National Convention on the Rights of the Child (UNCRC Definition).

In general terms, while respecting the implications of different legal definitions of a child or adult, the most appropriate pathway (i.e., Child Protection or Adult Protection) should be considered through contacting Children's Social Work Services in the first instance, unless it is known that Adult Social Work Services are already working with the 16- or 17-year-old.

Please refer to CAPS' Child Protection Policy for more details.

The systems and processes that are in place should not prevent any young person from getting the right support and protection that they need at the right time.

### **What is a risk of harm?**

An adult is at risk of harm if:

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

Harm can take many forms including physical, verbal, emotional, psychological, sexual, neglect, self-neglect and financial or material.

It is not the responsibility of any worker to investigate whether or not harm has taken place; instead they should raise all cases of suspected or alleged risk of harm in line with the reporting procedure and follow the good practise guidelines below.

### **Further Information**

The Act is underpinned by a [Code of Practice](#) which sets out how Adult Support and Protection Procedures should be carried out across Scotland, including the role of independent advocacy in these proceedings.

The [East Lothian and Midlothian Public Protection Procedures](#) give more detailed information about local procedures and contacts.

## Reporting Concerns

Workers may hear directly from someone they are working with about a risk of harm. If you are unsure whether the person is an 'adult at risk' or whether what they have told you constitutes a risk of harm, discuss the situation with your line manager before taking any further action. If your line manager is not available then speak to your Service Manager, another manager or the CEO.

If someone we are working with makes an allegation about another organisation and their staff or volunteers this should be reported to your line manager, Service Manager or the Chief Executive Officer (CEO) who will then take appropriate action.

With the person's permission contact the relevant Social Work department and inform them you wish to make an Adult Support and Protection Referral. In the case of split jurisdictions, the Social Work departments in both areas should be contacted. It is good practice to discuss this with your line manager or another manager in advance wherever possible.

If this is not possible, for example due to the urgency of the situation, then you should inform your line manager as soon as possible after making the referral to Social Work. If your line manager is not available then inform the Service Manager or CAPS' CEO instead.

If the person does not give their permission it may be necessary to contact the Social Work department anyway due to the nature of the risk of harm. This means making a disclosure in accordance with our Confidentiality Policy and you should tell the person that you have a legal duty to do so. You should discuss with your line manager (or if not available, Service Manager or the CEO) immediately and they will help you decide which action to take.

However:

- ! **If you believe the person is at immediate risk of significant harm, do not delay in passing this information on.**

If the concern is of a serious nature (i.e. someone is in immediate danger, or there may be forensic evidence of physical or sexual harm) then the police must be contacted immediately. In an emergency dial 999 and for a non-emergency dial 101. You should then contact your line manager as per procedure.

If there are also child protection concerns, e.g. regarding other members of the person's household, an immediate referral must be made to the Children's Wellbeing / Children and Families services at the relevant local authority. More information can be found in our Child Protection policy.

In an Individual Advocacy partnership, it may be that a person does not have support from social work and it has been identified that such support would ease self-neglect. In this scenario, making a referral to the social work department under the Adult Support and Protection Act may better enable a person's situation to be assessed because the local authority has a legal obligation to do so under this legislation.



## What to do if you think an adult is at risk of harm

Are you concerned that an advocacy partner is at risk of significant harm?

YES

Are they in **immediate** danger?

YES

Contact the appropriate emergency service **immediately**

NO

Remind the person that you cannot promise to keep this information to yourself and you may have to share it with another service.

Speak to your Line Manager immediately. If unavailable, speak to the Service Manager, CEO or another manager.

Does a referral need to be made to statutory services?

NO

YES

Talk to person about the decision to refer if possible. Always try and seek consent, but this may not always be possible.

Make the referral to appropriate services (social work or police) by phone if possible. Follow up with email and request acknowledgement.

If you are unhappy with the response to your referral, you can contact the agency you made the referral to and escalate your concern.

### **Recording:**

Staff to record the situation as accurately as possible at the time they become aware of concern. Sign and date all notes.

All staff to record incident and any follow-up correspondence for internal reference within two working days:

Adult Team to record on CMS.

All other teams to use Adult Support & Protection Concern Form (CAPS Internal Use) and email to their line manager and Service Manager.

### **Contact Details**

Emergency Services **999**

Emergency Social Work (out of hours) **0800 731 6969**

East Lothian Social Work Office **01875 824309**

Midlothian Social Work Office **0131 271 3900**

Edinburgh Social Work Office **0131 200 2324**

West Lothian Social Work Office **01506 284848**

Non-emergency Police **101**

Kyna Reeves **07910 021 540** / Ele Davidson **07948 740 158**

Jane Crawford **07469 660 992**

## **Recording**

Any Adult Support & Protection incident or concern which results in a referral to statutory services needs to be recorded. This is very important in ensuring that information about a person's safety does not rest with one or two members of staff but can be referred to if another worker starts to support that same person. It will also help workers to build up a picture of a person's wellbeing over time, if more than one incident occurs involving the same person. It is also important that CAPS can go back to a record of an incident and a decision made in the unlikely event that this information is required in the future, for example in response to a complaint.

Workers in the Individual Advocacy adult team should record any ASP incident or concern on the person's case file on the case management software (CMS). If there is no case file for the person, or if you are a worker in another team and do not have access to this part of the CMS, an Adult Support & Protection Concern Form (CAPS Internal Use) should be used (see Appendix A). This should then be emailed to your line manager and the relevant Service Manager.

## **Good Practice Guidelines**

All workers will be familiar with the following good practice guidelines on the immediate action to be taken following a report or allegation of harm or abuse.

- react calmly so as not to frighten or deter the person;
- reassure the person that you are glad they have told you and it is not their fault;
- don't promise to keep it to yourself, and at the earliest opportunity remind them of our Confidentiality Policy and explain what this means;
- explain that you need to make sure that they will be safe and may have to pass on information to somebody trusted to deal with it appropriately;
- listen carefully to what they say and take them seriously;
- allow them to tell you what happened in their own words;
- it is important to clarify what you have heard and to establish the basic facts, but avoid leading questions and do not ask them specific questions about explicit details;
- if possible make brief notes during the initial disclosure, explaining to them why you are doing this. If it is not possible to do this at the time then make notes as soon as possible afterwards. All notes should be dated and signed by the worker taking them. All notes should then be handed over to the person investigating the allegation;
- the allegation and any notes should be communicated to the appropriate person as soon as possible. This means the same day if possible or first thing the next day - this can happen in the evening or over the weekend;
- when leaving the person take time to ensure, as far as is practicable, that they are ok and that they will be going somewhere safe when they leave you. Do not accompany them however. If it is clear that they are not OK then seek appropriate intervention for example a GP or Social Worker or a Nurse;
- seek support yourself from your line manager about how you found the experience and how it has left you feeling.

*Protection of Adults at Risk Policy adopted by CAPS' management committee at their meeting on the 11 April 2024.*

**Appendix A**  
**Adult Support & Protection Concern Form (CAPS Internal Use)**

Whenever recording information about an Adult Support & Protection concern, remember that the document may be seen by the person concerned.

Adult's name	
Adult's DOB (if known)	
Adult's address (if known)	
Member of staff raising concern	
Date of concern	
Details of concern	
Date of referral and contact details of receiving agency  <i>** When emailing this form to your line manager and Service Manager, please also attach a copy of the referral**</i>	
Any agreed next steps	



**Appendix B  
Local Social Work Contacts**

<b>EAST LOTHIAN</b>	
Social Work Contact Centre	Adult Social Work Services Team, John Muir House, Brewery Park, Haddington, EH41 3HA  <b>01875 824 309</b> <a href="mailto:communityaccess@eastlothian.gov.uk">communityaccess@eastlothian.gov.uk</a>
Emergency Social Work (out of hours)	<b>0800 731 6969</b>
<b>MIDLOTHIAN</b>	
Social Work	11 St Andrew Street, Dalkeith, EH22 1AL  <b>0131 271 3900</b> <a href="mailto:accdutyteamadmin@midlothian.gov.uk">accdutyteamadmin@midlothian.gov.uk</a>  <a href="#">Online Referral form</a>
Emergency Social Work (out of hours)	<b>0800 731 6969</b>
<b>EDINBURGH</b>	
Social Work	Social Care Direct 40 Captains Road, Edinburgh, EH17 8QF  <b>0131 200 2324</b> <a href="mailto:socialcaredirect@edinburgh.gov.uk">socialcaredirect@edinburgh.gov.uk</a>  <a href="#">Online Referral form</a>
Emergency Social Work (out of hours)	<b>0800 731 6969</b>
<b>WEST LOTHIAN</b>	
Social Work	Adult Social Care Enquiry Team Strathbrock Partnership Centre, 189A W Main St, Broxburn EH52 5LH  <b>01506 284848</b> <a href="mailto:adultsocialcare@westlothian.gov.uk">adultsocialcare@westlothian.gov.uk</a>  MS Word <a href="#">Referral form</a>
Social Care Emergency Team (out of hours)	<b>01506 281028/9</b>

**NB: Social Work contact details for other areas can be found on the website for the relevant Local Authority.**