



Beyond Limits Dumfries & Galloway provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits Dumfries & Galloway, to make good, safe decisions.

Beyond Limits Dumfries & Galloway expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of how we work and any associated policies which are particularly relevant will be directly referenced.

## Adult Support and Protection

This Adult Support and Protection Policy is an essential policy which must be read and signed by all employees. You will be required to do this during your probationary period and annually when this Policy is reviewed. There will be a copy of this policy kept at the home of the person you support and this is the copy that you must read, sign and date. The signing sheet is at the rear of this policy.

### Adult Support and Protection – what this means to Beyond Limits Dumfries & Galloway

The work of Beyond Limits Dumfries and Galloway is based upon a culture of trust and openness where people's rights, dignity and choices are upheld. We realise that at times an individual or individuals may act in a way that falls below the standards we set for our services and at times below that accepted by society in general. We do not condone this and will take every measure to avoid it occurring.

A significant part of our work involves supporting people who have been, or continue to be, devalued by other people or services they use. People who are devalued have less power and where an imbalance of power exists the risk of abuse is increased. Working in a way that reinforces or promotes this power imbalance in any way, constitutes abuse.

The structure and values of the organisation seek to support people to lead the life they choose while minimising their risk from harm. Beyond Limits Dumfries and Galloway's individually tailored services, recruitment procedure, including PVG membership through Disclosure Scotland Checks and Policies and Procedures all seek to promote this.

The purpose of this policy is for staff to understand what adult support and protection means within their role and what they must do, should they suspect the person supported is at risk. To reduce the risk of somebody being abused we should ensure that the person has the power to say "no". We may also need to provide information about what is acceptable behaviour and what is not. A person who has observed or experienced abuse in the past may view this behaviour as "normal". We may need to support this person to develop an understanding of what is ok and what is not.

Abuse is most likely to be carried out by somebody already known to the person rather than a stranger.

### Legislation

There is legislation in place to provide protection to people who may find it more difficult to stop harm happening to them, this includes people who may be more vulnerable because of disability or mental disorder (mental health difficulty). The Act refers to those people as 'people at risk of harm'.

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 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.

For the purposes of the Adult Support and Protection (Scotland) Act 2007 (“ASP Act”), an “adult” is a person aged 16 or over who meets the following criteria (known as “the three-point test”)

- 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

**3. Adult Support and Protection (Scotland) Act 2007** – The Adult Support and Protection (Scotland) Act 2007 (The Act) seeks to protect and benefit adults at risk of being harmed. The Act requires councils and a range of public bodies to work together to support and protect adults who are unable to safeguard themselves, their property or their rights.

The Act provides a range of measures which they can use. The public bodies are required to work together to take steps to decide whether someone is an adult at risk of harm, balancing the need to intervene with an adult’s right to live as independently as possible.

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.

## Harm

**If you are the person who witnesses, suspects or is made aware that someone is at risk of harm, you should:**

1. Check whether they are in immediate danger or in need of immediate assistance and you should contact the Police and/or appropriate emergency service.
2. If the person is not in immediate danger you should ask them to tell you what happened or raise your concerns if these are observed. It is important that you don’t probe with too many questions. You should listen to what they need to tell you encouraging and supporting as required. You also need to be aware that they may not want to discuss the issues or may minimise these. This does not affect your responsibility to report.



3. You should, if possible, let the person know that you need to tell someone else that you can get them help and ensure that the harm, mistreatment and or neglect is stopped. The person may not want you to report the issues but you need to explain that you have a duty of care to ensure they are safeguarded from harm. Again, if you are unable to have this conversation, this should not prevent you from reporting the concern. It is for specially trained professionals to determine what and if something needs to be followed up.
4. You should write down what you have heard or observed as soon as possible.
5. You should contact your immediate Line Manager to report the concern and, in their absence, you should contact another Manager within your service. If this is not possible for whatever reason you should ring the Contact Centre and tell them you need to report a concern about an adult. The Contact Centre will put you through to the Access Team who will take the details of your concern and liaise as required with the Multi-agency Safeguarding Hub (MASH).

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

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

It is recognised that harm may take many different forms and that each may be carried out as a result of deliberate intent, negligence or ignorance. The following information is only intended to act as a basic guide to help us understand what harm may mean.

Physical Harm - 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.

Inappropriate physical intervention may be defined as any method of responding to behaviour which is often described as 'challenging' that involves some degree of direct physical force to limit or restrict movement or mobility. This can include the use of barriers or materials or equipment which is used to restrict or prevent movement.

### Sexual Harm

Involving activity of a sexual nature where the adult at risk cannot or does not give consent, or was pressured into consenting to. For example:

- Incest
- Rape
- Acts of gross indecency
- Inappropriate touching or verbal or physical sexual harassment.

### Emotional/Psychological Harm

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, religion, gender, age or sexuality

### Financial or Material Harm

Involving the exploitation of resources and property belonging to the adult at risk. This includes pressure for the vulnerable person to allow people into their home, either explicit or implied. For example:

- Theft or fraud
- Misuse of money, property or resources without the informed consent of the adult at risk.
- Exploitation and pressure in connection with inheritance, property or financial transactions.

### **Neglect and acts of omission (which can be intentional or unintentional)**

By others charged with the care of the adult, including ignoring medical or physical care needs. For example:

#### **Intentional**

- Failure to provide access to appropriate health, social care or educational services.
- Withholding of the necessities of life such as nutrition, appropriate heating, etc.

#### **Unintentional**

- Occurs when a person unknowingly fails to provide the basic necessities of care/human rights.

**Discriminatory Harm** - For example, treating one person less favorably than another.

**Exploitation** - The deliberate targeting of vulnerable adults for personal benefit, examples might be sexual or financial exploitation.

**Information Abuse** - Deliberately giving untrue information or withholding information.

**Human Rights Abuse** - For example, deprivation of a right to a family life or to a fair hearing.

**Multiple Forms of Harm** - 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 local neighbourhood 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 close relationship committed either in the home or elsewhere”. In most cases this relationship will be between partners (married, cohabiting or otherwise) or ex-partners.

**Modern Slavery** – Modern slavery can take many forms including the trafficking of people, forced labour, servitude and slavery.

Any consent, victims have given to their treatment will be irrelevant where they have been coerced, deceived or paid to secure compliance. They need only have been recruited, transported, received

or harboured for the purpose of exploitation. The term modern slavery captures a whole range of types of exploitation, many of which occur together. These include but are not limited to:

- **Sexual exploitation:** This includes but is not limited to sexual exploitation and sexual abuse, forced prostitution and the abuse of children for the production of child abuse images/videos.
- **Domestic servitude:** This involves a victim being forced to work in usually private households, usually performing domestic chores and childcare duties. Their freedom may be restricted and they may work long hours often for little or no pay, often sleeping where they work.
- **Forced labour:** Victims may be forced to work long hours for little or no pay in poor conditions under verbal or physical threats of violence to them or their families. It can happen in various industries, including construction, manufacturing, laying driveways, hospitality, food packaging, agriculture, maritime and beauty (nail bars). Often victims are housing together in one dwelling.
- **Criminal exploitation:** This can be understood as the exploitation of a person to commit a crime, such as pick-pocketing, shoplifting, cannabis cultivation, drug trafficking and other similar activities that are subject to penalties and imply financial gain for the trafficker.
- **Other forms of exploitation:** Organ removal, forced begging, forced benefit fraud, forced marriage and illegal adoption.

## Extremism and Radicalisation

Radicalisation of adults with care and support needs is a form of emotional/psychological exploitation used to encourage extremism.

The aim of radicalization is to attract people to a particular extremist ideology. In many cases, it is with a view to inspiring them eventually to become involved with extremist, harmful or terrorist activities. As with other forms of grooming, radicalization is carried out over a period of time. It can take place in person through direct contact, or indirectly online.

If you are concerned that some we support is at risk of being groomed by extremists or radicalized and drawn into terrorism, you **must** treat it as any other adult support and protection concern.

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 ASP Act.

The ASP Act places a responsibility on those working with people who may be at risk from any type of harm to take action to prevent it continuing should they observe or be aware of it happening.

## How we will make the Policy work

We should be aware that as part of our role, we have a personal responsibility not to act in a manner that harms any of the people we support and to take action should we observe or be aware of an act of harm towards one of the people we support. Our policies and procedures describe the boundaries within which we do our job. Individual Service Designs and Working Policies relate our policies and procedures to each service. These tell us how to do our jobs safely and well.

Beyond Limits Dumfries and Galloway recognises however, that we cannot guarantee that the people we support will not come to harm either from staff within the organisation, professionals working with them or from members of the public.

Any of us who observe, are aware or suspect of an act of harm towards one of the people we support must report it to our line manager as soon as possible. If our line manager is not available, or not felt to be appropriate to speak to, we should contact the Registered Manager (Lea Graham). The Director for Beyond Limits may also be contacted (Doreen Kelly).

Under the Adult Support and Protection Act the organisation has a duty to inform certain external agencies in the event that an allegation of harm towards one of the people we support is raised. The funding Local Authority would be informed and if appropriate, the Police.

It is important for staff members to know should they feel that Beyond Limits Dumfries and Galloway are not managing the risks then they can make their own referral to the appropriate Local Authority and/or the Care Inspectorate. In the first instance any incident should be reported by the following contacts:

Adult Protection, 122/124 Irish Street, Dumfries, DG1 2PB

Office Hours - 030 33 33 3001

Out of Hours – 01387 273660

Email - [socialworkoutofhours@dumgal.gov.uk](mailto:socialworkoutofhours@dumgal.gov.uk).

Police non-emergency line for advice – 101

Police emergency line – 999 if there is an immediate risk

The Care Inspectorate can be contacted on Tel: 0345 600 9527 or via email [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

Beyond Limits Dumfries and Galloway may at times support people who pose a risk to others. How we support that person in a situation where others may be at risk will be agreed with the multi-disciplinary team and will be described in their Working Policy.

It is important that we all understand what constitutes harm for each person we support and our responsibility to act should we observe or be aware of any harmful act carried out by another person.



To help with this we should be aware of other pieces of legislation. Whilst we don't need to read and retain all the information, we should understand that we must work within the following:

- The Mental Capacity Act 2005
- The Mental Health Act 1998
- Adult Support & Protection (Scotland) Act 2007
- The Data Protection Act 1998
- Scottish Social Services Code of Conduct

Copies of the above legislation may be found at the websites below:

[www.gov.scot.uk](http://www.gov.scot.uk)  
[www.sssc.uk.com](http://www.sssc.uk.com)

## Training

An allegation of abuse can come to the notice of any member of staff at any time. All staff members will be made aware of the existence of this Adult Support and Protection Policy and Procedure and their responsibilities in relation to the Adult Protection process. This will be achieved by ensuring that all new staff receive ASP training as part of their induction and ongoing training within teams. Beyond Limits Dumfries and Galloway have access to Open Future Learning, an e-learning platform which hosts modules such as Abuse Prevention. In addition to the training provided by the Care Training Consortium, each member of staff must also complete this e-learning module.

## Confidentiality, 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.

Although it is recognised that a person'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. Where it is clear a crime has been committed, this must be reported to the Police.

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 as per the Local Authority might have to be involved.

If the person supported is profoundly deaf and requires the services of a sign language interpreter, one would be appointed. Other forms of assistance to communication should be utilised if the adult cannot communicate using speech.

If the person supported does not have English as a first language and requires the services of an interpreter, an interpreter from the Interpreting Service should be appointed. Using a member of the person's family as an interpreter should be avoided.

If the person supported has an advocate, we would involve them if deemed appropriate.

**If someone discloses to you, remember you are NOT investigating**

**DO:**

- ✓ Stay calm and try not to react in such a way as to cause anxiety to the individual, ie, shocked appalled, hesitant etc.
- ✓ Tell the person that they did the right thing in telling you and that you are treating the information seriously and it is not their fault.
- ✓ Listen very carefully.
- ✓ Be empathic.
- ✓ Be aware of the possibilities that medical evidence might be needed so be careful of clothing etc.
- ✓ Explain that you must tell your manager and with their consent, the manager will contact Social Services, health services and Police. The manager will, in specific circumstances, be required to contact Social Services without their consent but their wishes will be made clear throughout.
- ✓ If a referral is made but the person is reluctant to continue with the investigation, the manager will record this and notify the Adult Protection Co-ordinator so a discussion can take place about the best way to support the person.

**DO NOT:**

- ✗ Press the person for more details.
- ✗ Promise to keep secrets (you can never keep this kind of information confidential).
- ✗ Pass on the information to anyone other than a legitimate "need to know" ie your line manager.
- ✗ Contact the alleged abuser.
- ✗ Be judgemental eg "why did you let it happen".
- ✗ Gossip about the abuse.
- ✗ Stop the person as they are telling you what happened, they may never tell you again.

### **What YOU must do next:**

Tell your line manager immediately regardless of what the person says. If you are not able to tell your manager (if they are the potential perpetrator) contact the Director.

If you or the person disclosing are in a situation of immediate danger of violence or a threatening situation, or you suspect a recent sexual assault has taken place then phone the police on 999 or if the person is injured phone 999 and ask for an ambulance.

Note what the person actually said using their own words and phrases as soon as you can after they have finished telling you. Describe the situation in which the disclosure took place. Note the setting and anyone else who was there at the time. Where appropriate, use a body map to indicate the location of cuts, bruises and abrasions, noting in particular the colour of any bruising.

Make sure the information you write is factual. You may wish to indicate your own opinion or a third party's information. If so, make sure you are clear about the separation.

Use black pen so that the report can be clearly read.

Sign and date the report noting time and location.

### **Named Person**

Beyond Limits Dumfries and Galloway recognises that having a specific member of staff as a named person in respect of adult protection is good practice. We also recognise 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. The named person for Beyond Limits Dumfries and Galloway is the registered manager, Lea Graham.

**Contact Details:** Mobile 07850 796273

If unavailable, the second named person is Doreen Kelly, Director.

**Contact Details:** Mobile 07714 456403

All cases of suspected or alleged abuse must be treated seriously and the local Social Work Services Office should be contacted immediately. The concerns should be clearly stated including the basis for them. When the local office is closed the Emergency Social Work Service should be alerted (See Appendix A)

### **What Happens Next**

Once the referral has been received by Social Work, it is their duty 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 and in consultation with the Police if this is deemed appropriate.

The investigating offices may need to speak to the staff member with whom the concerns originated. Managers and staff of Beyond Limits Dumfries & Galloway will co-operate fully with any Police or Social Work Services enquiries, and managers will ensure staff are supported with this. The Line Manager will take advice from the investigating officer about the suitability of seeking an Advocacy Worker or an Appropriate Adult to work with the person supported.

The Care Inspectorate will be contacted by the Registered Manager or in their absence an appointed person to report incidents of abuse within the service.

### **Supporting the Adult at Risk of Harm**

It is important that all employees and those involved directly with the person supported seen to be at risk of harm, continue to work with the person in a 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 person supported 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 person from harm.

All staff involved will be offered support and counselling as appropriate.

Beyond Limits Dumfries and Galloway also set out the standards of how we work in this area and the following policies and procedures can be accessed via our website.

- Child Protection
- Health and Safety
- Equality and Diversity
- Whistle Blowing

## Appendix A

Registered Manager/Named Person: Lea Graham - 07850 796273

Director: Doreen Kelly - 07714 456403

Dumfries and Galloway Social Work Offices

Adult Support & Protection

122 – 124 Irish Street

Dumfries

DG1 2PB

Tel: 030 3333 3001

Emergency out of hours Tel: 01387 273600

Email: [AccessTeam@dumgal.gov.uk](mailto:AccessTeam@dumgal.gov.uk)

Website: [How to report a concern about an adult at risk of harm - Dumfries and Galloway Council \(dumgal.gov.uk\)](https://www.dumgal.gov.uk/how-to-report-a-concern-about-an-adult-at-risk-of-harm)

Care Inspectorate

Compass House

11 Riverside Drive

Dundee

DD1 4NY

Tel: 0345 6009527

Police Scotland Tel: 101 (non-emergency)

Scottish Services Council (SSSC)

Tel: 0345 6030891

[www.sssc.uk.com](https://www.sssc.uk.com)



By signing this form, you confirm that you have read, understood and agree to work to the Beyond Limits Dumfries & Galloway Adult Support & Protection Policy.

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