

Safeguarding Policy Statement (Adults)

IYASU Healthcare believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.

IYASU Healthcare is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

IYASU Healthcare acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved.

IYASU Healthcare recognises that there it has a legal obligation to safeguard adults who have needs for care and support and to protect those who are unable to take action to protect themselves. IYASU Healthcare will act in accordance with The Adult Support and Protection (Scotland) Act 2007 and with local statutory safeguarding procedures.

Actions taken by IYASU Healthcare will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

Purpose

The purpose of this policy is to demonstrate the commitment of IYASU Healthcare to safeguarding adults and to ensure that everyone involved in IYASU Healthcare 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 or wellbeing of an adult within the organisation.

Commitments

- This safeguarding adult policy and associated procedures apply to all staff of IYASU Healthcare.
- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with IYASU Healthcare's Safeguarding Adults Policy and Procedures.
- The well-being of those at risk of harm will be put first and the adult 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 all 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.
- IYASU Healthcare will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.
- IYASU Healthcare uses safe recruitment practices and continually assesses the suitability of staff to prevent the employment/ of unsuitable individuals.
- IYASU Healthcare shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Police, Social Services.
- Actions taken under this policy are reviewed on an annual basis.

Implementation

IYASU Healthcare is committed to developing and maintaining its capability to implement this policy and procedures. The lead for safeguarding is Dr Catherine Fernando

- Policies and procedures that address the following areas are in place. These are also consistent with this Safeguarding Adults policy.
 - ✓ Safeguarding Children
 - ✓ Bullying and harassment
 - ✓ Equality, diversity and inclusion
 - ✓ Concerns, Complaints and Compliments
 - ✓ Whistleblowing
 - ✓ Safe recruitment and selection
 - ✓ Information policy, data protection and information sharing

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
- The Data Protection Act 2018
- General Data Protection Regulations 2018

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

- Scotland – Adult Support and Protection Act 2007
Adult Support and Protection (Scotland) Act 2007 Code of Practice 2014

Adult safeguarding may include but is not limited to:

- | | |
|-----------------------------------|---|
| • Murder/attempted murder | |
| • Physical Assault | • Modern slavery and Human exploitation |
| • Sexual Offences | • Hate crime |
| • Domestic Abuse/Coercive control | • Harassment |
| • Forced Marriage | • Listing and Barring of those unsuitable to work with adults with care and support needs |
| • Female Genital Mutilation | |
| • Theft and Fraud | |

Decisions can be made on behalf of an adult who is unable to make decisions for themselves in line with the Adults with Incapacity Act (Scotland) 2000

Definition of an Adult at Risk

An Adult at risk is an individual aged 16 years and over who:

- a) is unable to safeguard their own well-being, property, rights or other interests,
- b) 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.

Scotland (Adult Support and Protection Act 2007)

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 of the following 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 includes the following types of abuse:

- Physical
- Sexual
- Psychological
- Neglect
- Financial

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

Abuse or neglect could be carried out by:

- A spouse, partner or family member
- Neighbours or residents
- Friends, acquaintances or strangers
- People who deliberately exploit adults they perceive as vulnerable
- Paid staff, professionals or volunteers providing care and support

Often the perpetrator is known to the adult and may be in a position of trust.

Signs and Indicators of Abuse and Neglect

An adult may confide to a member of staff that they are experiencing abuse. Alternatively, others may suspect that this an individual is being abused or neglected.

The signs and symptoms of abuse or neglect 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 and is not responding to reminders.
- Someone losing or gaining weight / an unkempt appearance.
Deterioration in hygiene.
- A change in the behaviour or confidence of a person.
- Self-harm.
- A fear of a particular group of people or individual.
- A parent/carer always speaks for the person and doesn't allow them to make their own choices
- They may tell you / another person they are being abused – i.e. a disclosure

Well-being

Our 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.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. 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.

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 (usually from a third sector organisation).

The Principles of Adult Safeguarding

Scotland (Adult Support and Protection Act 2007)

The Act's principles are:

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:

- 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).

Mental Capacity and Decision Making

UK Law assumes that all people over the age of 16 have the ability to make their own decisions, unless it has been proved that they can't. It also gives individuals the right to make our own decisions even if others consider them to be unwise.

The Law says that to make a decision an individual needs to:

- Understand information
- Remember it for long enough
- Think about the information
- Communicate their decision

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

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity will be assessed according to the Adults with Incapacity Act, Scotland (2000). <https://www.legislation.gov.uk/asp/2000/4/contents>

Mental Capacity is important for safeguarding for several reasons.

Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their parent who is their carer won't allow them to and will not provide the support they would need. Conversely the adult may not seem to be benefiting from an activity other people are insisting they do.

Another situation is where an adult is being abused and they are scared of the consequences of going against the views of the person abusing them. It is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'.

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 the choice or to express their views.

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If we have to make a decision for someone else then we must make the decision in their best interests 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 do so in a way which restricts their freedom and rights as little as possible.

There may be times when a decision may be made on behalf of an individual in an emergency. 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.
- Stopping them being in contact with the person causing harm.

Recording and Information Sharing

IYASU Healthcare complies with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

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.

Information sharing must only ever be with those who '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 to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

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

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 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.

Contacts

If any member of staff is concerned that an adult may be being abused or neglected they should discuss their concerns with the safeguarding lead: Dr Catherine Fernando. Following discussion if it is felt necessary to escalate the concern they should contact:

Adult Social Work Services Team East Lothian

Adult Social Work Services Team

John Muir House | Brewery Park | Haddington | East Lothian | EH41 3HA

Mon–Thurs 9am–5pm and Fri 9am–4pm.

Telephone Contact Centre : [01875 824309](tel:01875 824309)

Email: communityaccess@eastlothian.gov.uk

In an **emergency situation outside our social work office hours**, please call (Freephone) [0800 731 6969](tel:0800 731 6969)

Other Sources of Information and Support

Action on Elder Abuse

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research and collecting and disseminating information.

Tel: 020 8765 7000

Email: enquiries@elderabuse.org.uk

www.elderabuse.org.uk

Ann Craft Trust (ACT)

A national organisation providing information and advice about adult safeguarding. ACT have a specialist Safeguarding Adults in Sport and Activity team to support the sector

Tel: 0115 951 5400

Email: Ann-Craft-Trust@nottingham.ac.uk

www.anncrafttrust.org

Men's Advice Line

For male domestic abuse survivors

Tel: 0808 801 0327

National LGBT+ Domestic Abuse Helpline

Tel: 0800 999 5428

National 24Hour Freephone Domestic Abuse Helplines

Scotland
Tel: 0800 027 1234 Email: helpline@sdafmh.org.uk Web chat: sdafmh.org.uk

Rape Crisis Federation of England and Wales

Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.

Email: info@rapecrisis.co.uk

www.rapecrisis.co.uk

Respond

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

IYASU

HEALTHCARE

Tel: 020 7383 0700 or
0808 808 0700 (Helpline)
Email: services@respond.org.uk
www.respond.org.uk

Stop Hate Crime

Works to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.

24 hours service:

Telephone: 0800 138 1625

Web Chat: www.stophateuk.org/talk-to-us/

E mail: talk@stophateuk.org

Text: 07717 989 025

Text relay: 18001 0800 138 1625

By post: PO Box 851, Leeds LS1 9QS

Susy Lamplugh Trust

The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological.

Tel: 020 83921839

Fax: 020 8392 1830

Email: info@suzylamplugh.org

www.suzylamplugh.org

Victim Support

Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.

Tel: 0808 168 9111

www.victimsupport.com

Women's Aid Federation of England and Wales

Women's Aid is a national domestic violence charity. It also runs a domestic violence online help service.

www.womensaid.org.uk/information-support

Date of policy August 2024

Date of review: August 2025

Name: Dr Catherine Fernando

Signature: *Catherine Fernando*