

Prevention and Protection



SCOTTISH
FIRE AND RESCUE SERVICE
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COMMUNITY SAFETY ENGAGEMENT

SAFEGUARDING POLICY FOR THE PROTECTION OF ADULTS

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SAFEGUARDING POLICY FOR THE PROTECTION OF ADULTS

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1. INTRODUCTION

- 1.1 To report a concern about an adult, please refer to the Scottish Fire and Rescue Service (SFRS) Safeguarding Procedure for the Protection of Adults. If SFRS personnel have concerns regarding a child, reference can be found within the Safeguarding Policy and Procedure for the Protection of Children.
- 1.2 This policy details the SFRS commitment to working in partnership with other agencies by providing support, intervention and the sharing of relevant information on those within our communities deemed to be at risk. Specifically, the policy defines SFRS responsibilities in relation to 'Adults at Risk of Harm'.
- 1.3 To fulfil its responsibilities, as defined within the Adult Support and Protection (Scotland) Act 2007 (the Act), SFRS will report and co-operate with key partner agencies, including Social Work, Police and Health professionals. The aim is to support the wellbeing of any individual considered to be an 'Adult at Risk of Harm'.
- 1.4 SFRS will, as far as is reasonably practicable, ensure that an individual identified to be at risk from fire, along with those responsible for their care or welfare, receive the appropriate advice, intervention and support to reduce the risk(s) identified.

2. BACKGROUND

- 2.1 The introduction of the Act and associated codes of practice makes provisions for the protection of adults unable to safeguard their own interests. This includes, for example, persons affected by disability, mental disorder, illness or physical/mental infirmity to the extent that they are at risk of harm or at risk of being harmed by others.

- 2.2 The Act places responsibilities on Social Services, Police and/or Health professionals to make arrangements to protect or safeguard adults deemed to be at risk of harm. The relevant primary legislation and supporting mechanisms are detailed within the Safeguarding Procedure for the Protection of Adults, Section 7, Associated Documents / References.
- 2.3 The Act defines what constitutes an Adult at Risk of Harm and also places a 'duty' on relevant services and agencies to report and co-operate. Where SFRS personnel consider that a person(s) meets the 'Adult at Risk of Harm' criteria, that individual must be referred to Social Services and/or Police Scotland, depending upon the circumstances.
- 2.4 Social Work, within Social Services, has been defined as the lead agency and is responsible for co-ordinating the risk assessment and risk management planning.
- 2.5 To comply with the Act, each Local Authority has an 'Adult Protection Committee' (APC), with an independent Chairperson responsible for co-ordinating all inter-agency adult protection work. SFRS has a responsibility to provide local APCs with any information which the committee may reasonably require for the purposes of performing its functions. At a local level, the LSO or a nominated deputy will represent SFRS at this forum, as required. This committee is made up of representatives from Social Work, Police, Health and a range of other agencies.

3. GOVERNANCE

- 3.1 The Director of Prevention and Protection (P&P) has the overall responsibility for this policy. The Local Senior Officer (LSO)/Head of Function will be responsible for the implementation of this policy within their Area. In addition, the P&P Group Manager (GM) or Station Manager (SM) will be responsible for the implementation, delivery and management within their respective local Areas.

4. POLICY OBJECTIVES

4.1 To ensure that SFRS personnel:

- Are familiar with the term and definition 'Adult at Risk of Harm' and are aware of individual and organisational responsibility in relation to the relevant supporting legislation;
- Understand the need for rapid inter-agency communication, intervention and collaboration to ensure the health, safety and wellbeing of an Adult at Risk of Harm; and
- Have a clear knowledge and understanding of the SFRS referral processes, procedures and supporting mechanisms that should be adopted for an Adult at Risk of Harm.

5. ADULT AT RISK OF HARM

5.1 An Adult at Risk of Harm is a person (aged 16 or over) who meets all of the following three criteria:

- Are unable to safeguard their well-being, property, rights or other interests;
- Are at 'risk of harm' (either from another person's behaviour or from their own behaviour); and
- Because they are affected by disability, mental disorder, illness, physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

5.2 The presence of a particular condition or disability does not automatically mean that a person is an Adult at Risk of Harm. A person can have a disability or condition but be able to look after their own health, safety and well-being. Their circumstances, as a whole, should be considered and all three elements above must be met to be an Adult at Risk of Harm as defined by legislation.

5.3 It may not always be possible to determine if an individual fits the specific definition and criteria. For the avoidance of doubt, where any person is suspected to be an Adult at Risk of Harm, they should be treated as such until their status is deemed otherwise by Adult Protection professionals within the relevant Local Authority.

6. WHAT IS 'HARM'?

6.1 'Harm' includes all harmful conduct and, in particular, includes:

- Physical harm (this could include being at imminent risk of injury from fire and/or placing others at imminent risk of injury from fire);
- Psychological harm (e.g. causing fear, alarm or distress);
- Conduct which causes self-harm; and
- Neglect.

6.2 The above list is not exhaustive and no category of harm is excluded simply because it is not specifically listed. In general terms, behaviours that constitute 'harm' to others can be physical (including neglect), emotional, financial, sexual or a combination of these. What constitutes serious harm differs for each individual, taking into account the circumstances of the case.

7. RISK OF HARM

7.1 An adult is at 'Risk of Harm' if:

- Another person's conduct is causing (or is likely to cause) the adult to be harmed;
- The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm; and

- There is neglect either by another person with carer responsibility or by the adult themselves.

8. ADULT IN NEED

8.1 It is recognised that, in the majority of occasions, SFRS personnel will come into contact with persons that may not be considered to be at imminent risk or meet the defined criteria but may need additional support to reduce fire or other risks identified.

8.2 Where the person does not meet the three criteria for an Adult at Risk of Harm but is still deemed to be vulnerable, they may be considered an 'Adult in Need'. An 'Adult in Need' is defined as a person in need of additional care and/or support.

8.3 An Adult in Need is an individual who requires an assessment of their support needs and does not necessarily require legal intervention. These support needs may include physical or mental health, addictions, social isolation/loneliness, exploitation or poverty-related issues.

8.4 Depending on the individual case and the fire risks identified, consideration should be given to including partners to reduce risks. This may be achieved through the proactive use of the SFRS Case Study and Case Conference Policy.

9. DOMESTIC ABUSE

9.1 SFRS support the prevention of domestic abuse in Scotland. The Adult Support and Protection Act 2007 and associated codes of practice make provisions for the protection of adults unable to safeguard their own interests.

- 9.2 Most people experiencing domestic abuse do not meet the 'Adult at Risk' criteria (see [section 5.1](#)), nor should they be treated as 'Adults In Need'. An AP1 Form within a domestic abuse situation should only be submitted, if the individual meets the three criteria of being an adult at risk or are in imminent danger.
- 9.3 SFRS have a duty of care and must ask the individual if they require more support. Please refer to SFRS Domestic Abuse Guidance, where it explains the process of signposting or providing information that will allow the individual to self-refer to specialist agencies or domestic abuse specialists.

10. HOARDING

- 10.1 In situations where hoarding is present, a multi-agency approach will need to be adopted to support the individual. Please refer to SFRS Hoarding Guidance for further information.

11. TRAINING

- 11.1 Training for SFRS personnel will be guided by the national Adult Protection Training Framework. This will consist of in-house single agency training, complemented locally by multi-agency training delivered by local Adult Protection Committees.

12. PROTECTION OF VULNERABLE GROUPS

- 12.1 SFRS personnel, either paid or voluntary, with duties that include 'Regulated Work', as set out by the Protection of Vulnerable Groups (Scotland) Act 2007 ('PVG Act') must undergo appropriate checks, as per the SFRS Employment and Criminal Convictions Policy.

13. INFORMATION SHARING

- 13.1 In all cases where an individual is identified as a possible Adult at Risk of Harm or an Adult in Need, an Adult Protection Referral Form (AP1) must be completed and communicated with Social Services. In some cases, an individual may have previously been referred to Social Services and, subsequently, comes to the attention of SFRS personnel again as a possible Adult at Risk of Harm or an Adult in Need. In these circumstances, the individual should be re-referred on each occasion that such concerns arise.
- 13.2 When dealing with an Adult at Risk of Harm or an Adult in Need, SFRS personnel should attempt to seek explicit consent from the individual or another responsible adult, prior to relevant information sharing with partner agencies.
- 13.3 Where consent cannot be obtained but information requires to be shared with relevant partners to safeguard individuals, the adult or another relevant person should be informed. In these circumstances, it may be necessary to override the wishes of the Adult at Risk of Harm or make decisions on his/her behalf for their own safety or the safety of others. Irrespective of consent being given or not, whenever possible, the person should be informed of any subsequent action to be taken.
- 13.4 All information should be recorded, utilising the attached forms and shared with partners in a secure manner, e.g. using Egress or delivered by hand. [Appendix A](#) provides a flowchart to support the sharing of information.
- 13.5 All Home Fire Safety Visit (HFSV) information and supporting actions, such as a referral to a partner agency, should be recorded in the HFSV Community Safety Engagement Toolkit (CSET) module address history. Information recorded should reflect the action taken to reduce the individual's risk.

- 13.6 The main purpose of the SFRS is to work in partnership with communities and with others in the public, private and third sectors on prevention, protection and response, to improve the safety and the wellbeing of people throughout Scotland. Sharing information between partners can improve outcomes in service delivery; however, sharing must be undertaken lawfully, respecting the rights of individuals and protecting the security of their information.
- 13.7 Personal/special category information must be shared securely.
- 13.8 If transmitting electronically, the secure email must be sent/received via Egress Switch; local Community Action Team members will assist you as secure email users. An alternative method is to hand deliver the information securely to the intended recipient/s. Fax machines should not be used.
- 13.9 The flowchart ([Appendix A](#)) within this document will assist you when considering sharing. When information needs to be shared, ensure sharing complies with the law, guidance and best practice. Only the minimum information necessary for the purpose will be shared, individuals' rights will be respected, particularly confidentiality and security. Regular sharing should have an information sharing protocol (ISP) in place between partners and should be monitored and reviewed to ensure the information sharing is meeting the required objective/purpose and still fulfilling its obligations. Please contact Information Governance at SFRSInfoGov@firescotland.gov.uk when an ISP is required.
- 13.10 ISPs set out a common set of rules to be adopted by the various partners involved in an information sharing operation. These will form a contract between partners. It is good practice to have an ISP in place and to review regularly, particularly where information is to be shared on a large scale, or on a regular basis.

13.11 An Information Sharing Protocol must, at least, document the following:

- The purpose or purposes of the sharing;
- The lawful basis for sharing;
- The potential recipients or types of recipient and the circumstances in which they will have access;
- Who the data controllers are and any data processors;
- The data to be shared;
- Data quality – accuracy, relevance, usability;
- Data security;
- Retention of shared data;
- Individuals' rights – procedures for dealing with access requests, queries and complaints;
- Review of effectiveness/termination of the sharing agreement and any particular obligations on all parties to the agreement, giving an assurance around the standards expected; and
- Sanctions for failure to comply with the agreement or breaches by individual staff.

13.12 All information created or received should be stored, retained and destroyed in accordance with the SFRS Records Retention Schedule. Any paper copies of information stored electronically can be destroyed securely by way of shredding.

13.13 Information Governance along with ICT will be providing, where necessary, electronic secure storage in the near future. In the interim period, any personal/special category information should be stored with password protection. Any papers copies of these types of information should be stored securely in a lockable cabinet and processed, in accordance with the SFRS Data Protection Policy, Information Security Handbook and associated documents. Access should be granted only to relevant staff and permissions regularly monitored.

13.14 Information Governance are available at SFRSInfoGov@firescotland.gov.uk if you require any further guidance/assistance.

14. ASSOCIATED DOCUMENTS / REFERENCES

- AP1 Adult Referral Form
- Case Study and Case Conference Policy
- Data Protection Policy
- Employment and Criminal Convictions Policy
- Guide to Hoarding Behaviour and Excessive Clutter
- Information Security Handbook
- Records Retention Schedule
- Safeguarding Policy for the Protection of Children
- Safeguarding Procedure for the Protection of Adults
- Safeguarding Procedure for the Protection of Children
- Adult Support and Protection (Scotland) Act 2007
- Protection of Vulnerable Groups (Scotland) Act 2007
- Scottish Government, Adult Protection Training Framework

APPENDIX A – INFORMATION SHARING FLOWCHART

Does the information that you wish to share concern an adult or child that you believe to be at risk of harm? If so, please refer immediately to the SFRS Safeguarding Policy for either Children and/or Adults. If you are unsure, then seek guidance from a line manager without delay.

For all other information sharing, please adhere to the following or, if you are unsure at any point, please speak to your line manager before sharing the information.

