

National Autistic Society Adult Support and Protection Policy (Scotland)

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1. Purpose

Our aim at the National Autistic Society is to ensure that the welfare of adults at risk of abuse or neglect is paramount in line with the laws and guidance in place in Scotland. This particularly includes the Adult Support and Protection (Scotland) Act 2007.

We seek to ensure that the whole organisation understands their personal and collective responsibilities in relation to adults at risk, and have clear policies and procedures that allow them to report and respond to any concerns or incidents.

This policy has been developed with regard for regulatory requirements to reduce the opportunity for harm, abuse and neglect and to ensure positive action when concerns are identified.

This policy provides guidance for staff in Scotland to promote the prevention of harm, report harm and take action to protect adults at risk from abuse or neglect. The procedures for reporting concerns and protecting adults at risk must be applied in accordance with the local authority procedures where the adult at risk is located.

2. Scope

This policy applies to anyone working on behalf of the National Autistic Society in **Scotland**, including senior managers and the Board of Trustees, paid staff, volunteers, sessional workers, agency staff and students.

This policy applies to:

- Adult residential care services in Scotland.
- Adult supported living services in Scotland.
- Adult outreach and community support services in Scotland.
- Social groups, programmes, and activities taking place in Scotland.
- National Programmes services/activities involving adults at risk, including but not limited to helplines, support services, branches and fundraising in Scotland.
- Any other services operated by the National Autistic Society which relate to or involve adults in need of support or protection in Scotland.

This policy **does not** apply to:

- Services or teams only operating in England, Wales, or Northern Ireland.
- Concerns about adults at risk living in England, Wales, or Northern Ireland.
- Where concerns about the safety or wellbeing of staff or volunteers, these should be addressed through HR, Volunteer Managers, and/or the Health and Safety Team. Where there are concerns relating to a staff member or

volunteer that may fall under the Adult Support and Protection (Scotland) Act 2007, the team or service can consult with the internal Safeguarding Team.

This policy is overarching and, together with the other policies and procedures relating to child protection and the rest of the United Kingdom, overrides all other organisational policies and procedures.

3. Definitions

Adults

Under the Adult Support and Protection (Scotland) Act 2007, an 'adult' is a person aged 16 or over. However, if the adult concerned is 16 or 17 years of age, legislation relating to the protection of children also applies. 16 and 17 year olds can fall under either adult or child protection legislation, this requires assessment to see which legislation best fits their needs for protection of harm. Staff should consider this policy, the policy for Children and Young People, and discuss this with the Safeguarding Team and the relevant local authority.

Safeguarding

In the National Autistic Society, we use the term 'Safeguarding' to refer to adult support and protection as well as child support and protection across the four nations of the United Kingdom in which the National Autistic Society operates. The organisation's Safeguarding Team and Safeguarding documents include the specific requirements of adult support and protection in Scotland. This policy document will mainly refer to adult support and protection, apart from when referencing organisation-wide functions, such as the Safeguarding Team.

People we Support

The term 'people we support' applies to people receiving direct care or support within a National Autistic Society Adult Service. This includes residential care, supported living services, community services and outreach.

Staff

The term 'staff' refers to anyone working or volunteering on behalf of the National Autistic Society including senior managers, the board of trustees, paid staff, volunteers, sessional workers, agency staff and students.

4. Introduction

The National Autistic Society works to empower autistic people to take control of their own lives, make their own choices, build capacity, and reduce risk. However, it also recognises that people can be at risk of being harmed.

Protection from harm is a shared responsibility across agencies as set out in the Adult Support and Protection (Scotland) Act 2007 and local multi-agency adult protection

guidance. The expectation for all “at risk” adults in our communities is that they are free from any preventable harm or exploitation.

It is a priority of National Autistic Society to support and protect any individual who comes into contact with our organisation, and the safeguarding and promoting of their interests and wellbeing is of paramount concern.

We believe that autistic people have the right to live their lives free from any form of harm and we expect all staff to know what action to take if they observe, suspect, or have reported to them possible harmful incidents; and to support them in complaining about instances of harm or neglect.

We believe that:

- People coming into contact with our organisation should never experience abuse or neglect of any kind
- We have a responsibility to promote the welfare of all people coming into contact with our organisation, to keep them safe, and to practise in a way that protects them.

We recognise that:

- The welfare of people coming into contact with our organisation is paramount in all the work we do and in all the decisions we take.
- Working in partnership with people coming into contact with our organisation, the people important to them such as their families and carers, as well as with other agencies is essential in promoting their welfare.
- All people we support, regardless of age, disability, gender reassignment, race, ethnicity, religion or belief, sex, or sexual orientation have an equal right to protection from all types of harm, abuse or neglect.
- Some autistic people are additionally vulnerable because of the impact of previous experiences, their level of support needs, communication needs or other issues.
- Extra protections may be needed to keep people that we support who are additionally vulnerable safe from abuse. These should be appropriate, proportionate and the least restrictive.

5. Legal Framework

This policy has been developed based on legislation, policy and guidance that seeks to protect adults at risk in Scotland. The basis of all legislation is the Human Rights Act 1998, which sets out the rights, freedoms, and protections of people across the United Kingdom.

In Scotland, there are three Acts of the Scottish Parliament which relate specifically to adult protection. These are:

- **Adult Support and Protection (Scotland) Act 2007** and Adult Support and Protection (Scotland) Act 2007: Code of Practice

This Act imposes duties on, and assigns functions to, local authorities in respect of the making of enquiries, the conduct of investigations, the application for protective powers in respect of adults defined by the legislation to be at risk of actual or suspected harm. This Act also brought about the creation of Adult Protection Committees in every local authority area.

- **Adults with Incapacity (Scotland) Act 2000** and Adults with Incapacity: Guide to Assessing Capacity 2008

This Act imposes duties on, and assigns functions to, local authorities in relation to the making of enquiries in respect of adults who lack capacity, and the creation, application and supervision of proxy decision making powers in respect of such adults. Under the terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000, the local authority must investigate “any circumstances made known to them in which the personal welfare of an adult seems to be at risk”. This means that, the local authority must investigate allegations of harm involving an adult who lacks the capacity to make or convey decisions for him or herself, whether the adult concerned agrees to the investigation or not. Additionally, it is the function of the Public Guardian to investigate situations of suspected financial harm involving adults who lack capacity under Section 6 of the same Act.

- **Mental Health (Care & Treatment) Scotland Act 2003**

This Act imposes duties on, and assigns functions to, local authorities and health boards in respect of social and mental health wellbeing, the making of enquiries in respect of persons who appear to have a mental disorder, and (where necessary) the application of compulsory measures in relation to the assessment and treatment of persons having a mental disorder.

Other key legislation and guidance:

- Regulation of Care (Scotland) Act 2001.
- Forced Marriage (Protection and Jurisdiction) (Scotland) Act 2011.
- Domestic Abuse (Scotland) Act 2018.
- Protection of Vulnerable Groups (Scotland) Act 2007.
- Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

6. Related Documents

This policy statement should be read alongside our organisational policies, procedures, guidance and other related documents. These are all available on

SharePoint and will be introduced to staff and volunteers during induction and training. These documents include:

Adult Services

- Adult Support and Protection (Scotland) Procedure.
- Adult Services Safeguarding Report Form.
- Adult Services Escalation Protocol.
- Adult Services Reporting Guidance.
- Financial Safeguarding Policy.
- Adults with Incapacity and the Role of Financial Guardians (AS-0001PR4).
- Use of Restrictive Practice in NAS Services Policy.

National Programmes and Corporate Services

- National Programmes Safeguarding Reporting Flowchart.
- National Programmes Safeguarding Report Form.
- National Programmes Safeguarding Guidance.
- Corporate Services Safeguarding Flowchart.

All

- Whistleblowing Policy.
- Data Protection Policy.
- Safer Recruitment Policy and Guidance for National Autistic Society Schools & Services.
- Scottish Protecting Vulnerable Groups Scheme Policy and Procedure.
- Recruiting and Managing Volunteers Policy.
- Artificial Intelligence Policy.
- Staff Code of Conduct.

7. Identifying Adults at Risk of Harm

The **Adult Support and Protection (Scotland) Act 2007** offers the following definition of an adult at risk. This is commonly referred to as the 'three point test':

"Adults at risk" are adults who:

- a. are unable to safeguard their own well-being, property, rights or other interests,
- b. are at risk of harm, and
- c. 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.

The act also defines that an adult is at risk of harm if:

- a. another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- b. the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

Harm

The term 'harm' is used rather than abuse because abuse would describe a deliberate act, but harm is not necessarily deliberate but can have the same effect as when the act is deliberate.

[The Adult Support and Protection \(Scotland\) Act 2007: Guidance for General Practice \(2022\)](#) states that:

In general terms, behaviours that constitute harm to a person can be **physical, sexual, psychological, financial**, or a combination of these.

The harm can be accidental or intentional, as a result of **self-neglect, neglect by a carer** or **caused by self-harm** and/or **attempted suicide**. Other forms of harm can include **domestic abuse, gender-based violence, forced marriage, female genital mutilation (FGM), human trafficking, stalking, scam trading** and **hate crime**.

8. Consent, Mental Incapacity, and Guardianship

Some of the people coming into contact with our organisation may be deemed to be an adult with incapacity. This means that they may not be able to make decisions in relation to things such as their welfare, care, support, or finances. However, we must always first assume that someone does have capacity.

The Adults with Incapacity (Scotland) Act 2000 defines incapability as someone being incapable of:

- a. acting; or
- b. making decisions; or
- c. communicating decisions; or
- d. understanding decisions; or
- e. retaining the memory of decisions.

And that a person must be incapable of these things because of a 'mental disorder or of inability to communicate because of physical disability'.

When considering communication, it is important that someone not being able to communicate is not taken to automatically mean they are incapable, as communication tools must be provided to make this assessment.

Any assessment of incapacity is dependent on the specific decision or task being made. This means that staff should not assume that a person has incapacity in relation to a different decision at a different time. For example, if someone has been assessed in the past as having incapacity in relation to their finances this does not mean that they today have incapacity in relation to their health.

Guardianship

In Scotland an adult with incapacity may have a guardianship order under the Adults with Incapacity Act (2000) which ensures that a person is authorised by the court to act on their behalf.

This is likely to be more suitable when decisions need to be taken on an ongoing basis and can cover areas such as finances, property or where decisions relate to the adult's wellbeing.

In all cases legal advice should be sought to ensure that the guardianship application is appropriate and of benefit to the individual concerned.

Please note that in line with the Adults with Incapacity Act (Scotland) 2000, our adult services must have records detailing an individual's welfare guardian, where this is relevant, and are required to liaise with the welfare guardian appropriately in relation to an individual's care delivery.

Five Statutory Principles for Adults with Incapacity

The National Autistic Society adheres to the five statutory principles of the Adults with Incapacity (Scotland) Act 2000 and adult protection:

- **Benefit the adult** – any action or decision must be beneficial to the person and must only be taken when the benefit cannot be achieved without it.
- **Be the least restrictive option** – any action or decision taken should be the minimum necessary to achieve the purpose and should restrict the person's freedom as little as possible.
- **Take account of the wishes of the person** – the past and present wishes and feelings of the person should be taken into account as far as possible and the person must be offered in communicating their views.
- **Take account of the views of others with an interest in the person's welfare** – this includes the person's primary carer, nearest relative, named person, attorney or guardian.
- **Encourage the person to exercise existing skills and develop new ones** – the person should be encouraged to participate by using any skills they have relating to property, financial affairs or personal welfare and to develop new skills if possible.

Summary of principles taken from <https://www.headway.org.uk/media/2783/a-guide-to-the-adults-with-incapacity-scotland-act-factsheet.pdf>

9. Capacity and Consent

It is inevitable that there will be times when an adult that we support, who has capacity, decides to accept a situation that may be perceived as potentially harmful. This is a decision that they have the right to make, **unless**:

- Other people are being put at risk (for example, letting friends who are abusive or exploitative into a shared living environment, where they may put other residents at risk).
- A child is involved.
- The alleged perpetrator is also an adult at risk.
- A serious crime has been committed.
- There are allegations against staff or people in a position of responsibility.
- Coercion is involved.

In these situations, we would have a duty to act and report concerns.

In regard to the Data Protection Act 2018 and The General Data Protection Regulations 2018, please note these do not supersede safeguarding concerns, therefore you are able to share concerns about safeguarding with the internal safeguarding team.

It may be necessary to share information about the person with capacity outside your organisation without their consent, if other people's safety is potentially at risk. If this is the case, advice should be sought from the National Autistic Society Safeguarding Team. If information needs to be shared without consent, if as long as it does not increase the risk to the person, they should be informed that you will share their information, and why. You should also:

- Explore the reasons for their objections and find out what their concerns are.
- Explain why you are concerned about them and why you think it is important to share the information.
- Tell them who you would like to share it with and why.
- Explain what the benefits may be to the person of sharing information about them.
- Discuss the potential consequences of not sharing the information.
- Reassure them that their information will not be shared with anyone who does not need to know.

Unwise Decisions

A person is not to be treated as unable to make a decision merely because they make an eccentric/unusual or unwise decision. When supporting adults with capacity who may be making decisions we consider unwise, we should consider:

- Supporting the person to weigh up the risks and benefits of different options.
- Making sure that they are aware of the level of risk and possible outcomes.
- Agreeing on the level of risk they are taking.
- Offering to arrange an advocate or peer supporter for them, if they would like this.
- Offering support for them to build their confidence and self-esteem, if it appears relevant.
- Recording every detail of your assessment of the person's capacity and of your conversations with them about the potential risks posed by their chosen actions.
- Reviewing the situation regularly.
- Making sure that they understand where they can go if they want to seek help in the future.
- Trying to build trust and using professional skills and the relationship you have with the person to make it possible for them to better protect themselves, encouraging them to continue the conversation with other people who they trust, such as family members, friends and other professionals.

10. Responsibilities

Staff and volunteer responsibilities in relation to adult support and protection include:

- Assessing the situation and ensuring the immediate safety and wellbeing of the adult at risk.
- Remaining calm and trying not to display any signs of shock or disbelief to the adult at risk. Listening carefully to the adult at risk and demonstrate understanding.
- Establishing the viewpoint, thoughts and wishes of the adult at risk in relation to the concerns.
- Explaining to the adult at risk what information will be shared with whom and why.
- If a crime has possibly been committed, maintaining any relevant evidence and reporting the possible crime to Police Scotland.
- Clearly record the incident/ allegation using the actual words of the adult at risk, what the staff member has seen and the actions they have taken.
- Following organisational procedures for reporting concerns and incidents.

If staff member/volunteer observes or is made aware of a concern about harm to an adult at risk they have a professional responsibility to bring this to the immediate attention of their manager or appropriate senior staff and/or the National Autistic Society Safeguarding Team as set out in local procedure. A concern could be any

instance where harm, abuse or neglect is suspected, has occurred, is occurring, or is at risk of occurring.

It is, however, **everyone's** responsibility to report concerns regarding any adult who is, or who appears to be, at risk of harm to Social Work Services.

Where abuse is suspected within our residential, supported living, and community services, the National Autistic Society will seek to ensure that the appropriate authorities are notified at the earliest opportunity, depending on the severity and urgency of the situation. This may include contact with the Police to determine if a criminal offence has been committed.

Concerns about harm to an adult at risk will be reported to the relevant and appropriate external agencies which may include:

- Police Scotland, via 101 or 999.
- The Local Health and Social Care Partnership (Adult Protection).
- Care Inspectorate.
- Mental Welfare Commission (Scotland).
- Scottish Social Services Council (SSSC) (who in turn will notify the appropriate Scottish Minister)

It is the responsibility of adult protection agencies such as Social Work Services and the Police to make enquiries (proactive and reactive) and to carry out appropriate investigations in order to establish:

1. Whether or not an adult is at risk from harm or suspected harm; and, if so,
2. Which, if any, of the protective measures available in terms of the legislation are most appropriate to an adult at risk's individual circumstances.

All teams and services must have an up-to-date copy of their local multi-agency guidelines on adult support and protection, and these must be followed.

If a team or service is not satisfied with the response (or lack of response) from external agencies, this should be challenged and/or escalated in accordance with the appropriate local procedures. The National Autistic Society Safeguarding Team will support with this.

All National Autistic Society staff and volunteers have a responsibility:

Safe Culture	Recording and Reporting
• To provide a safe environment for everyone, including adults at risk. • To follow this policy and ask questions if not sure about any aspect of this policy.	• To notify a Service Manager/Volunteer Manager and/or the National Autistic Society Safeguarding Team if there is any reason to be concerned that an adult at risk is being harmed.

• To seek to ensure that their training is up to date. • To be aware that abuse and neglect do happen; to always remain alert to the possibility of abuse and ready to act upon information that you receive or signs of abuse or neglect you see or hear about. • To be aware of the early warning signs of potential abuse or neglect situations and the possible signs of abuse and neglect.	• To seek to ensure good communication of observations are made in writing. • To maintain a professional confidential approach to any concerns identified. • To challenge or report any practice that does not fit with organisational values.
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Team or Service Managers have additional responsibilities to:

Safe Culture	Recording and Reporting
• To build a strong safe culture in the team or service, where people coming into contact with our organisation are listened to, respected and involved in decision making. • To seek to ensure that the day-to-day operation of the team or service is arranged and delivered to keep every person safe and to protect each person effectively from harm. • To seek to ensure that all decisions made to keep a person safe are done so in accordance with the principles of incapacity. • To seek to ensure that staff have the training and skills to identify and act upon signs that an adult is at risk of harm. Seek to ensure that staff skills in adult protection are developed, refreshed and recorded in the workforce plan. • To manage risks that people coming into contact with our organisation may pose to one another (peers). • To ensure that agreed plans for support and risk management are followed by staff.	• To seek to ensure all concerns about harm or risk of harm are reported in line with legislation, policy and procedure.

National Autistic Society Heads of Service have additional responsibilities to:

Safe Culture	Recording and Reporting
- To seek to ensure all relevant staff are aware of this policy, receive appropriate training are aware of the services' local procedures to support safeguarding and follow this policy and procedures. - To seek to ensure safe recruitment practices are always followed. - To seek to ensure appropriate duty of care to staff and volunteers and minimise the stress inherent in the investigation process. - To seek to ensure that Team and Service Managers are equipped with the appropriate skills to support and manage adult support and protection procedures in their service.	To seek to ensure effective reporting to the Safeguarding Team and relevant Director as and when required.

National Autistic Society Directors have additional responsibilities to:

Safe Culture	Recording and Reporting
- To ensure that there are sufficient and appropriate measures in place to safeguard the people we support in our services. - To seek to ensure that resources are available to seek to ensure that staff have skills, knowledge and understanding necessary to keep those we support safe.	To act on any trends / themes or significant incidents that are identified.

The National Autistic Society Safeguarding Lead has additional responsibilities to:

Safe Culture	Recording and Reporting
- To take leadership responsibility for the Charity's safeguarding arrangements. - To promote a culture of listening to those we support and taking account of their wishes and feelings, both in	- To report to the relevant subcommittee of the Board of Trustees and the Independent Safeguarding Board. - To seek to ensure there are clear escalation policies for staff to follow

individual decisions and the development of services. • To seek to ensure there are clear whistleblowing procedures and a culture that enables concerns to be shared addressed, in doing so promoting the welfare of all those coming into contact with our organisation. • To seek to ensure safer recruitment practices and ongoing safe working practices are followed by all teams and services. • To chair the Risk Escalation Panel. • To promote a culture of safety, equality, and protection within services.	when concerns are not being addressed within their service or by other agencies.
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The National Autistic Society Safeguarding Team has additional responsibility:

Safe Culture	Recording and Reporting
• To seek to ensure this policy and procedure's arrangements are effectively supported and implemented, based on adherence to compliance requirements and a strong, shared culture of safety. • To take a lead operational role in developing and reviewing the policies and procedures relating to keeping adults and children safe to ensure they reflect any internal changes in practice or revised statutory guidance. • To support the Risk Escalation Panel process alongside the Safeguarding Lead. • To act as mentor to fellow staff in managing complex concerns.	• To advise on safeguarding concerns and support National Autistic Society staff and volunteers in their interaction with the local statutory safeguarding partners and other external professionals. • To seek to ensure there are clear escalation policies for staff to follow when concerns are not being addressed within their service or by other agencies. • To report relevant data to the Safeguarding Lead, Managing Director of Adult Services, National Programmes Director, and Director of Assurance and Compliance. • To identify and escalate significant incidents of harm to the Safeguarding Lead and/or relevant Director. To ensure effective recording of incidents and

	maintaining a centralised safeguarding database.
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The Trustee nominated to be Safeguarding Lead Trustee has additional responsibilities:

Safe Culture	Recording and Reporting
- To attend meetings of the Independent Safeguarding Board (ISB) as Board (trustee) representative. - To support the chairs of relevant board sub-committees with understanding the issues, findings and recommendations discussed at the ISB. - To work alongside the Chair of the Independent Safeguarding Board to help Board ensure a safe culture within the organisation, which should include: - Creating the right culture. - Champion adult support and protection at Board level. - Attend relevant training events and conferences. - Support other trustees in developing their individual and collective understanding of adult support and protection. - Attend meetings, activities, projects to engage with staff, volunteers and beneficiaries to understand safeguarding on the ground.	- To raise relevant safeguarding issues to the full Board, where not appropriate for the sub-committee chairs to raise. - To seek to ensure that the organisation's risk register reflects current safeguarding risks, controls and measures to manage the risks. - To present their own report to the chair of the ISB who will present an annual report to the Board, identifying trends and any areas of concern. - To ensure that matters relating to adult support and protection are on the Board and Committee agendas and help trustees understand and challenge the reports.

11. Processes for Concerns or Disclosures of Harm

Staff may become aware of concerns about harm in different ways. A concern may be a direct disclosure by the adult at risk, or a concern raised by staff or volunteers, others using the service, a carer or member of the public, or an observation of the behaviour of the adult at risk, or the behaviour of another.

Further details of the process for managing concerns about adults at risk are in the Procedure, but key principles are highlighted below.

All staff must comply with local authority multi-agency Adult Protection Procedures for the area where the adult lives. Failure by a member of staff to report actual or reasonably suspected harm will be treated as a disciplinary offence.

Responding to Harm

1. Ensure the immediate safety of the adult at risk, such as by:
 - Intervening in the situation, assessing for first aid, contacting emergency services if necessary.
2. Ensure the immediate safety of other people we support in the service.
 - Such as where there is an allegation against a member of staff, ensuring that member of staff does not come into contact with any other people we support.
3. Report the harm in line with local reporting procedures, taking into account the adult at risk's views and communication.
4. Make a written record of the observed harm as soon as possible once the situation has been made safe.

Third Party Disclosure

If staff hear about an incident of harm from a third party (this is when someone else tells them about what they have heard or seen happen to a vulnerable adult at risk), they should encourage the third party to report it themselves or help them to report the facts of what they know. If the third party is not able to do this or staff are not sure that they have done so, staff should report the concern themselves. Staff have a responsibility to ensure that any possible harm they become aware of is appropriately acted upon and that the adult at risk is protected.

12. Allegations Against Staff (Including Trustees or Volunteers)

Any allegation that a member of National Autistic Society staff, volunteer, or trustee has harmed or possibly harmed an adult at risk must be reported to the appropriate service management and Safeguarding Team as soon as possible. Where relevant, this report should only be made once the person or people we support have been made safe.

If there are concerns or an allegation against the service manager, this should be reported to the relevant Senior Manager within the National Autistic Society and to the Safeguarding Team.

All staff have access to SafeCall as an alternative independent whistleblowing method to raise a concern about a member of staff. SafeCall can be contacted

confidentially via phone: 0800 915 1571 or email: nas@safecall.co.uk. (See also Whistleblowing section).

The allegation should be assessed for any immediate actions necessary to protect the person or people we support, and shared with the appropriate statutory agencies such as the local authority social work team, the Police, the Care Inspectorate, and the Scottish Social Services Council (SSSC).

Reporting to the Police is necessary where a member of staff may have:

- Behaved in a way that has harmed an adult at risk, or may have harmed an adult at risk.
- Possibly committed a criminal offence against or related to a child or an adult at risk.
- Behaved towards an adult at risk in a way that indicates they may pose a risk of harm to adults at risk.
- Behaved or may have behaved in a way that indicates they may not be suitable to work with adults at risk.

There are two aspects to consider when an allegation is made:

- **Protecting the adult at risk from further harm** – Staff are responsible for ensuring that the adult at risk (and where relevant other adults accessing the service) is protected from further harm and that the appropriate internal and external teams are aware of the allegation.
- **Investigating the allegation of harm and supporting the member of staff, trustee or volunteer subject to the allegation** – In consultation with the external agencies, service and senior management, the Safeguarding Team, and HR will assess the nature, content and context of the allegation, and agree an appropriate course of action. Where relevant, this assessment should include Police advice about when to inform the member of staff of the details of a criminal allegation.

The possible suspension of the staff member or volunteer, without prejudice, should be discussed with HR and the Safeguarding Team without delay if there are concerns that a staff member has harmed an adult at risk or is at risk of harming an adult at risk.

Staff members and volunteers (including agency staff) against whom an allegation is made are owed a duty of care and should be treated fairly, honestly and without discrimination. They should be provided with support throughout the process.

Low Level Concerns

As part of their whole approach to adult support and protection, services should seek to ensure that they promote an open and transparent culture in which all concerns about all staff, trustees or volunteers are dealt with promptly and appropriately.

Creating a culture in which all concerns about adults at risk are shared responsibly and with the right person, recorded and dealt with appropriately, is critical. It should enable services to identify staff's concerning, problematic or inappropriate behaviour early; minimise the risk of abuse; and seek to ensure that staff working in or on behalf of the service are clear about professional boundaries and act within these boundaries, and in accordance with the ethos and values of the National Autistic Society.

A **low-level concern** is any concern – no matter how small, and even if no more than causing a sense of unease or a 'nagging doubt' - that an adult working in or on behalf of the service may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work;
- Has not caused harm and is not likely to cause harm. (Examples of such behaviour could include, but is not limited to being over friendly with people we support; spending too much time with one particular person we support, having favourites.)

It is crucial such concerns are reported so appropriate guidance, supervision, training and action can be taken.

Staff are not expected to determine for themselves whether a concern is low level or not. Any concern must be reported to the relevant manager who will make this assessment in collaboration with HR and the Safeguarding Team, and in full knowledge of any previous concerns.

Services should:

- Ensure their staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others.
- Empower staff to share any low-level concerns with the Team or Service Manager.
- Address unprofessional behaviour and support the individual to correct it at an early stage.
- Provide a responsive, sensitive and proportionate handling of such concerns when they are raised; and help identify any weakness in the services' operations.

13. Whistleblowing

Staff should always act whenever harm is suspected. Where staff do not feel able to report harm using the reporting procedures detailed above, or where concerns have been reported but not appropriately acted upon, they are able to whistleblow.

Whistleblowers are given protection under the Public Interest Disclosure Act 1998.

All staff have access to SafeCall as an alternative independent whistleblowing method to raise a concern about the action or inaction of a member of staff or the organisation. SafeCall can be contacted confidentially via phone: 0800 915 1571 or email: nas@safecall.co.uk.

14. Outcomes and Learning

Where adult support and protection concerns have been identified, we need to ensure we are reflecting on and learning from there. This reflection and learning may come as part of a formal investigation. Investigation or review of a concern may lead to changes being made at a person, service, or organisation level to prevent it happening again.

Where relevant, the Team or Service Manager should use the Risk Assessment process to prevent reoccurrences of similar incidents.

Where concerns have been reported to external agencies such as Local Authority Safeguarding team, an outcome should be received. It is important the Service receives this information, in order to inform actions and learning. This information should be passed onto the National Autistic Society Safeguarding Team and added to the service's safeguarding records.

If a staff member or service is not satisfied with the response (or lack of response) from external agencies, this should be challenged and/or escalated in accordance with the appropriate local procedures. Advice and support should be sought from the National Autistic Society Safeguarding Team.

15. Supporting Staff and Supervision of Staff

It is encouraged for all staff working directly with adults at risk to have access to regular supervision during which adult support and protection can be discussed.

For adult services, part 3 of The Health and Care (Staffing) (Scotland) Act 2019, sections 7, 8, and section 12, chapter 3a, requires services to "maintain accurate records of staff induction, reflective and observed practice, supervision, appraisals, and personal development plans".

Staff may find situations where an adult at risk has been harmed stressful and upsetting. We will support such staff by providing an opportunity to talk through their

anxieties with the relevant line manager and to seek further support such as counselling or regular supervision, reflective practice, as appropriate. Employees also have access to a confidential helpline via the Employee Assistance Programme (EAP).

To reduce the risk of allegations being made against staff, and seek to ensure that staff are competent, confident and safe to work with vulnerable adults, they will be made aware of safer working practice guidance and will be given opportunities in training to develop their understanding of what constitutes safe and unsafe behaviour.

16. Recruitment and Selection of Staff and Volunteers

The National Autistic Society has written recruitment and selection policy statements and procedures for the recruitment and selection of both employed staff and volunteers.

The safer recruitment statement is included in all job advertisements, publicity material, recruitment websites, and candidate information packs.

The recruitment process is robust in seeking to establish the commitment of candidates to support the National Autistic Society in the support and protection of adults at risk and to deter, identify, reject or identify people who might pose a risk of harm to adults or are otherwise unsuited to work with them.

All staff and volunteers in regulated activity within our teams and services have been checked as to their suitability, including verification of their identity, qualifications, previous employment history and Protection of Vulnerable Groups (PVG) check and a right to work in the United Kingdom.

The protocol for receiving information prior to Agency staff working in services must be followed and this includes sight and consideration of an appropriate and in date PVG check, references, training history (this must include adult support and protection and other basic mandatory training).

Adult Services

The Care Inspectorate and Scottish Social Services Council have published *Safer Recruitment Through Better Recruitment* (2023) guidance for services.

The Care Inspectorate expects care services to periodically re-check the suitability of care service staff as a matter of good practice. The Care Inspectorate can make recommendations where they identify that a practice may lead to poor outcomes for people but does not prescribe timescales for frequency of periodic checking. The National Autistic Society checks annually.

Volunteers working in care services in Scotland should be treated in the same way as paid staff and any volunteers within a care service without a Protection of Vulnerable Groups scheme record or a relevant Disclosure Scotland certificate

should ideally have no direct service user contact and should not **in any circumstances** work unsupervised.

17. Training

All staff and volunteers will receive adult support and protection training that is relevant to their role. Training will be completed within the induction framework and be refreshed on an annual basis (not later than 13 months since the last training) via internal training sessions, the online e-learning modules or from the relevant local agencies or specialist organisations.

For staff working directly with vulnerable adults, the training will as a minimum cover:

- Adults at risk.
- Prevention and recognition of harm.
- Dealing with disclosures and concerns.
- Information sharing.
- Whistleblowing.
- Maintaining confidentiality.
- Adults with Incapacity Act (Scotland) 2000.

All staff and volunteers must read, understand and become knowledgeable about the organisation's adult support and protection policies and procedures during induction and must ensure they are familiar with any updates made.

18. Contacts and Whistleblowing

Safecall (Independent Whistleblowing Service)	
All staff have access to SafeCall as an alternative independent whistleblowing method to raise a concern such as about the action or inaction of a member of staff or the organisation.	
Telephone	0800 915 1571
Email Address	nas@safecall.co.uk

National Autistic Society Safeguarding Team	
Safeguarding concerns and reports should be sent to the Safeguarding Team inbox at notifications.safeguarding@nas.org.uk and not to personal emails.	
Role	Name and Email Address
Safeguarding Lead	Danielle Wilson Danielle.wilson@nas.org.uk
Safeguarding Advisor for Adult Services	
Safeguarding Advisor for National Programmes	
Safeguarding Advisor for Children and Young People	

Chair of the Independent Safeguarding Board (ISB)	
Name	John Goldup
Email Address	John.goldup@nas.org.uk

Nominated Safeguarding Lead Trustee	
Name	Pamela Marsden
Email Address	Pamela.marsden@nas.org.uk

Local Safeguarding Contacts

Please list here any relevant local safeguarding contacts for your team or service.

Local Safeguarding Contacts	
Agency	Contact Details
Local Authority Safeguarding Team	<i>If not known, local authority contact details can be found by searching online for the name of the authority + safeguarding adults contact.</i>