



ASP3: FOR THE SOCIAL CARE WORKFORCE

*Reporting allegations of harm or neglect*

# *Fact Sheet*

This fact sheet accompanies the information video for Care Home and Care at Home Managers and Supervisors, which can be accessed at: <https://youtu.be/KFcqSeGyDyA>

The content assumes a basic understanding of Adult Support and Protection principles and practice. Further training can be accessed via [Public Protection Committee Training \(office365.com\)](https://office365.com) Managers and seniors are **strongly** encouraged to completed PP3 Thinking about Risk and ASP3 Contributing to the Process, as this will give you further knowledge regarding your responsibilities in the ASP process.

Social Care managers and supervisors may need to respond to allegations that a care worker, family member or friend is causing harm to a person through deliberate acts or neglect.

Any allegation that someone is harming, or failing to provide adequate care for a person must be taken seriously. Managers and supervisors must remember their responsibility to

- **Recognise** signs of harm and neglect,
- **Respond** appropriately to people who disclose harm and neglect,
- Keep an accurate **Record** of concerns
- **Refer** to Social Work for further investigation

**Refer to Social Work**  
**0300 100 1800**

### Allegations against staff members

If there are allegations of harm or omission of care regarding an individual staff member, there are additional considerations to be aware of. Some Dos and Don'ts for responding to allegations against staff members are on the following page.

You should follow the same procedure whether the alleged harm or omission of care affects one specific person, or multiple people.

Where multiple residents or service users are affected, Social Work will undertake a set process – a Large Scale Investigation – which examines practice and systems across the service.

Further advice and guidance is available from the Adult Support and Protection Team:

Adult Protection Officers: 01896 664159  
Public Protection Nurse – adults: 01896 664580

### Whistleblowing

If you have concerns about the practices in your setting, you should discuss with your line manager in the first instance. If no action is taken to address your concerns, you should escalate them following your organisation's policies.

If your organisation continues to take no action, you should raise your concerns with an appropriate external agency, such as Social Work, the NHS or the Care Inspectorate.

## Responding to allegations against staff members

**DO: Record** the information you have been given accurately, and make a prompt **referral** to Social Work. Make a chronological record of any past concerns about the staff member, including actions taken.

**DON'T: Start your own investigation**, interview or question the service user, family members, the staff member allegations have been made about, or other staff members.

The Local Authority has the legal responsibility to investigate allegations of harm, abuse or neglect under the Adult Support and Protection (Scotland) Act 2007. Only approved Council Officers (and potentially a second worker allocated by the Adult Support and Protection Team and Social Work Team Leader) can investigate concerns.

Any questioning you do may obstruct or hamper a criminal investigation if one is required, and it may be criminal offence to interfere with an ASP investigation.

**DO: treat all allegations fairly**, following the same process. This helps to protect the service user, the staff member, your establishment and you.

**DON'T:** allow your personal opinion about the staff member, or suspicions that the allegations may be malicious, prevent you from making the referral.

**DO:** Remember your duty to **report any concerns about a staff member's fitness to practice** to the relevant registration or scrutiny body. As part of their investigation, the Council Officer will ask you to confirm that this has been done.

**DON'T: tell the family or person with Power of Attorney** for the service user without a discussion with the Council Officer. It is their decision how and when to inform families and people with power of attorney. You may have useful information to aid this decision.

**DO: refer to your HR policies, and consult with your HR department to determine what action to take with regard to the member of staff.**

The action required will depend on the nature and severity of the allegation.

If the concern is regarding **physical assault, sexual or financial harm**, the staff member will need to be suspended, and a referral made to the Police.

For **other allegations** there is a range of actions which could be taken to protect the person at risk of harm, for example:

- Changing the shift pattern of the staff member
- Ensuring that they always work with another member of staff
- Allocating tasks where there is no direct contact with service users

The appropriate actions should be discussed with Social Work in order to ensure that risk of harm is minimised whilst the investigation is taking place.