

Adult Support and Protection Policy

1. Introduction

- a. Edinburgh Women's Aid (EWA) aims to provide the best possible service to the women, children and young people we work with. We believe that service users have the right to live a life free from abuse or harm and are committed to providing services that empower service users.
- b. This policy defines Edinburgh Women's Aid's commitment to safeguarding vulnerable adults who use Edinburgh Women's Aid's service in line with the principles of The Protection of Vulnerable Groups (Scotland) Act 2007.

2. Policy Aims

This policy has been produced by Edinburgh Women's Aid to help encourage and maintain an environment where all women are valued, their right to safety is upheld and to ensure that the risk of their being harmed is minimised. Edinburgh Women's Aid Adult Support and Protection Policy aims to:

- a. Promote an understanding of vulnerability and abuse.
- b. Ensure that each worker is clear about their roles, responsibilities and accountability in relation to vulnerable adults
- c. Ensure that each worker is working in a way that reflects the values and aims of Edinburgh Women's Aid
- d. Ensure that each worker works consistently when acting on concerns relating to a vulnerable adult.
- e. Ensure that each worker works consistently when recording information relating to adult protection concerns.
- f. Ensure that each worker works in a consistent way with statutory organisations to protect vulnerable adults
- g. Ensure that Edinburgh Women's Aid complies with Edinburgh and Lothian Multi-Agency Adult Support and Protection Guidelines; Scottish Government Adult Support and Protection Code of Practice and the Edinburgh and Lothian Multi-agency Protocol for Victims of Human Trafficking
- h. Ensure that each worker works in a way to facilitates the empowerment of women.
- i. Enable employees to raise concerns about poor and dangerous practice (whistleblowing)
- j. Ensure Edinburgh Women's Aid provides workers with appropriate learning and development opportunities so that they are equipped to work in the area of adult support and protection.

2. Legislative and Regulatory Framework

- a. The Social Work (Scotland) Act 1968 and The NHS and Community Care Act 1990 gives the local authority legislative power to become responsible, in collaboration with other agencies, for the assessment of needs of an individual for whom they are likely to provide a community care service.

- b. The Adults with Incapacity (Scotland) Act 2000 defines adults who are ‘incapax’ (incapable of, making decisions, communicating decisions, understanding decisions).
- c. The Protection of Vulnerable Groups (Scotland) Act 2007 introduces a new scheme for Vetting and Barring disclosure checks to centralise and streamline the existing process.
- d. Adult Support and Protection (Scotland) Act 2007 and the 2022 code of practice establishes Statutory Adult Protection Committees, operating on a multi-agency basis.
- e. Care Inspectorate National Care Standards for Housing Support Services outline services’ responsibilities in relation to managing staff and Edinburgh Women’s Aid has adopted these standards to ensure that it is able to fulfil these requirements.
- f. SSSC Codes of Practice for Employers of Social Service Workers set out the responsibilities of employers in the regulation of social service workers. Edinburgh Women’s Aid fully recognises its responsibilities under the terms of the Code of Practice.

3. Definitions

- a. Definition of a vulnerable adult:
For the purposes of this policy a vulnerable adult is defined as a service user who is 18 years of age or over who is **‘unable to safeguard their own interests, who are at risk of harm and, because they are affected by disability, mental disorder, illness or physical or mental infirmity are more vulnerable to harm than those who are not so affected.’**
- b. Definition of risk of harm:
For the purposes of this policy the definition of harm in the Adult Support and Protection (Scotland) Act 2007 is used:
‘An adult is at risk of harm if another person’s conduct is causing (or is likely to cause) the adult harm; or the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.’
- c. Definition of abuse:
For the purposes of this policy abuse has been defined as: **‘the wrongful application of power by someone in a dominant position. Whether abuse occurs in institutions or in the home, it involves the elements of a power imbalance, exploitation and the absence of full consent. It also involves acts of omission and commission.’**

Abuse can be physical; sexual; psychological or emotional; financial or material; discriminatory; organisational, institutional or systemic; neglect or acts of omission.

4. Principles

Any action taken by Edinburgh Women’s Aid under this policy will provide benefit to the woman which could not reasonably be provided without intervention and will be least restrictive to the woman’s freedom.

Any action taken by Edinburgh Women’s Aid under this policy will have regard to:

- a. The wishes of the woman
- b. The importance of the woman’s participation as fully as possible
- c. That the woman is not treated less favourably than the way in which a person ‘not at risk’ would be treated without justification.
- d. The woman’s abilities, background and characteristics.

EWA notes that the principles of the Adult Support and Protection (Scotland) Act 2007 require that EWA also has regard to the views of others, including ‘the adult’s

nearest relative...and any other person who has an interest in the adult's wellbeing or property'. Given the nature of EWA services are to provide support to women and children who have experienced abuse from a partner or ex-partner, EWA will exercise extreme caution in implementing this requirement and will ensure that information regarding risk from person's identified in the legislation is communicated appropriately.

5. Equalities

The application of the Adult Support and Protection policy and procedures will be in accordance with the Equality and Diversity policy, noting in particular the requirement in this policy to pay regard to protected characteristics when taking any action in regard to ASP.

6. Whistleblowing

Under certain circumstances, staff are protected from suffering any detriment or termination of employment if they make disclosures about Edinburgh Women's Aid. The circumstances and details of how to make disclosures are included in our Whistleblowing Policy, which is in the staff handbook. The Whistleblowing Policy can be used when it is not possible to use the normal routes for adult support and protection concerns to be raised.

7. Service user / related individuals/ other agency concerns

Any service user raising a concern in relation to their own adult support and protection should be taken seriously. Women should be supported to make their own referrals through the adult support and protection route if possible. If it is not possible for them to do so, EWA can make a third-party report on their behalf, this should be done as far as possible in conjunction with the women.

All service users on entry to service should be directed to our complaints policy. Any service user, related individual or other agency raising a concern about EWA practice in relation to vulnerable adults should be provided with our complaints policy and supported to use this.

EWA complaints policy contains details of the regulatory agencies that govern EWA and information on how to raise concerns with them as an alternative to making a complaint and potential complainants should be directed to this section of the policy.

8. Responsibilities

a. Edinburgh Women's Aid Adult Support and Protection Lead

Edinburgh Women's Aid CEO is the Adult Support and Protection Lead. In her absence the Deputy CEO is the Adult Support and Protection Lead.

The adult support and protection lead is responsible for:

- i. Acting as the main point of contact within the organisation for adult support and protection.
- ii. Ensuring that they and all members of EWA staff have completed essential adult support and protection training and refreshing training in line with any updates.
- iii. Ensuring that EWA maintains safe recruitment procedures for new staff members as well as their induction.
- iv. Ensuring that all staff are supported to carry out their roles in regard to adult support and protection.
- v. Authorising, or delegating clearly the authorisation for adult support and protection referrals.
- vi. Ensuring that EWA logs and stored securely any concerns and notifying regulatory bodies.

- vii. Ensuring that EWA's Adult Support and Protection Policy and related guidance and procedures are followed and regularly updated.
- viii. Ensuring that any allegations against staff are investigated through the organisation's capability or disciplinary procedures and properly reported to the relevant statutory agencies.

b. Edinburgh Women's Aid is responsible for:

- i. Promoting and implementing appropriate procedures to safeguard and protect vulnerable adults
- ii. Recruiting, training, supporting and supervising staff to safeguard and protect vulnerable adults from abuse and minimise risk or harm
- iii. Ensuring employees are aware of and work within the Adult Support and Protection policy and procedure, the relevant code of practice and the multi-agency guidelines.
- iv. Being aware of current developments and understanding information about data protection, confidentiality and other legal issues that impact vulnerable adults
- v. Ensuring that appropriate records are kept of any alleged or actual abuse

c. All Edinburgh Women's Aid Staff are responsible for:

- i. Following the EWA code of conduct in regards to expectations of acceptable behaviour towards women using EWA services.
- ii. Recognising and being alert to the signs that a vulnerable adult may need protection
- iii. Taking appropriate actions to protect vulnerable adults who are at risk as per the procedure below.
- iv. Being aware of current developments and understanding information about data protection, confidentiality, and other legal issues that impact on vulnerable adults
- v. Working within Edinburgh Women's Aid's policy and procedures, relevant code of practice and the local authority Adult Support and Protection multi-agency guidelines
- vi. Attending appropriate training in relation to Adult Support and Protection
- vii. Recording any incident or alleged incident of abuse

9. Confidentiality in Adult Support and Protection

The Staff Code of Conduct and our Data Protection Policy outline Edinburgh Women's Aid's approach to confidentiality. Service users will be provided with information about our approach to privacy and confidentiality and the limits of confidentiality when they start to use the service.

10. Procedure

Where workers have concerns in relation to adult support and protection, they will act in accordance with the adult support and protection procedure (appendix 1) which may mean that confidentiality between the service user and the organisation is not maintained.

Every effort to discuss concerns with the service user involved will be made, this will include actions that they propose to take and an attempt to seek the service user views on this. However, consent to share will not be sought where there it is believed that there is significant risk.

There may be instances where this is not feasible or where failure to act could create further endangerment. In all cases the principles in section 4 of this policy will be applied in decision making. Where there is a decision to report, workers should not

delay in order to discuss with the service user. Where a service user is in immediate danger, the police should be called on 999.
Where a worker assesses that it is necessary to disclose information without consent, the following steps will be taken.

11. Breach of Policy

Workers who do not comply with or fail to implement the Adult Protection Policy will be subject to disciplinary procedures in line with the Disciplinary Policy. Breaches of this policy will be reported to the SSSC and may impact on individual's registration with SSSC and on their future employment in Social Care. Breach of the Adult Protection Policy is considered to be an offence which will normally be regarded as gross misconduct.

12. Information and Training

Edinburgh Women's Aid will:

- a. Ensure all employees have access to a copy of the Adult Support and Protection policy and procedure, code of practice and the local authority multi-agency guidelines.
- b. Ensure all members of staff understand the Adult Support and Protection policy and procedure and the APC multi-agency guidelines
- c. Identify any training requirements for workers required to manage the vulnerable adults policy and procedure

13. Adult Protection Committee Multi-agency guidelines

Edinburgh Women's Aid will ensure that they provide staff with the copy of the Adult protection Committee Guidelines to support a multi-agency approach to Adult Support and Protection.

14. Confidentiality and Adult Support and Protection

- a. The Code of Conduct and the Data Protection Policy outline Edinburgh Women's Aid approach to confidentiality. Service users will be provided with information about their rights under these policies and the limits of confidentiality when they start to use the service.
- b. Where Edinburgh Women's Aid workers have concerns in relation to the protection of a vulnerable adult, they will act in accordance with their Adult Support and Protection policy and procedures. This may mean that confidentiality between the service user and worker will not be maintained.
- c. We will make every effort to discuss concerns relating to a vulnerable adult and the actions that they plan to take with the service user/s involved and seek the service user's consent about disclosing information before instigating any Adult Support and Protection procedures. However, there may be instances where this is not feasible or where failure to act immediately could further endanger a vulnerable adult.
- d. In instances where the decision has been made to instigate adult protection procedures and share information, staff will ensure that only relevant information to the situation is disclosed, avoiding for example unnecessarily 'outing' an LGBT+ person.

15. Policy Review

Edinburgh Women's Aid will monitor and review this policy annually and when there are relevant changes in legislation or circumstances. Feedback on the workability of otherwise of this policy is welcomed, comments should be made in writing to the CEO, Edinburgh Women's Aid.

Appendix 1: Edinburgh Women's Aid Adult Support and Protection Procedure

Acting on protection concerns

If a worker believes a vulnerable adult's safety is at risk they should follow the flow chart of actions in Appendix 1.

Where there is a concern or an allegation of abuse of a vulnerable adult and the vulnerable adult does not want any action taken and is capable of making this decision Edinburgh Women's Aid will respect the vulnerable adult's wishes unless:

- there is another person at risk, for example, a child protection issue
- a criminal offence has been committed

In the above circumstances Edinburgh Women's Aid will not seek the consent of the vulnerable adult to contact the police or Social Work Department. We will continue to support the vulnerable adult during this process if they wish.

If the vulnerable adult is lacking the capacity to make a decision we will assess the situation and if required contact the police or the Social Work Department.

Allegations of Abuse against a Staff Member

Edinburgh Women's Aid will conduct a full investigation where there is a concern or an allegation of abuse of a vulnerable adult relating to a member of staff. We will ensure that there is no contact between the vulnerable adult and the staff member during the investigation. We will also consider whether the staff member should be suspended for the duration of the investigation.

Any member of staff who is found to have abused a vulnerable adult will be dealt with under the disciplinary policy and the SSSC will be notified.

Allegations of Abuse against a Service User

Where there is a concern or an allegation of abuse of a vulnerable adult relating to another service user Edinburgh Women's Aid will utilise the service user risk assessment and management policy and procedure to identify an appropriate course of action to ensure the safety and well-being of both parties. If the service user and vulnerable adult share accommodation, this may include moving one person to alternative, safe accommodation. Edinburgh Women's Aid will support the service user concerned without prejudice, upholding their rights and dignity at all times.

Recording

All concerns/incidents relating to vulnerable adults will be recorded, this will include:

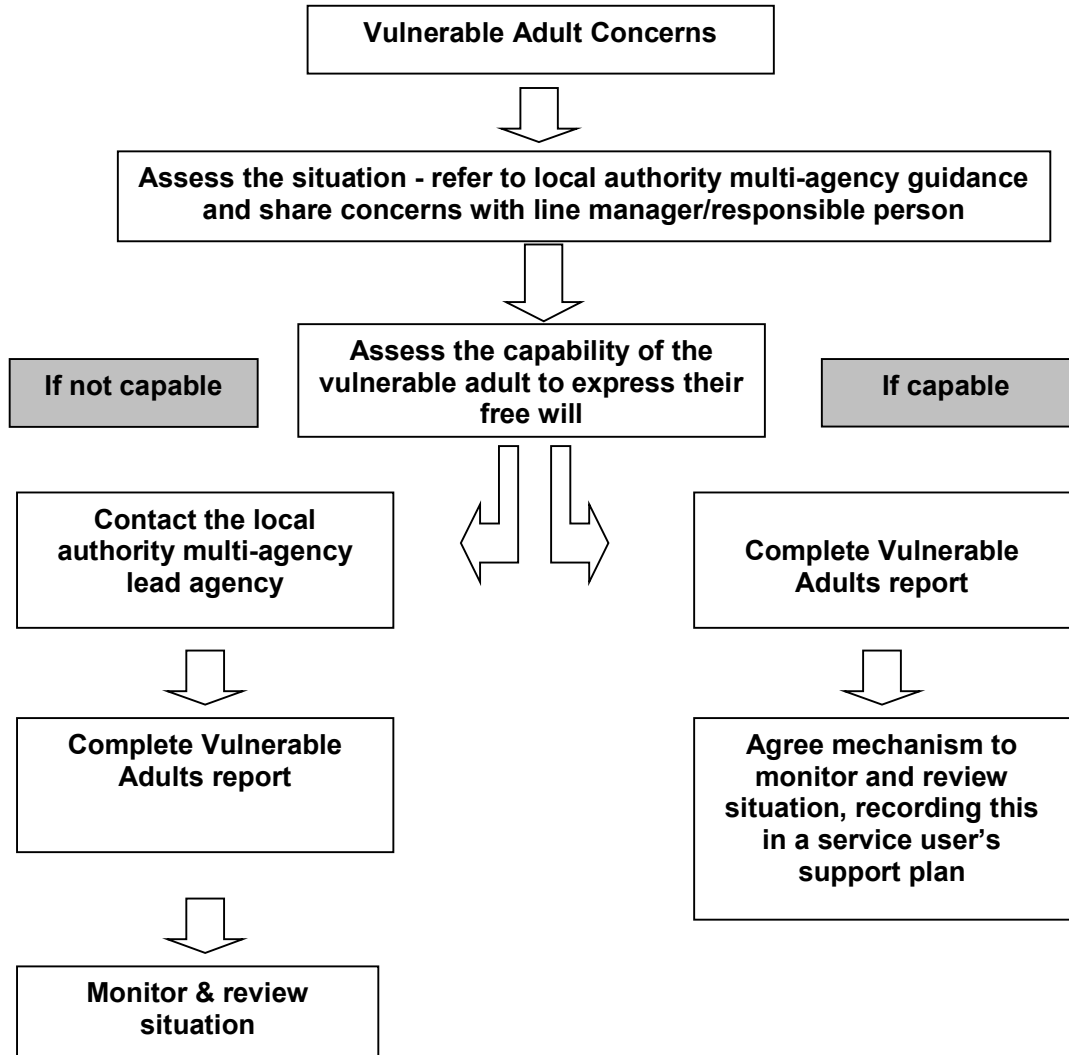
- who assessed the vulnerable adults capacity to make decisions
- whether any action was taken
- the reasons for the action taken
- the reasons why no action was taken
- the outcome of the action taken

A sample recording form is attached in appendix 1.

The registered manager of Edinburgh Women's Aid Housing Support Service is responsible for reporting ASP referrals to the Care Inspectorate.

Edinburgh Women's Aid Adult Support and Protection Procedure

Appendix 2: Acting on protection concerns



Every effort will be made to involve the vulnerable adult in any ASP actions that Edinburgh Women's Aid plan to take, however, there may be instances where this is not feasible (for example where this would put them at additional risk or if there is not time).

Appendix 3

Protection of Vulnerable Adult Incident Recording Form

Details of person making report

Name:

Job title:

Telephone number:

Details of the vulnerable adult

Name:

Date of birth:

Address:

Telephone number:

Name of carer (if applicable):

Date of birth of carer (if applicable):

Address of carer (if applicable):

If reporting a concern/incident on behalf of someone, please provide details of that person

Name:

Date of birth:

Address:

Telephone number:

Date when they raised concern(s):

Details of concern/incident

Date of when concern/incident arose:

Time:

Place:

Names and addresses of other people who may have information about the concern/incident:

Details of concern/incident cont.

Describe in detail the nature of the concern(s)/incident:

Was the vulnerable adult asked about the concern/incident: Yes / No

If yes, what exactly did the vulnerable adult say (please include any questions that were asked to clarify the situation)

Was the vulnerable adult assessed as being capable of expressing their free will? Yes/No

Details of who made the assessment.

Name:

Job Title;

Other information

Please give details of any other information that may be relevant:

Action taken

Details of actions that []Women's Aid has taken:

Reasons why these actions were taken:

Were statutory organisations contacted? Yes / No

Details of statutory organisations contacted:

Social Work Department:

Name:

Contact telephone number:

Advice received:

Police station:

Name:

Contact telephone number:

Advice received

If statutory organisations were not contacted, please detail the reason(s):

Author of the report		Line Manager/ Responsible Person	
Signature		Signature	
Print name		Print name	
Date		Date	

A copy of this report should be kept in the service user's file.

If the vulnerable adult concern has been reported to a statutory organisation, a copy of this report must be provided to them within 24hours of reporting the incident

Appendix 4 Vulnerable Adult Protection Considerations

Things to consider if there are concerns about the safety of a vulnerable adult:

Do I have enough information?

- What exactly do I know?
- Has the vulnerable adult been injured?
- Where is the vulnerable adult?
- Who will they have contact with?
- Are these immediate risks?

How can I make the immediate situation safe?

- What can I do to make the vulnerable adult safe now?
- What would happen if I did nothing?
- Will this intervention make the vulnerable adult safer after I leave?
- How can I guarantee my own safety?

What do I need to do to comply with the ADULT SUPPORT AND PROTECTION multi-agency guidelines?

- Do I need to report the incident to the police or social work?
- How do I do this?
- Who do I need to tell?

How will I follow up?

- How will I make sure something has happened / will happen to change the situation?
- How can I make sure the situation has improved?
- How can I make sure that the vulnerable adult is safer in the future?