



ADULT SAFEGUARDING POLICY & PROCEDURES

Effective from: 04/11/2024

Author: Practice Governance & Training Sub-Committee

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Reporting Concerns About Adults at Risk

(Full instructions from Page 16 onwards)

You have a concern, or have been told about, possible abuse of someone at risk, poor practice, or wider welfare issues.

If a client is suicidal follow Cruse Scotland Suicide Awareness Policy

Is the person in immediate danger or need immediate medical attention?

No

Yes

Seek medical attention or contact
emergency services **999**

Is a serious crime in progress or been committed?

No

Yes

Contact the police
999

If you know their views include those throughout the process.
Is it safe to speak with the adult?
What does the adult want to happen?

Speak to your Area Manager, Director of Client Services or Cruse Scotland Safeguarding Lead and report your concerns without delay.

If none of the above are contactable, if you have concerns that the Safeguarding Lead is implicated or may not act appropriately contact Fiona Arnott-Barron, Cruse Scotland CEO

In the 1st instance complete a Safeguarding Adults Concerns Report and submit to your Area Manager, Director of Client Services or Cruse Scotland Safeguarding Lead. **Always be mindful of the need for confidentiality. See full procedure on Pages 17 – 20.**

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Introduction

Cruse Scotland is committed to best safeguarding practice and to uphold the rights of all adults to live free from harm, from abuse, exploitation, and neglect.

Cruse Scotland acknowledges that safeguarding is everybody's responsibility and is committed to preventing abuse and neglect through safeguarding the welfare of all adults involved.

Purpose

The purpose of this policy is to demonstrate the commitment of Cruse Scotland to safeguarding adults and to ensure that everyone involved in Cruse Scotland is aware of:

- The legislation, policy and procedures for safeguarding adults,
- Their role and responsibility for safeguarding adults,
- What to do or who to speak to if they have a concern relating to the welfare of wellbeing of an adult within the organisation.

Scope

This Safeguarding Adult Policy and associated procedures apply to all individuals involved in Cruse Scotland including Board members, Staff, Volunteers and Contractors, including all concerns about the safety of adults whilst involved in our organisation, its activities and in the wider community.

Commitments

To implement this policy Cruse Scotland will ensure that:

- Everyone involved with Cruse Scotland is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare of wellbeing of an adult.
- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with Cruse Scotland Safeguarding Adults Policy and Procedures.
- The well-being of those at risk of harm will be put first and the affected individual/s actively supported to communicate their views and the outcomes they want to achieve; Those views and wishes will be respected and supported unless there are overriding reasons not to.

- Any actions taken will respect the rights and dignity of those involved and be proportionate to the risk of harm.
- Confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with our Data Protection Policy and procedures.
- Cruse Scotland acts in accordance with best practice advice from COSCA (Counselling & Psychotherapy in Scotland).
- Cruse Scotland will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.
- All Board members, staff, contractors and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.
- Cruse Scotland uses safe recruitment practices and continually addresses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in this organisation.
- Cruse Scotland shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure Scotland, Police, Local Authority/Social Services, COSCA or other relevant body.
- When planning activities and events Cruse Scotland includes an assessment of, and risk to, the safety of all adults from abuse and neglect.
- Actions taken under this policy are reviewed by the Board and senior management team on an annual basis.
- This policy, related policies (see below) and the Safeguarding Adults Procedures are reviewed no less than on a two-yearly basis and whenever there are changes in relevant legislation and/or government guidance.

Implementation

Cruse Scotland is committed to developing and maintaining its capability to implement this policy and procedures. In order to do so, the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of all adults,
- Access to relevant legal and professional advice,

- Regular management reports to the Board detailing how risks to adult safeguarding are being addressed and how any reports have been addressed,
- Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice,
- A Safeguarding Lead,
- Arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including arrangements for sharing information,
- Codes of conduct for Board members, Staff, Contractors and Volunteers and other relevant individuals that specify zero tolerance of abuse in any form,
- Risk assessments that specifically include safeguarding of adults,
- Additional Policies and procedures that address the following areas and which are consistent with this Safeguarding Adults policy, listed below:
 - Safeguarding Children
 - Suicide Awareness
 - Bullying and Harassment
 - Social Media
 - Equality, Diversity and Inclusion
 - Code of Conducts
 - Discipline and Grievance
 - Complaints
 - Whistleblowing
 - Safe recruitment and selection (staff and volunteers)
 - Contract Compliance
 - Information policy, data protection and information sharing

Supporting Information

Legislation, Definitions, Information Sharing – Key Points

- There is a legal duty for Local Authorities to provide support to ‘**adults at risk**’, which are defined overleaf.
- The safeguarding legislation applies **to all forms of abuse** that harm a person’s well-being, listed overleaf.
- The law provides a framework for good practice in safeguarding that makes the overall **well-being** of the adult at risk a priority of any intervention.
- The law emphasises the importance of **person-centred safeguarding**.
- The law provides a framework for making decisions on behalf of adults who can’t make decisions for themselves (**Mental Capacity**).
- The law provides a framework for all organisations to **share information and cooperate** to protect adults at risk.

Safeguarding Adults Legislation

Safeguarding Adults is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998 ([Human Rights Act 1998](#))
- The Data Protection Act 2018 ([Data Protection Act 2018](#))
- General Data Protection Regulations 2018 ([Data Protection Act 2018](#))

The practices and procedures within this policy are based on the relevant legislation and government guidance.

- Adult Support and Protection (Scotland) Act 2007 ([Adult Support and Protection \(Scotland\) Act 2007](#))
- Adult Support and Protection (Scotland) Act 2007, Code of Practice 2022 ([Adult Support and Protection \(Scotland\) Act 2007: Code of Practice](#))

Many other pieces of legislation also affect adult safeguarding. These include legislation about different forms of abuse and those that govern information sharing. For example, legislation dealing with:

- Murder/Attempted murder
- Physical Assault
- Sexual Offences

- Domestic Abuse/Coercive control
- Forced Marriage
- Female Genital Mutilation
- Theft and Fraud
- Modern slavery and Human Exploitation
- Hate Crime
- Harassment
- Listing and Barring of those unsuitable to work with adults with care and support needs

Scotland also has legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- Adults with Incapacity (Scotland) Act 2000
- There are specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer, e.g., wilful neglect and wilful mistreatment.

Definition of an Adult at Risk

Safeguarding Adults legislation creates specific responsibilities on Local Authorities, Health and the Police to provide additional protection from abuse and neglect to Adults at Risk.

When a Local Authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult.

In Scotland, the Local Authority can gain access to an adult to find out if they are at risk of harm for example, if that access is being blocked by another person.

Actions may then be taken by the Local Authority or by other agencies, such as police or healthcare.

An Adult at risk in Scotland according to the Adult Support and Protection (Scotland) Act 2007 is an individual aged 16 years and over who fulfils all three below criteria;

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

Types of Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Any or all types of abuse may be perpetrated as the result of deliberate intent, negligence, omission, or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

Safeguarding legislation in Scotland – Adult Support and Protection (Scotland) Act 2007 lists categories of abuse as follows:

- Physical
- Psychological/Emotional
- Financial
- Sexual/Sexual Violence
- Neglect
- Institutional
- Exploitation
- Domestic Violence
- Human Trafficking
- Hate Crime

Abuse can take place in any relationship and there are many contexts in which abuse might take place, e.g., Institutional abuse, Domestic Abuse, Forced Marriage, Human Trafficking, Modern Slavery, Sexual Exploitation, County Lines, Radicalisation, Hate Crime, Mate Crime, or Cyber Bullying.

Signs and Indicators of Abuse and Neglect

An adult may confide to a member of staff, volunteer or contractor that they are experiencing abuse inside of outside of the organisation's setting, although concerns can come from a third party.

There are many signs and indicators that may suggest someone is being abused or neglected. Although there may be other explanations, these signs should not be ignored. The signs include but are not limited to:

- Unexplained bruises or injuries – or lack of medical attention when an injury is present.
- Person has belongings or money going missing.
- Person is not attending/no longer enjoying their sessions.
- Someone losing or gaining weight/an unkempt appearance.
- A change in their behaviour or confidence of a person.
- Self-harm.

- A fear of a particular group of people or individual.
- A third party always speaks for the person and doesn't allow them to engage.

Wellbeing Principle

Our own well-being includes our mental and physical health, our relationships, our connection with our communities and our contribution to society.

Being able to live free from abuse and neglect is a key element of well-being and legislation recognises that statutory agencies have sometimes acted disproportionately in the past (for example, removing an adult at risk from their own home when there were other ways of preventing harm).

For that reason, any actions taken to safeguard an adult must take their whole well-being into account and be proportionate to the risk of harm.

Person Centred Safeguarding

Legislation also recognises that adults make choices that may mean that one part of our well-being suffers at the expense of another – for example, we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety, we need to understand what matters to them and what outcomes they want to achieve from any actions agencies take to help them to protect them.

The concept of 'Person Centred Safeguarding' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, whilst improving their quality of life, well-being and safety. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate.

Table 1: The Principles of Adult Safeguarding in Scotland

<p>Adult Support and Protection (Scotland) Act 2007. The Act's principles are:</p> <p>The overarching principle underlying Part 1 of the Act is that any intervention in an individual's affairs should provide benefit to the individual and should be the least restrictive option of those that are available which will meet the purpose of the intervention. This is supported by a set of guiding principles which, together with the overarching principle, must be taken account of when performing functions under Part 1 of the Act. These are:</p> <ul style="list-style-type: none">• The wishes and feelings of the adult at risk (past and present);• The views of other significant individuals, such as the adult's nearest relative; their primary carer, guardian, or attorney; or any other person with an interest in the adult's well-being or property;• The importance of the adult taking an active part in the performance of the function under the Act;• Providing the adult with the relevant information and support to enable them to participate as fully as possible;• The importance of ensuring that the adult is not treated less favourably than another adult in a comparable situation; and• The adult's abilities, background and characteristics (including their age, sex, sexual orientation, gender, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).
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Mental Capacity and Decision Making

We make many decisions every day, often without realising. The Adults with Incapacity Act (Scotland) 2000 tells us to assume that all people over the age of 16 have the ability to make their own decisions, unless it has been proven otherwise. It also gives everyone the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider them to be unwise.

We make so many decisions that it is easy to take this ability for granted. The Law says that to make a decision we need to:

- ☐ Understand relevant risks and benefits to a decision
- ☐ Retain the memory of the decision
- ☐ Act on or actively make the decision and
- ☐ Communicate the decision

A person's ability to do this may be affected by things such as learning disability, dementia, brain injury and physical ill health.

Most adults have the ability to make their own decisions given the right support but, some adults with care and support needs have the experience of other people making decisions about them and for them.

Some people can only make simple decisions or can only make decisions if a lot of time is spent supporting them to understand the options. If someone has a disability that means they need support to understand or make a decision this must be provided. A small number of people cannot make any decisions. Being unable to make a decision is called “lacking mental capacity”.

The Adults with Incapacity Act (Scotland) 2000, clarifies that there is no single universal “capacity,” but the ability to make decisions is time and decision specific. A person’s mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves.

For example:

- A person with epilepsy may not be able to make a decision immediately following a seizure.
- A person having a panic attack may not be able to make a decision.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

Mental capacity is important for safeguarding for several reasons.

Not being allowed to make decisions one is capable of making is considered abuse. For example, a physically disabled adult may want to take part in an activity but their carer declines and will not provide the support they would need.

It is also important to consider coercion; when an adult at risk’s decisions are influenced by fear of consequences of disagreeing with a carer. Where possible the person’s individual thoughts should still be sought.

Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an adult at risk has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened. However, in some situations the adult may not have the mental capacity to understand this choice or to communicate their views.

Legislation describes when and how we can make decisions for people who are unable to make decisions for themselves. The principles are:

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If the decision can wait, it should –for example to get help for the person make their decision or until they can make it themselves.

- If we have to make a decision for someone else, then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes.
- If the action we are taking to keep people safe will restrict them then we must think of the way to do that which restricts to their freedom and rights as little as possible.

Most potential difficulties with making decisions can be overcome with preparation. A person needing support to help them make decisions will ordinarily be accompanied by someone e.g., a family member or formal carer whose role includes supporting them to make decisions.

It is good practice to get as much information about the person as possible. Some people with care and support needs will have a 'One page profile,' a 'This is me' document or more recently a 'RESPECT form' that describes their priorities. Some of those things will be about how to support the person, their routines, food and drink choices etc. but will also include things they like and don't like doing. It's also important to have an agreement with the person who supports the adult about how different types of decisions will be made on a daily basis.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected you will need to refer the situation to the Local Authority, and this should result in health or social care professionals making an assessment of mental capacity and/or getting the person the support they need to make decisions.

There may be times when an organisation needs to make decisions on behalf of an individual in an emergency, covered by 'common law' in Scotland. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them or stopping them being in contact with the person causing harm.

Recording and Information Sharing

All organisations must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Cruse Scotland has a regularly updated Confidentiality policy which covers use of information.

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information with the right people is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a need to know. This does **NOT** automatically include the persons spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or, if the adult does not have capacity, then only when in their best interests to keep them safe.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation
- Case management meetings can take place to agree to co-ordinate actions by the organisation.

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are over-riding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- It is not safe to contact the adult to gain their consent – i.e., it might put them or the person making contact at further risk.
- You believe they or someone else is at risk, including children.
- You believe the adult is being coerced or is under duress.
- It is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- The adult does not have mental capacity to consent to information being shared about them.
- The person causing harm has care and support needs.

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information, seek advice, e.g., seek legal advice and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with the reasons to share or not share information.

Multi-Agency Working

Safeguarding adults' legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations.

Organisations may need to cooperate with the Local Authority and the Police including to:

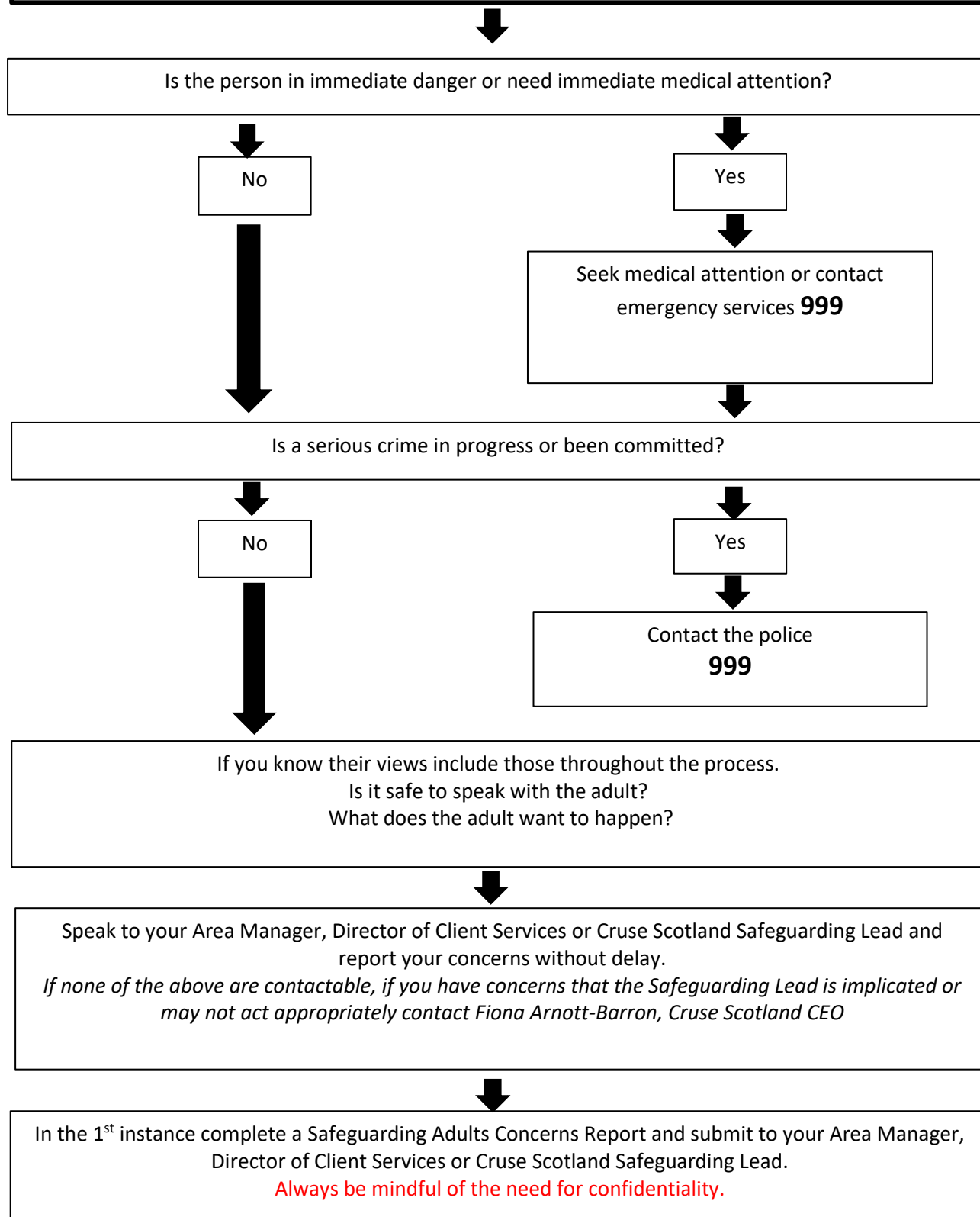
- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals, e.g., Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g., complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.
- Provide a safe environment for the adult to continue their involvement with the organisation.

Reporting Procedures

Reporting Concerns About Adults at Risk (Flowchart)

You have a concern, or have been told about, possible abuse of someone at risk, poor practice, or wider welfare issues.

If a client is suicidal follow Cruse Scotland Suicide Awareness Policy



Reporting Concerns About Adults at Risk

You may be concerned about harm to another person because of something you have seen or heard, information you have been told by others or because someone has confided in you about things that are happening or have happened to them.

You should not keep safeguarding concerns to yourself. If you have concerns and/or you are told about possible or alleged abuse, poor practice or wider welfare issues you must contact your line manager or Safeguarding Lead as soon as you can.

Director of Client Services/Safeguarding Lead is Nicola Reed, email:
Nicola.reed@crusescotland.org.uk **Mobile: 07488 372 280**

If your line manager or the Safeguarding Lead may be implicated or you think has a conflict of interest, then report to the Chief Executive Officer – Fiona Arnott-Barron at fiona.arnott-barron@crusescotland.org.uk

If you are concerned about harm being caused to **someone at risk**, please follow the guidance below.

- It is not your responsibility to prove or decide whether an adult has been harmed or abused. It is, however, everyone's responsibility to respond to and report concerns they have.
- If someone has a need for **Immediate medical attention** call an ambulance on 999.
- If you are concerned someone is in **immediate danger** or a **serious crime** is being committed, contact the police on 999 straight away. Where you suspect that a crime is being committed, you must involve the police. See COSCA Statement of Ethics.

[Statement of Ethics CURRENT Nov 1412-08-14.pdf \(cosca.org.uk\)](#)

- If it will not put them or you at further risk, discuss your safeguarding concerns with the adult and ask them what they would like to happen next. Inform them that you must pass on your concerns to your Line Manager or Safeguarding Lead. If the person allegedly causing the harm is likely to find out, **do not** contact the adult before talking to your Area Manager or Safeguarding Lead.
- **Remember not to confront the person thought to be causing the harm.**

Responding to a Direct Disclosure

If an adult indicates that they are being harmed or abused, or information is received which gives rise to concern, the person receiving the information should:

- Take it seriously
- Stay calm
- Listen carefully to what is said, allowing the adult to continue at their own pace
- Be sensitive
- Keep questions to a minimum, only ask questions if you need to identify/clarify what the person is telling you
- Reassure the person that they have done the right thing in revealing the information
- Ask them what they would like to happen next
- Explain what you would like to do next
- Explain that you will have to share the information with your Line Manager and/or Cruse Scotland Safeguarding Lead
- Ask for their consent for the information to be shared outside the organisation
- Make an arrangement as to how you/the Safeguarding Lead can contact them safely
- Help them to contact other organisations for advice and support (e.g., Police, Domestic Abuse Helpline, Victim Support)
- Act swiftly to report and carry out any relevant actions
- Record in writing what was said using the adult's own words as soon as possible.

It is important **NOT** to:

- Dismiss or ignore the concern
- Panic or allow shock or distaste to show

- Make negative comments about the alleged perpetrator
- Make assumptions or speculate
- Come to your own conclusions
- Probe for more information than is offered
- Promise to keep the information secret
- Make promises that cannot be kept
- Conduct an investigation of the case
- Confront the person thought to be causing harm
- Take sole responsibility
- Tell everyone

Record Keeping

- Complete a Safeguarding Adults Report Form and submit to your Line Manager or Safeguarding lead without delay.
- Describe the circumstances in which the concern came about and what action you took/advice you gave.
- It is important to distinguish between things that are facts, things that have been observed or over-heard and opinions, in order to ensure that information is as accurate as possible.

If someone has told you about the harm or abuse, use the words the person themselves used. If someone has written to you (including by email, message) include a copy with the form.

Be mindful of the need to be confidential at all times.

This information must only be shared with your Line Manager or Safeguarding Lead and others that have a need to know – to keep the person safe whilst waiting for action to be taken.

Changes Sheet

Version	Date	Change Details	Author
V1.1	16/11/2022	Change of designation from Operations Manager to Director of Client Services and CEO to Fiona Arnott-Barron. Also contact details for Director of Client Services/Safeguarding Lead.	Wendy Diack
V1.2	31/10/2024	Replaced name to 'Cruse Scotland'. Corrected two small typos. Added links to legislation for ease of access. Updated ASP 2014 Code of Practice to the 2022 version.	Ed Strutt
	4/11/24	Minor Grammatical, Syntactical and Formatting Changes. P7; reworded and arranged definitions. Significant editing of supporting information, particularly reducing repeated large chunks. Removed "discloses abuse" as a hidden sign of abuse. Removed positional quotation from wellbeing section. Incapacity section rewritten using Scottish legislation.	John Fyfe