



Policy Name:	Safeguarding Adults Policy and Procedure (Scotland)
Purpose	<p>The purpose of this policy is:</p> <p>The MS Society is committed to safeguarding and promoting the welfare of all who use its services and come into contact with the Charity, regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that we have a particular responsibility to ensure that adults who may be at risk are protected.</p>
Region	Scotland
Scope	MS Society staff and volunteers
Lead Officer	Safeguarding Lead
Responsible Directors	Executive Director of Services and Support
Key Consultation	Executive Director Services and Support Safeguarding Oversight group
Approver	Board of Trustees
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Next Approval Date	2025
Key Words	Safeguarding Vulnerable Harm Abuse

# MS Society Safeguarding Adults Policy and Procedure (Scotland)

*The phrase 'adult support and protection' is used instead of 'safeguarding' in Scotland. However, for consistency across the Society's policies and to facilitate staff understanding, the term 'safeguarding' is used for this policy in relation to adults at risk in Scotland.*

## 1. Purpose and scope

1.1 The MS Society is committed to safeguarding and promoting the welfare of all who use its services and come into contact with the Charity, regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that we have a particular responsibility to ensure that adults who may be at risk are protected, and have a range of measures in place to protect all people who come into contact with the Society through our work, from abuse and maltreatment of all kinds.

### 1.2 Policy objectives

The objectives of this policy and procedure are to:

- contribute to the successful achievement of the MS Society's aims and excellent standards of service for people affected by MS
- ensure that adults who may be at risk and who are in contact with the MS Society are protected effectively from abuse/harm
- ensure all the Society's beneficiaries are protected from harm
- provide a clear framework for action whenever abuse is disclosed or suspected
- ensure all MS Society staff and volunteers are clear about their responsibilities
- ensure the MS Society complies with best practice in this area
- give an assurance to all staff, volunteers and beneficiaries of the Society that all concerns or allegations of abuse will be taken seriously by the Society's trustees and responded to in an appropriate manner.

1.3 This policy and procedure applies to all MS Society trustees, staff and volunteers not just those working directly with service users. This policy which has been approved and endorsed by the board of trustees is for staff, trustees and volunteers in **Scotland**. Please see our Safeguarding Adults policies for England and Wales and Northern Ireland.

1.4 For details of the Society's commitment to safe recruitment and the need for disclosure checks for staff and volunteers working closely with adults at risk, please see the MS Society Society's Recruitment and Disclosure Policies.

## 2. Definitions

### 2.1 Adult at risk

An 'adult at risk' is an individual aged **16 years** or over who:

- is unable to safeguard themselves, their property, rights or other interests,

- is at risk of harm, *and*
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than others who are not affected.

The presence of a particular condition does not automatically mean an adult is an 'adult at risk'. Someone can have a disability and be able to safeguard their wellbeing etc. It is important to stress that all three elements of this definition must be met. It is the whole of an adult's particular circumstances which can combine to make them more susceptible to harm than others.

2.2 The purpose of this definition is to avoid labelling adults as at risk and needing protection solely on the basis of having a specific condition or disability. Adults with MS are not automatically classed as an 'adult at risk' under these definitions.

### 2.3 Harm

Harm as defined in the Adult Support and Protection (Scotland) Act 2007 includes 'all harmful conduct' and in particular includes:

- discriminatory
- domestic violence
- financial or material
- gender based violence
- hate crime
- modern slavery
- neglect and acts of omission
- organisational/institutional
- physical
- psychological
- self-harm including suicide
- self-neglect
- sexual

The list is not exhaustive and no category of harm is excluded simply because it is not listed. Harm can be accidental or intentional, as a result of self-neglect or neglect by a carer or caused by self-harm and/or attempted suicide.

2.4 While most abuse takes place when people are in physical contact, it can also take place in a virtual environment, such as an online discussion board or chat room. For more detail see the MS Society's 'Safeguarding Adults: Guidance for Staff and Volunteers'.

## 3. Responsibilities

3.1 All staff and volunteers have a duty to report any concerns about actual or suspected abuse of people who come into contact with the charity, through its work. Staff and volunteers are assured by the Society's board of trustees and executive group that there will be no retribution for reports or allegations of abuse made in good faith

3.2 The Executive Director of Services and Support has overall responsibility UK wide to:

- ensure the regular review and effective working of this policy

- report annually to the Audit, Risk and Finance Committee on the number and nature of safeguarding incidents, making recommendations for improvements in policy and practice.

The Executive Director of Services and Support will be assisted in this duty by the Safeguarding Oversight Group and Safeguarding Lead. See Appendix A for details of the Safeguarding Oversight Group.

3.3 The Safeguarding Oversight Group will have responsibility for:

- reviewing, on a regular basis, volume and pattern of reported safeguarding concerns
- agreeing the Society's policies, approach, procedures and risk management relating to safeguarding.

3.4 The MS Society's Safeguarding Responders Group (SRG) is made up of a number of designated managers and staff. Safeguarding responders make all decisions about safeguarding issues, including questions of mental capacity and consent, make referrals and liaise with the local council. Details of the Safeguarding Responders Group can be obtained from the Society's Safeguarding Lead.

3.5 Safeguarding Responders Group members have a responsibility to:

- respond to internal safeguarding reports in a timely manner
- consider all the issues carefully
- consult with colleagues on the Safeguarding Responders Group
- ensure all records are kept as agreed and the monitoring log is completed
- where appropriate, make a referral to the local authority.

3.6 The Society will report any serious incident(s) as defined by the Charity Commission promptly to the Charity Commission and as a matter of courtesy the Director of Scotland will also report to the Office of the Scottish Charity Regulator.

## **4. Policy principles**

4.1 The following principles underpin this policy and accompanying procedure:

- It is every individual's right to live in a safe environment and to be free from abuse or the threat of abuse.
- It is every individual's right to live an independent life based on self-determination and personal choice and this includes the right to take risks.
- The overall aim of safeguarding is to restore the power back to the adult at risk, so that they can exercise choice and control over their life.
- All staff and volunteers will promote the empowerment and wellbeing of people affected by MS.
- Safeguarding protected adults is everyone's business: all staff and volunteers will be aware of the policy and procedures for safeguarding adults at risk.
- Staff and volunteers in specific designated roles will have an appropriate Disclosure check (PVG) check (see MS Society Disclosure Policy).
- Staff and volunteers in specific designated roles will have the appropriate support and training to ensure they are able to recognise and act on the suspicion or disclosure of abuse.

- Staff or volunteers with concerns or suspicions that an adult at risk is being or is at risk of being abused have a duty to report these concerns or suspicions within the MS Society in a timely way.
- All disclosures and suspicions of abuse will normally be referred to the local council with the individual's consent.
- Details giving rise to concerns or suspicions of abuse will only be shared with the limited number of individuals who need them in order to make decisions about next steps and referrals. Beyond this, all details will remain confidential.
- Where other MS Society policies and procedures apply to a disclosure of abuse (e.g. grievance, complaints, disciplinary) the welfare and safety of the adult at risk remains paramount.

4.2 The overarching principle of The Adult Support and Protection (Scotland) Act 2007 that any intervention in an individual's affairs should provide benefit to the individual and should be the least restrictive option of those that are available which will meet the purpose of the intervention will be supported by this policy.

This policy also supports the following additional guiding principles when supporting individuals:

- The wishes and feelings of the adult at risk.
- The views of other significant individuals, such as nearest relatives, primary carer, guardian, attorney or other person with an interest in the adult's well-being.
- The importance of the adult taking an active part in the performance of the function under the act.
- Providing the adult with the relevant information and support to enable them to participate as fully as possible.
- The importance of ensuring the adult is not treated less favourably than another adult in a comparable situation.
- The adult's abilities, background and characteristics (including their age, sex, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

#### 4.3 Advice and procedural support

The Safeguarding Lead is available to provide support and procedural guidance throughout this process. However, any safeguarding allegations in respect of a staff member will be referred to Head of HR. The decision of the Head of HR will be final.

#### 4.4 Timescales

All timescales in this policy refer to calendar days. All timescales will be met as far as is reasonably practicable. Timescales may only be varied where this has been agreed in advance by the Executive Director of Services and Support.

# Safeguarding Adults Procedure

The role of all staff members and volunteers is to recognise, respond, record and report internally.

## 1. Safer recruitment

- 1.1 Staff and volunteers in designated roles will be subject to enhanced disclosure checks, as set out in the MS Society Disclosure Policy, which for Scotland is the PVG scheme.
- 1.2 Staff appointments are all subject to two references, as set out in the MS Society Recruitment and Selection Policy.
- 1.3 At least one member of staff selection interview panels needs to have successfully completed the Safer Recruitment Training before the start of the recruitment process
- 1.4 Candidates for staff and volunteer roles involving regulated activities will be subject to a disclosure check to ensure they are not barred under the Vetting and Barring Scheme.
- 1.5 Any new roles that are developed will be risk assessed, by the authorised person from the Volunteering Team (for volunteer and individual service provider roles) and authorised person from the HR team (for staff roles), to check whether they are involved in regulated activity and require a disclosure check.
- 1.6 Induction for all staff will include an awareness of the Societies' policies to protect adults at risk, with particular reference to their responsibilities under the Societies' Code of Conduct.
- 1.7 Staff and volunteers engaged in regulated activity will have appropriate support and training to ensure they are able to recognise and act on the suspicion or disclosure of abuse.

## 2. Boundaries

- 2.1 Working with adults at risk needs to occur in a positive, respectful and safe environment where adults at risk aren't put at risk and adults are protected from accusations of abuse. All staff and volunteers are expected to be committed and reliable in their role(s) in line with the Societies Code of Conduct and not use their position to pursue inappropriate personal relationships with beneficiaries of the Society's services.

## 3. Overview of reporting procedure

- 3.1 Although rare, no suspicion of abuse or harm should be ignored. Staff or volunteers may become aware of possible abuse when they:
  - witness a form of abuse

- recognise one or more of the abuse indicators, detailed in the MS Society's 'Safeguarding Adults: Guidance for Staff and Volunteers'.
- are told about abuse by the person with MS
- are told about abuse by a visitor, carer, relative or friend
- observe online abuse on forums and discussion boards
- receive a complaint.

3.2 The MS Society does not provide an emergency service. If there is an emergency, the staff member or volunteer should inform the adult at risk to call the Police on 999 or their local authority, the details of which would be on the authority's website.

3.3 All MS Society staff and volunteers have a duty to report any disclosure, reports or suspicions of abuse or harm without delay by completing a 'Record of Safeguarding Concerns and Actions' form and emailing it to [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk).

If a member of staff is affected by what they have heard or seen, they should contact their line manager for any support they may need. Any volunteer affected by what they have seen or heard should call the Society's helpline on 0808 800 8000. Remember the role of all staff members and volunteers is to recognise, respond, record and report internally.

3.4 The lead safeguarding responder will be responsible for making any referral to the relevant local council. Enquiries or investigations are undertaken only by the local council; the Police will investigate if there is deemed to be criminal activity. No MS Society staff, or volunteer should undertake any kind of investigation.

## 4. Responding to disclosure, suspicion or witnessing of abuse

4.1 Where an adult at risk discloses or discusses potential abuse or harm the staff member or volunteer should be able to:

- **Recognise:** identify that the adult at risk may be describing abuse, even when they may not be explicit.
- **Respond:** stay calm, listen and show empathy. Reassure them that it will be taken seriously and explain that there is a duty to report the issues internally and what may happen next.
- **Record:** write up notes of the conversation clearly and factually as soon as possible using the 'Record of Safeguarding Concerns and Actions' form. Try to capture as much of the conversation verbatim as possible.
- **Report:** email the 'Record of Safeguarding Concerns and Actions' form to [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk)

4.2 Confidentiality must be maintained. Details giving rise to concerns or suspicions of abuse will only be shared with the limited number of individuals who need them in order to make decisions about next steps and referrals. Beyond this, all details will remain confidential.

4.3 No staff or volunteer should start any investigation or confront or contact the alleged perpetrator.

4.4 Deciding to refer

On receiving an internal report, the lead safeguarding responder will confer with colleagues on the Safeguarding Responders Group (and possibly seek informal advice from the appropriate local council).

- 4.5 The Safeguarding Responders Group will confirm whether this is a safeguarding issue and requires referral to the local council or if a crime and therefore requires referral to the Police.
- 4.6 When considering the internal report and deciding whether to refer a case to the local authority if the Safeguarding Responders are in any doubt as to whether to refer or not, they should consult with the Safeguarding Lead or if not available a member of the Safeguarding Oversight Group
- 4.7 Seeking consent  
Except in exceptional circumstances, where there is a wider public interest or where a best interest decision is taken following the framework set out in the Mental Capacity Act, the lead safeguarding responder will contact the adult with care and support needs to seek their consent to inform the necessary authorities and make the referral.
- 4.8 Capacity to consent will be assumed unless there is evidence to the contrary. Decisions regarding an individual's capacity must be specific to this decision at this time.
- 4.9 Where the individual seems unable to give consent, the lead safeguarding responder will consider and seek advice on their mental capacity to make this decision. If they do not have sufficient mental capacity a referral will be made without their consent.
- 4.10 Where the individual does not wish to give consent, the lead safeguarding responder will consider and seek advice on whether there is a wider public interest issue (such as other adults at risk or children who may be at risk) which would warrant overriding the individual's wishes. In such an instance all efforts should be made to explain to the individual concerned what is being done and why.
- 4.11 Making a referral  
Generally, a referral would only be made to the local council once the adult at risk had given their consent. The lead safeguarding responder should also seek consent to contact the Police where there is a possibility that a criminal act has occurred.
- 4.12 All referrals will be made by the lead safeguarding responder within two working days of receiving the disclosure. There may be exceptional circumstances that extend this time.
- 4.13 The referral should be made by phone and the lead safeguarding responder should ensure it has been received by someone able to act on the information (e.g., a social worker).
- 4.14 If the local authority will not accept a safeguarding referral by telephone, then it should be made in the manner requested, be as comprehensive as possible and a copy retained in the individual file relating to the concern. See the MS



Society's 'Safeguarding Adults: Guidance for Safeguarding Responders Group Members'. The local council and/or the Police will carry out the enquiries or investigation. Under no circumstances should a volunteer or staff member attempt to investigate any suspicions or disclosures of abuse.

4.15 Concerns about abuse by another adult at risk

In cases when a referral is being made and the alleged abuser may also be an adult at risk, they should also be referred to the local council. They may need an assessment to determine whether they need any specialist services.

4.16 Recording and monitoring

The lead safeguarding responder will keep the adult at risk informed of their actions and developments.

4.17 Once the matter is resolved, the lead safeguarding responder will ensure that all notes are collected and stored electronically, and the monitoring log is completed.

4.18 Support for staff and volunteers

Staff should be reminded of the Employee Wellbeing Programme that offers counselling support. Volunteers can access the MS Society Helpline for similar support.

## **5. Safeguarding concerns about employees or volunteers**

5.1 All staff and volunteers have a duty to report any concerns they have about colleagues (volunteers or staff) and beneficiaries who may be involved in abuse or harm to the Safeguarding Responders Group via [safeguarding@mssociety.org.uk](mailto:safeguarding@mssociety.org.uk)

5.2 If there is any concern about colleagues (volunteers or staff) being involved in abuse, the MS Society's Whistleblowing Policy and Procedure should be followed.

5.3 The lead safeguarding responder will report the concerns to the Safeguarding Lead who will consult with the Head of HR or in their absence a senior member of the HR department who will decide what action to take. This may include:

- consideration of the suspension of the member of staff or volunteer
- a referral of the allegations to the local council or the Police for investigation.

5.4

5.4 Protecting Vulnerable Groups Scheme referral

Following all investigations and any disciplinary or other procedures, it is a legal requirement that a referral must be made to Disclosure Scotland when:

- the Society has withdrawn permission for an individual to work with vulnerable groups (or would have done so had that individual not resigned, retired, been made redundant or been transferred into another position)
- the Society believes the individual has engaged in activity that causes concern for the safeguarding of vulnerable groups
- there is harm or risk of harm to vulnerable groups, or an individual has received a caution or a conviction for a relevant offence.

5.5 Protecting Vulnerable Groups Scheme record updates

If a Protecting Vulnerable Groups Scheme member (staff or volunteer) leaves the MS Society, Disclosure Scotland must be notified by the Protecting Vulnerable Groups Scheme collator.

5.6 If a member of staff or volunteer involved in regulated work is convicted of a relevant crime or they are being considered for the barred list, the MS Society will be notified by Disclosure Scotland.

5.7 Staff and volunteers who are barred

Staff and volunteers under investigation or reported to DBS will cease undertaking regulated activities. If possible, they should be moved to other duties, if this is not possible, they will be suspended from work pending the outcome of the investigation. Please see the MS Society Disclosure Policy for more details.

5.8 When a member of staff or volunteer is barred by the Protecting Vulnerable Groups Scheme they may no longer be involved in any regulated activities. It is an offence for the MS Society to allow them to continue working in such a role. In such a situation the Society may consider redeployment to an alternative role. If this is not possible the member of staff may be dismissed, or volunteers' agreement terminated. Please see the MS Society Disclosure Policy for more details.

## **6. Monitoring and reporting**

6.1 Safeguarding Responder Group members will ensure that all records are kept electronically and stored safely in the safeguarding casework drive.

6.2 Monitoring information which is anonymous will be kept indefinitely. Individual records which include sensitive personal data will be kept securely indefinitely.

6.3 The Safeguarding Oversight Group will carry out regular reviews of safeguarding incident reports; looking at the number of reports, their source and the outcomes from each with regular reports made to the Audit, Risk and Finance Committee.

6.4 The Charity Commission should be advised of any incident:

- Which has resulted in harm to a beneficiary of the Society
- When a member of staff or volunteer is the perpetrator of harm
- When a member of staff is the victim of harm

The Safeguarding Lead will liaise with the Governance team to ensure the incident is reported to the Charity Commission. As a matter of courtesy, the Director of Scotland will also inform The Office of the Scottish Charity Regulator.

6.5 This policy will be reviewed annually and after any safeguarding incident of actual or suspected abuse perpetrated between our staff, volunteers and beneficiaries.

**Other relevant policies:**

- Recruitment and Selection Policy
- Recruiting Ex-offenders Policy
- Disclosure Policy
- Complaints, Compliments and Comments Policy
- Resolving Volunteer Issues and Concerns Policy
- Dignity at Work Policy
- Whistleblowing Policy

**Relevant legislation and guidance**

- Human Rights Act 1998
- Adult Support and Protection (Scotland) Act 2007
- Safeguarding Adults - National Framework of Standards 2005
- Adult with Incapacity (Scotland) Act 2000
- Mental Health (Care & Treatment) (Scotland) Act 2003
- Safeguarding Guidance: Keeping vulnerable beneficiaries safe. The Scottish Charity Regulator (OSCR) 2018
  - <https://www.oscr.org.uk/guidance-and-forms/safeguarding-guidance-keeping-vulnerable-beneficiaries-safe/introduction/>

# Safeguarding Process Flowchart



## **Appendix A**

### **Safeguarding Oversight Group**

Executive Director of Services and Support

Country Director of Northern Ireland

Country Director of Scotland

Country Director of Wales

Head of HR

Head of Helpline

Volunteering and Community Networks Policy and Performance Manager

Safeguarding Lead