

CHSS ADULT PROTECTION PROCEDURE

This procedure applies to all colleagues, volunteers, contractors, agency workers and anyone working on behalf of Chest Heart & Stroke Scotland (CHSS).

This procedure replaces the People Policy on the Protection of Vulnerable Individuals.

1. Introduction and Statement of Intent

- 1.1 This procedure provides detailed guidelines that support the overarching CHSS Safeguarding Policy. It explains the steps CHSS takes to keep Adults at Risk safe and what to do when there are concerns about an Adult at Risk's safety or wellbeing.
- 1.2 As an organisation which has regular contact with the public, CHSS has a crucial role to play in the support, identification and reporting of adults who may be at risk of harm.
- 1.3 CHSS provides a wide range of services throughout Scotland. The majority of our service users are classed as Adults at Risk, and CHSS recognises that employees, volunteers and members of the wider community associated with CHSS's activities may also be vulnerable.
- 1.4 CHSS, through this statement and any related policies, aims to ensure that, to the best of our ability, no individual from a vulnerable group (Child or Adult at Risk) will be harmed whilst in receipt of our services or supporting our activities.
- 1.5 We will respond as a priority and at the earliest opportunity should we suspect, or should anyone disclose, that they are suffering harm or abuse. This includes responding to signs that may indicate abuse is occurring within or outwith the organisation.

2. Definitions

- 2.1 **Adult at Risk** – The Adult Support and Protection (Scotland) Act 2007 defines an adult at risk as people aged 16 years or over who:
 - are unable to safeguard their own well-being, property, rights or other interests; and
 - are 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 adults who are not so affected.

5. Legal & Regulatory Framework

- 5.1 This procedure has been drawn up on the basis of law and guidance that seeks to protect vulnerable individuals, namely:
 - Protection of Vulnerable Groups (Scotland) Act 2007
 - The Adult Support and Protection (Scotland) Act 2007
 - Scottish Charity Regulator (OSCR) Safeguarding Guidance



- 5.2 The Ann Craft Trust outlines the importance of having separate policies for Adult and Child Protection:
 - Children and adults may each face a different set of issues
 - The definitions and terms used differ
 - Procedures for reporting abuse and handling cases are not the same
 - There is different legislation and policy
- 5.3 One important difference between safeguarding adults and safeguarding children is an adult's right to self-determination.
- 5.4 Adults may choose not to act at all to protect themselves, and it is only in extreme circumstances that the law intervenes. This will often only happen when an adult is assessed to lack capacity in that area, or where the concerns may extend to children, such as when they are living in the same household. This can make the matter of safeguarding adults even more complex.

3. Preventative Safeguarding Measures

- 3.1 CHSS maintains robust safeguarding policies and procedures which are aligned with legal and regulatory requirements and best practice guidance. This includes, but is not limited to:
 - Overarching Safeguarding Procedure
 - Reporting Concern Procedure
 - Adult and Child Protection Policies
 - Digital Safeguarding Policy
 - Domestic Abuse Policy
 - Whistleblowing Policy
 - Code of Conduct
 - Performance Management Cycle
 - Support and Supervision
- 3.2 Departmental and local procedures also play a key role in safeguarding and preventing harm to Adults at Risk. This includes the ways in which CHSS delivers services and generates income.
- 3.3 CHSS undertakes appropriate vetting and criminal background checks on applicants for eligible employee and volunteer roles.
 - 3.3.1 Please refer to the Safe Recruitment Procedure for further information.
- 3.4 A comprehensive training programme is delivered across CHSS which includes:
 - Safeguarding Adults and Children (Level 2) e-learning
 - CHSS Safeguarding induction and culture training
 - Volunteer Safeguarding Guide
 - Roles and boundaries training
 - Refresher training opportunities

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3.5 When working with external partners, due diligence must be undertaken to ensure the appropriate safeguarding policies and procedures are in place. A Safeguarding Due Diligence Checklist is available to support this.

4. Statutory Incident Response

4.1 If an adult at risk is in immediate danger, contact the police on 999.

4.2 If it is identified or suspected that an Adult at Risk is experiencing harm or abuse, this must be reported to the Safeguarding Team following the Reporting Concern Procedure.

4.3 The CHSS Safeguarding Team will provide support and advice in responding to the concern. This may involve making external referrals, for example to Social Work or Police Scotland.

4.4 All incident responses are led by the principles of the Adult Support and Protection (Scotland) Act 2007, which must take into account the wishes and feelings of the Adult at Risk:

4.2.1 A concern can be shared within CHSS without consent, by reporting it to the Safeguarding Team and through the line management structure. This is a key way in which CHSS meets its duty of care where any concerns are identified, to ensure both the individual concerned and the individual who has recognised the concern receive the appropriate support.

4.2.2 Consent should always be sought from the adult, wherever possible, before referring a concern to social services.

4.2.3 It is good practice to have a conversation with the adult (if it is safe to do so) in all instances where any information about them is shared.

4.2.4 In the absence of consent there may be circumstances when a referral must still be made. For example, if there is immediate danger or an emergency situation. In this case, we will detail why it was appropriate to refer without consent.

4.5 Where an allegation has been made against a CHSS colleague or volunteer, CHSS will engage with relevant statutory services, where appropriate.

4.6 An internal fact-finding investigation may also be required, in collaboration between the Safeguarding, HR and Volunteering teams, as appropriate.

4.3.1 All parties will be fully supported throughout and following any investigation. Contact will be maintained, and the individual(s) may be signposted to counselling services if required.

4.4 Significant incidents will be reported to the Scottish Charity Regulator (OSCR) at the earliest opportunity.

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5 Procedure Compliance

- 5.3 Compliance with this procedure is the responsibility of all staff, volunteers, contractors, agency workers and anyone working on behalf of Chest Heart & Stroke Scotland.
- 5.4 Where an individual is under investigation, charged with or found guilty of a criminal offence, they must notify the CHSS Safeguarding Team immediately. The charge or criminal offence will be risk assessed and whether there is in fact as a breach of procedure that should be reported as a notifiable event.
- 5.5 Should any individual breach this procedure, it will be considered as misconduct. The procedure to be applied will depend on whether they are:
 - 5.5.1 An employee – this will be dealt with under CHSS’s grievance policy and/or disciplinary policy and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice. The use of CHSS’s employee complaints and/or disciplinary procedures does not affect an employee’s right to make a claim to an employment tribunal within three months of alleged discrimination.
 - 5.5.2 An agency worker or an individual on placement – this will be dealt with through the relevant agency/placement provider.
 - 5.5.3 A Volunteer – this will be dealt with under CHSS’s Volunteer Complaints Policy. A potential consequence may be the withdrawal of the Volunteer role.

6 Monitoring and Review

- 6.3 Any breaches of this procedure will be reported to the Chief Executive by the Designated Safeguarding Lead at their next available meeting as a notifiable event. Information reported will be anonymised but will confirm the relevant action CHSS has taken.
- 6.4 The Executive Team and People Governance Committee will discuss anonymised safeguarding breaches at their meetings and ensure any internal and external actions have been taken to safeguard individuals and the charity.
- 6.5 Any breach of this procedure will be referred to The Scottish Charity Regulator (OSCR) by the Designated Safeguarding Lead.
- 6.6 The procedure will be reviewed every 3 years or earlier if there is a change in legislation or if deemed appropriate. In the event that this procedure is not reviewed within the above timescale, the latest approved procedure will continue to apply.

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Key Contacts

Safeguarding Inbox

This inbox is accessed by authorised personnel only.

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