

INFORMATION FOR CARE WORKERS

Everyone has the right to live in a safe environment free from harm.

The Scottish Government has introduced new legislation to protect people from being harmed. It is called the Adult Support and Protection (Scotland) Act.

The new law respects an individual's right to have their wishes and feelings taken into account and to have the minimum amount of intervention into their personal life.

It also recognises that some people in Scotland might be at greater risk of harm than others.

All of us can be harmed but some people are more 'at risk' of harm. These people might include those over 16 years old who:

- find it difficult to keep themselves or their property or possessions safe;
- might be harmed by other people;
- might be more vulnerable because of a disability, illness or mental disorder (perhaps because of mental health problems, dementia or because they have a learning disability).

This doesn't mean everyone who has a learning disability or a mental health problem is 'at risk' of harm but some people might be.

It is all our responsibility as workers and carers to protect people from harm.

Who harms and where does it happen?

The person who harms is usually well known to the person being harmed. They may be:

- a partner, child or relative
- a friend or neighbour
- a paid or volunteer care worker
- a health or social worker, or other professional
- another resident or person who uses services
- an occasional visitor or someone who is providing a service
- a person who deliberately exploits vulnerable people.

But Anyone can harm

Harm can happen anywhere – in someone's own home, in a care home, in a day centre or hospital.

What do we mean by harm?

Harm is an action by another person which goes against someone's human or civil rights. This may be a single act or something which happens repeatedly over time. The harm may be quite deliberate or may be the result of poor care or ignorance.

The adult at risk may be neglected, persuaded to do something against their will or taken advantage of because they do not fully understand the consequences of their choices or actions.

Harm can take many forms

It may be:

Physical hitting, slapping, pushing, or shaking; not giving medicines properly; locking an individual in a room; tying a person to a chair; keeping someone restricted in a house or home.

Psychological isolating an individual; using threats, shouting, controlling or bullying; removing choice; continually blaming; keeping an individual from having access to family and friends.

Financial stealing property or possessions; putting pressure on an individual to change a will, or seeking gifts or presents; preventing access to money, benefits or belongings.

Neglect preventing access to medical or social services; not feeding or caring properly; not keeping an individual warm and safe, clean and tidy; not providing personal privacy.

Sexual inappropriate touch or kissing; rape; use of inappropriate language or visual imagery; any sexual behaviour which an individual does not want or understand.

Discriminatory treating someone less favourably on the grounds of their race, age, disability, gender, religion or belief and sexual orientation; not making appropriate adaptations to meals, routines and so on, to accommodate diversity; criticising, laughing or not respecting an individual's beliefs.

Institutional offering poor care by removing someone's individuality by strict inflexible regimes and routines; lack of regard for individual choice, lifestyle etc.

How do you recognise harm?

It is often difficult to recognise when harm has occurred or may be taking place. Some general signs of harm include:

- Changes in behaviour, weeping, anger, violent reactions, withdrawal and self isolation
- Unexplained injuries or hiding of injuries
- Unexplained debt or inability to pay bills
- Unplanned and unanticipated sale of property and possessions
- Withdrawal from group interaction, introversion and self isolation
- Rigid and inflexible routines, indicating a lack of choice
- Changes in sleep patterns – either excessive or sleeplessness
- Neurotic behaviour e.g. hair twisting, rocking, fear of making mistakes, self harm
- Not having basic needs met through clothing, warmth and food
- Fear of being left with a specific person or group of people
- Flinching when approached or touched
- Sudden increase in confusion; misuse of medication e.g. not giving medicines properly
- Responses to pressure by family or professionals(s) to have someone moved into or taken out of care
- Not being provided with adequate information about their rights or entitlements, or being misinformed.

What should you do?

You may suspect harm is happening because, for example:

- You have general concerns about someone's well being
- You see or hear about something which could be harmful
- You feel someone has done something to an individual which makes you uncomfortable
- Someone tells you that something has happened or is happening to them which could harm.

If you are concerned about someone you know it is essential to talk it through with someone and to report the harm. You must not remain silent.

You must never assume that somebody else will recognise and report what you have seen or heard.

So, if you are concerned about harm:

- Report it
- Record it
- If you suspect someone is being harmed then DO Something
- Consider using your organisation's Whistle-blowing policy
- Do not confront the alleged perpetrator.

If you feel the problem is very serious and warrants immediate action (for example if a person is at imminent risk of harm) you should contact your line manager immediately.

The Act also introduces new measures which can help someone who is at risk of harm or is suspected of being harmed.

If a local authority (Council) thinks someone is at risk, the Act allows the Council to carry out an inquiry. The Council must ask about how that person is doing and if their home or money is being properly looked after.

- They can visit and speak to the person they are worried about
- They can also ask to look at the person's money and ask a doctor or nurse to look at the person's health records
- They can also ask the person to be examined by a doctor or nurse
- The person doesn't have to answer any questions they are asked and can refuse to be examined by a doctor or nurse
- The Act also introduces 3 Protection Orders – assessment orders, removal orders and banning orders.

A sheriff would decide if someone needs a Protection Order.

An assessment order helps the Council interview someone who might be at risk of harm in a place where they can feel free to talk. If the Council needs to talk to someone in private to find out if they are being harmed it can ask a sheriff to allow the Council to take the person to somewhere private to ask them questions or be examined by a doctor or nurse.

If the Council thinks that someone is likely to be really seriously harmed if they stay where they are, it can ask a sheriff to allow them to take that person to a safer place, but only for a short while. This is called a removal order.

If the Council is concerned that someone might harm another person it can ban that person from a place for up to 6 months. This is called a banning order.

All these orders will be used only in special circumstances and when everything else has been tried to keep the person safe.

If the person at risk of harm refuses to consent to an order, the sheriff shouldn't make the order. But if the sheriff thinks that the person at risk was put under pressure to say no to the order then they can decide to make the order without the person agreeing to it.

What can you do?

As a worker your role if a Protection Order is issued is to support and assist any Council officer in his/her duties. For example, you may be asked to support the adult at risk through any investigation process by being with the individual; helping the individual understand what is happening; or assisting the Council officer communicate with the individual.

Adult harm is everybody's business.

We can only tackle it by working together.