

# Policy and Sustainability Committee

10am, Tuesday, 28 May 2024

## Adult Support and Protection – Policy

Executive/routine  
Wards

### 1. Recommendations

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- 1.1 Agree and approve an Adult Support and Protection Policy for City of Edinburgh.

#### **Rose Howley**

Chief Social Work Officer and Service Director Performance, Quality and Improvement

#### **Pat Togher**

Chief Officer, Edinburgh Health and Social Care Partnership

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## Adult Support and Protection Policy

### 2. Executive Summary

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- 2.1 The current Adult Support and Protection (ASP) policy is significantly out of date, dating back to 2017. The ASP policy has been updated and modernised and is presented for approval.

### 3. Background

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- 3.1 Adult Protection aims to ensure that all adults who are unable to safeguard themselves because of disability, illness, mental disorder or mental or physical infirmity get the help and support they need to stay safe and well and be protected from harm. All adults have a right to a life and an environment which is safe from harm, and services should offer appropriate protection and support so that this may be achieved. The City of Edinburgh has various duties it must undertake and powers it may invoke under the Adult Support and Protection (Scotland) Act 2007. This policy provides a set of principles in relation to the support and protection of adults to which City of Edinburgh Council will abide when undertaking these duties and/or using statutory powers.
- 3.2 Under the Adult Support and Protection (Scotland) Act 2007, an “adult at risk” is defined as a person aged 16 years or over who:
- 3.3 (a) is unable to safeguard his or her wellbeing, property, rights, or other interests
- 3.4 (b) is at risk of harm, and
- 3.5 (c) because s/he is affected by disability, mental disorder, illness or physical or mental infirmity is more vulnerable to being harmed than adults who are not so affected.
- 3.6 The presence of a particular condition does not automatically mean an adult is “at risk”. Someone could have a disability, but be able to safeguard their wellbeing, property, rights or other interests. All three elements of this definition must be met for the provisions of the legislation to apply. The City of Edinburgh Council recognises that for some adults the application of the three-point criteria will be

straightforward, but for others there will be a requirement for a more nuanced assessment.

## 4. Main report

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- 4.1 The Adult Support & Protection (Scotland) Act 2007 makes a requirement for each local authority area to have an Adult Protection Committee. The committee includes a wide range of representation including core agencies of City of Edinburgh, NHS Lothian and Police Scotland. It is incumbent on the committee to ensure that there are inter-agency procedures in place and that they have oversight of them. There was previously a multi-agency procedure across Edinburgh, Lothians and the Scottish Borders which was dissolved. Subsequent to that, The City of Edinburgh invoked a Procedure that was single-agency in nature.
- 4.2 The existing ASP policy is significantly dated, going back to 2017. Guidance, best practice, and inspection activity has led to a review and modernisation of this key public protection document. In particular, in 2022 the Scottish Government provided a revision to the [Code of Practice](#) associated with the 2007 Act.
- 4.3 The revised Code of Practice acknowledges the impact that trauma has upon a person's capacity to make decisions and to safeguard themselves and their interests. The ASP policy for consideration promotes a trauma informed lens for assessing and intervening in a person's life.
- 4.4 The policy also identifies the responsibility on all Council employees to report any concerns that an adult may be at risk of harm.
- 4.5 The delivery of Adult Protection requires a multi-agency response and activity is supported, promoted, and governed through the Adult Support and Protection Committee. It is imperative that the Adult Support and Protection Committee has inter-agency procedures in place that set out the operational delivery of key processes and offers guidance across a range of agencies including City of Edinburgh employees. This policy endorses this approach.
- 4.6 The delivery of Adult Support and Protection across key agencies was subject to a joint inspection by the Care Inspectorate, Health Improvement Scotland and His Majesty's Inspectorate of Constabulary between November 2022 and February 2023. The inspection found a number of areas for improvement across key processes and strategic leadership. Considerable work is on-going to address the identified improvements required. The establishment of an updated policy for the City of Edinburgh Council which supports the delivery of Adult Protection through inter-agency procedures are key elements.

## 5. Next Steps

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- 5.1 The updating of this key policy meets the Council's requirement for having up to date policies describing agreed courses of action or sets of standards for this area of public protection. This policy will be maintained by the Adult Protection Lead Officer who will ensure its continued relevance, and its compliance with legislation. The Lead Officer reports to the Edinburgh Adult Support and Protection Committee and ultimately to the Council's Chief Social Work Officer.
- 5.2 The Adult Protection Committee inter-agency procedures are in an advanced draft. They will require a period of consultation and endorsement by key agencies and the Adult Support and Protection Committee. The implementation of both the inter-agency procedures and City of Edinburgh Council policy should run in parallel.

## 6. Financial impact

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- 6.1 There are no direct financial implications or risks attached to this update and modernisation of existing Adult Support and Protection policy. However, ensuring that our statutory obligations are met and prioritising the protection of individuals from harm may require resource which has a financial impact.

## 7. Equality and Poverty Impact

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- 7.1 The Adult Support and Protection Policy promotes a value base that any person from our communities, no matter their race, ability, sex, gender, level of personal income or any other defining characteristic may well through either omission or commission become subject to inquiries that establish them to meet the three-point criteria as being an adult at risk of harm, abuse, or exploitation.
- 7.2 An Integrated Impact Assessment has been undertaken to support the production of this policy.

## 8. Climate and Nature Emergency Implications

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- 8.1 This updated policy and procedure has no climate or nature emergency implications.

## 9. Risk, policy, compliance, governance, and community impact

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- 9.1 The ASP policy is a modernisation and update from the 2017 ASP policy. The ASP policy brings Edinburgh's position on Adult Support and Protection in line with recent best practice, inspection findings, and [codes of practice](#).

- 9.2 There are no risks attached to the updated ASP policy, and its adoption is key to Edinburgh being legislative and best practice compliant.

## **10. Background reading/external references**

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- 10.1 [Adult Support and Protection \(Scotland\) Act 2007](#)  
10.2 [Adult Support and Protection \(Scotland\) Act 2007: Code of Practice](#)  
10.3 [Guidance for Adult Protection Committees](#)

## **11. Appendices**

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- 11.1 Appendix 1 - Adult Support and Protection Policy

# Adult Support and Protection Policy

## Control schedule

Version control

<b>Approved by</b>	Policy and Sustainability Committee		
<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Comment</b>
0.1	01.02.22	Kate Armit	Review with updates
0.2	21.03.23	Catherine Mathieson and Jon Ferrer	Final Draft
0.3	29.11.23	Jessica Haenow	Final Draft with
04	7/05/2024	Rose Howley multi-agency Procedure added	amendments
<b>Scheduled for review</b>	Biannual		

Subsequent committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
TBC	Policy and Sustainability		

# Adult Support and Protection

## Policy statement

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Adult Protection aims to ensure that all adults who are unable to safeguard themselves because of disability, illness, mental disorder or mental or physical infirmity get the help and support they need to stay safe and well and be protected from harm. All adults have a right to a life and an environment which is safe from harm, and services should offer appropriate protection and support so that this may be achieved. The City of Edinburgh has various duties it must undertake and powers it may invoke under the [Adult Support and Protection \(Scotland\) Act 2007](#). This policy provides a set of principles and definitions in relation to the support and protection of adults to which City of Edinburgh Council will abide when undertaking these duties and/or using statutory powers.

Edinburgh is committed to the provision of a joint and consistent approach to managing risk of harm in a wide range of situations, and not just those under the 2007 Act. The Council and its partners, through Edinburgh's Public Protection Committees, will combine experience, knowledge, and resources in seeking to engage with people with lived experience to improve their wellbeing and keep communities safe.

## Scope

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This policy should be read in conjunction with Edinburgh's Interagency Adult Protection Procedures.

The principles and definitions within this policy apply to all adult protection activity carried out by or on behalf of the City of Edinburgh Council.

## Definitions

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### Adults at Risk

Under the [Adult Support and Protection \(Scotland\) Act 2007](#), an "adult at risk" is defined as a person aged 16 years or over who:

- (a) is unable to safeguard his or her wellbeing, property, rights or other interests
- (b) is at risk of harm, and
- (c) because s/he is affected by disability, mental disorder, illness or physical or mental infirmity is more vulnerable to being harmed than adults who are not so affected.

The presence of a particular condition does not automatically mean an adult is "at risk". Someone could have a disability, but be able to safeguard their wellbeing, property,

rights, or other interests. All three elements of this definition must be met for the provisions of the legislation to apply. Edinburgh recognises that for some adults the application of the three-point criteria will be straightforward, but for others there will be a requirement for a more nuanced assessment. It is the entirety of an adult's particular circumstances which combine to make some adults more vulnerable to harm than others. The entirety of an adult's circumstances will be considered when assessing risk of harm and safety planning.

'Unable' to safeguard is not defined in the legislation but the definition of 'unable' is defined by the Oxford English Dictionary as 'lacking the skill, means or opportunity' to do something.

### **Categories of abuse or harm**

Under the Adult Support and Protection (Scotland) Act 2007, an adult is at risk of harm if another person's conduct is causing or is likely to cause the adult to be harmed

or

the adult is engaging or is likely to engage in conduct, which causes or is likely to cause self-harm.

Harm means all harmful conduct, regardless of whether the harm is deliberate, unintentional, or due to ignorance.

Harm may include:

- physical harm
- psychological or emotional harm (e.g. by causing fear, alarm or distress)
- unlawful conduct, which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion)
- self-harm
- sexual harm or sexual exploitation
- neglect and acts of omission
- self-neglect
- financial harm
- human rights abuses

### **Duty to Report Harm**

Everyone has a responsibility to report concerns for an adult they know or believe to be at risk of harm.

Where the adult is in immediate danger, requires urgent medical attention or crime is suspected, must call the appropriate emergency services (police, ambulance, fire service). Any member of City of Edinburgh Council staff who has concerns or is given information about an adult at risk of harm must discuss this with their line manager as soon as is practical and make a referral to [Social Care Direct](#).



[Whistleblowing](#) Policies and procedures are in place to deal with employee concerns about unprofessional, dangerous, or illegal activities which they become aware of through their work.

### **Trauma Informed Approach**

A [trauma informed approach](#) seeks to understand the range of behaviours and strategies that people use to cope with or survive trauma. These could include use of drugs or alcohol, non-engagement with services, self-neglect and hoarding or maintaining contact with abusers. In these circumstances an individual's ability to make decisions about safeguarding their own wellbeing may have been significantly compromised. It is important that practitioners are alert and open to the impact trauma can have on the choices that people make regarding their lifestyle and their own health and wellbeing.

## **Policy content**

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### **Values and Principles of Adult Protection**

The support and protection of adults in Edinburgh will be promoted according to the principles outlined in the Adult Support and Protection (Scotland) Act 2007. These are as follows:

- any intervention in an adult's affairs will provide benefit to the adult.
- any intervention into the adult's affairs will be the least restrictive into the adult's affairs possible.
- any intervention will take into account the wishes of the adult.
- any intervention will take into account the views of people who are important to the adult.
- any intervention will involve the adult's participation as much as possible.
- any intervention will not result in the adult being treated less favourably than someone who is not an adult at risk.
- any intervention will take into account the adult's abilities, background, and characteristics (including the adult's age, sex, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

In addition, agencies will work co-operatively to provide in line with the [5 Health and Social Care Standards and related principles](#) and a response which is:

- alert and responsive to signs of significant deterioration in an adult's physical or mental wellbeing, and prompt in ensuring the immediate support and protection of the adult at risk;
- sensitive to individuals and their representatives/carers; making every effort to involve the adult in decision making and to provide appropriate support for decision making, including advocacy services;
- effective in providing safety plans and solutions which are as simple and practical as possible and aimed to prevent the risk of harm recurring; ensuring

that safety planning is specific, measurable, achievable, realistic, and time-based;

- balanced so that agencies must exercise responsibilities and duties appropriately and ensure that all intervention in adult's lives is proportionate, justified, and rights-based and with the reasons being fully and clearly recorded.
- transparent and open to learning and continuous improvement.

Edinburgh supports the broader approach to protecting adults which means that;

- when defining who is an 'adult at risk' consideration is given to all aspects of an individual's circumstances including the potential effect of trauma upon an individual's ability to safeguard their own wellbeing. It is recognised that application of the criteria is not straightforward for some people and a trauma informed approach is required. There does not need to be certainty that an individual meets the legal definition of an 'adult at risk' to progress with further investigation if there is concern about risk of harm.

### **Joint Working in Adult Protection**

Support and protection of adults at risk is not the responsibility of any single agency. Professionals working with adults at risk are required to work together to share information, assess needs and risks, and plan and deliver services in a co-ordinated manner. In so doing, professionals can reduce the risk of harm and promote welfare.

The Edinburgh Adult Support and Protection Committee is established under the terms of the Adult Support and Protection (Scotland) Act 2007. It includes representatives from the City of Edinburgh Council, Edinburgh Health and Social Care Partnership, NHS Lothian, Police Scotland, the Care Inspectorate, the Scottish Fire and Rescue Service, Edinburgh Voluntary Organisation Council, and advocacy partners.

The Committee has various functions:

- to oversee and implement relevant procedures, protocols and guidance and to promote multi-agency partnership working.
- to support the improvement of knowledge and skills of colleagues; to share and support good practice locally and nationally.
- to analyse trends and patterns in data; to provide quality assurance and identify and oversee implementation of improvement activity.

Measures to protect adults at risk will be considered in the context of the wider range of support services available. Adult protection investigations may identify gaps in support, even if they conclude that no harm has taken place. When this is the case, an assessment of need should be undertaken to secure appropriate services.

Sharing information is central to this work and the City of Edinburgh Council's expectations are explicit. Where there is a reasonable cause to suspect that an adult at risk is suffering from harm, this will always override the need for confidentiality.

An approach will be taken which views Adult Support and Protection as part of the wider public protection partnership. Areas for joint working across the spectrum of public protection will be identified to ensure an integrated approach through a cohesive strategy.

To ensure that the Council provides adult protection measures, which are shared across agencies, and which comply with the adult protection principles and procedures introduced for all staff. These are described in detail in Edinburgh's Interagency Adult Protection Procedures.

## **Implementation**

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This policy was implemented following the enactment of the adult support and protection legislation.

## **Roles and Responsibilities**

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The City of Edinburgh Council's Chief Social Work Officer has overall responsibility for this policy.

The Lead Officer to the Adult Protection Committee has lead responsibility for the administration of the Adult Support and Protection Policy and associated Procedure.

All relevant Edinburgh Council staff have a duty and responsibility to:

- Comply fully with this Policy
- Undertake relevant level of training
- Ensure they know how to access this policy

## **Related documents**

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[Adult Support and Protection \(Scotland\) Act 2007](#)

[Adult Support and Protection Procedure](#)

[Adults with Incapacity \(Scotland\) Act 2000](#)

[Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#)

[Forced Marriage \(Scotland\) Act 2011](#)

[Equality Act 2010](#)

## **Integrated impact assessment**

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This policy seeks to reduce and mitigate risks to adults in need of protection as described in the Adult Support and Protection (Scotland) Act 2007.

## **Risk assessment**

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This policy represents an overarching statement in relation to the multi-agency assessment and management of Adult Support and Protection. It seeks to reduce and mitigate risks to those adults at risk of harm who may be unable to safeguard their own wellbeing. The Council has statutory duties it must comply with under the Adult Support and Protection (Scotland) Act 2007. This policy outlines legislative principles which must inform Adult Support and Protection activity.

## **Review**

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This policy will be reviewed on a yearly basis.

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