



Cloch Housing Association

Safeguarding Vulnerable Adults & Children

Policy Name	Safeguarding Vulnerable Adults & Children
Policy Category	Housing
Policy Number	092
Date Adopted	01/09/2008
Last Review	25/05/2022
This Review	06/05/2025
Next Review	May 2028
Equalities Impact Assessment Required	Yes – Completed
Link to other policies	Code of Conduct, Whistleblowing
Consultation	Inverclyde Council Procedures – see section 6.2

Appendix 1 - Equality and Human Rights Impact Assessment (EqHRIA)

1 Introduction

- 1.1 The protection of children and adults at risk of harm is not an option but a responsibility across agencies. The expectation for all “at risk” people in our communities is that they are empowered, through support from all the public services including social work services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as their personal circumstances permit.
- 1.2 Cloch supports and protects anyone who receives our services. We are committed to the protection of children and adults at risk of harm, and the safeguarding and promoting of the interests and well-being of such individuals is of paramount concern.
- 1.3 Cloch strives to ensure to the best of its ability that tenants and service users will not encounter harm of any form while in its care, and that, if abuse is detected, the situation will be reported immediately to allow investigation by the appropriate statutory agencies.
- 1.4 Cloch undertakes to ensure it will protect children and adults it works with from exploitative relationships. In such circumstances where it is found that an person is at risk then we undertake to liaise with Inverclyde Council Health and Social Care Partnership Social Work Services to ensure that the individual continues to receive a service as agreed as appropriate.
- 1.5 Cloch will ensure that staff will be alert to the possibility that they may become aware of adults or children requiring support and protection who are not service users e.g. relatives, friends, visitors etc. In all cases staff will report their concerns using the reporting process documented in this policy.
- 1.6 Cloch recognises that the protection of children and adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality in relation to disclosures to the relevant authorities.

2. Aims and Objectives

- 2.1 The aim of this policy is to set out what actions are required of staff working for Cloch when dealing with child protection and vulnerable adults to ensure effective links with the relevant local authority Inter Agency Adult Support and Protection Procedures. It also sets out the process that vulnerable children

and adults and their families should expect from the Association when staff have a concern about them.

3. Legal Framework

- 3.1 In all aspects of safeguarding vulnerable children and adults, the Association will seek to conform and comply with all legislation, performance standards, guidance and good practice that directly or indirectly affects the process.

The main legislative Acts that are relevant and applicable to this policy are the following:

- **Adult Support and Protection (Scotland) Act 2007.** 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
- The **Children (Scotland) Act 1995** as amended by the **Children and Young People (Scotland) Act 2014**, outlines the legislative framework for Scotland's child protection system covering parental responsibilities and rights and the duties and powers local public authorities have for supporting and promoting the safety and welfare of children.

The secondary legislative Acts that are relevant and applicable to this policy include the following:

- **Mental Health (Care & Treatment) Scotland Act 2003;**
- **Mental Health (Scotland) Act 2015;**
- **Adults with Incapacity (Scotland) Act 2000;**
- **Children and Young People (Scotland) Act 2014;**
- **United Kingdom General Data Protection Regulation (UKGDPR) and Data Protection Act 2018; and**
- **Equality Act 2010**

4. Understanding our customers

- 4.1 We will treat everyone fairly and work to eliminate discrimination through promoting equality of access and opportunity for everyone in accordance with the Equality Act 2010.

5. Definitions of 'children' and 'vulnerable adults' and 'abuse'

5.1 Definition of a Child

The 'National guidance for child protection in Scotland 2021' document notes that a child can be defined differently in different legal contexts however, the guidance is designed to include children and young people up to the age of 18 and therefore for the purposes of this policy the association will consider this to be the case. The fact that a child has reached 18 years of age, is living alone, is in further education, is a member of the armed forces, is in hospital, is in prison or in a young offenders' institution is irrelevant – they are still defined as child under the terms of the guidance, and it will be for the local authority to determine which legislation or policy, if any, can be applied

5.2 Definition of a vulnerable adult (adults at risk)

The Adult Support and Protection (Scotland) Act 2007 defines adults at risk (or vulnerable adults) as those aged 16 years and 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

It places a duty on local authorities to inquire and investigate cases where harm is known or suspected.

5.3 Definition of abuse

Abuse is a violation of an individual's human and civil rights by any other person or persons. Friends, strangers, family members, and professional staff can all be guilty of abuse. Abuse can include physical, mental, sexual, financial, discriminatory abuse and neglect.

6. Responding to suspected or alleged abuse, harm or neglect

6.1 If a member of staff suspects abuse or has received a report of abuse they will:

- report it to their line manager or another manager immediately. Staff will not investigate suspected abuse, harm or neglect. Safeguarding of children and vulnerable adults is a complex area which must be dealt with by the appropriate agencies and channels
- Following discussion, refer any concerns over the abuse, harm or neglect of a child or a vulnerable adult to Social Work in the first instance and where appropriate, the Police.
- record any discussions and actions carried out following suspected or alleged abuse, harm or neglect accurately, thoroughly and promptly
- fully co-operate with any agencies involved with cases of alleged abuse or neglect.

- work with other agencies to Investigate any alleged breach of tenancy agreement and take action through policies and procedures where appropriate

6.2 We are subject to Inverclyde Council's detailed Adult Protection / Child Protection Interface Multiagency procedure that covers the management and reporting of abuse and neglect towards vulnerable adults, these procedures can be found on Inverclyde Council's Website:

[Adult Protection / Child Protection Interface Multiagency](#)

6.3 Similarly, should a member of staff suspect that there is a child protection issue then the staff member should follow the national Guidance for Child Protection in Scotland:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2014/05/national-guidance-child-protection-scotland/documents/00450733-pdf/00450733-pdf/govscot%3Adocument/00450733.pdf>

6.4 If a resident witnesses or suspects abuse, harm or neglect they should report it to their local HSCP Social Work Department or the Police. They can also report any suspected or identified abuse, harm or neglect to us.

7. How are we involved in the prevention of abuse?

7.1 Our frontline staff may enter residents' homes to carry out maintenance inspections or at the resident's request. These staff may see evidence of abuse or neglect and will deal with any concerns as outlined in Section 6.

7.2 As a provider of social housing we play an important role in building and maintaining partnerships with council departments and key specialist agencies and we will work with them on a regular basis to safeguard children and vulnerable adults.

7.3 Staff will refer vulnerable individuals or adults in need to support agencies where appropriate. We will also work with the resident's current support network such as family and other agencies wherever possible. Staff will work with local HSCP departments and agencies to make sure they link up with local procedures for safeguarding vulnerable adults and children.

8. Staff training, recruitment and conduct

- 8.1 Cloch's recruitment, selection, support, supervision and training of staff will consider the need to promote the health and safety of residents and customers and safeguard them from abuse.
- 8.2 All members of frontline staff who have regular contact with vulnerable adults and/or children will be subject to employment checks and Disclosure Scotland / Protection of Vulnerable Groups (PVG) checks, where appropriate.
- 8.3 As part of their induction into Cloch, all appropriate staff will be required to read and understand all relevant policies and procedures, including this policy. All appropriate staff will be trained in the implications and processes involved with the safeguarding of vulnerable adults and children and will be trained in how to identify signs of abuse and neglect.
- 8.4 Where a person suspected of abuse or neglect is a member of staff, a disciplinary investigation will be carried out immediately. Appropriate action taken will be taken in line with our Disciplinary procedures.
- 8.5 In order to protect themselves from allegations of abuse, or situations that could be misunderstood, staff members will maintain strong professional boundaries as detailed in the Staff Code of Conduct.
- 8.6 If a member of staff suspects that any other member of staff is involved in abuse, harm or neglect they should report this through the correct channels as detailed in our Whistleblowing Policy.
- 8.7 We will always treat any sensitive or personal information given to us as confidential in accordance with Data Protection legislation and will only pass this information onto third parties such as statutory organisations, if:
- We are required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders
 - There is an information sharing protocol/agreement, contract or confidentiality agreement in place
 - The person who gave us the information is happy for us to share the information.
- 8.8 However in some cases we will not need consent to share information if where doing so would:
- place a child at increased risk of significant harm
 - place an adult at increased risk of serious harm
 - prejudice the prevention, detection or prosecution of a serious crime, or
 - lead to unjustified delay in making enquiries about allegations of significant harm or serious harm

9. Public relations - photos and film

- 9.1 Any publications or communications we produce, that contain photos or videos of children or vulnerable adults, will not contain personal information about them that could identify their whereabouts.
- 9.2 Only staff or approved, professional photographers and film makers may be employed by Cloch to take photographs and video footage of events and other community activities.
- 9.3 Before we use an image of a child or vulnerable adult we will get consent from parents, guardians or carers. We will also get verbal consent from the child or vulnerable adult if they can communicate verbally.
- 9.4 If we go into schools to take photographs or record footage we will get written permission from the Head teacher on behalf of the pupils. Large group shots do not require consent; however, any parent, guardian or carer will be given the opportunity to withdraw their child from being photographed or recorded at any time.

10.0 DATA PROTECTION

- 10.1 Cloch tenants and service users have a right to request copies of the personal information the Association keeps about them under the United Kingdom General Data Protection Regulation (UKGDPR) and Data Protection Act 2018. All staff should be aware that any personal information they record and/or process in relation to an individual may be accessed by that individual under the rights of access provided by the UKGDPR and Data Protection Act 2018.
- 10.2 The issue of information sharing between services and in respect of children and young people and vulnerable adults is noted in the Adult Support and Protection (Scotland) Act 2007: Guidance for General Practice¹
- 10.3 The UKGDPR and Data Protection Act 2018 introduce new elements to existing data protection law and staff must have due regard to the relevant data protection principles which allow them to share information, and which place increased importance on the Association being transparent and accountable in how we process personal data.
- 10.4 UK Data Protection laws do not prevent or limit the sharing of information for the purposes of keeping vulnerable adults or children safe. Concerns about sharing information must not obstruct the need to protect the welfare or prevent harm or raising concerns with regard to welfare and harm.
- 10.5 Where there is a protection concern, relevant information should be shared with police or other agencies without delay provided it is necessary, proportionate and lawful to do so. The Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows information sharing legally without consent if unable to, or where someone

cannot reasonably be expected to gain consent from the individual, or if gaining consent could place an individual at risk.

11. Appeals and Complaints

- 11.1 Appeals or complaints against our operation of this policy will be processed through the Association's complaints handling procedure.
- 11.2 Every service user has final recourse to the Scottish Public Services Ombudsman, please refer to the separate Complaints Handling Procedure.

12. Equalities Commitment

- 12.1 Cloch Housing Association Ltd is committed to tackling discrimination in all walks of life, focussing on the protected characteristics of on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and gender reassignment and sexual orientation.
- 12.2 Cloch seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.

13. Policy Availability

- 13.1 This document can also be provided in large print, braille, audio or other non-written format and in a variety of languages, on request.

14. Monitoring and Review

- 14.1 This policy will be reviewed every three years or as legislative changes deem appropriate.

Appendix 1 - Equality and Human Rights Impact Assessment (EqHRIA)

Pro- Forma

Depending on the decision, the lead staff will decide on the detail of the EqHRIA required to provide evidence and assurance. The process should be led by the Corporate Services Manager supported by the manager of the department which is responsible for the matter being audited.

Lead Persons: C Swinney, D Quinn	Process Start Date: 28/04/2025	Assessment End Date: 28/04/2025
	Equalities & Diversity	
Policy/decision Aim	Safeguarding Vulnerable Adults & Children – EIA/HRIA	
Task: Describe how this policy, strategy or service will show due regard for the 3 aims of the general duty across the protected characteristics.	Explain how due regard is applied to equality and diversity responsibilities	Is the impact: Positive? No effect? Negative?
<p>1 Contribute to <u>eliminating</u> discrimination, harassment and victimisation.</p> <ul style="list-style-type: none"> • Raise awareness of our vision and values for equality, diversity and inclusion. • Challenge appropriately, any behaviours or procedures which do not value diversity and advance 	<p>Cloch supports and protects anyone who receives our services. We are committed to the protection of children and adults at risk of harm, and the safeguarding and promoting of the interests and well-being of such individuals is of paramount concern.</p> <p>Cloch undertakes to ensure it will protect children and adults it works with from exploitative relationships. In such circumstances where it is found that a person is at risk then we undertake to liaise with Inverclyde Council Health and Social</p>	<p>Positive Impact –</p> <p>The aim of the policy is to set out what actions are required of staff working for Cloch when dealing with child protection and vulnerable adults to ensure effective links with the relevant local authority Inter Agency Adult Support and Protection Procedures. It also sets out the process that vulnerable children and adults and their families should expect</p>

<p>equality of opportunity.</p> <p>2 <u>Advance</u> equality of opportunity between those who share a protected characteristic and those who do not? For example:</p> <ul style="list-style-type: none"> • Remove or minimise disadvantage • Meet the needs of equality groups that are different from the needs of others . <p>3 <u>Foster Good relations</u> between people from different groups.</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding 	<p>Care Partnership Social Work Services to ensure that the individual continues to receive a service as agreed as appropriate.</p>	<p>from the Association when staff have a concern about them.</p>
	<p>Human Rights</p>	
<p>Task: Describe how this policy, strategy or service will show due regard for human rights and duties.</p>	<p>Explain how due regard is applied to human rights and duties.</p>	<p>Is the impact: Positive? No effect? Negative?</p>
<p>List which human rights apply - remember certain people hold specific rights e.g. disabled people</p> <p>Describe how this policy, strategy or service will deliver human rights, equally.</p>	<p>ARTICLE 2 Right to life</p> <p>The protection of children and adults at risk of harm is not an option but a responsibility across agencies. The expectation for all “at risk” people in our communities is that they are empowered, through support from all the public services including social work services, police, health, housing and care organisations to be free from any preventable harm or exploitation. They are enabled to make their own choices about their lives and to live as independently as</p>	<p>Positive Impact – Cloch will ensure that staff will be alert to the possibility that they may become aware of adults or children requiring support and protection who are not service users e.g. relatives, friends, visitors etc. In all cases staff will report their concerns using the reporting process documented in this policy.</p>

	their personal circumstances permit.	
Are children's rights engaged directly or indirectly in this act/decision/policy?	Yes.	
What rights?	Articles 2,3,4,17,19,23,24,27,33,34,36 and 40.	
Overall Risk Grading Score: (Low)1 - 5 (High)	Equalities: 5 (High Risk) – Due to partnerships Cloch has with council departments and key specialist agencies in which they work with them on a regular basis to safeguard children and vulnerable adults.	Human Rights: 5 (High Risk) – Due to potential challenges encountered under Article 2.
Further Action required?	Equalities: No	Human Rights: No
Led By:		