

Adults At Risk

Protection and Procedure Policy

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Review Date: January 2024

Approved by Board of Directors: Callum MacKinnon (*Founder & Executive Director*)

1. Synopsis

The purpose of this policy is to protect people, at risk adults and beneficiaries of assistance, from any harm that may be caused due to their coming into contact with BounceOT. This includes harm arising from:

- The conduct of staff or personnel associated with BounceOT
- The design and implementation of BounceOT's programmes and activities

The policy lays out the commitments made by BounceOT, and informs staff and associated personnel[1] of their responsibilities in relation to safeguarding. This policy does not cover safeguarding of children as this is covered in our Child Protection Policy.

What is safeguarding?

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect[2]

In our sector, we understand it to mean protecting people, including children (*covered in a separate Child Protection Policy*) and at risk adults, from harm that arises from coming into contact with our staff or programmes.

Further definitions relating to safeguarding are provided in the glossary below.

Anyone who is employed or volunteers for or, on behalf of BounceOT, regardless of the type or amount of contact they have with adults who are at risk of abuse or vulnerable adults, has a role to play in safeguarding and protecting them. They must:

- Know how to recognise potential abuse of adults at risk/vulnerable adults
- Know what to do when safeguarding concerns arise
- Understand what BounceOT expects of them in terms of their own behaviour and actions

An adult at risk of abuse can be anyone over the age of 16, including service users, staff or volunteers (see the 'terminology' section below). Whilst personal characteristics may make an individual more vulnerable i.e. disability and communication difficulties, it is the situation around an individual which may increase risk or place them at potential risk of harm.

It is therefore vital to be open to the possibility that any adult may be at risk and that this can be temporary or on-going depending on the support and protective factors around them.

This policy and procedure must be read in conjunction with:

- What to do if - *for those who do not work directly with adults at risk*
- What to do if - *for those working directly with children*
- What to do if - *one of your staff/colleagues are accused of abuse towards an adult at risk*

All volunteers, subcontractors, third-parties and assignees involved in services for BounceOT must comply with both our child and adult protection policies, legislation and all relevant regulatory codes of conduct.

This policy applies to all staff and volunteers (including Directors), agency staff, students, sole traders and contractors, including associates and professional fundraising agencies.

Statement

BounceOT believes that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation.

BounceOT will not tolerate abuse and exploitation by anyone - including our own staff or personnel.

This policy will address the following areas of safeguarding: adult safeguarding, protection from sexual exploitation and abuse.

BounceOT commits to addressing safeguarding throughout its work, through the three pillars of prevention, reporting and response.

2. Why the policy is important and legal context

Adults at risk of abuse may have additional support needs, meaning that they are more likely to experience abuse, and less able to protect themselves from it.

The abuse of adults at risk can have devastating effects on their physical, mental, emotional, social and spiritual wellbeing, as well as on their children or children connected to them.

In this respect, safeguarding adults at risk can be important child protection work.

Equally, many adults at risk have been victims or survivors of abuse and harmful experiences in childhood which have impacted upon their confidence, self-worth and resilience and compounded other personal characteristics increasing vulnerability.

Statutory guidance means that BounceOT must protect adults at risk.

Scotland

Adult Support and Protection (Scotland) Act 2007 affords greater protection to adults at risk of harm or neglect. The Act defines adults at risk as those aged 16 years and over who: are unable to safeguard their own wellbeing, property, rights or other interests. Everybody has the right to be safe and well-looked after. The Act is there to protect adults vulnerable to harm/abuse.

<http://www.legislation.gov.uk/asp/2007/10/contents>

The 2007 Act provides legislative responses for people and situations which are not necessarily covered by either of the other Acts. In particular, the 2007 Act allows councils to make inquiries where they would otherwise have no power to do so. Following this initial inquiry, a council may choose to use other parts of the 2007 Act or may choose to respond using another Act or even a non-legislative route, such as developing a care plan.

A Code of Practice for local authorities and practitioners provides information on the 2007 Act's guiding principles and its measures, including guidance on when and where it would normally be appropriate to use the powers that it provides (the Adult Support and Protection Code of Practice was revised in 2014). For more information on the Act and what it does visit the Act Against Harm website which provides details of who to contact when you believe that someone is at risk of harm. The website has lots of information, including how to recognise when an adult may be at risk of harm and examples of the type of support that can be provided once a concern has been reported:

<http://www.actagainstharm.org/>

This Act is also one of a number of pieces of legislation which serve to ensure that those in need of care and support are afforded choices and maximum self-determination including the Social Care (Self-directed Support)(Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

In February 2011, the Scottish Government introduced a new membership scheme to replace and improve upon the current disclosure arrangements for people who work with vulnerable groups.

The PVG Scheme (the 'vetting and barring scheme') is a way of checking that carers of vulnerable people are the right people. This means that if a care worker has hurt a vulnerable person before, they will not get a job with a care provider.

The Protection of Vulnerable Groups (PVG)(Scotland) Act 2007 delivers the principal recommendation of the Bichard Inquiry Report which was undertaken following the tragic murders in Soham in 2002. This recommendation called for a registration system for all those who work with children and protected adults.

This Act complements the safeguards introduced through the Adult Support and Protection (Scotland) Act 2007.

From October 2007, Disclosure Scotland formed part of a new (shadow) Scottish Government agency which plans for, and manages, the new vetting and barring service as provided for in the Protection of Vulnerable Groups (Scotland) Act 2007.

Employers and voluntary organisations should request a Disclosure from the candidate when a provisional offer of employment or a volunteer post is made. The individual then applies to Disclosure Scotland for a Disclosure. For Standard and Enhanced Disclosures, there is a requirement for the application to be countersigned by a registered body (any employer, organisation or individual who is entitled to ask exempted questions under the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) Order (Scotland) 2003). The original Disclosure is then issued to the individual and a copy sent to the registered body.

Please note: a check against the PVG list is required if someone moves from a childcare job to a job caring for vulnerable adults within the same company.

Further information on any issues relating to the safeguarding of vulnerable adults can be found on the Scottish Government website (www.scotland.gov.uk).

3. Capacity and Consent

It is important to be alert to issues of cognitive capacity which can increase the vulnerability of people where they have a reduced ability to make informed decisions in the moment. This may be transient (e.g. due to fear, shock, injury, illness) or long term (e.g. due to learning differences, disability, mental health issues).

Whilst this is a complex issue, it should not get in the way of staff and volunteers genuinely seeking to ensure that all individuals are respectfully consulted in relation to participation in activities and/or sharing of information about them.

A young person aged 16 or older is presumed in law to have capacity to consent, unless there is evidence to the contrary. Capacity to consent is not simply based on age however, particularly where learning and communication difficulties and disabilities are identified. You should also consider a person's capacity to understand the consequences of giving or withholding their consent. They should not be treated as unable to make a decision until all practicable steps to help them have been taken.

When assessing a person's understanding you should seek to explain the issues using their preferred mode of communication and language. This should be done in a way that is suitable for them, considering all you know about them from your contact with them, particularly their age, language and likely understanding.

It is important to try and ensure that they really understand the issues and are not just agreeing to what is proposed. If you are unsure whether they have the capacity to consent, then you should seek advice from your line manager or the NSPCC Helpline staff (0808 800 5000). Furthermore, the person's friends, carer, another professional working with them, or an advocate, where available, may be able to provide relevant information or advice where consulting these people does not increase potential risks.

The following criteria should be considered when assessing whether a person has sufficient understanding at any time to consent, or to refuse consent, to sharing of information about them or participating in specific activities:

- Can the person understand the question being asked of them?
- Are they taking an active part in the discussion?
- Can they rephrase the question in their own words?
- How would they explain it to someone else?
- Do they have a reasonable understanding of what the risks or benefits of giving their consent or saying no?
- What do they say they think would happen if they agree the action being suggested?
- Can they appreciate and consider the alternatives, weighing up one aspect against another and express a clear and consistent personal view? Encourage them to say out loud, or write down, their view of the pros and cons. You could recheck these views later or at a later contact with them

4. Prevention

BounceOT responsibilities

BounceOT will:

- Ensure all staff have access to, are familiar with, and know their responsibilities within this policy.
- Provide effective leadership and management for staff and volunteers through induction, supervision/one-to-one learning and mentoring, support and training.
- Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from their coming into contact with BounceOT. This includes the way in which information about individuals in our programmes is gathered and communicated.
- Implement stringent safeguarding procedures when recruiting, managing and deploying staff and associated personnel.
- Ensure staff receive training on safeguarding at a level commensurate with their role in the organization. Enable staff to exercise professional judgements based upon seeking to act in the best interests of, and outcomes for, the adult or child at risk.
- Follow up on reports of safeguarding concerns promptly and according to due process

Staff Responsibilities

BounceOT staff and associated personnel must not:

- Sexually abuse or exploit at risk adults.
- Subject an at risk adult to physical, emotional or psychological abuse, or neglect.

Protection from sexual exploitation and abuse

BounceOT staff and associated personnel must not:

- Exchange money, employment, goods or services for sexual activity. This includes any exchange of assistance that is due to beneficiaries of assistance.
- Engage in any sexual relationships with beneficiaries of assistance, since they are based on inherently unequal power dynamics.

Additionally, BounceOT staff and associated personnel are obliged to:

- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy.
- Report any concerns or suspicions regarding safeguarding violations by a BounceOT staff member or associated personnel to the appropriate staff member/ Senior Manager.

5. Enabling Reports

BounceOT will ensure that safe, appropriate, accessible means of reporting safeguarding concerns are made available to staff and the communities we work with.

BounceOT will also accept complaints from external sources such as members of the public, partners and official bodies.

How to report a safeguarding concern

Staff members who have a complaint or concern relating to safeguarding should report it immediately to Eliza (Service Manager).

Service Manager contact details:

Eliza Grier

E: eliza@bouncet.com

T: 07746793635

Office: 01786 643535

If the staff member/volunteer/personnel does not feel comfortable reporting to the Service Manager (for example if they feel that the report will not be taken seriously, or if that person is implicated in the concern) they may report to any other appropriate staff member.

This should be escalated to the Board of Directors.

Executive Director contact details:

Callum MacKinnon

E: callum@bouncet.com

T: 07415323683

6. Response

BounceOT will follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations.

BounceOT will apply appropriate disciplinary measures to staff found in breach of policy.

BounceOT will offer support to survivors of harm caused by staff or associated personnel, regardless of whether a formal internal response is carried out (such as an internal investigation).

Decisions regarding support will be led by the survivor.

6. Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need-to-know basis only, and should be kept secure at all times.

Appendix 1: Glossary of Terms

Beneficiary of Assistance

Someone who directly receives goods or services from ISKCON Scotland's programme. Note that misuse of power can also apply to the wider community that the NGO serves, and also can include exploitation by giving the perception of being in a position of power

Child

A person below the age of 16

Harm

Psychological, physical and any other infringement of an individual's rights

Psychological harm

Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation

Protection from Sexual Exploitation and Abuse (PSEA)

The term used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

Sexual abuse

The term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation

The term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

Survivor

The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

At risk adult

Sometimes also referred to as vulnerable adult. A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Safeguarding

In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect[3]

In our sector, we understand it to mean protecting people, including children and at risk adults, from harm that arises from coming into contact with our staff or programmes. One donor definition is as follows:

Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially vulnerable adults and children, from that harm; and to respond appropriately when harm does occur.

This definition draws from our values and principles and shapes our culture. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until proven guilty.

Safeguarding puts beneficiaries and affected persons at the centre of all we do.
