



Scottish Youth Parliament

Vulnerable Adult Guidelines & Procedures

February 2022

## **Acknowledgements**

These Guidelines have been written by Dr Susan Hamilton, Child Protection Consultant, in consultation with Jamie Dunlop, Deputy Chief Executive of the Scottish Youth Parliament. In addition, the following local authorities' guidelines have been utilised: 'ELBEG, Adult Support and Protection: Ensuring Rights and Preventing Harm 2009' and 'Fife Inter-agency Adult Support Protection Guidance 2019.'

## **Foreword**

Adult Support and Protection is everyone's business. All adults at risk should feel safe, supported and protected from harm. All individuals and services have a contribution to make in supporting and protecting adults at risk of harm. This Guidance should inform the action staff should take if they have cause for concern about a vulnerable adult.

## **Our Vision**

SYP is the democratic voice of Scotland's young people. Our vision for Scotland is of a nation that actively listens to and values the meaningful participation of its young people. Our goal is to make this vision a reality, in order to ensure young people in Scotland grow up loved, safe and respected, and able to realise their full potential.

## **Our Mission**

SYP's mission is to provide a national platform for young people to discuss the issues that are important to them, and campaign for changes to the nation that they live in. We support our members in their work by training them, supporting their personal development and empowering them, using a youth work ethos.

MSYPs listen to and recognise the issues that are most important to young people in every community across the country and ensure that decision-makers listen to their voices.

## **Our Values**

**Democracy** - We are youth-led and accountable to young people aged 14 to 25. Our democratic structure and the scale of our engagement across Scotland gives us a mandate that sets us apart from other organisations.

**Rights** - We are a rights-based organisation. We are passionate about making young people aware of their rights, and ensuring that local and national governments uphold their rights.

**Inclusion and Diversity** - We are committed to being truly inclusive and work tirelessly to ensure policymakers and politicians hear the voices of young people from every community and background in Scotland.

Political Impartiality - We are independent from all political parties. By working with all stakeholders, groups, and individuals who share our values, we deliver the policies that are most important to young people.

These procedures provide clear guidance for staff on what they should do if they have concerns about a child's or young person who may be at risk of harm or being abused.

These procedures do not stand alone and should be read in conjunction with the relevant local authority's Inter-agency Adult Support and Protection Guidance.

This Policy and associated procedures provide clear guidance for staff, volunteers and students on placement and on what they should do if they have concerns that an adult may be at risk of harm or abuse or being abused.

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## **1. INTRODUCTION**

### **1.1 The Context**

The majority of adults who are affected by disability, mental disorder, illness, physical or mental infirmity live their lives either independently or with the help of relatives, friends, neighbours, professional help or volunteers. The development of services for vulnerable adults has created a more enlightened and empowering climate which offers people independence, choice and participation in making decisions about their own lives. This has resulted in increasing dependency on unpaid carers and an expansion of paid carers in the workforce. However, some adults affected by the aforementioned disabilities are unable to protect themselves. Over recent years, increased media cover of individual incidents and public enquiries dealing with instances of abuse and harm has led to growing concern among the public.

The Adult Support and Protection Committees (ASPCs) are statutory bodies established under section 42 of the Adult Support and Protection (Scotland) Act 2007 within each council area. The committee is chaired by an independent convenor who is neither a member nor an employee of the council. The ASPC is made up of senior representatives of key agencies who work together to effectively discharge its obligations in respect of policy and practice in adult support and protection matters. The aforementioned Act as well as the Protection of Vulnerable Groups (Scotland) Act 2007 complement and improve other legislation designed to protect vulnerable adults. The ASPC is the primary strategic planning mechanism for inter-agency adult support and protection work

The Scottish Youth Parliament (hereafter referred to as 'SYP') recognises its responsibilities to protect adults at risk of harm or abuse or who have been abused. These guidelines and procedures outline what staff should do in such circumstances.

### **1.2 Principles: Adult Support and Protection (Scotland) Act 2007**

The principles underpinning the 2007 Act are:

- The intervention must benefit the adult.
- All actions should be supportive and the least restrictive.
- Any interventions must have regard to:
  - the wishes of the adult and relevant others;
  - providing information and support to enable the adult to participate in the process;
  - the adult's abilities, background and characteristics; and
  - not treat the adult less favourably than any other person in a comparable situation.

### **1.3 Who is an Adult at Risk of Harm?**

An adult at risk of harm is any person aged 16 years or over who:

- is unable to safeguard their own wellbeing, property, rights or other interests;
- is at risk of harm; and
- because they are affected by disability, mental disorder, illness, physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

The presence of a particular condition may not mean an adult is an ‘adult at risk’. Someone can have a disability but be able to safeguard their well-being, property, rights or other interests. All three elements of the above definition must be met for an adult to be considered ‘at risk’ under the Act.

#### **1.4 Who is at Risk of Harm?**

An adult is at risk of harm if:

- Another person’s conduct is causing (or is likely to cause) the adult to be harmed; or
- The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

#### **1.5 What is Harm?**

Harm includes all harmful conduct and in particular:

- conduct which causes physical harm;
- conduct which causes psychological harm (e.g. by causing fear, alarm or distress);
- conduct which causes sexual harm;
- financial harm - unlawful conduct - appropriation of property, rights or interests e.g. theft, fraud, embezzlement or extortion;
- neglect;
- self-harm (including self-neglect, self-poisoning and self-injury).

Harm also includes all harmful conduct, whether deliberate or unintentional. Harmful conduct also includes acts of omission, for example neglect or harm as a consequence of the individual’s own behaviour (self-harm). For more information on patterns of harm see Appendix 1.

The Code of Practice on the Adult Support and Protection (Scotland) Act 2007 provides useful guidance when considering self-harm linked to alcohol or substance use:

‘Vulnerability or a lack of ability to safeguard, which is due to temporary problematic alcohol or drug use, would not by itself result in an individual being considered an “adult at risk”. Adults have the right to make choices and decisions about their lives, including the use of alcohol and drugs, even if that means they choose to remain in situations or indulge in behaviour which others consider

inappropriate. Without any additional vulnerability, such as an illness or disability etc Adult Protection intervention would not normally be appropriate.’

### **Who May Cause Harm?**

Harm of adults at risk may be caused by anyone: relatives and family members, volunteers, professional staff, paid carers, friends and acquaintances, other service users, neighbours, and more rarely strangers and those who deliberately exploit adults at risk. Evidence and research suggest that in most cases the adult will know the person who causes them harm.

Harm may also be caused by the adult at risk own actions including self-harm, self-neglect, self-injury and self-poisoning, where linked to an additional vulnerability may be the focus of support and protective measures.

## **THE PROCEDURE**

### **2.1 Introduction**

All adults at risk are individuals in their own right and if they are able/are assessed as having capacity must be allowed to exercise their right to choose the way in which they want to live their lives. This can mean that some people may choose to remain in a situation which others may consider to be inappropriate or harmful. However, adults at risk also have a right to be protected. The assessment of an adult’s capacity is the responsibility of trained health and social work staff.

### **2.1 Responding to Concerns of Harm**

There is a legal duty for statutory agencies listed in the Adult Support and Protection (Scotland) Act 2007 Act to report to the social work service the circumstances where it is known or believed that an adult is at risk of harm. There is a duty on everyone else working with vulnerable adults to also report. The support and the protection of vulnerable adults is complex so if staff are unclear as to the level of their concern, they should seek advice from Social Work Service in the area where the adult resides. Most local authorities also have an Adult Protection Phone line.

Where such a concern comes to the attention of SYP staff, it is important that staff listen carefully and sympathetically, treat the matter seriously and as soon as is practically possible on the day, record, sign and date the information on the Report of Harm Referral Form (Appendix 2). They should also explain to the person that they cannot give a guarantee of confidentiality and should apply the 4Rs:

1. Recognise that a concern is being raised.
2. Respond to the person expressing the concern by explaining what you are going to do about it.
3. Report the concern to the Child Protection Coordinator/CEO if the former is not available. If the latter is the recipient of the concern they should report the concern to Social Work or the Police (see Adult Protection Reporting Protocol).
4. Record in detail on the Report of Harm Referral Form (Appendix 2). Actual

words used should be quoted where possible. Where this is done in person, record the behaviour and demeanour of the person expressing the concerns.

It is good practice, wherever possible, to inform the adult of the referral, taking care to emphasise why you are concerned and why you need to seek additional support and/or protection. If you are unable to inform them of the referral, you should note specific issues such as capacity, third party information, increased risk to the adult or whether the perpetrator is present along with other details on the Report of Harm Referral Form (Appendix 2). Record and retain a copy for your records.

## **2.2 Reporting Concerns of Harm**

It is the responsibility of the relevant Council's Social Work Services to ensure that allegations concerning adult protection are investigated. Where it is known or suspected that an adult is at risk of harm and that intervention may be necessary to protect the adult, then the following action must be taken as detailed on the Adult Protection Reporting Protocol which follows:

### **Emergency response required**

In the case of an emergency, where urgent circumstances require immediate action and it is believed a crime, has been committed, the police should be called. Urgent circumstances could include, for example, the immediate avoidance of further harm, the avoidance of the destruction of evidence, or the need for an immediate place of safety for an adult at risk of harm. The CPC/CEO should be informed and the Report of Harm Referral Form (Appendix 2) should follow and be completed by the member of staff ~~and sent by~~ faxed to the Social Work Office and Police where the adult resides. A copy should be retained.

Any member of staff who witnesses, suspects or receives information about an adult at risk being subject to harm, mistreatment or neglect, and where the adult is in immediate danger, requires urgent medical attention or crime is suspected, must call the appropriate emergency services (police, ambulance, fire service) and inform the CPC/CEO and complete the Report of Harm Referral Form (Appendix 2) and faxed to the Social Work Office and Police where the adult resides. A copy should be retained.

### **Emergency response not required**

If the adult does not require urgent medical attention but you suspect or have witnessed harm, mistreatment or neglect, speak to the person about the harm you are concerned about. Record your conversation carefully and try to write down the person's actual words in relation to their description of the event(s) and their feelings about the outcome. Include the time and date that the record was made. Tell the person that you are going to report the details to your CPC/CEO and the



social work service. The Report of Harm Referral Form (Appendix 2) should be passed without delay to both your CPC and emailed to the social work service where the adult lives.

### **Whistle blowing/raising concerns**

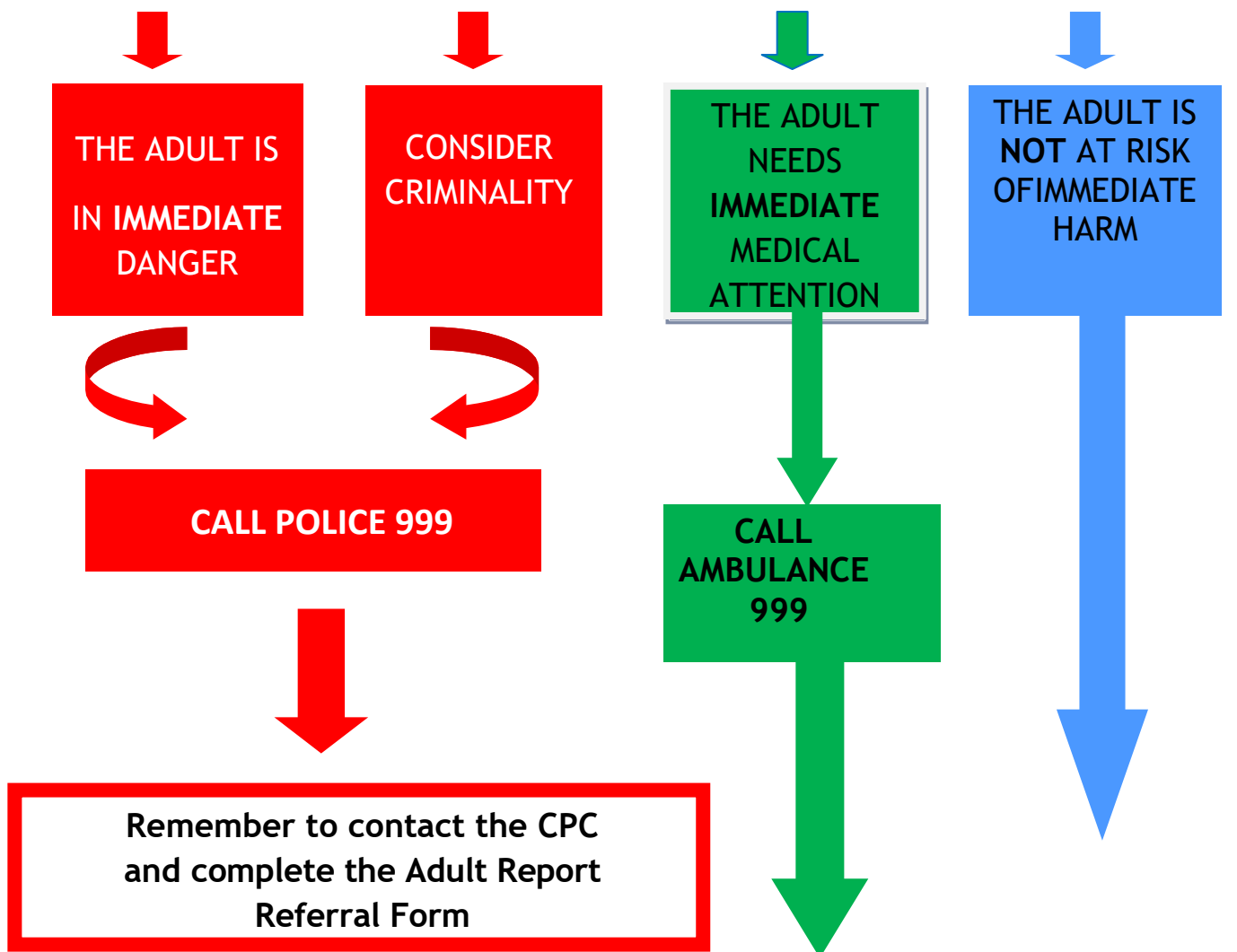
The SYP has in place a Whistle blowing policy, Staff who raise concerns reasonably, responsibly and in good faith will not be penalised or victimised in any way.

The responsibility of initiating an enquiry into allegations of harm of an adult at risk of harm rests with the Social Work Locality Team for the area the adult resides.

**ADULT PROTECTION REPORTING HARM PROTOCOL**

If you suspect an adult is being harmed  
If you have seen an adult being harmed or  
Someone tells you an adult is being harmed  
An adult has told you they are being harmed

**REPORT TO YOUR CHILD PROTECTION COORDINATOR OR CEO**



**Remember to contact the CPC and complete the Adult Report Referral Form**

Immediately call Social Work Contact Centre in the area where the adult resides or contact allocated social worker (if known). You have a duty to report harm, even if the adult does not want you to. It is good practice to inform the adult that you are reporting harm.

The following are forms of harm. This list is not conclusive. It may involve any combination of those listed below.

### Physical Harm

This involves physical contact intended to cause:

- Pain
- Injury - burns; fractures
- Intimidation
- Other physical suffering
- Gender-based violence e.g. domestic abuse; female genital mutilation forced marriage, honour based violence
- Sexual Harm

This includes behaviour such as:

- Rape
- Sexual Assault
- Sexual acts to which the adult at risk has not fully consented to, could not consent or was pressurised into consenting
- Intimidation of a sexual nature e.g. harassment, stalking
- Human Trafficking
- Psychological Harm

This can be described as exposing someone to behaviour that is psychologically harmful or inflicting mental distress by threat, humiliation or other verbal/nonverbal contact

- Threats of harm or abandonment
- Deprivation of contact
- Humiliation
- Blaming
- Controlling
- Intimidation
- Coercion
- Harassment
- Verbal Abuse
- Neglect
- Isolation or withdrawal from services or support networks
- Discrimination

- Harm through Neglect and Acts of Omission
- Denial of Human Rights
- Failure to meet appropriately and adequately an individual's medical, physical, psychological and/or emotional care needs when expected to.
- Failure to provide access to appropriate health, social care or educational services
- The withholding of the necessities of life such as medication, adequate nutrition or heating
- An individual's conduct which causes neglect
- Self harm
- Institutional harm
- Harm caused by Financial, Material or Property Abuse
- Theft
- Fraud
- Exploitation
- Pressure in connection with property inheritance, financial transactions
- The misuse or misappropriation of property, possessions or benefits

Is the adult in immediate danger?  
or  
In need of immediate medical attention?  
Call 999 immediately and complete the form later

- If the adult is NOT in immediate danger:
- Call Social Work Services in the area where the adult resides.
  - Complete what you can in this form and email or fax it to the Social Work Services.

This form should be completed by anyone in SYP to refer an adult at risk of harm

- Complete as much as you know.
- Do not delay reporting harm, even if you do not have access to all information.
- The field boxes will expand as required.

The Adult Support and Protection (Scotland) Act 2007 defines “adults at risk” as individuals, aged 16 years or over, who:

- Are unable to safeguard their own wellbeing, property, rights or other interests, and
- 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 others who are not so affected.

REFERRED BY	
Name and job title	
Scottish Youth Parliament	
Contact details	
Address:	
Tel No:	
E-mail address:	
Date CPC/CEO notified:	

Record details of the discussion with Social Work Services/Police.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Agency: \_\_\_\_\_ Location: \_\_\_\_\_

Name of contact: \_\_\_\_\_ Tel No: \_\_\_\_\_

Details of discussion:

Outcome of discussion:

Details of Adult at Risk (Complete as much as you know)

Name & Address	Tel No.	D.O.B.	Gender	Ethnicity	Known Disability	Religion	Language

Do you believe the adult at risk is capable of understanding what has happened to them? (You may need to use your own judgement to answer this.)

YES       NO       UNSURE

Tick appropriate box

Details of Nearest Relative/Next of Kin (Complete as much as you know)

Name & Address	Tel. No.	DOB	Gender	Relationship to adult at risk

Name and contact details of any other persons involved (where known)

(Complete as much as you know)

GP			Community Nurse		
Social Worker			Housing Support Worker		
Residential Care Worker			Police		
Welfare Attorney/Guardian			Other		

Type of harm you are concerned about Put an X in relevant box(es)

Financial		Self-injury	
Neglect		Self-neglect	
Physical		Self-poisoning (including overdose)	
Psychological/emotional		Sexual	
Radicalisation/Extremism			

Details of other adults/children in the setting There may be others at risk so supply as much information as you can. If you have concerns about others, this will require reporting/action too.

Full name	Address	DOB	Gender	Ethnicity	Relationship to adult at risk

Details of person(s) alleged to be causing harm (where known) Give as much information as you can.

Name	Address	Tel. No.	DOB	Gender	Ethnicity	Nature of relationship to adult

**What action, other than this referral, have you taken to ensure the adult at risk is now safe? Indicate what you have done to reduce the risk and to safeguard the adult**

**Details of person(s) alleged to be causing harm (where known) Give as much information as you can.**

Name	Address	Tel. No.	DOB	Gender	Ethnicity	Nature of relationship to adult

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Designation:

Signed: \_\_\_\_\_