

## Drake Music Scotland Vulnerable Adult Protection Policy & Guidelines

Contact details updated 28/9/22

### 1. Aims and Objectives of the Policy

The aim of this Policy is to ensure that members of the Drake Music Scotland (DMS) team including freelance musicians are informed about the organisation's policy and procedures with regards to safeguarding vulnerable adults at risk, and that you know how to report a concern.

The policy and guidance are in the context of Scottish Government legislation, mainly the Adult Support & Protection (Scotland) Act 2007. This outlines measures to identify and protect 'adults at risk', define who is 'at risk' and what is 'harm'. The underlying principle 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: <http://www.gov.scot/Publications/2008/07/10140804/1>

The objectives of the Policy are to:

- Explain the responsibilities of the organisation and its staff including freelance team members and volunteers in respect of adult support and protection
- Ensure all staff receive appropriate information and understand and accept responsibility for the safety of vulnerable adults in their care or to whom they have a duty of care
- Provide you the staff and volunteers with an overview of adult support and protection
- Provide a clear procedure to be followed

#### Reporting a Concern

The following Guidance includes information on reporting a concern about an Adult at Risk. If you have a concern, inform one of the people in the DMS team named below. You should note the details of a report made directly to you by a participant or any other person. **LISTEN, OBSERVE, RECORD in writing and REPORT** as soon as possible to

Thursa Sanderson, Chief Executive – Tel 0131 659 4766, Direct line 0131 659 2934, email: [thursasanderson@drakemusicscotland.org](mailto:thursasanderson@drakemusicscotland.org)

If Thursa Sanderson is not available you can contact:

Bas Gentenaar, Technical Officer - email [basgentenaar@drakemusicscotland.org](mailto:basgentenaar@drakemusicscotland.org)

Pete Sparkes, Artistic Director - email [petesparkes@drakemusicscotland.org](mailto:petesparkes@drakemusicscotland.org)

Two members of the DMS Board of Trustees have taken on the responsibility of having an overview of this aspect of our work and can be contacted if the staff members named above are not available, or where it is necessary to speak directly to a Board member as opposed to a member of staff:

For general enquiries or to contact the Administrator – email: [info@drakemusicscotland.org](mailto:info@drakemusicscotland.org)

Drake Music Scotland, SPACE, 11 Harewood Road, Edinburgh EH16 4NT Tel. 0131 659 4766,  
[www.drakemusicscotland.org](http://www.drakemusicscotland.org)

## 2. Definition of Vulnerable Adult or 'Adult at Risk'

The Adult Support and Protection (Scotland) Act 2007 provides a legal definition of an Adult at Risk through a **3-point test** as a person age 16 or older who:

- Is unable to safeguard themselves, their property, rights or other interests
- Is at risk of **harm**; and
- Because they are affected by physical or learning disability, mental health issue, illness or injury is **more vulnerable** to being harmed than others

The presence of a particular condition does not automatically mean an adult is 'at risk'. Someone could have a disability but still be able to safeguard their own well-being etc. It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances which, taken together, can combine to make them more at risk harm than others.

### Young people in transition

The definition of an adult at risk includes people aged 16 and over with disabilities and or learning difficulties, and who are also at risk of harm from themselves or others. We all need to pay particular attention to the needs and risks experienced by young people in transition from youth to adulthood, who can be more vulnerable than others due to:

- Dependency on carers for support in various aspects of their lives
- Limitations on their ability to communicate when something harmful happens
- Limited capacity to understand that another person's behaviour towards them is harmful

As other legislation and provisions exist which include persons up to 18 (and sometimes up to age 25), support under these other provisions may be more appropriate for some young persons. Young people may already be receiving services from a range of children's services, or as 'looked after' children. This is not to say that they will or will not become 'adults at risk' in terms of the act simply because they have reached a particular age. Each case will need to be considered individually.

### **3. Definition of Harm and Elder Abuse**

The harm that vulnerable adults can be subject to includes:

- Physical harm
- Psychological harm e.g. by causing fear, alarm or distress, Emotional abuse
- Unlawful conduct which affects money, property, rights or interests (theft, fraud, embezzlement, extortion)
- Self-harm
- Bullying including online bullying
- Sexual abuse including online grooming

#### **Definition of Elder Abuse**

Elder abuse is a pattern of coercive and often violent behaviour that may involve physical, emotional or financial exploitation that carers (including family members) inflict on older adults. Elder neglect includes failure of a carer to supply an older adult with reasonable and necessary food, clothing, shelter, medical care or supervision.

#### **Signs of Abuse**

- Physical abuse: bruises, welts, fractures, restraint marks, lacerations, repeated 'accidental injuries', attempts to hide injuries
- Emotional abuse and bullying: confusion, excessive fear, insomnia, anxiety, resignation or withdrawal, excessive use of drugs or alcohol, unwillingness to communicate
- Neglect: carer not able to or fails to provide food, hygiene and personal care, season-appropriate clothing, medical or dental care
- Self-neglect: lack of medication, poor personal hygiene and dress, dehydration, malnutrition, physical signs such as ulcers
- Material abuse/financial exploitation: disparity between assets/income and lifestyle, sudden inability to pay bills, unprecedented transfer of assets, unwillingness of carer to spend money on elder, unwillingness of adult to discuss these issues
- Sexual abuse: physical signs, panic attacks, stress and agitation, physical and emotional withdrawal, inappropriate, unusual or aggressive sexual activities

### **4. Responsibilities of DMS staff and freelance team**

The Adult Support and Protection (Scotland) Act 2007 sets out Duties of Co-operation for certain public bodies including the voluntary sector. DMS senior team members are responsible for implementing various procedures to ensure that those working with vulnerable adults, including volunteers, are suitable for this work e.g.

- Disclosure Checks and PVG Scheme Membership procedures
- Policies and Procedures in place and updated regularly

- Robust Recruitment, Induction and supervision procedures
- References consistently followed up
- Appropriate induction, training and CPD and refresher training
- Guidance on Vulnerable Adult Reporting of Suspected Maltreatment
- Follow up procedure for any instances of harm

### **Reporting Procedures**

All complaints, allegations or suspicions must be taken seriously. Staff and volunteers should report concerns to the designated senior members of staff named on the front of this Policy, or to the designated trustee, on the day of the incident or as soon after as possible. Senior members of staff or trustees have a duty to report concerns that they become aware of that an adult at risk is being harmed to either Social Work or the Police.

Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of the individual. Although you cannot give guarantees that information will be kept secret you can try to be sensitive to people's desire for confidentiality and confirm information will only be disclosed to people **who need to know** about it. However you need to be clear that you have a responsibility to refer cases of alleged harm to the appropriate agencies.

You should receive the information and as soon as possible note it down, checking briefly to ensure that relevant details are covered such as:

- date
- time
- place where the alleged harm happened
- your name and the names of others present
- name of the complainant and, where different, the name of the adult who has allegedly been harmed
- nature of the alleged harm
- description of any injuries observed
- the account which has been given of the allegation and any other information about events leading up to the report being made in the person's own words where possible
- other relevant information such as clear body language/signs of emotional distress (brief details)

If someone discloses information about something that has happened to themselves, it is very helpful to note it down using **their choice of words** where possible. You should ask any straightforward questions to ensure clarity.

### **Follow-up**

Senior staff (or the designated trustee) should confirm the details contained in a report they receive and will probably need to gather further information, by speaking to the person making the allegation, the person it was reported to, others present at an incident and any others directly involved. They may need to speak to appropriate staff of other agencies involved with the people concerned. They will then make a decision quickly as to what should happen next. If considered serious enough to report, they should pass the information on to the relevant authorities (Social Work and/or Police). All involved should be prepared to assist with further enquiries and possibly to request what further action is being taken by following up reports made.

Staff must assure the adult that they will keep them informed of any action to be taken and why. The adult's involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account bearing in mind that promises of confidentiality should not be made.

Concerns raised with DMS senior managers will be recorded and stored in accordance with confidentiality, Data Protection guidelines and similar good practice guidance.

## **5. Agencies involved in Vulnerable Adult Protection**

Adult Support & Protection is not the responsibility of any single agency. Professionals are required by law to work together to share information & assess needs & risks.

**Councils** Work closely with the NHS & Police to ensure Adults at Risk get support and protection. They also provide protective measures for adults with incapacity who are unable to make decisions for themselves or who may be a risk to others.

The **Police** play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

## **6. LEGAL FRAMEWORK, REFERENCES, INTERNET LINKS AND FURTHER SOURCES OF INFORMATION:**

Various sources of further information are listed below. If you are unsure of anything in this Policy and Procedure document, please ask a senior member of the Drake Music Scotland team.

The Adult Support & Protection (Scotland) Act 2007

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

Human Rights Act 1998

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

Scottish Government Information

<http://www.gov.scot/Topics/Health/Support-Social-Care/Adult-Support-Protection>

City of Edinburgh Council

<http://www.edinburgh.gov.uk/adultprotection>

Police Scotland

<http://www.scotland.police.uk/assets/pdf/151934/184779/adult-support-and-protection-sop>

Citizens Advice Scotland

<https://www.citizensadvice.org.uk/scotland/family/help-for-adults-in-the-community-s/protection-of-adults-at-risk-of-harm-s/>