



Colgrain Primary School & Pre-5 Unit
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Last Updated: August 2024
Chelsey Dolan

Adult and Vulnerable Groups Protection Policy

This policy is underpinned by the UNCRC and Health and Social care Standards as reflected below.

Articles of the UNCRC (the UN Convention on the Rights of the Child)	
Article 3	The best interests of the child must be a top priority in all decisions and actions that affect children.
Article 2	(non-discrimination) The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.
Article 5	(parental guidance and a child's evolving capacities) Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.
Article 12	(respect for the views of the child) Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.
Article 23	(children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.
Article 24	(health and health services) Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.

Aim



Our aim is to protect all users of our service from abuse and exploitation; children, adults and vulnerable groups. We will respond appropriately when abuse is identified and ensure that wherever possible all stakeholders are fully aware of their right to be part of a safe environment. Colgrain Pre-5 Unit staff aim to work in partnership with other services and parents and carers to achieve this. This policy should be read in conjunction with Argyll and Bute Council's Multi-Agency Adult Protection Procedures. This is in accordance with revised code of practice in May 2017.

Introduction

The protection of adults at risk of harm is not an option but a responsibility across agencies. The expectation for all 'at risk' adults in our communities is that they are empowered, through support from the public services including social services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as their personal circumstances may permit.

Objectives

- To be clear of the roles and responsibilities in adult and vulnerable groups protection of all employees.
- To respond positively and effectively to protect children and vulnerable adults from abuse.
- To co-operate and collaborate with other relevant agencies.
- To continually develop an ethos which promotes the health and welfare of all stakeholders.
- To appreciate all stakeholders' religious beliefs, racial origin and culture and linguistic backgrounds as well as those who may require extra support.
- To provide guidance and support when carrying out all responsibilities and procedures for staff, children and their families.

Legislation

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

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 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. This Act also brought about the creation of Adult Protection Committees in every local authority area. It is the responsibility of adult protection agencies such as Social 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.

It is, however, everyone's responsibility to report concerns regarding any adult who is, or who appears to be at risk of harm, to Social Services. If you are concerned that a vulnerable adult is at risk of exposure to criminal activity such as fraud then the Police must be notified as well as Social Services. However, in order to avoid confusion and to have clear lines of accountability, staff should report concerns directly to their line manager/named person in the first instance. For the purposes of the **Adult Support & Protection (Scotland) Act 2007** ("ASP Act"), an "adult" is a person aged 16 or over. However, if the adult concerned is 16 or 17 years of age, it is possible that s/he is already subject to a Supervision Order or other Order under the **Children (Scotland) Act, 1995**, or other social work or childcare legislation. If staff know that such an Order is in place in respect of that person, they should include that information in their report to their line manager/named person. It is the responsibility of Social Services to carry out any investigations about anyone who may be subject to such an Order. 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.

It is important to stress that all three elements of this definition must be met. The presence of a particular condition does not automatically mean an adult is an 'adult at risk'. Someone could have a disability but be able to safeguard their well-being etc.

The Adult Support and Protection (Scotland) Act 2007 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.

Factors which may indicate harmful behaviour towards an adult at risk. These can include one or a combination of the following actions. The following indicators must, however, be used only as 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 abuse 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. Staff will be aware that adults using the Nursery's services might have come to the Nursery because they have been subject to harm either in their own home, in the community or having been abused by a relative, friend or acquaintance. Alternatively, adults might be at risk of harm after they start using the Nursery's services, for example from someone who is not a service user coming into the service from outside, or another service user or a member of staff. On some occasions the perpetrator of the abuse might be at risk of abuse themselves; such as a service user who regularly becomes inebriated and puts other service users or members of staff into a state of fear. All parties involved can be considered as being potentially at risk, however the person behaving abusively can also be treated as an adult at risk. Where the perpetrator of abuse is a member of staff an internal investigation will not take precedence over reporting concerns to allow an investigation by Social Services and/or Police. Accidents and incidents within the Nursery will be recorded. Notification and recording of these will include analysis to identify any patterns of incidence.

Definitions

Adults at risk: The Adult Support and Protection (Scotland) Act 2007 defines an **adult at risk** as any person aged 16 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 a disability, mental disorder, illness or physical or mental infirmity, are more at risk of being harmed than adults who are not so affected.

If an adult has any particular condition, it does not automatically mean that they are an 'adult at risk'. A person could have a disability, physical and/or mental health problems and be able to safeguard his/her own wellbeing. It is the set of circumstances which can combine to make the individual more at risk of harm than others – this will be different from person to person.

An adult is at risk of harm if/when:

- another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- the adult themselves is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm, where this is a new behaviour and which may be an indicator of other forms of harm conducted by another.

Harm: For the purposes of this policy and to ensure compliance with related legislation and regulations, our definition of **harm** is as follows:

- Conduct which causes physical or psychological harm (e.g. by causing fear, alarm or distress)
- Unlawful conduct which appropriated or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion)

Significant harm: When determining what occasions of harm require notification to external bodies, it is useful to know what significant harm is defined as:

This is defined as: ill treatment (including sexual abuse and forms of ill treatment which are not physical) and also the impairment of, or an avoidable deterioration in physical or mental health and the impairment of physical, intellectual, emotional, social or behavioural development.

Types of Harm:

An adult support and protection issue is any action or inaction that has caused harm to an adult at risk. The list below identifies the common types of harm:

- **Physical Harm:** Hitting, slapping, pushing, kicking, squeezing, pinching, and misuse of medication, restraint or inappropriate sanctions. This includes unexpected injuries, hate crime, honour based violence, forced marriage and domestic violence.



- **Psychological Harm:** being verbally bullied, ridiculed, ostracised, and threatened with violence. Can include emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or support networks and forced marriage. It can also include people taking advantage of someone who is unable to stick up for themselves, for example 'freeloading', persistently 'hanging out' at their house or involving them in illegal or socially unacceptable activity. Psychological harm can happen in personal interaction or on social media.
- **Neglect and Acts of Omission:** Failing to support an individual to dress, wash or eat properly, ignoring medical or physical care needs, failure to provide access to appropriate healthcare, social care or educational services, the withholding of necessities of life such as medication, adequate nutrition or eating. Medication errors can be seen as harm.
- **Financial or Material Harm:** Theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Sexual Harm:** incest, rape, sexual assault or sexual acts to which the vulnerable adult has not consented to, could not consent to or was pressured into consenting to. Voyeurism, sexualised conversation/comments, indecent exposure, inappropriate touching, kissing and sexual contact also come under this heading.
- **Discriminatory Harm:** Harassment, slurs, exclusion, stereotyping, unjust distinctions of assumption based on a person's race, ethnic origin, sex, sexual orientation, age, disability or religion.
- **Self Harm:** This may take the form of physical self-harm (cutting, burning etc) or severe self-neglect.
- **Information abuse:** deliberately giving erroneous information or withholding information.
- **Human rights abuse:** for example deprivation of a right to family life or to a fair hearing.
- **Multiple Forms of Abuse:** 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 or neighbourhood, local authority Adult Protection procedures may also apply in respect of effective multi-agency intervention.



- **Domestic Violence:** The police define domestic violence as "any form of physical, nonphysical 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 partners or ex-partners).

The similarity between the above acts of harm in relation to adult protection 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.

Colgrain Nursery policy is to support and protect anyone who receives our services. We are committed to the protection of adults at risk of harm, and the safeguarding and promoting of the interests and well-being of such adults is of paramount concern.

We will strive to ensure to the best of our ability that service users and volunteers will not encounter harm of any form while at the Nursery, and that, if abuse is detected, the situations will be reported immediately to allow investigation by the appropriate statutory agencies.

The Nursery undertakes to ensure it will protect adults it has dealings with from exploitative relationships. In such circumstances where it is found that an adult is at risk then we will liaise with Social Services to ensure that the adult continues to be treated appropriately.

Staff and volunteers will be alert to the possibility that they may become aware of adults requiring support and protection who are not service users for example relatives, friends, visitors etc. In all cases staff will report their concerns using the Nursery's reporting procedures, as detailed in the procedure outlined in this policy document.

The Nursery recognises that the protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality.

Safe recruitment procedures, including PVG checks, checks with professional registers (e.g. SSSC, NMC, GTC), two references, (one preferably from the most recent employer) and a medical declaration will be put in place when recruiting staff.

Training

Employees and volunteers will be made aware of the existence of the Adult Protection Policy and Procedures, and their responsibilities in relation to the Adult Protection process by providing induction and training, by issuing a copy of the policy to all new staff members and by publicising its existence within the Nursery's Handbook on the Nursery notice board and website and during



staff and committee induction training. Staff will be able to access this policy at all times within the Nursery's Policies and Procedures folder.

Confidentiality

There is a clear requirement across agencies to co-operate in relation to the protection of adults seen to be at risk of harm. Appropriate mechanisms will be put in place for staff to report any concerns to Social Services and/or the Police, as may be appropriate in the circumstances. The Nursery will also ensure that appropriate mechanisms are in place in relation to any ongoing involvement and assistance in consultation with the relevant statutory agencies, towards effective risk management and continuing support to the service user. To ensure appropriate protective measures can be put in place, it is recognised that confidential information will need to be shared with other workers, managers and other agencies on a "need to know" basis.

Staff have a duty to report concerns about an adult thought to be at risk of harm (as defined in the **Adult Support and Protection (Scotland) Act 2007**). Where an adult is seen to be at risk of harm, this will always override a professional or organisational requirement to keep information confidential, subject to the provisions of the Data Protection Act 1998. It is the responsibility of those employed or involved with the Nursery take appropriate action to ensure the adult deemed to be at risk is protected from harm.

Principles of Reporting and Information Sharing

The protection of an adult at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Any concerns a staff member may have regarding the safety and well-being of an adult at risk of harm will be brought to the attention of their line manager/named person immediately. Although it is recognised that a service user'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 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 will make clear that any information relating to adult or child abuse must be passed on to Social Services and/or the Police for



investigation. In all cases of suspected adult abuse, it will be recognised that children involved in the situation might also be at risk and that Child Protection Procedures might have to be invoked.

If the adult is profoundly deaf and requires the services of a sign language interpreter or communication support worker, one will be appointed to work with the adult. Other forms of assistance to communication will be utilised if the adult cannot communicate using speech. This will be arranged by Social Services.

If the adult does not have English as a first language and requires the services of an interpreter, an interpreter from the Interpreting Service will be appointed to work with the adult. This will be arranged by Social Services. Using a member of the adult's family as an interpreter or communication support worker will be avoided.

Named Person

Adult Protection Monitor: Mrs Johanna McClelland, Head Teacher

Depute Adult Protection Monitor: Mrs Sandra Cunningham, Lead Practitioner

The Adult Protection Monitor will monitor issues within the Nursery and detect trends as these occur. In the event that the named person is not available the Deputy Adult Protection monitor will stand in.

ADULT PROTECTION PROCEDURES

Introduction

These procedures detail the actions that should be taken on suspecting harm or poor practice to ensure the welfare and safety of adults at risk of harm.

Responsibilities of Management Committee and Staff

Any report that an adult may be at risk of harm, including anonymous referrals, should be taken seriously. All cases should be considered with an open mind. In all instances, the information given must be reported immediately to your line Adult Protection Monitor. If this named person is



not available the depute will stand in. In the event of becoming aware that an adult may be at risk of harm or that they are being/have been abused, be aware that the adult may be feeling vulnerable or upset when disclosing this information. Be supportive and reassure the adult by listening carefully, but do not ask unnecessary questions. It is not the Nursery's role to investigate.

Reporting

If a protected adult approaches a member of staff or volunteer to disclose that abuse has or is taking place, show that you take the protected adult seriously and listen to what he or she is saying, reassure them that they can trust you, and is safe and that you will pass on this information to people who will be able to support him or her. Advise them that the information will have to be passed on to your Adult Protection Monitor and that Social Services may be required to investigate further.

Do not ask the protected adult questions to obtain more information than the protected adult has volunteered, or to investigate the allegations (for example in order to form your own judgment as to their veracity). Only ask the protected adult questions to clarify what the protected adult has said.

When you feel it is appropriate to leave the person who has disclosed the abuse, the information given should be passed on immediately to your Adult Protection Monitor. Where you are concerned for the immediate safety and well-being of an individual, contact the Social Services or Police immediately. Contact your Adult Protection Monitor once you are satisfied that the person is safe. If you suspect that a criminal act has been committed, for example in cases of physical or sexual abuse, you should contact the Police immediately and steps should be taken to preserve evidence. Then contact your Adult Protection Monitor. If that person is not available on the day when the abuse is detected, contact Social Services to report your concerns.

If you are unhappy with the response from your Adult Protection Monitor, you should contact Social Services and outline your concerns and the basis for them. If you are unhappy with the response from Social Services you can raise this through the Nursery's Complaints Procedure and/or the Care Inspectorate.

NOTE: You should follow the above procedure for all instances of suspected abuse, for example where you become aware of:

- Abuse by another service user
- Abuse by someone from within the community (family or friend) . Abuse by a member of staff.



Recording

Write down the nature of your concern and anything the person may have told you using, as far as possible, the words used by the person. Remember to sign and date the notes taken. This information will form the basis of the referral, and will also be required if there is an investigation.

This information will be kept and securely stored in a locked cabinet. Your Adult Protection Monitor will determine who this information can be shared with, will maintain an overview of reports from staff, monitor issues and detect trends as these occur.

Responsibilities of the Adult Protection Monitor

The Adult Protection Monitor will telephone Social Services and give details of the alleged abuse. In accordance with the Multi Agency Adult Protection Procedures, the information should be followed up in writing within 24 hours using the Multi Agency Referral Form.

The Adult Protection Monitor making contact with Social Services and/or the Police must make a note of the following:

- The date and time that contact was made. Where contact cannot immediately be made, the reason for this must be recorded. Details of all unsuccessful attempts to make contact must also be recorded.
- Name, address and full details of those contacted.
- Details of who should be contacted for future follow-up/further action.

Where the adult at risk is care managed by a local authority, the Adult Protection Monitor should contact the care manager in that local authority immediately. In all cases of suspected adult abuse, it must be recognised that children involved in the situation might also be at risk and Child Protection Procedures might have to be invoked.

Role of Senior Social Services Managers

All concerns of an adult protection nature should be reported to the relevant Social Services office. Social Services will seek to allocate the matter to a member of their staff who has sufficient knowledge and expertise to deal with any concerns raised. It will be the responsibility of the



group's manager to ensure that all instances of alleged or suspected harm to an adult seen to be at risk and requiring protection are treated seriously and that liaison with Social Services and/or the Police is made

Allegations Involving Staff - what if it is someone within your own nursery that you are concerned about?

If you have observed someone within your own Nursery acting in a way that has caused you to be concerned you should contact your Adult Protection Monitor outlining your concerns and the basis for them. They will take your concerns seriously, make appropriate enquires into them and thereafter decide on the appropriate course of action.

If your concerns are about your Adult Protection Monitor, then you should inform your nursery's chairperson. You can also contact Social Services directly to pass on your concerns and seek further advice.

In situations where the alleged abuser is a member of staff, your nursery's Disciplinary Procedures should be followed, but will not supersede an adult protection referral to statutory agencies. In other words, care must be taken to ensure that implementation of any internal procedures (for example, fact finding) does not undermine or impede any investigation by statutory agencies. Advice should be sought from Social Services before proceeding. In such cases the Scottish Social Services Council will be contacted at the discretion of the appropriate manager. The decision will be recorded in the staff members' personnel file. Staff can use the procedures outlined in the nursery's Whistleblowing Policy. A situation where a service user makes frequent complaints alleging abuse, which after full B investigation are found to be vexatious, cannot be ignored. In such cases it is good practice to always follow the aforementioned reporting procedures. The allegation must be reported to their manager and the pattern of allegations must be reviewed regularly in case abuse is taking place.

What Happens Next?

Once they have received a referral, it is the duty of Social Services 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 in consultation with the Police. The



investigating officers may need to speak to the staff member from whom the concerns originated. Managers and staff will co-operate fully with any Police or Social Services enquiries, and managers will ensure staff are supported in this. The Adult Protection Monitor will take advice from the investigating officer about the suitability of seeking an Advocacy Worker or an Appropriate Adult to work with the adult. The Care Inspectorate should be contacted by the Adult Protection Monitor 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 adult seen to be at risk of harm act throughout in a supportive manner. Staff should avoid being judgmental and should not introduce personal or third party experiences of harm. Every effort should be made to enable the adult 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 adult from harm. The person you are supporting is likely to continue to be involved with your nursery following the reporting of the concerns. Links should be maintained with the Social Services office involved in any investigation, in order to offer the appropriate support to the service user.

Important Contact Numbers

Colgrain Primary School and Pre-5 Unit: 01436 673557

Helensburgh Social Work: 01369 704000

Police Scotland: 101

Care Inspectorate: 0345 600 9527



I have read and understood this policy.

Staff Name - Print and Sign	Date Reviewed		
Chelsey Dolan	March 23	August 24	
Sandra Cunningham	March 23	August 24	
Wilma Brown	March 23	August 24	
Gillian Dougan	March 23	August 24	
Fiona Porter	March 23	August 24	
Angela Collins	March 23	August 24	
Courtney Williams	August 24	August 24	
Aimi Sharkey	August 24		
Rechelle Calderbank`	August 24		
Leila Dick	August 24		
Cherri Clemmett	August 24		
Nicole Campbell	August 24		



