

ADULT SUPPORT & PROTECTION IN COMMUNITY CARE SETTINGS

PROCEDURAL NOTE ON DUTIES OF PROVIDERS OF SERVICES WITHIN SOUTH AYRSHIRE COUNCIL

Under Adult Support and Protection legislation, it is the responsibility of the Council to investigate where it is suspected or known that an adult is at risk of harm or is being harmed.

In this context, the Council means the Council for the area in which the person is for the time being

For clarity, harm is defined as follows:

Harm

Harm includes all harmful conduct and, in particular, includes:

- Conduct which causes physical harm
- Conduct which causes psychological harm (e.g. by causing fear, alarm or distress)
- Unlawful conduct which appropriates or adversely affects property, rights or interests (e.g. theft, fraud, embezzlement or extortion)
- Conduct which causes self-harm

For further clarity, the test to establish if an adult is at risk is:

Adults at risk – the 3-point test

Adults, aged 16 and over, who:

1. Are unable to safeguard their own well-being, property, rights or other interests
2. Are at risk of harm; and
3. 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..

An adult is at risk of harm if:

- Another person's conduct is causing, or is likely to cause, the adult to be harmed; or
- The adult is engaging, or is likely to engage, in conduct which causes, or is likely to cause, self-harm

If an adult protection issue occurs within a service in South Ayrshire, the managers of that service **must** inform the relevant South Ayrshire community care team **within one working day**, so that the matter can be fully investigated. This is regardless of where the adult concerned is from.

Where the person receiving the service is from outwith South Ayrshire and has a care manager in another council, it would be appropriate to also inform that care manager, but the primary responsibility to make enquiries remains with South Ayrshire Council. South Ayrshire Council will also liaise with officers from the other council in terms of ensuring a joint approach, but, as noted, South Ayrshire retains the prime responsibility to investigate.

Further, if it is believed a criminal act may have taken place, it is the responsibility of the managers of the service to report the matter to the police **as soon as possible**. This should be to the relevant local police office.