

## **PROTECTION OF VULNERABLE PERSONS POLICY (2021)**

### **1.0 INTRODUCTION**

The purpose of this Policy is to set out the arrangements for dealing with protection and welfare issues of vulnerable persons that may arise in the course of the Association's business.

This includes:

- ✓ Communication within Ochil View and with external agencies
- ✓ Reporting situations that give staff cause for concern
- ✓ Co-operating with statutory agencies in their enquiries and investigations of cases.

### **2.0 POLICY STATEMENT**

- 2.1 The Adult Support and Protection (Scotland) Act 2007 sets out the legal framework for the protection of adults who are unable to safeguard their own well-being, and are at risk of harm because they are affected by a disability, mental disorder, illness, physical or mental infirmity and are therefore more vulnerable to being harmed than others who are not so affected.
- 2.2 The Association accepts the principle, established in the Children (Scotland) Act 1995 that the welfare of children is of paramount importance and has set out how it will support this principle in the actions of its staff. The Association does not provide services directly to children; however, children are members of tenants and housing applicants' households. Staff therefore may encounter child protection matters as part of their duties, particularly staff who visit tenants in their homes.
- 2.3 The Association has no specific powers under the Acts mentioned above, but has a legal duty to comply with requests from statutory agencies for the examination of records, to co-operate and assist enquiries and to involve ourselves, on request and where appropriate, with investigations.
- 2.4 The Association's role is one of awareness, recognition, reporting and subsequent co-operation with the responsible authorities.
- 2.5 Association staff who visit tenants in tenant's homes have received Level One Training in both Child Protection and Adult Support and Protection which has equipped them to recognise causes of concern and how these may be apparent in situations they encounter. This training will be refreshed periodically through the Association's training programme and arrangements will be made for new members of staff in relevant posts.

### **3.0 APPROPRIATE ACTION BY A MEMBER OF STAFF WITH REASONABLE GROUNDS FOR MAKING A REPORT TO STATUTORY AGENCIES**

- 3.1 The member of staff who has cause for concern should report the matter as soon as

possible, and always within one working day of the situation coming to their attention. The member of staff should record the details on the form attached as **Appendix 1 or 2** (as appropriate).

- 3.2 The member of staff should also notify their line manager, the reasons for the report will be recorded and retained and treated confidentially. The notification should be made as soon as possible, usually the same working day as the cause for concern arises.
- 3.3 Cause for concern may arise through the following; however other possibilities are not excluded:
  - ✓ What staff see, hear or witness in the course of their duties
  - ✓ What staff have reported to them by third parties, for example, other tenants, applicants, members of the public, contractors etc.
- 3.4 The member of staff will contact the Social Worker/Police by phone as soon as possible after the decision to report the matter. If contacting Social Work and in the event that no Duty Social Worker is available, another Worker should be spoken to. It is not appropriate to leave a message or send an e-mail.
- 3.5 Where concerns arise out of office hours, it may not be possible to implement the procedure set out above. For example, a member of staff from Property Services may encounter a cause for concern as a result of an out of hours call out and it may not be possible to discuss the circumstances with the line manager until the next working day. The staff member should then report their concern immediately to the emergency team at the numbers given at Appendix 3.

#### **4.0 DATA PROTECTION**

- 4.1 The Association recognises that this is a disclosure of sensitive personal data as defined in the General Data Protection Regulation (EU) 2016/679. However, we consider that disclosure without the data subject's consent is legitimate and there is an overriding substantial public interest as the disclosure is required to maintain public safety and for the protection of vulnerable members of the community, and the public interest is of sufficient weight to over-ride the presumption of confidentiality and to justify any interference with the data subject's right to privacy. Association staff must ensure that any communication of sensitive data under these grounds is treated with the utmost confidentiality and password protection must be used as described in the Association's Privacy Policy.

#### **5.0 PROTECTION OF STAFF FOLLOWING REPORTS**

- 5.1 The Association recognises that staff may be more vulnerable to unacceptable actions following a decision to report concern to the authorities. When this happens, the Association will carry out a risk assessment and may impose restrictions on visiting the tenant or applicant. Please refer to the Unacceptable Actions/Expected Behaviours Policy 2021.
- 5.2 The Association recognises that encountering situations that give cause for concern may be distressing or upsetting for staff. The Association's Health and Safety Policy makes counselling available free of charge for staff who experience work related stress and time off and reimbursement of any expenses to attend counselling sessions will be provided.

## **6.0 PROTECTION OF VULNERABLE PERSONS AT EVICTION**

6.1 The Association's policies addressing Rent Arrears, Repossession, Estate Management and Anti-Social Behaviour set out how we will minimise the likelihood of eviction. However, where our attempts are not successful and eviction of a household including children is likely then the Housing and Homeless Department of the local authority will be notified at least 7 days in advance of the eviction.

## **7.0 STAFF DISCLOSURE OF CRIMINAL CONVICTIONS**

7.1 The Association, through its recruitment procedures, seeks information from prospective employees on unspent criminal convictions at the time of application. Where a candidate discloses unspent criminal convictions that are material to their prospective employment, the Association will assess the risk presented by the candidate to the safe completion of their duties, if appointed.

7.2 The Association has considered the advice of EVH in relation to Disclosure and notes that provision of a Housing Support Service is an occupation that is exempt from the Rehabilitation of Offenders Act 1974. If staff are engaged to provide a Housing Support Service, an Enhanced Disclosure will be required prior to appointment.

## **8.0 LIAISON WITH AUTHORITIES FOLLOWING A REPORT**

8.1 The Association will liaise and co-operate with the appropriate authorities following a report, though, for example, the provision of additional information, attending case conferences, and ongoing monitoring and report of further information if necessary.

8.2 However, where the Association feels that its reasonable suspicions and concerns have not been properly acted upon within the timescale set by the authority for a response, it will write to Head of Health & Social Care (or equivalent) of the relevant Authority, seeking further information and explanation of the authority's actions or lack thereof.

## **9.0 REVIEW**

9.1 This policy will be reviewed at least every 5 years.

**June 2021**

### **Policy Consultation and Review Process**

Reviewed by the Senior Management Team:	25 <sup>th</sup> May 2021
Recommended by Customer Services Committee:	3 <sup>rd</sup> June 2021
<b>APPROVED BY THE BOARD OF MANAGEMENT</b>	<b>24<sup>th</sup> JUNE 2021</b>
<b>Date of Next Review:</b>	<b>June 2026</b>

**Child Protection Confidential Report Form****Appendix 1**

Date	
Name, Address, date of birth of child being referred	
Current location of child being referred	
Any special needs of child being referred	
Names and dates of birth of other household members	
Details of any action already taken prior to referral	
Are family aware of referral?	
Household Composition	
Details of information giving rise to concern (Continue on separate sheet if necessary)	
Any other witnesses?	
Decision by Line Manager and reasons for decision.	
Action Taken	
Details of report to authorities (if appropriate)	
Signature - Reporting officer	
Signature - Line Manager	

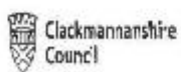
Forth Valley Adult Support and Protection Multi Agency Adult Protection Referral Form



**ADULT SUPPORT AND PROTECTION**

Multi Agency Adult Protection Referral form:  
AP1

Updated October 2014



FORTH VALLEY

Multi Agency Adult Protection Referral form [AP1]

FOR USE BY ALL AGENCIES & CARE PROVIDERS (EXCEPT POLICE)

Adult Protection Referral Form & Actions (AP1)

You must immediately report suspected or actual harm to your line manager and you have a legal duty to report any concerns to the Council Social Work Services if it is known or believed that a person is an adult at risk and that protective action is needed.

- All sections of Part A of the Referral Form require to be completed within 1 Working Day from becoming aware of the suspected or actual harm.
- Concerns of a significant or immediate nature should be reported by telephone and can then confirmed in writing if required.

NB: - If you do not have all the information required in Part A please do not delay and send the Referral information you have. Social Work Services will follow up on your referral and add any additional relevant and required information.

This form may also be used by Social Work Intake and other staff to record Internal referrals or Intake calls

1. ADULT AT RISK DETAILS:

Name:

Address:

Telephone Number

Date of Birth:

Gender:

Ethnic Origin:

Religion:

Any known communication difficulties: YES/NO

If YES, give details:

Living Situation e.g. lives alone, with spouse etc., type of accommodation, any known supports, carers details Etc.

**2. REFERRAL DETAILS:**

**Name of Referrer:**

**Job Title:**

**Address:**

**Contact Telephone Number:**

**In what capacity do you know the adult at risk you are referring?**

*This can be information relating to work setting, agency, or organisational relationship between the referrer and the adult at risk.*

**Do you suspect a crime has been committed and have you informed the Police?** (date & time and any actions taken by the Police)

*This is asking for your opinion, so it is helpful to record what you think, it may help to guide any inquiry or investigation.*

**Who else have you informed of this referral to Social Work Services?** (date & time and any actions taken)

*This could be your line manager, the agency that you work for etc.*

**3. WHAT ARE THE DETAILS AND NATURE OF THE SITUATION LEADING TO THIS REFERRAL?** (to include details of any specific incidents – dates, times, injuries, witnesses, evidence, such as bruising)

*This section should be as detailed as possible but at the very least contain all relevant and key information of the incident(s) leading to referral. Think about what is happening, when where who etc. Are there any other adults or children affected, are there any other issues that cause concerns about the adult at risk etc.*

**Do you believe the adult at risk is capable of understanding what has happened to them?**

*This is asking for a fairly subjective opinion from the referrer, but may be a good indication that the adult at risk may experience some cognitive impairment that should be considered before interviewing them. Think about whether the adult is able to understand what is going on etc*

**Have you obtained the adult at risk consent to make this referral? If not please give the reason for referring without consent.**

*Under Section 5(3) of ASP(S)A2007 there is a duty to report if the referrer knows or believes that an adult is an adult at risk of harm and that the local authority may have to intervene to protect the adult, consent is not necessary, but good practice would dictate that the adult should be at least informed that referral has been made*

**4. WHAT ACTION, OTHER THAN THIS REFERRAL, HAVE YOU TAKEN TO ENSURE THE ADULT AT RISK IS NOW SAFE?**

*Have any protective measures been taken to safeguard the adult such as removal of alleged perpetrator from direct contact with the adult etc.*

**5. GENERAL PRACTITIONER: give details if known**

**Name:**

**Telephone No:**

**Address:**

**6. OTHER HEALTH PROFESSIONALS KNOWN TO BE INVOLVED:**

**Name/s:**

**Contact No./s**



**7. DETAILS OF PERSON'S PHYSICAL AND MENTAL HEALTH:** Confidentiality is important but for the purposes of allowing Councils to undertake inquiries and investigations information to protect an adult at risk of harm relevant information should be shared. Please refer to your agency guidelines and Adult Protection procedures.

*This section should be as detailed as possible to give as clear a picture as possible of the adult and their current level of functioning. Details should be given about any health issues that you are aware of that affect the adult, how they communicate, how they mobilise etc. Give as much detail as possible, please be as accurate as possible.*

**8. IS THE ADULT AT RISK SUBJECT TO LEGAL MEASURES UNDER THE MENTAL HEALTH CARE AND TREATMENT ACT OR ADULTS WITH INCAPACITY ACT**

YES/NO

If YES give details

**9. DETAILS OF THE ALLEGED ABUSER – WHERE KNOWN**

Name:

Relationship to person:

Address:

Telephone number :

**10. DETAIL OF ANY PREVIOUS CONCERN/INCIDENT** (to include dates, times, actions taken and outcomes)

Signature of Person completing the form:

Print /Type Name:

Date & Time completed:

DATE & TIME RECEIVED BY COUNCIL:

- Notes Page -

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## List of relevant contacts

### Child Protection in Clackmannanshire

- Police (emergency):  
If a child or young person is at immediate risk of harm: 999
- Social Services: 01259 225000 (Out of office hours: 01786 470500)
- Police (non-emergency):  
If you are concerned about a child or young person who is not at immediate risk of harm: 101

### Adult Protection in Clackmannanshire

- Police (emergency):  
If a person is at immediate risk of harm: 999
- Social Services: 01259 727010 (Out of office hours: 01786 470500)

### Child Protection in Fife

- Police (emergency):

If a child or young person is at immediate risk of harm: 999

- Police (non-emergency): 101 or
- Social Work on 03451 551503 (Out of Hours: 03451 550099)

### Adult protection in Fife

- Police (emergency): If a person is at immediate risk of harm: 999
- Police (non-emergency): 101 or Adult Protection on 01383 602200