

# Adult Protection Policy

October 2021

## Policy control

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## THE GLASGOW SCHOOL OF ART

### ADULT PROTECTION POLICY

#### 1. Introduction

- 1.1 GSA is committed to ensuring a safe and supportive environment for all students and staff. This policy sets out GSA's responsibilities and approach to protecting adults at risk of harm as defined in the Adult Support and Protection (Scotland) Act 2007.
- 1.2 Where it is known or believed by a member of staff or student at GSA that someone is an adult at risk of harm, GSA has a responsibility to act to protect that person by reporting facts and circumstances of the concern to the relevant local authority and to assist with any adult protection inquiries or investigations undertaken by local authority officers.
- 1.3 All staff and students have an obligation to act in accordance with this policy if they know or believe that a person is an adult at risk of harm.
- 1.4 This policy sets out the procedures to be followed when such concerns arise or when an adult at risk discloses that they are being harmed.

#### 2. Adult at risk of harm

- 2.1 An adult at risk is a person aged 16 years or over who:
- is unable to safeguard themselves, their property, their rights or other interests;
  - is at risk of harm; **and**
  - because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than others who are not so affected.
- 2.2 All three elements of this definition must be met for a person to be considered an adult at risk and for action to be taken under Adult Support and Protection processes.
- 2.3 It is important to note that:
- Where an adult is unwilling rather than unable to safeguard themselves they may not be considered an adult at risk.
  - The presence of a particular condition does not automatically mean that an adult is an adult at risk. A person's abilities can fluctuate and change over time and it is the whole of a person's particular circumstances which can combine to make them more open to harm than others. People should not therefore be subject to 'once and for all' categorisation as adults at risk.

#### 3 Harm

- 3.1 Harm includes all harmful conduct and in particular:
- Conduct which causes physical harm
  - Conduct which causes psychological harm (e.g. by causing fear, alarm or distress)

- Unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud or extortion)
- Conduct which causes self-harm

3.2 Conduct includes neglect and other failures to act and also actions which are not planned or deliberate but have harmful consequences.

3.3 GSA guidance on adult support and protection provides further information for staff and students on recognising harm. See Annex 2.

#### **4 Risk**

4.1 Risk refers to a situation or behaviours that present a real or potential threat of harm to a person's health, development, safety or wellbeing. This can be where another person's conduct is causing or is likely to cause harm, or where an adult at risk is engaging in, or is likely to engage in, conduct which causes, or is likely to cause, self-harm.

#### **5. Key principles in Adult Support and Protection**

5.1 Any action taken by GSA in relation to adults at risk of harm will be guided by the overarching principle that any intervention should provide benefit to the individual. GSA will ensure that:

- The wishes and feelings of the adult at risk are taken into account.
- The adult at risk is provided with relevant information and support to enable them to participate as fully as possible in any referral process.
- The adult at risk is not treated less favourably than another adult in a comparable situation.
- The abilities, background and characteristics (including their age, sex, sexual orientation, religious or philosophical belief, race, ethnicity and cultural and linguistic heritage) are taken into account.

#### **GSA Procedure**

#### **6 Protection of Vulnerable Groups Scheme**

6.1 In line with the Scottish Governments Protection of Vulnerable Groups (PVG) scheme, Heads of Schools (and equivalent Senior Leadership Group colleagues) must ensure that disclosure at the appropriate level is sought and obtained for all staff and individuals who have regular, work place contact with vulnerable groups, including adults at risk, in order to ensure they do not have a history of harmful behaviour.

GSA's policy and guidance on PVG can be found in the Protection of Vulnerable Groups Scheme Policy in the Human Resources section of the GSA website [www.gsa.ac.uk](http://www.gsa.ac.uk).

#### **7 GSA Designated Protection Officer**

7.1 The role of Designated Protection Officer is held jointly by the Head of Student Support and Development, the Director of Human Resources and the Head of Professional and Continuing Education.

- 7.2 The Designated Protection Officer is responsible for:
- Liaison with external and statutory agencies as these relate to this policy
  - Holding all case records and reports related to this policy
- 7.3 Given that the role is jointly held the role holders are jointly required to ensure that these responsibilities are met.
- 7.4 The roles and responsibilities of staff under this policy including those of the Designated Protection Officer can be found at Annex 3.

## **8 Disclosure and concerns**

- 8.1 In all cases the person with reason for concern about an adult at risk, or to whom a disclosure of harm is made, must adhere to the following procedure:
- Report their concern as soon as possible to their Head of Department/Programme/Stage Leader (MSA) or in their absence directly to the Designated Protection Officer.
  - Record the disclosure or nature of the concern clearly and accurately using the reporting template attached at Annex 1.
  - Deliver the completed reporting template to a Designated Protection Officer within twenty-four hours of the disclosure or concern arising or earlier if the risk of harm is immediate.
- 8.2 Everyone has a responsibility to report safeguarding concerns.
- 8.3 Where there is uncertainty regarding the relevance of this policy to the adult concerned the Head of Department/Programme/ Stage Leader (MSA) should seek advice from the Designated Protection Officer.
- 8.4 Guidance in relation to concern and disclosure can be found at Annex 2.

## **9 Confidentiality and Information Sharing**

- 9.1 Sharing information appropriately is an essential aspect of supporting and protecting adults at risk and must be relevant, necessary and proportionate to the circumstances at all times.
- 9.2 All information relating to the support and protection of adults at risk will be stored and shared securely in line with data protection legislation.
- 9.3 Guidance to support decision making about when it is appropriate to share information with others can be found at Annex 2.

## **10 Allegations against a member of GSA staff or student**

- 10.1 If an adult at risk alleges that a member of staff has caused them harm the procedure set - out in this policy must be followed immediately.

- 10.2 Where an allegation is made about a Head of Department/ Programme/Stage Leader (MSA) the completed reporting template should be hand delivered directly to the Designated Protection Officer.
- 10.3 In any such case, GSA will consider any action required in line with the Staff Disciplinary Policy and Procedure. An employee against whom an allegation is made will be suspended without prejudice as provided for under section 2.3.7 of the Disciplinary Policy.

## **ANNEX 1**

### **ADULT SUPPORT AND PROTECTION POLICY - REPORTING A DISCLOSURE OR CONCERN**

This form must be completed by the staff member raising the concern and must be handed to the Designated Protection Officer within 24 hours of the incident or concern being raised.

#### **DETAILS OF THE ADULT AT RISK**

<b>Full name:</b>	
<b>Date of birth:</b>	
<b>Address:</b>	
<b>Home telephone number:</b>	
<b>Mobile telephone number:</b>	
<b>Course/activity attended:</b>	
<b>Religious, cultural or other relevant factors to be considered:</b>	

#### **DETAILS OF DISCLOSURE/CONCERN:**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b>
<b>Briefly describe the circumstances and nature of the disclosure or concern:</b>		
<b>What the adult at risk said in their own words:</b>		
<b>Initial action taken:</b>		
<b>Location of the adult at risk now:</b>		

<b>Details of staff member completing this form:</b>	
<b>Name:</b>	<b>mobile tel. number:</b>
<b>Signature:</b>	<b>Date:</b>
<b>Received by Designated Protection Officer</b>	

<b>Name:</b>	
<b>Signature:</b>	<b>Date:</b>

**ANNEX 2  
GSA ADULT PROTECTION POLICY**

**GUIDANCE**

**1 Introduction**

GSA is committed to ensuring a safe and supportive environment for all students and staff. The purpose of this guidance is to ensure that staff and students are aware of their roles and responsibilities with regard to the protection of adults at risk of harm.

This guidance should be read in conjunction with the GSA Adult Protection Policy.

**2 Definition of an adult at risk of harm**

The Adult Support and Protection (Scotland) Act 2007 defines an adult at risk as a person aged 16 years or over as specified in 2.1 of the Policy:

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

All three elements of this definition must be met for a person to be considered an adult at risk and for action to be taken under Adult Support and Protection processes. This is known as the three-point test and statutory services will apply these criteria to any adult protection referral.

As noted in the GSA policy the presence of a particular condition or a disability does not automatically mean that an adult is an adult at risk. A person's abilities can fluctuate and change over time and it is the whole of a person's particular circumstances which can combine to make them more open to harm than others. People should not therefore be subject to a categorisation of adult at risk.

A key consideration in the definition of adult at risk is the adult's ability to safeguard themselves in a particular situation, context or circumstance. An adult who is capable of taking action to safeguard themselves from harm but is unwilling to do so may not be considered an adult at risk.

**3 Definition of harm**

Harm takes many different forms and can occur in many contexts. Not all harm is deliberate, for example there may be no premeditation but a persistent failure to meet someone's basic physical or emotional needs. Harm includes all harmful conduct.

The Adult Support and Protection (Scotland) Act 2007 describes four main types of harm: physical, psychological, financial and self-harm.

Some examples of harmful conduct are:

- Conduct causing physical harm – being hit, kicked, punched.
- Conduct causing physical neglect – inadequate nutrition, self-neglect, isolation, inadequate care.
- Conduct causing sexual harm – unwanted or inappropriate sexual contact, rape, sexual exploitation or exposure to unsuitable materials.
- Conduct causing emotional and psychological harm - constant criticism, shaming, humiliation, intimidation, bullying including online bullying and grooming.
- Conduct or practices which subjugate a person – honour based violence or enforced marriage, female genital mutilation, controlling behaviour.
- Discriminatory harm – racist, homophobic, ageist, sexist behaviours, harassment and stereotyping.
- Conduct causing self-harm – dangerous risk taking, drug/alcohol misuse, overdosing, neglect of own needs.
- Conduct causing financial harm – exploitation, theft, inappropriate lending or borrowing.

Any location is a potential environment for harmful conduct although evidence shows that most harm to adults at risk takes place in their home.

Patterns of harm vary and can include harmful conduct that occurs because pressures have built up in particular situations or harm may have occurred over a long period of time in the context of ongoing relationships. Harm can equally be opportunistic, such as theft or people can be sought out and 'groomed'. Sexual abuse usually falls into this pattern as can some forms of financial harm.

The use of technology, digital media and the internet has opened up additional risks of exploitation such as identity theft and abuse of personal information, exposure to unsuitable material, and online sexual exploitation and grooming.

#### **4 Confidentiality and information sharing**

Confidentiality is important; however, it is not an absolute right. The law allows information to be shared without consent where disclosure is required by law or is in the public interest. Where disclosure is made in the public interest then the disclosure must be proportionate to the harm it is seeking to prevent.

Adults have a general right to independence, choice and self-determination including control over information about themselves. In the context of adult safeguarding these rights can in certain circumstances be overridden.

- Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services without consent.
- The law does not prevent the sharing of sensitive, personal information within organisations, if the information is confidential, but there is a safeguarding concern, sharing it may be justified.
- The law does not prevent the sharing of sensitive, personal information between organisations where the public interest served outweighs the public interest served by protecting confidentiality – for example, where a serious crime may be prevented.

- The Data Protection Act enables the lawful sharing of information.
- An individual employee cannot give a personal assurance of confidentiality.
- Staff should always report safeguarding concerns in line with GSA policy – to their line manager in the first instance except in emergency situations.
- It is good practice to try to gain the person’s consent to share information.
- As long as it does not increase risk, the person should be informed if there is a need to share their information without consent.

## **5 Concern and disclosure**

Typically, harm is disclosed either because an incident, which is harmful or of concern, is witnessed by an individual, or, the person being harmed chooses to speak to someone to disclose harm or say that they feel unsafe.

There can be powerful disincentives for a person to disclose that they are being harmed including emotional/psychological factors and the person inflicting harm may be a significant individual in the life of the person being harmed. A key indicator of harm is behaviour which is atypical of the person or a significant change in their usual presentation and functioning as an individual.

Harm may also be disclosed or concerns prompted as a consequence of:

- Unexplained absences
- Changes in the appearance, behaviour and health of an individual
- A complaint
- A grievance or disciplinary procedure
- A change in motivation, attainment or performance

## **6 How to respond to disclosure or concerns**

Responding to disclosure requires sensitivity. There are many barriers that may prevent an adult at risk of harm from disclosing that they are being harmed. These include being dependent on the person that is harming them, being in a minority, the fear of losing familiar relationships and of isolation or exclusion.

As with all sensitive communication it is important to listen and be aware that the person may not appreciate the significance of what they are telling you. They may not realise or accept that they are being harmed. It is important that you gather as much information as possible taking account of the following:

### **Do:**

- Remain calm
- Listen carefully to what is being said and pay attention to nonverbal messages
- Keep questions to a minimum
- Reassure the person that they are right to talk about what has happened / is happening
- Ask precise questions – who, what, where, when - in order to obtain key information about what has happened / is happening
- Tell them what you are going to do next and why
- Record in the person’s own words what has been said
- Act promptly and report to your Head of Department/Programme/Stage Leader (MSA) or, if they are unavailable, the Designated Protection Officer

**Do not:**

- Ask too many or leading questions
- Press the person for more detail than they are willing to give
- Make suggestions
- Make any promises that you are unable to keep
- Express shock or anger at what is being said to you
- Interpret what is being said – just record and report
- Delay listening to the person or passing on your concerns
- Carry out an investigation into the allegation or try to resolve the issue yourself

You must explain to the person that you will be passing what they have told you on to an appropriate person so that the next steps that need to be taken can be identified.

If you suspect that an adult at risk is being harmed, the information above concerning disclosure continues to be relevant.

**In summary:**

- Remain calm
- Try not to over react or panic
- Ensure no one is in immediate danger
- Call emergency services if urgent help is required
- Report concerns without delay to your Head of Department/Programme/Stage Leader (MSA) or in their absence the Designated Protection Officer
- Do not try to investigate
- Do not challenge or speak to the person suspected
- Record the facts
- Do not wait until you have all the information
- Follow GSA procedure

If an adult at risk discloses to you that they are being harmed, or if you suspect they are being harmed you must not try to resolve or investigate the issue yourself.

Immediate action must be taken by following the procedure set out in GSA's Adult Protection Policy as follows:

- Report the matter as soon as possible to your Head of Department/Programme/Stage Leader (MSA) or in their absence directly to a Designated Protection Officer.
- Record the disclosure or the nature of your concern, clearly and accurately using the reporting template.
- Hand-deliver the completed template to the Designated Protection Officer within twenty-four hours of the incident or concern arising, or earlier if the risk of further harm is immediate.

When recording information, it is important to:

- be clear and specific
- use plain language
- record facts accurately
- record what you have been told in the precise words used
- record any action taken (including when no action taken)

Only record information that is relevant and necessary. At this stage you must not share or discuss information with anyone other than the relevant Head of Department/Programme/Stage Leader (MSA), or if unavailable, the Designated Protection Officer.

The Designated Protection Officer will liaise with the statutory agencies.

Under the Adult Support and Protection (Scotland) Act 2007 local councils, usually through their social services department's adult protection team must investigate reports of adults at risk of harm, as defined above. The social services will apply the three-point test before any adult protection intervention is progressed by them.

Action by the council social services department will be dependent on whether the council knows or believes that the person is an adult at risk and that intervention might be needed in order to protect the person's wellbeing, property or financial affairs.

The council is required to give a measured and considered response to all adult support and protection referrals and this may result in an adult protection inquiry.

## **7 Next steps**

An appropriate referral will be made by the Designated Protection Officer to, and in liaison with, the police and/or Social Work services. The Designated Protection Officer is GSA's formal point of contact with Statutory Services and will liaise with them on issues arising in relation to the Adult Protection Policy.

GSA has a duty to cooperate with any investigation conducted under Adult Support and Protection legislation.

GSA recognises that responding to concerns or disclosure of harm may be distressing. In such circumstances it is important to manage yourself and the situation ensuring that the wellbeing of the adult at risk is safeguarded in the first instance. After dealing with the situation you should speak to your Head of Department as soon as possible. Additional support, should you need it, is available to you through the Human Resources department if you are a member of staff or the Student Support and Development department if you are a student.

## **8 In an emergency**

If the risk of harm is **immediate** and you are unable to contact your Head of Department/ Programme/Stage Leader (MSA) or the Designated Protection Officer, for example out-with working hours or if the situation is an emergency involving risk to life, you should contact the Police by dialling 999.

**Do not put yourself or anyone else at risk.** Do not physically intervene unless reasonable restraint is both necessary and possible in order to protect someone who is an **immediate** danger to themselves or to others. In any such circumstance the minimum amount of force required should be used for the shortest period of time. Remain calm and get help as soon as possible. Any incident in which reasonable restraint is used must be recorded in writing, with a witness statement where possible, immediately afterwards.

You must then alert your Head of Department/Programme/Stage Leader (MSA) or in their absence the Designated Protection Officer as soon as possible and provide a written report to the Designated Protection Officer within 24 hours of the concern, disclosure or incident taking place.

## 9 Further information

Adult Support and Protection (Scotland) Act 2007: Code of Practice (Revised May 2014)

<http://www.gov.scot/Resource/0045/00455465.pdf>

Glasgow Adult Protection Committee

<https://www.glasgowadultprotection.org.uk/index.aspx?articleid=11122>

Act Against Harm

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

### ANNEX 3

#### RESPONSIBILITIES UNDER THE GSA ADULT PROTECTION POLICY

##### THE DESIGNATED PROTECTION OFFICER

The Designated Protection Officer is the point of contact between GSA and Statutory Services and will liaise as appropriate with GSA staff or students who make a report under the GSA Adult Protection Policy.

The responsibilities of the Designated Protection Officer are as follows:

- To receive reports of concern or disclosure with regard to adults at risk of harm from Heads of Department/Programme/Stage Leaders (MSA) or Heads of School.
- To make a referral to Social Work Services within 24 hours of receiving a referral in which safeguarding concerns are identified. This will be done in the first instance by phone and followed up in writing.
- To call the Police where, as a result of a report, it is identified that there is a high risk indicating the need for urgent action.
- To act as the point of contact between GSA and the Statutory Services and receive feedback in relation the outcome of a referral.
- To consider whether safeguarding incidents should be reported to the Office of the Scottish Charity Regulator (OSCR) under the Notifiable Events System and report as required.
  - When incidents are notified to the OSCR, the SFC should also be informed that a report has been made (but not of the detail of the incident)
- To liaise with the member of staff or student who has made a report should the council determine that an inquiry is required or where a referral to another service is advised.
- To as appropriate inform the person reporting a concern of the outcome of any referral.

The Designated Protection Officer will not discuss or disclose any information to another party, for example a parent or carer without consultation with Social Work Services and/or the Police.

Additional responsibilities of the Designated Protection Officer are:

- To ensure that this Policy and any associated guidance and procedures remain up-to-date and are

offered, as appropriate, to the Senior Leadership Group for approval.

- To ensure that this Policy is published on the GSA website.
- To liaise with Human Resources regarding initial and on-going staff training regarding this Policy and any associated guidance and procedures.

#### **ROLES AND RESPONSIBILITIES AT GSA**

- The Board of Governors must assure itself that GSA is compliant with its statutory responsibilities to safeguard adults at risk of harm as defined in this policy
- The Director of GSA is responsible for providing leadership and ensuring that GSA complies with its statutory responsibilities and that the institutional policy and practice frameworks to safeguard adults at risk of harm, as defined in this policy, are delivered across all activities and functions.
- The Deputy Director Academic is responsible for briefing the Director on safeguarding requirements and for formal institutional reporting, including to the Board of Governors.
- The Head of Student Support and Development is responsible for the development of institution-level policy and guidance on the systems, mechanisms and measures required to demonstrate compliance with safeguarding responsibilities, is the primary source of advice for safeguarding matters at GSA and responsible for drafting appropriate formal reports, in consultation with the Deputy Director Academic.
- All members of the GSA Senior Leadership Group are responsible for ensuring that institution-level policy is implemented and delivered effectively within the areas for which they have leadership and management responsibility. GSA Senior Leadership Group Members are also responsible for the development and implementation of relevant local-level measures, to ensure alignment with institution-level policy and compliance with statutory safeguarding responsibilities including those relevant to the protection of adults at risk of harm as defined in this policy. Appropriate systems will include but are not limited to ensuring that:
  - All relevant staff/students have PVG disclosure (in consultation with Human Resources).
  - All staff/students are aware of their responsibilities under the GSA Adult Protection Policy, are appropriately briefed and undertake the training made available by GSA.
  - Where students undertake work with adults at risk as part of their studies that they are aware of the GSA Adult Protection Policy and the equivalent procedure of any organisation in which their work will be undertaken.

#### **PROGRAMME / STAGE LEADERS (MSA) AND HEADS OF DEPARTMENTS**

Programme/Stage Leaders (MSA) have a role as the first point of contact for staff or students in reporting an adult protection concern, offering immediate support to the person reporting the concern and ensuring that reporting to the Designated Protection Officer is undertaken in line with policy. They are responsible for ensuring the effective implementation of the measures that support the policy.

## **RESPONSIBILITIES OF ALL STAFF**

All staff have a role in recognising a safeguarding concern and reporting it in line with GSA policy and guidance.