



# **LIVE MUSIC NOW SCOTLAND**

## **POLICY & PROCEDURES FOR THE SAFEGUARDING OF ADULTS**

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# Policy for the Safeguarding of Adults

## 1. Introduction to Live Music Now

LMN was established in 1977 by the violinist Yehudi Menuhin, and retains his initial twofold aims:

- To enhance people's lives by bringing live music into their everyday experience, especially those whose access is restricted due to disability or disadvantage
- To promote standards of excellence in musicians and music leaders at the outset of their careers and support their developing careers

Live Music Now operates on an international, national, regional and local level. Its work is delivered through a branch system. There are seven branches across the UK and LMN Scotland is the only devolved branch. LMN organises over 2,500 performances and workshops each year in venues for children with special educational needs and disabilities, older people, hospital patients, young offenders, adults with learning difficulties, physical disabilities, mental health problems or sensory impairments, isolated rural communities: in short any group whose members are normally denied access to high quality creative experiences through social, economic or geographical disadvantage.

The objective of each LMN performance is to engage, entertain and stimulate its audience and to enable them to experience the therapeutic, educational and social benefits of live music, shared within an audience and as participants. Audiences at LMN performances are actively encouraged to take part in the concert through a broad range of musical and group activities which are appropriate to their abilities.

## 2. The Purpose and scope of the Policy

- To provide protection for the adults who receive LMNS's services, including the families of adult members or users
- To provide musicians, LMNS staff, project management team members, Trustees and volunteers with guidance on procedures they should adopt in the event that they suspect an adult may be experiencing, or be at risk of harm.

This policy applies to all LMNS musicians, trainers, mentors, staff, project management team members, musicians, volunteers, Trustees of the charity and anyone working on behalf of LMNS.

LMNS believes that it is always unacceptable for adults at risk to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all adults at risk by a commitment to practice which protects them.

## 3. About Adults at Risk

The introduction of the Adult Support and Protection (Scotland) Act 2007 provides a clear legal framework for how agencies work in partnership with other services to protect adults at risk. This places adult safeguarding on the same statutory footing as child safeguarding. The Act defines an individual as an adult at risk, and states that specific adult safeguarding duties apply, to any adult 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.

#### **4. Our commitment to safeguard**

LMNS believes that everyone has the right to enjoy activities of any group in a happy, secure and safe environment free from harm from abuse, exploitation and neglect.

The abuse of adults at risk is a reality that everybody should be aware of and can take different, and sometimes multiple forms: physical abuse; domestic violence; sexual abuse; psychological abuse; neglect and acts of omission; self-neglect; financial or material abuse; modern slavery; discriminatory abuse; organisational abuse.

Staff and volunteers in LMNS accept and recognise our responsibilities to develop awareness of the issues that cause adults harm, and to establish and maintain a safe environment for them. We will not tolerate any form of abuse wherever it occurs or whoever is responsible. We are committed to promoting an atmosphere of inclusion, transparency and openness and are open to feedback from the people who use our services, carers, advocates, our staff and our volunteers with a view to how we may continuously improve our services/activities.

LMNS adheres to following the six key principles that underpin safeguarding work:

- Empowerment
- Prevention
- Proportionality
- Protection
- Partnership
- Accountability

LMNS will endeavour to safeguard the adults we work with and care for by:

- Valuing them, listening to and respecting them
- Adhering to our adult safeguarding policy and ensuring that it is supported by robust procedures;
- Carefully following the procedures laid down for the recruitment and selection of staff and volunteers
- Providing effective management for staff and volunteers through supervision, support and training
- Implementing clear procedures for raising awareness of and responding to abuse within the organisation and for reporting concerns to statutory agencies that need to know, while involving adults at risk and their carers appropriately
- Ensuring general safety and risk management procedures are adhered to
- Promoting full participation and having clear procedures for dealing with concerns and complaints
- Managing personal information, confidentiality and information sharing; and
- Implementing a code of behaviour for staff and volunteers.

#### **5. To whom this policy applies**

This policy applies to all LMNS musicians, staff, volunteers, Trustees of the charity and anyone working on behalf of LMNS.

#### **6. Legal Framework**

This policy and the accompanying procedures have been written using information provided in Adult Support and Protection (Scotland) Act 2007 code of practice and are underpinned by the following legislation;

- Adult Support and Protection (Scotland) Act 2007
- Protection of Vulnerable Groups (Scotland) Act 2007
- The Human Rights Act
- Equality Act
- Adults with Incapacity (Scotland) Act 2000
- Regulation of Care (Scotland) Act 2001
- Community Care & Health (Scotland) Act 2002
- Mental Health (Care & Treatment) (Scotland) Act 2003
- The Care Act 2014

This policy also links to LMNS's:

- E-safety policy
- Company Handbook
- Musician's Handbook
- Health and Safety
- Privacy and Data

### **Review**

This policy, the accompanying procedures and code of conduct will be reviewed on an annual basis.

## Procedures for the Safeguarding of Adults

### 1. Introduction

These procedures have been drawn up to ensure the safety and protection of all adults at risk involved in Live Music Now Scotland (LMNS) activities through adherence to the guidelines outlined in this document. They fit with the basic principles outlined in the LMNS *Policy for the Safeguarding of Adults*.

These procedures apply to all those who work for LMNS, in paid or unpaid roles, and are intended to ensure that all LMNS activities are conducted in safe, secure environments and that there will be a fast, appropriate and effective response for dealing with concerns about the safety and welfare of adults with whom we work.

### 2. Disclosure Scotland Checks

Musicians join LMN and are eligible to work for any of the branches across the UK. All musicians joining the LMN scheme are required to undergo one of the following checks to ensure that they are suitable and appropriate people to be working with children.

- Scotland – Disclosure Scotland PVG scheme
- England & Wales – an Enhanced DBS check
- Northern Ireland – an AccessNI check

All musicians working in Scotland must apply to join the PVG scheme. If they are already a member then a record update must be submitted for LMNS. Musicians are not able to carry out work for LMNS until they have their PVG membership in place and up to date.

If a musician has had a DBS or AccessNI check which is less than a year old at the time of joining LMN then a copy must be provided prior to their being able to work for LMN. For musicians who haven't previously had a check then this must be carried out prior to them delivering work. If the musicians have signed up for the DBS Update Service, then a check will be carried out online.

All LMN artists' DBS, or AccessNI checks must be renewed every 3 years, or checked via the Update Service every three years. This is not required in Scotland as musicians remain part of PVG once registering.

All new musicians take part in safeguarding training as part of their induction and initial training which includes leading music sessions for adults at risk, including those living with dementia.

LMNS staff who supervise musicians delivering regular work with adults at risk are also required to join the PVG scheme. LMNS volunteers who attend events are also required to complete Disclosure checks.

### 3. Underpinning Principles

The Care Act 2014 Statutory Guidance provides 6 principles for all adult safeguarding work which apply to all sectors and settings:

- Empowerment: People being supported and encouraged to make their own decisions and informed consent.
- Prevention: It is better to take action before harm occurs.
- Proportionality: The least intrusive response appropriate to the risk presented.
- Protection: Support and representation for those in greatest need.
- Partnership: Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- Accountability: Accountability and transparency in delivering safeguarding.

All staff and volunteers who may have contact with adults at risk will be made aware of the responsibility to follow these principles. This is reflected in this policy.

### 4. Adults with care and support needs

While not an exhaustive list, an adult with care and support needs may be:

- An older person
- A person with a physical disability, a learning difficulty or a sensory impairment
- Someone with mental health needs, including dementia or a personality disorder
- A person with a long-term health condition
- Someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.

People with care and support needs are not inherently vulnerable, but they may come to be at risk of abuse or neglect at any point due to:

- Physical or mental ill-health
- Becoming disabled
- Getting older
- Not having support networks
- Inappropriate accommodation
- Financial circumstances or
- Being socially isolated

#### 4.1 What is Safeguarding adults?

*'Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.'*

*Care and Support Statutory Guidance, Department of Health, updated February 2017*

#### 4.2 Making Safeguarding Personal - "Nothing about me without me".

LMNS is committed to 'making safeguarding personal'. This means that employees and volunteers must adopt a person-led and outcomes-focused approach to safeguarding. The adult at risk should be engaged in a conversation about how best to respond to their safeguarding situation in a way that enhances their involvement, control and choice at the beginning, middle and end of the safeguarding process.

## 5. Definitions of Abuse

Abuse is a violation of a person's human rights or dignity by someone else. There are many kinds of abuse, some of which are listed below:

**Physical abuse:** this covers a wide range of physical violence including assault, hitting, slapping, pushing, female genital mutilation, misuse of medication, restraint or inappropriate physical sanctions.

**Sexual abuse:** including rape and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

**Psychological abuse:** including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

**Modern Slavery:** being brought into a situation of exploitation through the use of violence, deception or coercion and forced to work against their will. People can be trafficked for many different forms of exploitation such as forced prostitution, forced labour, forced begging, and forced criminality, domestic servitude, forced marriage, forced organ removal.

**Financial or material abuse:** including theft, fraud, exploitation, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Neglect and acts of omission:** including ignoring medical or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

**Self-Neglect:** this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surrounding and includes behaviour such as hoarding. It is important to consider capacity when self-neglect is suspected. Also consider how it may impact on other family members and whether this gives rise to a safeguarding concern.

**Domestic Violence:** any incident of threatening behaviours, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality.

**Discriminatory abuse:** including discrimination on grounds of race, gender and gender identity, disability, sexual orientation, religion, and other forms of harassment, slurs or similar treatment.

**Organisational abuse:** Including neglect, poor care practice or ill-treatment within an institution or specific care setting such as a hospital or care home for example. This might be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

### 5.1 Abusers

The person who is responsible for the abuse may be a stranger, but is often well known to the person abused and could be:

- A relative/family member
- A professional
- A paid care worker
- A volunteer

- Another service user
- A neighbour
- A friend or associate

## **5.2 Being alert to signs of abuse or neglect**

There are a variety of ways that you could be alerted that an adult is suffering harm:

- They may disclose to you;
- Someone else may tell you of their concerns or something that causes you concern;
- They may show some signs of physical injury for which there does not appear to be a satisfactory or credible explanation;
- Their demeanour/behaviour may lead you to suspect abuse or neglect;
- The behaviour of a person close to them makes you feel uncomfortable (this may include another staff member, volunteer, peer or family member); or
- Through general good neighbourliness and social guardianship.

Being alert to abuse plays a major role in ensuring that adults are safeguarded and it is important that all concerns about possible abuse are taken seriously and appropriate action is taken.

## 6. Barriers to reporting abuse

LMNS recognises that there are a number of significant barriers that can prevent adults at risk from reporting their concerns, and that LMNS musicians, staff and volunteers may have a disclosure made to them may face barriers in reporting or sharing their concerns with the Designated Safeguarding Officer (DSO).

### a) Barriers which may prevent adults at risk sharing concerns:

- Feeling there is no-one to talk to (who will listen and can be trusted)
- Fear of not being listened to, understood, taken seriously or being believed
- A belief in self-reliance
- A sense of futility about sharing problems and belief that nothing will change
- Embarrassment

### b) LMNS recognises that the adults with whom we work may face additional barriers to sharing concerns due to their disabilities, as follows:

- A dependency on others for their primary needs such as feeding, clothing and intimate care may make an adult feel powerless to report abusive treatment and might mask abusive behaviour
- Different communication methods or lack of appropriate vocabulary might provide a barrier for an adult wanting to communicate about their concerns
- Isolation within a residential setting
- A fear of retribution

### c) Barriers which may prevent adults who have had a disclosure made to them from reporting abuse

- Not wanting to burden others
- Fear of getting oneself or someone else into trouble
- Other adults trivialising or over-reacting and making matters worse
- Fear of lack of control
- Limited knowledge of formal helping services and what they do
- Stigma of involvement with formal agencies

In addition:

- Fear you may be wrong
- Doubts about the adult's truthfulness
- Your own anger and distress
- Adult's attempts to bind you to secrecy
- Uncertainty of procedures and consequences
- There may be other reasons for the adult's behaviour
- Not wanting to interfere in family life

**REMEMBER:** Staff and volunteers who have concerns do not need any evidence of wrongdoing, nor are they responsible for conducting an investigation, they simply need to pass on their concerns through the organisation's reporting procedures, as soon as possible.

## 7. Responding to Disclosures

The following guidelines are to support LMNS musicians, staff and volunteers if an adult at risk makes a disclosure to them.

### Do

- Stay Calm;
- Listen carefully to what is being said;
- Express concern and sympathy and acknowledge what is being said;
- Reassure the person – tell the person that s/he did the right thing in telling you;
- If urgent medical/police help is required, call the emergency services;
- Ensure the immediate safety of the person;
- If you think a crime has occurred be aware that medical and forensic evidence might be needed. Consider the need for a timely referral to the police service and make sure nothing you do will contaminate it;
- Seek consent from the adult to take action and to report the concern. If they have the capacity, you should usually seek their consent before taking action. If they refuse their consent for concerns to be raised but you are concerned others are at risk, reporting can be justified and you should still contact the DSO.
- Ensure that they are kept informed about what will happen next, so they can be reassured about what to expect;
- Record in writing (date and sign your report) and report as outlined in LMN's procedures at the earliest possible time;
- Act without delay.

### Do not

- Stop someone disclosing to you;
- Promise to keep secrets;
- Press the person for more details or make them repeat the story;
- Gossip about the disclosure or pass on the information to anyone who does not have a legitimate need to know;
- Contact the alleged person to have caused the harm;
- Attempt to investigate yourself;
- Leave details of your concerns on a voicemail or by email;
- Delay.

## 8. Reporting Concerns

If LMNS musicians, staff or volunteers have any adult safeguarding concerns, they should:

### 1. Respond

- Take emergency action if someone is at immediate risk of harm/in need of urgent medical attention. Dial 999 for emergency services and ensure any medical assistance has been sought.
- Get brief details about what has happened and what the adult would like done about it, but do not probe or conduct a mini-investigation.
- Seek consent from the adult to take action and to report the concern. Consider whether the adult may lack capacity to make decisions about their own and other people's safety and wellbeing. If you decide to act against their wishes or without their consent, you must record your decision and the reasons for this.

### 2. Report

- You should report any potential safeguarding concerns as soon as possible to;

LMNS Designated Safeguarding Officer (DSO):

Lesley-Ann Smith, LMNS General Manager

Tel: 07815 792054

[Lesleyann.smith@livemusicnow.scot](mailto:Lesleyann.smith@livemusicnow.scot)

(See Appendix C for detailed description and roles and responsibilities of this person).

- If you're visiting a host venue, e.g. residential care home, then you must report your concern to the host venue's Safeguarding Lead and follow the venue's safeguarding procedures. The DSO can provide additional support and guidance on this.
- Should the concerns involve both the DSO and Director, the report should be made directly to the local Adult Social Care / Safeguarding Adults Team where the alleged abuse took place.
- If a staff member/volunteer raises a safeguarding concern but the DSO or appointed venue person is reluctant to pass it on, the staff member should contact the Director. Where this fails, the staff member or volunteer should contact the local Adult Social Care / Safeguarding Adults Team.
- Suspicions must not be discussed with anyone other than those nominated above.

### 3. Record

- Record your concerns on the LMN Adult Abuse Report Form (See Appendix A).
- An accurate record should be made of the date and time that the member of staff/volunteer became aware of the concerns, the parties who were involved, and any action taken. If there is a disclosure it is important to record what was said as soon as possible in the adult's own words. This written record will be updated through any resulting investigation, with a detailed chronology of events and the contact details for the lead person in relevant agencies (e.g. social care, police).

The written record should be sent as soon as possible to LMNS DSO and/or the venue's Safeguarding Lead in line with their safeguarding procedures. In the absence of the DSO, you should report to Carol Main, Director: 0131 332 6356 / 07967 696709.

Incidents of abuse may be one-off or multiple and may affect one person or more. Staff and volunteers should look beyond single incidents to identify patterns of harm. Accurate recording of information will also assist in recognising any patterns.

#### 4. Refer

In making a decision whether to refer or not, the DSO should take into account:

1. the adult's wishes and preferred outcome
2. whether the adult has mental capacity to make an informed decision about their own and others' safety
3. the safety or wellbeing of children or other adults with care and support needs
4. whether there is a person in a position of trust involved
5. whether a crime has been committed

This should inform the decision whether to notify the concern to the following people:

- the police if a crime has been committed and/or
- The local adult social services / adult safeguarding team for possible safeguarding enquiry
- relevant regulatory bodies such as Care Inspectorate, Education Scotland, OSCR
- service commissioning teams
- family/relatives as appropriate (seek advice from adult social services)

The DSO should keep a record of the reasons for referring the concern or reasons for not referring.

The DSO or appointed person making the referral to the local authority will:

- Clearly identify themselves, their agency and give details of where they can be contacted
- Provide as much basic information as possible including the name of the vulnerable adult, their age and date of birth, ethnicity, religion, any specific communication needs, any disability issues, the parents/carers names, the adult's current address and any other agencies who are involved with that person.
- State what has prompted the concerns, including details of any specific incidents or disclosure by the adult
- State any physical, behavioural or indirect signs which support the concern and suggest that the adult is at risk of, or suffering significant harm
- Give details of any conversations with the adult relating to the concern
- Give details of any contact and conversations with the adult's family/carers relating to the concern
- Give details of any contact and conversations with the alleged abuser
- Give details of any other agencies or individuals consulted in relation to the concern
- Ensure that an accurate and detailed record is made of the concern and the referral using the LMNS Adult Abuse Record Form (see Appendix A)
- Follow up the referral in writing to the local authority within 48 hours
- Maintain the record of the concern with information on the development of the investigation and ultimate outcome

A full description of the Safeguarding Officer's Roles and Responsibilities can be found in Appendix C.

**REMEMBER:** It is not the responsibility of one person in an organisation to evaluate information regarding the adult at risk and any safeguarding concerns. It is unlikely that one person will hold all the information relevant to the adult as often important information maybe held by several people and more than one organisation but each piece of information may add to the overall jigsaw, which can show a fuller picture of an adult's situation. Sharing information is one of the most important ways to prevent and detect adult abuse.

## 9. Recording Information

### 9.1. What information should be recorded and by whom?

Every concern must be recorded in writing, whether this is observational or an adult has made a verbal disclosure, within 48 hours. This written report should include details of reasons for concern if observational. If the report is being written following a disclosure from an adult the report needs to be a true and accurate report of what was said, by whom, when and where. All reports need to be signed and dated along with the name and job title of the LMNS musicians, staff, project management team members, Trustees and volunteers writing the report.

**It is essential that the report contains only fact, if stating a personal opinion this needs be clearly indicated e.g. There were burns on the adult's arms which, in my opinion, could have been caused by a cigarette.**

Practice issues to consider when recording suspected abuse

- a. **Be Specific** – what is the exact nature of the concern and which category of abuse does it suggest in your opinion
- b. **Show the evidence** – what did you see, hear? Who said what, when, how?
- c. **Be Precise** with time words – what does always, frequent, never mean?

A reporting template and checklist for providing a good record are enclosed in Appendix A.

### 9.2. Information Sharing - the Designated Safeguarding Officer's responsibility

- The Designated Safeguarding Officer (DSO) should always explain to the adult at the outset, openly and honestly, what and how information will, or could be shared and why, and seek their agreement. The exception to this is where to do so would put that adult or others at increased risk of significant harm, or if it would undermine the prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with any potential investigation.
- The DSO will always consider the safety and welfare of an adult at risk when making decisions on whether to share information about them. Where there is concern that the individual may be suffering or is at risk of suffering significant harm, their safety and welfare must be the overriding consideration.
- The DSO will, where possible, respect the wishes of adults at risk who do not consent to share confidential information. The DSO may still share information, if in their judgement on the facts of the case, there is sufficient need to override that lack of consent
- The DSO will always seek advice when in doubt, especially when the doubt relates to a concern about possible significant harm to an adult at risk or serious harm to others.
- The DSO will ensure that the information shared is accurate and up to date, necessary for the purpose for which they are sharing it, shared only with those people who need to see it, and shared securely
- The DSO will always record the reasons for their decision – whether it is to share information or not.

A full description of the DSO's Roles and Responsibilities can be found in Appendix C.

## 10. Incapacity and Consent

Adults at risk of harm should be central to decisions regarding any actions to prevent or protect them from harm; their wishes are of paramount importance in all cases of alleged or suspected abuse.

### 10.1 Adults with Incapacity (Scotland) Act 2000

Some people have difficulties in making decisions. This is called 'lacking capacity'. Under the Adults with Incapacity (Scotland) Act there are laws governing who can make decisions to safeguard adults at risk of abuse on someone else's behalf. An assessment of someone's capacity is an integral part of any safeguarding adults assessment.

The Adults with Incapacity (Scotland) Act 2000 states that: "incapable", means incapable of;

- acting on decisions; or
- making decisions; or
- communicating decisions; or
- understanding decisions; or
- retaining the memory of decisions.

in relation to any particular matter due to mental disorder or inability to communicate because of physical disability.'

### 10.2 Working with adults who lack capacity

The Adults with Incapacity (Scotland) Act provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the adult safeguarding process must comply with the act. The Adults with Incapacity (Scotland) Act outlines five statutory principles to be followed when working with adults who may lack capacity:

- **Benefit** - Any action or decision taken must benefit the person and only be taken when that benefit cannot reasonably be achieved without it.
- **Least restrictive option** - Any action or decision taken should be the minimum necessary to achieve the purpose. It should be the option that restricts the person's freedom as little as possible.
- **Take account of the wishes of the person** - In deciding if an action or decision is to be made, and what that should be, account must be taken of the present and past wishes and feelings of the person, as far as this may be ascertained. Some adults will be able to express their wishes and feelings clearly, even although they would not be capable of taking the action or decision which you are considering. For example, he/she may continue to have opinions about a particular item of household expenditure without being able to carry out the transaction personally.

The person must be offered help to communicate his or her views. This might mean using memory aids, pictures, non-verbal communication, advice from a speech and language therapist or support from an independent advocate. A Guide to Communication and Assessing Capacity is available at:

<http://www.scotland.gov.uk/Publications/2008/02/01151101/0>

In terms of safeguarding, we may consider the person's wishes but, depending on severity, still report the abuse.

- **Consultation with relevant others** - Take account of the views of others with an interest in the person's welfare. The Act lists those who should be consulted whenever practicable and reasonable. It includes the person's primary carer, nearest relative, named person, attorney or guardian (if there is one).
- **Encourage the person to use existing skills and develop new skills**

### **10.3 Important considerations**

Mental capacity is time and decision-specific. This means that an adult may be able to make some decisions at one point, but not at other points in time. Their ability to make a decision may also fluctuate over time. If an adult is subject to coercion or undue influence by another person, this may impair their judgement and could impact on their ability to make decisions about their safety. Thus, an adult could be put under pressure (for example, in domestic abuse situations) and lack the mental capacity to make the decisions about their safety. Employees must satisfy themselves that the adult has the mental ability to make the decision themselves, if not, it is best to err on the side of caution, identify the risks and consider support or services that will mitigate the risk. Preventing the person from isolation can be a protective factor. Involving an advocate could assist in such circumstances.

### **10.4 Consent and Capacity**

If an adult at risk does not want a referral made to the local authority, the appointed person must consider the following:

- Do they have capacity to make this decision?
- Have they been given full and accurate information in a way which they understand?
- Are they experiencing undue influence or coercion?
- Is the person causing harm a member of staff, a volunteer or someone who only has contact with the adult at risk because they both use the service?
- Is anyone else at risk from the person causing harm?
- Is a crime suspected or alleged?

The above factors will influence whether or not a referral without consent needs to be made. If it is determined that the concerns do not meet the definition of an adult at risk, the concerns raised must be recorded; including any action taken; and the reasons for not referring to the local authority Safeguarding Adults Team.

## 11. Safeguarding Guidelines for online activities with adults

Safeguarding remains as important in the online environment as anywhere else. When working via Zoom or other online platforms to deliver music sessions for adults at home, LMNS musicians, staff and volunteers should follow these guidelines.

### Before Sessions

- Personal accounts should not be used for online music sessions; musicians and staff should set up a work account, separate from personal accounts.
- Musicians should use their professional work email to contact the family.
- Privacy settings for the online platform must be used to make the session secure. For Zoom, use Meeting ID option to 'generate automatically' an ID for the meeting to reduce the risk of the meeting being accessed by a member of the public.
- The adult/family/home/carer's contact and pre-session information should only be accessed via a secure Sharepoint folder or LMN database.
- Musicians should copy the relevant LMNS team member for that project into all correspondence with adult/family/home/carer.

### On the day

- A neutral space (not a bedroom) should be used for online sessions.
- The background should be professional and tidy; personal items should not be on display as they may distract the participants.
- Musicians and staff should present themselves as if delivering face-to-face sessions, in dress & manner.
- If working with an adult who doesn't require carer support, then arrangements must be made for 2 adults to be present for the entire session. For example, LMN musician and LMN staff member; or LMN musician and venue staff member.

### During the session

- Clear communication and appropriate pacing should be used to engage the participant.
- If the individual doesn't want to participate or isn't able to engage for any reason, then a discussion should take place on what they might like/respond to. Depending on the individual's circumstances the family/home/carer may need to be consulted. The session may need to finish early and the approach adapted for next time.

### After the session

- If you have any safeguarding concerns regarding the young person, contact LMNS's designated safeguarding officer (Lesley-Ann Smith, [lesleyann.smith@livemusicnow.scot](mailto:lesleyann.smith@livemusicnow.scot)). If the individual has been referred to the sessions via a home or organisation, inform their safeguard lead too.

## **12. Responding to allegations of abuse against a LMNS musician, member of staff, a project management team member, a Trustee or volunteer.**

This includes anyone working with adults at risk in a paid or voluntary capacity (e.g. LMNS musicians, staff, project management team members, Trustees and voluntary committee members). Abuse can and does occur in a range of settings and situations.

It is crucial that those involved in LMNS activities are aware that abuse could be present in a venue where they are performing and that all allegations are taken seriously and appropriate action is taken. It is important that any concerns for the welfare of the adult arising from abuse or harassment by a member of staff or volunteer is reported immediately.

### **12.1 Support for the Reporter of suspected abuse**

It is acknowledged that feelings generated by the discovery that an LMNS musician, staff or volunteer is, or may be, abusing an adult, will raise concerns amongst other staff and volunteers. This includes the difficulties inherent in reporting such matters.

LMNS will fully support and protect anyone who, in good faith and without malicious intent, reports his or her concern about a colleague's practice or the possibility that a vulnerable adult may be being abused.

### **12.2 Types of investigation**

Where there is a complaint of abuse against an LMNS musician, staff or project management team member, Trustee or voluntary committee member, there may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence
- Enquiries and assessment by local Adult Social Care / Safeguarding Adults Team about whether an adult is in need of protection or in need of services
- Consideration by an employer of disciplinary action in respect of the individual

Civil proceedings may also be initiated by the person/family of the person who alleged the abuse.

The results of the police and social services investigation may well influence the internal LMNS disciplinary investigation.

### **12.3 Action if there are concerns**

The following action will be taken if there are genuine concerns about a member of staff or volunteer's behaviour:

#### **a) Poor Practice**

- If, following consideration, the allegation is clearly about poor practice, the DSO and Director will deal with it as a misconduct issue.
- If the allegation is about poor practice by the DSO or Director, or the matter has been handled inadequately and the concerns remain, it should be referred to LMNS's Board of Trustees. They will decide how to deal with the allegation and whether or not to initiate disciplinary proceedings.

#### **b) Suspected Abuse**

Any suspicion that an adult has been abused by an LMNS musician, staff or volunteer should be reported to the DSO at the earliest opportunity, who will pass it on to the Director. The Director should take the following actions, which may occur virtually simultaneously and not necessarily sequentially:

- Through the DSO, consult with the local authority safeguarding adult team and/or the police so that any subsequent action taken by the organisation does not prejudice the investigation;
- Following the above consultation, inform the staff member/volunteer that an allegation has been made against him/her and provide them with an opportunity to respond to the allegation. His/her response should be recorded fully;
- Through the organisation's DSO, consult with the Social Services key worker (if known) or the local authority Adult Social Care Team / Safeguarding Adults Team (if Key Worker is not known) to agree the most appropriate way forward;
- Take protective measures which may involve transferring the staff member/volunteer to another post without contact with adults at risk, or suspension. It should be noted that suspension is a neutral act to allow the investigation to proceed and to remove the staff member/volunteer from the possibility of any further allegation. If it is necessary to suspend a staff member or volunteer, the allegation should be dealt with as quickly and sensitively as possible.

All actions taken should be in accordance with LMNS's disciplinary procedure, and have due regard to guidance from the local authority or police so as not to prejudice any investigation.

### **c) Confidentiality**

The legal principle that the welfare of the adult is paramount means that the considerations of confidentiality which might apply to other situations in the organisation should not be allowed to override the right of adults to be protected from harm. However, every effort should be made to ensure that confidentiality is maintained for all concerned when an allegation has been made and is being investigated.

Information will be handled and disseminated on a need to know basis only. This includes the following people:

- The Designated Safeguarding Officer or appointed person
- The Director
- The family or carers of the person who is alleged to have been abused
- The person making the allegation
- Local Authority Adult Social Care / Safeguarding Adult Team and/or police
- The alleged abuser (and parents if the alleged abuser is under 18)

Information will be stored in a secure place with limited access to designated people in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

### **d) Internal Enquiries and Suspension**

LMNS will make an immediate decision about whether any individual accused of abuse should be temporarily suspended from delivering LMNS work or acting as a volunteer or Trustee of the organisation pending further police and local authority inquiries.

Irrespective of these findings, LMNS will assess all individual cases under the appropriate misconduct/disciplinary procedure to decide whether a member of staff musician or volunteer can be reinstated and how this can be sensitively handled with other staff and voluntary committee members. This may be a difficult decision; particularly where there is insufficient evidence to uphold any action by the police. In such cases LMNS must reach a decision based on the available information that could suggest, on balance of probability, it is more likely than not that the allegation is true. The welfare of the adults with whom LMNS works will always remain the paramount concern.

### **e) Support following the inquiry**

Consideration should be given to what support may be appropriate to adults at risk, their families and members of staff. Use of help lines, support groups and open meetings with maintain an open culture and help the healing process. LMNS will support the adults, their families and LMNS staff by providing details and information about these services.

Consideration should be given about what support may be appropriate to the alleged perpetrator of the abuse.

### **13. Whistleblowing policy and procedure**

Whistleblowing occurs when a member of staff or volunteer raises a concern about misconduct, illegal or underhand practices by individuals and/or an organisation; or about the way care and support is being provided, such as practices that cause harm or risk of harm to others or are abusive, discriminatory or exploitative. This will include situations where a staff member's or volunteer's concerns are not acted upon by the DSO or appointed person, or the Director.

In line with LMNS's whistleblowing policy and procedures:

- LMNS is committed to the highest possible standards of conduct, openness, honesty and accountability;
- LMNS takes poor or malpractice seriously and ensures that a whistleblowing concern is clearly distinguished from a grievance;
- Staff or volunteers have the option to raise concerns outside of line management structures;
- Staff or volunteers are enabled to access confidential advice from an independent source;
- LMNS will, where possible, respect the confidentiality of a member of staff raising a concern through the whistleblowing procedure; and
- It is a disciplinary matter both to victimise a bona fide whistleblower and for someone to maliciously make a false allegation.

There may be situations in which concerns or allegations turn out to be unfounded. It is important that everyone in the organisation knows that if they raise a concern which, through the process of investigation, is not validated, they have not in any way been wrong in their initial action. LMNS endorses responsible action and whistleblowers should be confident of support.

**It is everyone's duty to be vigilant in preventing abusive practice.**

## APPENDIX A

### Adult Abuse Report Form - for recording and reporting concerns, disclosures and allegations or suspicions of abuse

Please answer all relevant questions as fully as you can and pass the form on as quickly as possible (even if you cannot complete all sections).

<b>Work location</b>	
<b>Name of Adult</b>	
<b>Age/Date of Birth</b>	
<b>Gender</b>	
<b>Names of carer(s) (if known)</b>	
<b>Home Address (if known)</b>	

#### PLEASE COMPLETE THOSE SECTIONS BELOW THAT ARE RELEVANT

<b>1 Disclosure by adult at risk</b>
When was the disclosure made (dates and times)?
Who did the adult make the disclosure to?
What did the adult actually say?

**2 Indicators**

Describe any signs or indicators of abuse (with times and dates)

Has the adult alleged that any particular person is the abuser  
(if so, please record details and the relationship, if any, to the adult below)

**3 Concerns expressed by another person about an adult at risk**

Record the concerns that were passed to you (with dates and times) and if possible ask the person who expressed the concerns to confirm that the details as written are correct.

**4 Details of any immediate action taken, e.g. first aid, etc**

<b>5 Does the adult have any particular needs, e.g. communication, etc?</b>
<b>Signatures</b>
<i><b>To be signed by the person reporting the concern</b></i>
Name _____
Job title _____
Signed _____ Date _____
<i><b>Date received and actioned by Designated Safeguarding Officer/Deputy</b></i>
Name _____
Signed _____ Date _____
<i><b>Action taken by Designated Safeguarding Officer/Deputy</b></i>
_____
_____
_____
Signed _____ Date _____

## APPENDIX B

### Code of Conduct & Good Practice when working with adults at risk of harm

During all LMNS activities involving adults at risk or adults, all LMNS musicians, staff, project management team members, Trustees and volunteers must:

- Promote and protect the human rights of all adults in every aspect of their work
- Treat all adults with dignity and respect
- Be patient and listen
- Communicate clearly, in whichever way best suits the individual and check their understanding
- Adopt a person-centred approach
- Treat all adults fairly and equally
- Promote independence and choice
- Encourage participation during LMN sessions
- Help all adults to fulfil their ability and potential
- Involve all adults in decision making to the fullest extent
- Ensure that there is at least one adult who is not affiliated with LMNS present during activities with vulnerable adults
- Remember that someone else might misinterpret your actions, no matter how well intentioned
- Be aware that any physical contact with a vulnerable adult may be misinterpreted
- Operate within the organisation's principles and guidance on working with adults at risk
- Challenge unacceptable behaviour and report all allegations, suspicions or disclosures of abuse

All LMNS musicians, staff, project management team members, Trustees and volunteers must not:

- Have inappropriate physical or verbal contact with adults at risk
- Engage in sexually provocative or rough physical games, including horse-play
- Allow yourself to be drawn into inappropriate attention-seeking behaviour
- Make sexually suggestive comments
- Make suggestive or derogatory remarks or gestures in front of adults at risk
- Form inappropriate relationships
- Gossip about personal or sensitive information
- Make/accept loans or gifts of money
- Photograph/video an adult, even by mobile phone, without the adult's valid consent
- Jump to conclusions about others without checking facts
- Either exaggerate or trivialise abuse issues
- Show favouritism to any individual
- Rely on your good name or that of LMNS to protect you
- Believe 'it could never happen to me'
- Take a chance when common sense, policy or practice suggests a more prudent approach
- Meet with adults at risk outside organised activities
- Let adults at risk have your personal contact details (mobile number, email or postal address) or have contact with them via a personal social media account
- Do things of a personal nature for a vulnerable adult which they can do themselves or if they have a specific carer or support worker who is responsible for intimate care
- Let allegations made by a vulnerable adult go without being addressed and recorded
- Deter adults at risk from making allegations through fear of not being believed

### **E Safety**

- LMNS staff and musicians must not use their personal Facebook accounts to communicate with vulnerable adults via chat or personal message, only through groups where messages can be seen by all group members
- LMNS staff and musicians must not have vulnerable adults as friends on their personal Facebook profile.
- Do not use your personal Twitter account to become a follower of a vulnerable adult or encourage them to follow you.

### **Upholding this code of behaviour**

You should always follow this code of behaviour and never rely on your reputation or that of LMNS to protect you.

If you have behaved inappropriately you will be subject to our disciplinary procedures. Depending on the seriousness of the situation, you may be asked to leave LMNS. We may also make a report to statutory agencies such as the police and/or the local authority social care/safeguarding adult team.

If you become aware of any breaches of this code, you must report them to Carol Main, Director. If necessary, you should follow our whistleblowing procedure and safeguarding procedures.

# APPENDIX C

## Designated Safeguarding Officer role and responsibilities

### General

Live Music Now Scotland's Designated Safeguarding Officer (DSO) is Lesley-Ann Smith, General Manager. The Safeguarding Officer is responsible for dealing with any concerns about the protection of adults at risk. In the absence of Lesley-Ann, LMNS's Director, Carol Main, will act as the Deputy DSO.

#### DSO

Name: Lesley-Ann Smith  
Role: General Manager  
Telephone: 07815 566861  
Email: [lesleyann.smith@livemusicnow.scot](mailto:lesleyann.smith@livemusicnow.scot)

#### Deputy DSO

Name: Carol Main  
Role: LMNS Director  
Telephone: 0131 332 6356 / 07967 696709  
Email: [carol.main@livemusicnow.scot](mailto:carol.main@livemusicnow.scot)

If the concerns raised are about activity taking place in the wider LMN network then Live Music Now's DSO is Karen Irwin, Strategic Director. In the absence of Karen Irwin, LMN's Executive Director, Nina Swann, will act as the Deputy DSO.

#### DSO

Name: Karen Irwin  
Role: Strategic Director, Live Music Now  
Telephone: 0151 222 5467 / 07971 446375  
Email: [karen.irwin@livemusicnow.org.uk](mailto:karen.irwin@livemusicnow.org.uk)

#### Deputy DSO

Name: Nina Swann  
Role: Executive Director, Live Music Now  
Telephone: 020 7759 1803 or mobile 07956 946952  
Email: [nina.swann@livemusicnow.org.uk](mailto:nina.swann@livemusicnow.org.uk)

### Purpose of the Designated Safeguarding Officer Role

To take the lead in ensuring that appropriate arrangements for keeping adults who are at risk safe are in place for LMNS.

To promote the safety and welfare of adults involved in LMNS's activities at all times and in the event of concerns to collate and clarify the precise details of the allegation or suspicion and pass this information on to the relevant local Adult Social Care / Safeguarding Adults Team (or the Police). It is the social services or police's role to investigate the matter.

### Role

The role of the DSO is to:

- To provide information, support and advice for staff and volunteers on adult safeguarding within the organisation;

- To ensure that the organisation's adult safeguarding policy is disseminated and support implementation throughout the organisation;
- To advise within the organisation regarding adult safeguarding training needs;
- To provide advice to staff or volunteers who have concerns about the signs of harm and ensure a report is made to the local authority Social Care / Safeguarding Adult Team where there is a safeguarding concern;
- To support staff to ensure that any actions take account of what the adult wishes to achieve –this should not prevent information about any risk of serious harm being passed to the relevant Safeguarding Adult Team for assessment and decision-making;
- To consider whether concerns are a safeguarding issue or not. This may involve some 'checking out' of information provided whilst being careful not to stray into the realm of investigation
- Where it has been deemed that it is not a safeguarding issue, to consider alternative responses such as monitoring, support or advice to staff and volunteers
- To establish contact with the local authority Safeguarding Adult Team, police and other agencies as appropriate;
- To ensure accurate and timely records and any adult safeguarding forms required have been completed.
- To ensure accurate and up to date records are maintained detailing all decisions made, the reasons for those decisions and any actions taken;
- To compile and analyse records of reported concerns to determine whether a number of low level concerns are accumulating to become more significant; and make records available for inspection.
- To work closely with and report regularly to the board of trustees on issues relating to safeguarding, to ensure they are fully informed of any concerns and that protection of adults at risk is seen as an ongoing priority issue and that safeguarding requirements are being followed at all levels of the organisation.