

POLICY B011 SCO - ADULT SUPPORT AND PROTECTION, SCOTLAND

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PURPOSE

- The Adult Support and Protection (Scotland) Act 2007 sets out statutory responsibility for care providers to safeguard individuals with care and support needs. By definition, clients of The Good Care Group can be regarded as clients with care and support needs. The Good Care Group has a duty to safeguard its clients against harm whilst promoting freedom of choice and enabling clients to lead a full and meaningful life
- This policy exists to ensure that TGCG is acting in accordance with its obligations under the Human Rights Act 1998, The Public Service Reform (Scotland) Act 2010, Adult Support and Protection (Scotland) Act 2007, Mental Health (Care and Treatment) (Scotland) Act 2003, Adults with Incapacity (Scotland) Act 2001, Protection of Vulnerable Groups (Scotland) Act 2007, Public Bodies (Joint Working) (Scotland) Act 2014
- This policy aims to;
 - Prevent harm and reduce the risk of abuse or neglect to our clients
 - Safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives
 - Promote an outcomes focussed approach in safeguarding that works for people resulting in the best experience possible
 - Uphold wellbeing as a central principle and create a culture of respect and individualism
 - Raise awareness so that all staff and other key stakeholders play their part in preventing, identifying and responding to abuse and neglect

SCOPE

- This policy applies to all employees of The Good Care Group, and sets out specific responsibilities for individuals and individual roles
- For the purposes of this policy the following definitions are accepted;
 - 'Safeguarding' refers to the protection of a person's right to live in safety, free from abuse and neglect
 - An adult at risk is any person who is aged 16 years or over who are:
 - unable to safeguard their own wellbeing, 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
- The Good Care Group recognises that poor practice should be distinguished from safeguarding matters and has robust policies and procedures in place to investigate where these do not constitute safeguarding / adult support and protection concerns

POLICY

Every team member at The Good Care Group, regardless of role, department or seniority, has a duty to safeguard adults at risk from abuse. Everyone has a responsibility to be aware of safeguarding, of the potential signs of abuse and what to do if someone has a concern, including whistle-blowing. Everyone has a responsibility to keep their training up to date and to inform the company of any change to their criminal record history.

Recruitment and Selection

The Company's dedicated Recruitment Team is required to follow a robust recruitment procedure prior to hiring any candidate, including;

- Competency and values based interviews
- Full employment history
- Enhanced DBS and PVG check (updated every 3 years)
- Written and verbal references
- Overseas police check
- Occupational health screening
- Attendance at 5 day induction and selection week

The Good Care Group takes great care in the recruitment of staff and follows the guidelines of 'safer recruitment'.

For every employee at The Good Care Group, a search is made to see if he or she has been placed on the DBS barred list. This is done by the Disclosure and Barring Service, which has access to the register, as part of its checking procedures. Application for a check is made by The Good Care Group management to the Disclosure and Barring Service, which makes the actual check. In the process of registering with the DBS to carry out either "regulated" or "controlled" activities as defined by the *Safeguarding Vulnerable Groups Act 2006*, the Company will learn automatically if an employee or prospective employee has already been placed on the barring list. For Professional Carers who are to work in Scotland the Recruitment Compliance team will additionally make an application for the carer to join the PVG scheme.

If The Good Care Group discovers any of its Professional Carers are on the barred list it will not be able to continue to employ them and the person will be dismissed. These provisions are written into all employee contracts.

Anyone with an unclean DBS or PVG will be risk assessed by the Chief Operating Office and Registered manager before being placed in work with a client.

At the point of recruitment and selection a search of the SSSC register is carried out and the details documented as to a candidate's registration status. Where a candidate is not on the register and will work in Scotland the candidate's application to register is submitted within 2 weeks of starting a Scottish placement.

Knowledge and Skills

All staff are required to complete safeguarding/ Adult support and protection training as part of their 5 day in-house induction (in the form of classroom learning and a follow up assessment with a passmark requirement).

Throughout the year safeguarding/ Adult support and protection resources, useful updates and information are circulated to all employees in order to refresh their knowledge.

We encourage a culture of continuous learning and improvement. The Quality Assurance Team also disseminates best practice guidance and share learning following any serious incident.

All staff working in Scotland are registered with the Scottish Social Service Council and have access to the learning modules.

Care Managers in Scotland are expected to attend ASP training provided by Local Authorities/ HSCP every 2 years.

Assessment and Care Planning

It is the responsibility of the Care Manager to assess the needs and wishes of each individual client and to document this in their care plan. Any risks relating to potential abuse or harm should be identified, and risk management strategies implemented, and agreed with the client and / or their representatives.

Professional Carers are required to follow the care plan, and must notify their Care Manager of any observed changes in their client's needs and wishes.

Monitoring and Support

In order to ensure a robust level of monitoring and oversight Care Managers at

TGCCG manage smaller portfolios of clients than the industry average. The Director of Operations is responsible for reviewing the operational model to keep portfolio sizes at around 15 - 20 clients.

Care Managers are required to adhere to the client pathway which involves;

- Initial assessment
- First review at or around 30 days
- 6 monthly reviews (or as and when changes occur) ongoing

Client visits should be a combination of announced and unannounced.

Individuals within the Regional Team are required to work within the governance framework which includes;

- Client quality calls
- Regular support calls to Professional Carers
- Compliance monitoring of daily care notes, handovers and weekly reports

Escalation and Whistleblowing

The Good Care Group expects its staff to be vigilant regarding the welfare of clients. It provides staff training so that they can recognise the risks and signs of abuse. It acknowledges that abuse may take any of the following forms and more than one might be present in an abusive situation:

- physical abuse,
- neglect,
- self-neglect
- psychological or emotional abuse,
- financial or material abuse,
- sexual abuse,
- racial, discriminatory, religious or cultural abuse,
- domestic abuse
- institutional abuse
- modern slavery
- Verbal Abuse

All staff are trained to recognise the possible signs of abuse and to raise concerns no matter how small.

Any member of staff who knows or believes that abuse is occurring has an obligation to report it as quickly as possible to their manager. If the victim requests that the matter should not be reported, the staff member should inform them that they have a duty to report the matter. The staff member should then reassure the client that the matter will not be taken further than the manager without their

consent unless there are exceptional circumstances. The Good Care Group will take vigorous action against anyone trying to suppress a possible report of abuse.

All staff at The Good Care Group also have access to 'Speak up', a confidential telephone line operated by Sodexo which can be used to raise concerns, including whistle blowing matters, should they feel uncomfortable or unable to do so via other channels. The Speak Up line is communicated to staff regularly.

Handling of an Adult Support and Protection Concern

An ASP matter will always be considered and treated as a Serious Incident. However, the definition of a serious incident is wider than just incidents which pertain to allegations of abuse.

Reporting to Adult Support and Protection:

It is the responsibility of the Care Manager to ensure that each client's care plan contains the contact details for the local Adult Support and Protection teams within the local authority of the client. The local ASP team must be immediately informed of any allegation of potential harm and will take the lead role in coordinating a response and investigation. The Good Care Group will comply with any such investigation including IRD- Inter agency referral discussion if requested.

Reporting to the Police:

If it is suspected that a criminal act might have been committed, the situation will be reported to the police. Every effort should be made not to interfere with possible evidence.

Notifying the Regulators:

Form notifications must be submitted to the Care Inspectorate without delay.

Keeping Records:

It is the responsibility of the person raising the concern to ensure that an incident report is completed as soon as it is safe to do so. Records should always be objective, stating facts and not opinion.

Care Managers should document their investigation into the concern raised, as per the incident management process.

TGCG will always share records and details of internal investigations with local ASP teams and the Care Inspectorate as required.

Referrals to Disclosure Scotland

The Good Care Group has a responsibility to inform disclosure Scotland when a staff member:

- was dismissed as a result
- would have been dismissed but left before the final disciplinary outcome or meeting
- was transferred permanently away from work with children or protected adults

Referrals are made using the employer referral form no later than 3 months from the date of the outcome of the final decision.

Referrals to SSSC

The Good Care Group has a responsibility to inform the SSSC through their notification system where a disciplinary or allegation has been made.

Information Sharing

Where there are ASP concerns staff have a duty to share information including adherence to Duty of Candour. It is important to remember that in most serious case reviews, lack of information sharing can be a significant contributor when things go wrong. Information should be shared with consent wherever possible. A person's right to confidentiality is not absolute and may be overridden where there is evidence that sharing information is necessary to support an investigation or where there is a risk to others e.g. in the interests of public safety, police investigation, implications for regulated service. The following principles should be followed;

1. Remember that the GDPR is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately
2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so
3. Seek advice if you are in any doubt, without disclosing the identity of the

person where possible

4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions or the actions of the perpetrator
6. Sharing should be necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose Any information disclosed should be:
 - a. clear regarding the nature of the problem and purpose of sharing information
 - b. based on fact, not assumption
 - c. restricted to those with a legitimate need to know
 - d. relevant to specific incidents
 - e. strictly limited to the needs of the situation at that time
 - f. recorded in writing with reasons stated

Sharing data when someone who is an adult with incapacity

- You have a responsibility to explore approaches to help them understand
- In some instances the individual will not have the capacity to consent to disclosure of personal information relating to them. Where this is the case any disclosure of information needs to be considered against the conditions set out in the GDPR and a decision made about whether it is in their best interests to be shared.

RELATED POLICIES

- TGCG Policy B010 - Managing Accidents, Incidents and Emergencies
- TGCG Policy B011 - Safeguarding Adults at Risk
- TGCG Policy B014 SCO - Mental Capacity and Advocacy
- TGCG Policy D004 - Whistleblowing

- [Incident Report - Process Guide for the Regional Team](#) (contains TGCG's Serious Incident Process)