



## ADULTS AT RISK OF HARM

### INFORMATION SHARING PROTOCOL BETWEEN

**ABERDEEN CITY COUNCIL, ABERDEENSHIRE COUNCIL, MORAY COUNCIL, NHS GRAMPIAN, POLICE SCOTLAND, OFFICE OF THE PUBLIC GUARDIAN (SCOTLAND), SCOTTISH AMBULANCE SERVICE AND SCOTTISH FIRE AND RESCUE SERVICE.**

<b>Data Sharing Protocol Version</b>	<b>Date Amendments Made</b>	<b>Author</b>
VO.1	17/11/2010	Inga Heyman
VO.2	28/02/11	J Anderson
VO.3	28/04/11	J Anderson
V0.4	23/06/11	Iain Gray
V0.5	02/09/11	J Anderson
V0.6	25/01/12	J Anderson
V0.7	01/09/17	Alan Thomson
V0.8	13/04/18	Alan Thomson
V0.9	04/10/21	Helen Cannings (incorporating feedback from all Partnership Organisations)
V10	16/02/22	Helen Cannings (incorporating changes required by Scottish Ambulance Service)

## **CONTENTS**

### **PROTOCOL**

- 1.0 PARTNERSHIP ORGANISATIONS
- 2.0 PURPOSE AND SCOPE
- 3.0 LEGAL BASIS FOR SHARING INFORMATION (AND FOR MAKING AND KEEPING RECORDS ABOUT DISCLOSURE DECISIONS)
- 4.0 CONFIDENTIALITY
- 5.0 WHAT TO SHARE?
- 6.0 RESTRICTIONS ON THE USE OF INFORMATION
- 7.0 ROLES AND RESPONSIBILITIES
- 8.0 PROCESSES FOR SHARING INFORMATION
- 9.0 SECURITY, RETENTION AND DISPOSAL
- 10.0 WITHDRAWAL FROM THE PROTOCOL
- 11.0 COUNTERPARTS
- 12.0 SIGNATORIES

### **SCHEDULE TO PROTOCOL**

- Part 1 GRAMPIAN ADULT SUPPORT AND PROTECTION REPORTING FORM
- Part 2 PROCESS MAP FOR SHARING ADULT SUPPORT AND PROTECTION INFORMATION

## 1. PARTNERSHIPS ORGANISATIONS

1.1 This protocol is between the following organisations:

**ABERDEEN CITY COUNCIL**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal place of business at the Town House, Broad Street, Aberdeen, AB10 1AQ (hereinafter referred to as “ACC”);

**ABERDEENSHIRE COUNCIL**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal place of business at Woodhill House, Westburn Road, Aberdeen, AB16 5GB (hereinafter referred to as “Aberdeenshire”);

**MORAY COUNCIL**, a local authority constituted under the Local Government etc. (Scotland) Act 1994 and having its principal place of business at the Council Offices, High Street Elgin, Moray, IV30 1BX (hereinafter referred to as “Moray”);

**GRAMPIAN HEALTH BOARD** (also known as NHS Grampian) a body corporate established under the National Health Service (Scotland) Act 1978 (as amended) and having its principal place of business at Summerfield House, Eday Road, Aberdeen, AB15 6RE (hereinafter referred to as NHSG);

**POLICE SCOTLAND**, a police force constituted by the Police and Fire Reform (Scotland) Act 2012, and having its principal place of business at Police Scotland Headquarters, PO Box 21184, Alloa, FK10 9DE (hereinafter referred to as Police);

**OFFICE OF THE PUBLIC GUARDIAN (SCOTLAND)**, headed by the Public Guardian an official constituted under the Adults with Incapacity (Scotland) Act 2000 and having its place of business at Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR (hereinafter referred to OPG);

**SCOTTISH AMBULANCE SERVICE**, a Special Health Board established under the National Health Service (Scotland) Act 1978 (as amended by the Scottish Ambulance Service Board Order 1999) and having its principal place of business at Gyle Square, 1 South Gyle Crescent, Edinburgh, EH12 9EB (hereinafter referred to as SAS); and

**SCOTTISH FIRE AND RESCUE SERVICE**, a body corporate constituted under the Fire (Scotland) Act 2005 (as amended) and having its principal place of business at, Westburn Drive, Cambuslang, G72 7NA (hereinafter referred to as SFRS)

The above organisations will be hereafter referred to as *'the Partnership Organisations'*.

## 2. PURPOSE AND SCOPE

2.1 This Protocol sets out the arrangements agreed by the Partnership Organisations in respect of sharing information about adults who are known, or suspected to be, at risk of harm, otherwise known as “Adults at Risk”.

2.2 The Partnership Organisations consider that the sharing of information, as set out in this Protocol, is necessary to enable the Partnership Organisations to effectively carry out their duties or exercise their powers under The Adult Support & Protection (Scotland) Act 2007 (“the 2007 Act”), or where a Partnership Organisation does not have an explicit duty, to effectively play an appropriate role as enabled by the 2007 Act.

2.3 For the purposes of this Protocol, an “Adult at Risk” is defined as an adult aged 16 years or older who meets the criteria below:

- is unable to safeguard their own well-being, property, rights or other interests, and

- is 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<sup>1</sup>.

2.4 For the purposes of this Protocol the definition of “harm” is that defined in section 53 of the 2007 Act, namely; “All harmful conduct and, in particular, includes:

- conduct which causes physical harm,
- conduct which causes psychological harm (for example: causing fear, alarm or distress),
- unlawful conduct which appropriates or adversely affects property, rights or interests (for example: theft, fraud, embezzlement or extortion),
- conduct which causes self-harm”.

2.5 The 2007 Act places a number of duties on the Councils to:

- make enquiries to establish whether action is required, where it is known or believed that an adult is at risk of harm and that intervention may be necessary;
- co-operate with other Councils and other bodies (including but not limited to the other Partnership Organisations under this Protocol);
- inform the adult that they may refuse to answer any question put to them or may refuse to consent to a medical examination;
- request examination of health, financial or other records relating to the individual;
- visit the adult at risk at reasonable times;
- have regard to the importance of the provision of appropriate services, where the Council considers that it needs to intervene in order to protect an adult at risk of harm;
- protect property owned or controlled by an adult who is removed from a place under a removal order;
- set up an Adult Protection Committee to carry out various functions in relation to adult protection in its area.

2.6 If more than one Council is involved with the care of an adult, because the adult lives in a different place from their home address, the Council in whose area the adult lives shall lead any investigation. In terms of the duties in 2.3 above, it may be necessary for the lead Council to work with the Council in whose area the home address is.

2.7 Section 5 of the 2007 Act places a duty on other bodies (including the Police, NHS (including the Scottish Ambulance Service), Office of the Public Guardian and other public bodies) to:

- co-operate with a Council making inquiries to establish whether action is required where it is known or believed that an adult may be at risk
- to co-operate with each other, where such co-operation is likely to enable or assist the council making those inquiries, and
- to make a referral or report to a local authority when they believe an adult is at risk of harm.

2.8 The Scottish Government has recommended in the Adult Support and Protection Code of Practice that all relevant stakeholders participate, and although not specifically named by section 5 of the 2007 Act, the Scottish Fire and Rescue Service can legitimately share information under the UK GDPR and Data Protection Act 2018 (Data Protection legislation). The Scottish Fire and Rescue Service may become involved with adults whom they know or believe as being at risk, and may therefore have cause to refer people to the lead Council, and as such have a direct part to play in protecting people from risk of harm.

---

<sup>1</sup> Section 1(3) of the Adult Support and Protection (Scotland) Act 2007

- 2.9 The Partnership Organisations agree that sharing information under this Protocol in the context of adults at risk may be required for any one of the following purposes:
- An initial alert
  - an initial referral discussion
  - an adult protection meeting
  - an investigation being conducted
  - a case conference
  - ongoing support as defined in an Adult Protection Plan
  - participation in appropriate quality assurance, review, learning, debriefing and inspection processes

### **3 THE LEGAL BASIS FOR SHARING INFORMATION (AND FOR MAKING AND KEEPING RECORDS ABOUT DISCLOSURE DECISIONS)**

- 3.1 Each Partnership Organisation confirms that it is a sole Controller and shall ensure that it processes information fairly, lawfully and in a transparent manner in accordance with the Data Protection legislation.
- 3.2 Data Protection legislation regulates the handling of Personal Data. Personal Data can only be processed (in this case, shared, or records made about disclosure decisions), if an Article 6 legal basis of the UK GDPR is met. Special Category Personal Data can only be processed if an additional legal basis at Article 9 is also met and an appropriate condition for processing under DPA 2018 has been identified. Data relating to criminal convictions can only be processed under the circumstances outlined in Article 10 of the UK GDPR, and if an appropriate condition for processing under DPA 2018 has been identified.
- 3.3 The Councils will share information under the following legal bases:
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Art. 6(1)(e))
  - processing is necessary for compliance with a legal obligation to which the controller is subject (Art. 6(1)(c))
  - where information shared is special category personal data, or personal data relating to criminal convictions, the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services (Art. 9(2)(h) and DPA 2018 Schedule 1, Part 1, Paragraph 2 and Art. 10 and DPA 2018 Schedule 1, Part 1 Paragraph 2)

The basis in law for this is the Adult Support and Protection (Scotland) Act 2007.

- 3.4 NHS Grampian and Scottish Ambulance Service will share information under the following legal bases:
- processing is necessary for compliance with a legal obligation to which the controller is subject (Art. 6(1)(c))
  - where information shared is special category personal data, or personal data relating to criminal convictions, the processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services (Art. 9(2)(h) and DPA 2018 Schedule 1, Part 1, Paragraph 2 and Art. 10 and DPA 2018 Schedule 1, Part 1 Paragraph 2)

The basis in law for this is the Adult Support and Protection (Scotland) Act 2007.

3.5 Police Scotland and the Office of the Public Guardian will share information under the following legal bases:

- processing is necessary for compliance with a legal obligation to which the controller is subject (Art. 6(1)(c))
- where information shared is special category personal data, or personal data relating to criminal convictions, the processing is necessary for reasons of substantial public interest and is necessary for the safeguarding of children and individuals at risk (Art 9 (2) (g) and DPA 2018 Schedule 1, Part 2, Paragraph 18(1)) and Art 10 and DPA 2018 Schedule 1, Part 2, Paragraph 18(1))

The basis in law for this is the Adult Support and Protection (Scotland) Act 2007.

3.6 Scottish Fire and Rescue Service will share information under the following legal bases:

- processing is necessary for the performance of a task carried out in the public interest (Art. 6(1)(e))
- processing is necessary in order to protect the vital interests of the data subject or of another natural person (Art. 6(1)(d))
- where information shared is special category personal data, or personal data relating to criminal convictions, the processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; (Art. 9(2)(c)) and DPA 2018 Schedule 1, Part 2, Paragraph 18(1)) and Art 10 and DPA 2018 Schedule 1, Part 2, Paragraph 18(1))
- where information shared is special category personal data, or personal data relation to criminal convictions the processing is necessary for reasons of substantial public interest ((Art. 9(2)(g)) and is necessary for the safeguarding of children and individuals at risk (DPA 2018 Sch. 1, Part 2, Paragraph 18(1))

The basis in law for this is the Adult Support and Protection (Scotland) Act 2007.

## **4 CONFIDENTIALITY**

4.1 Partnership Organisations, in addition to their responsibilities as Controllers under Data Protection legislation, will generally owe a common law duty of confidentiality to individuals about whom information is shared under this Protocol.

4.2 Partnership Organisations recognise that confidentiality is not an absolute right, and it will not always be appropriate to seek the consent of individuals prior to sharing information under this Protocol. Partnership Organisations also recognise that there may also be occasions where it will still be appropriate for information to be shared, even in cases where consent has been sought, and has been refused by the individual.

4.3 Partnership Organisations will have reference to the Grampian Interagency Procedures for Adult Support and Protection, as well as any specific guidance provided by their individual organisations or applicable regulatory bodies in relation to their obligations of confidentiality and consent, when sharing information under this Protocol.

## **5 WHAT TO SHARE?**

5.1 The following information will be shared between the Partnership Organisations:

Proportionate and relevant information necessary:

- to make an initial alert in relation to an Adult at Risk
- for an initial referral discussion
- for an effective adult protection meeting
- for an investigation into an adult at risk
- for an effective case conference
- for the ongoing support of an individual as defined in an Adult Support Plan
- for the participation in appropriate quality assurance, review, learning, debriefing and inspection processes

5.2 Partnership Organisations should contact the lead Council if the organisation has concerns and/or believes that the adult is known, or is suspected, to be at risk of harm. For the purposes of an initial alert, the Partnership Organisations have agreed that the information contained within the form attached in Part 1 of the Schedule to this protocol comprises proportionate, relevant necessary information.

5.3 Where a Council Officer has determined that a person is, or is suspected to be, an adult at risk of harm, the officer may request information from any Partnership Organisation(s), or other organisations not party to this Protocol in accordance with sections 4 and 10 of the 2007 Act. When making such a request, the Council Officer should consider what information will be reasonably required for the support and protection of that adult.

5.4 In the event of uncertainty as to the relevance of information, the person holding the information should seek advice from their line manager and/or their lead officer for adult or public protection before deciding whether or not to share information.

5.5 The decision about what information to share with a Partnership Organisation will often depend on the particular inquiries the Council makes or the involvement of other Partnership Organisations with an adult. However, any information which is to be shared should be lawful, proportionate, adequate and necessary for the purposes listed in section 5.1 of this Protocol.

5.6 Partnership Organisations shall ensure that the information shared is accurate. Where any Partnership Organisation becomes aware of inaccuracies in information, they will notify the other Partnership Organisation.

## **6 RESTRICTIONS ON THE USE OF INFORMATION**

6.1 By signing this Protocol, Partnership Organisations confirm that their use and disclosure of personal information under this Protocol will be done in accordance with Data Protection legislation, the common law duty of confidentiality and human rights law.

6.2 Information disclosed under this Protocol may be disclosed, or a secondary use made of that information by third parties, where any Partnership Organisation is obliged to disclose such information as a result of a Court Order, or because the recipient of such information has a statutory duty obliging such disclosure. Each Partnership Organisation shall notify the originator of the information of any third-party disclosure it is required to make in terms of this paragraph.

6.3 Other than under the conditions outlined at 6.2, above, any information disclosed under this Protocol must not be disclosed by any Partnership Organisation to any Third Party, or used for any incompatible purpose without the written consent of the Partnership Organisation(s) that provided the information.

6.4 Individuals have the right to make Subject Access Requests. Individuals may also request rectification, erasure, objections or restrictions in relation to the processing of their personal data. Partnership Organisations agree that the responsibility for responding to these requests shall rest on the Partnership Organisation who has received the request. Each Partnership Organisation confirms it has procedures in place to inform any recipient Partner Organisations if it:

- rectifies any data it has shared with them
- erases any data it has shared with them
- restricts any data it has shared with them

and will ensure these procedures are followed where relevant. Each Recipient Partnership Organisation will be individually responsible for addressing its own obligations to rectify, erase or restrict data as relevant when it is notified of a rectification, erasure or restriction by another Partner Organisation.

- 6.5 Partnership Organisations agree to notify other relevant Partnership Organisations of any Subject Access Requests received, as soon as is reasonably possible, and give relevant Partnership Organisations the opportunity to make representations regarding disclosures and /or exemptions. The final decision on disclosure, or the application of exemptions, will rest with the Partnership Organisation who received the request.
- 6.6 Partnership Organisations agree, when given notification of any relevant Subject Access Request received as outlined at 6.4 above, to respond promptly with any representations regarding disclosures and /or exemptions, or, where a Partnership Organisation has no representations to make, to confirm this fact.

## 7 ROLES AND RESPONSIBILITIES

- 7.1 Each Partnership Organisation should identify a point of contact who will have responsibility for compliance with this Protocol within their organisation. This should also be the person to participate in the annual review of the Protocol and act as a contact if there are any issues with the same.
- 7.2 The following individuals are the Point of Contacts in relation to this protocol:

POST	PARTNERSHIP ORG.	TELEPHONE NUMBER	EMAIL ADDRESS
Detective Inspector, NE Concern Hub	Police Scotland	01224 306901	<a href="mailto:NorthEastConcernHub@scotland.pnn.police.uk">NorthEastConcernHub@scotland.pnn.police.uk</a>
Lead Social Work Officer, Health and Social Care Partnership	Aberdeen City Council	01224 264085	<a href="mailto:APSW@aberdeencity.gov.uk">APSW@aberdeencity.gov.uk</a>
Chief Officer, Health and Social Care Partnership	Aberdeenshire Council	01467 533100	<a href="mailto:adultprotectionnetwork@aberdeenshire.gov.uk">adultprotectionnetwork@aberdeenshire.gov.uk</a>
Head of Adult Health and Social Care	Moray Council	01343 567127	<a href="mailto:Jane.Mackie@moray.gov.uk">Jane.Mackie@moray.gov.uk</a>
Adult Support & Protection Lead	NHS Grampian	01467 672780	<a href="mailto:gram.publicprotection@nhs.scot">gram.publicprotection@nhs.scot</a>
Business Support Manager	Office of the Public Guardian (Scotland)	01324 677131	<a href="mailto:opg@scotcourts.gov.uk">opg@scotcourts.gov.uk</a>
Head of Public Protection	Scottish Ambulance Service	07881 356376	<a href="mailto:sas.publicprotection@nhs.scot">sas.publicprotection@nhs.scot</a>

Prevention and Protection Manager	Scottish Fire and Rescue Service	01224 728600	<a href="mailto:N.ABMPreventionandProtection@firescotland.gov.uk">N.ABMPreventionandProtection@firescotland.gov.uk</a>
-----------------------------------	----------------------------------	--------------	--

- 7.3 Aberdeen City Council shall have responsibility for reviewing the Protocol and making any amendments to the Protocol which are deemed necessary by the Partnership Organisations. The review will take place annually and shall be led by a Council Officer in Aberdeen City Health and Social Care Partnership.

## 8 PROCESSES FOR SHARING INFORMATION

### Making Referrals

- 8.1 Referrals to Councils can be made by using the Councils' dedicated online reporting form. It is recognised that some Partnership Organisations make use of internal forms for reporting, which will be used to make referrals to Councils. Where necessary, including where Partnership Organisations make use of internal reporting forms, referrals can also be made by telephone, secure email, in person, or by recorded first class post. Referrals from Police Scotland will be made using the iVPD system. Referrals from SAS will use the SAS National Vulnerable Person Reporting Form. SFRS will use their own template AP1 form for referrals.

### Sharing Information via Telephone

- 8.2 Where it is necessary for Partnership Organisations to share information under this Protocol by telephone, Partnership Organisations will ensure appropriate verification checks are undertaken prior to any information being disclosed by telephone, to ensure that information is only disclosed to an appropriate individual
- 8.3 Where a Partnership Organisation considers it necessary to request disclosure of information by telephone, it will comply with reasonable steps requested by the disclosing Partnership Organisation to ensure the appropriate verification of requester identity and security of the disclosure.
- 8.4 For incoming telephone calls, verification will include establishing the identity of the caller – including a Police Rank/ Number/ Role in Partnership Organisation. Verification may also include requesting that an email be sent from the Partnership Organisation's corporate email system confirming the job title(s) of the requester(s), the requirement for telephone disclosure and the relevant organisational telephone number to be used for the disclosure.
- 8.5 Where a Partnership Organisation has assessed that it is appropriate to disclose information by telephone, information should be disclosed on a separate returned telephone call made to a recognised telephone number belonging to the Partnership Organisation – this is important in order to confirm the stated identity of the caller. A telephone number may be confirmed to belong to the Partnership Organisation by going via the Organisation's published switchboard number or using a number confirmed via an email sent from the Partnership Organisation's corporate email system.
- 8.6 Concerns may also be brought to a Partnership Organisation's attention from members of the public. Where possible officers should follow relevant steps to verify the identity of a caller bringing a concern to their attention, noting that there may be circumstances where a caller wishes to remain anonymous.

### Sharing Information via Email

- 8.7 Email correspondence is permitted from a secure email to a receiving secure email. Partnership Organisations will use approved corporate email systems only for sharing information under this

Protocol. Each Partnership Organisation will follow its own policies and procedures in relation to the safe and secure use of email.

### **Hand Delivering Information**

- 8.8 Sometimes it may be appropriate to hand deliver information in person. Where the intention is to hand deliver information, the covering envelope should be addressed to a named officer in the Partnership Organisation. The name and role of the person the envelope has been handed to must be obtained and recorded, along with time and date of delivery. Envelopes used should be sufficiently robust, and if necessary double enveloped.

### **Posting Information**

- 8.9 If the information is to be sent by post, this should be by way of first-class Special Delivery post so that it is traceable. Envelopes used should be sufficiently robust, and if necessary double enveloped. Partnership Organisations should follow any organisational policies and procedures in place for posting special category personal data. The covering envelope should be addressed to a named officer in the Partnership Organisation.

### **No use permitted of fax**

- 8.10 The Partnership Organisations agree that Fax shall not be used for sharing information under this Protocol as its security cannot be guaranteed.

### **Meetings**

- 8.11 Information may also be shared by officers or professionals from Partnership Organisations at multi agency meetings, such as at an adult protection meeting or case conference.

### **Use of approved video conferencing platforms: no recordings and no use of chat function.**

- 8.12 Where such meetings are held virtually, Partnership Organisations will use approved organisational video conferencing platforms only. Chat functionality shall not be used to share information. Recordings will not be made of these meetings.

### **Record keeping of decisions to disclose and decisions not to disclose**

- 8.13 When a decision has been made by a Partnership Organisation to share information, a record of the disclosure will be kept by that organisation, which shall include:
- the information disclosed
  - person (including role and organisation) to whom the disclosure was made
  - date of the disclosure
  - reason for the disclosure
  - the lawful basis for the disclosure
  - how the information was disclosed (including, where appropriate, verification checks)
  - signature of person making the disclosure, where appropriate
  - whether disclosure was made with or without consent of the adult, and where a disclosure has been made without the adult's consent, the reasons for this
  - whether the disclosure was made with or without the knowledge of the adult, and where a disclosure has been made without the adult's knowledge, the reasons for this
- 8.14 When a decision has been made by a Partnership Organisation not to share information, a record of the decision not to disclose information will be kept by that Partnership Organisation, which shall include:

- the information requested
- the person (including role and organisation) making the request
- the reason for refusal
- the name and role of the person who took the decision to refuse the request.

8.15 The process for sharing information is summarised in the chart in Part 2 of the Schedule to this Protocol.

8.16 Partnership Organisations recognise that record keeping in respect of sharing (or decisions not to share) under this Protocol is a necessary part of demonstrating the effective and accountable undertaking of their respective duties in relation to Adult Support and Protection and as such, consider the legal basis for the creation and appropriate retention of these records to be as outlined at Section 3 of this Protocol.

## **9 SECURITY, RETENTION AND DISPOSAL**

9.1 Partnership Organisations undertake to store information securely, in accordance with their organisational policies relating to Information Security, Data Protection and Records Management.

9.2 Partnership Organisations undertake to ensure that their staff members are appropriately trained to handle and process the information in accordance with this Protocol.

9.3 Partnership Organisations shall ensure that instances or alleged instances of unauthorised access or use of information shared under this Protocol will be investigated and managed in accordance with relevant organisational policies.

9.4 Partnership Organisations shall retain and dispose of information shared under this Protocol in accordance with their organisational retention schedules, and policies and procedures relating to the secure disposal of information.

9.5 Partnership Organisations shall ensure that records kept of decisions to share or not to share information (in accordance with sections 8.12 and 8.13 above) are retained in accordance with their organisational retention schedules, and policies and procedures relating to the secure disposal of information.

## **10 WITHDRAWAL FROM THE PROTOCOL**

10.1 Any Partnership Organisation may withdraw from this Protocol on giving one month written notice to the others of their intention to do so.

10.2 This Protocol may be varied only by the written agreement of all of the Partnership Organisations.

10.3 This Protocol shall terminate on the execution by the Partnership Organisations (or their successors) and coming into force of another protocol on sharing personal data which is expressly stated to supersede this Protocol.

## **11 COUNTERPARTS**

11.1 This Protocol may be executed in any number of counterparts and by each of the Partnership Organisations on separate counterparts, all as permitted by The Legal Writings (Counterparts and Delivery) (Scotland) Act 2015.

11.2 If executed in counterparts:

- this Protocol will not take effect until each of the counterparts had been delivered; and

- each counterpart will be held as undelivered until the parties agree a date on which the counterparts are to be treated as delivered; and
- the date of delivery of this Protocol will be the last date of signature by the Partnership Organisations.

## 12. SIGNATORIES

12.1 By signing this Protocol, all signatories accept responsibility for its execution and agree to ensure the staff are trained so that requests for information and the process of sharing itself is sufficient to meet the purposes of this Protocol.

On behalf of **Aberdeen City Council** by

Signed.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Aberdeenshire Council** by

Signed.....

(Authorised Signatory)

Name

Position

Date

On behalf of The **Moray Council** by

Signed.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Grampian Health Board** by

Signed.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Police Scotland** by

**Signed**.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Office of the Public Guardian (Scotland)** by

**Signed**.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Scottish Ambulance Service** by

**Signed**.....

(Authorised Signatory)

Name

Position

Date

On behalf of **Scottish Fire and Rescue Services** by

**Signed**.....

(Authorised Signatory)

Name

Position

Date

SCHEDULE: PART 1



**GRAMPIAN ADULT SUPPORT AND PROTECTION REPORTING FORM**

	Please return this form by <b>secure</b> email to:	To discuss, please call:
Aberdeen City	<a href="mailto:adultprotectionunit@aberdeencity.gov.uk">adultprotectionunit@aberdeencity.gov.uk</a>	01224 264085
Aberdeenshire	<a href="mailto:adultprotectionnetwork@aberdeenshire.gov.uk">adultprotectionnetwork@aberdeenshire.gov.uk</a>	01467 533100
Moray	<a href="mailto:accesscareteam@moray.gov.uk">accesscareteam@moray.gov.uk</a>	01343 563999

If there is a need for immediate action to protect the adult, this should be addressed prior to completing this form.

If required, contact the appropriate emergency services - telephone 999.

If a crime is known or suspected to have been committed, this should be reported to Police Scotland – telephone 101.

If the incident involves a child, consideration should be given to contacting the appropriate child protection services.

--

<b>RISK</b>				
Is the adult at immediate risk of harm?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please specify what has been done to support and protect the adult from harm prior to submitting this form				
Please summarise any residual risk at the time of submitting this form				

<b>DETAILS OF PERSON COMPLETING THIS FORM</b>			
Your Name		Date	
Your Job Title /Role		Organisation /Department	
Contact Details Phone			

Mobile	
Email	

<b>DETAILS OF ADULT AT RISK OF HARM</b>			
Name		Address	
Date of Birth			
If known, CHI or CareFirst Number			

Ethnicity		Telephone Number	
-----------	--	------------------	--

<b>PRIMARY USER GROUP/CLASSIFICATION</b>	
Acquired brain injury	<input type="checkbox"/>
Dementia	<input type="checkbox"/>
Learning disability	<input type="checkbox"/>
Mental health	<input type="checkbox"/>
Older People	<input type="checkbox"/>
Physical Disability	<input type="checkbox"/>
Substance Misuse	<input type="checkbox"/>
If other, please specify:	<input type="checkbox"/>

--

<b>CAPACITY / COMMUNICATION / CONSENT</b>				
Do you have concerns about the adult's capacity?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide details				
Has consent to share information been given?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide name and role if consent to share has been given by someone other than the adult at risk	Name		Role	
If no consent to share has been obtained, please provide brief explanation				
Do you have concerns about the adult's ability to communicate?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide details				

**MAIN PRESENTING HARM**

Financial /material	<input type="checkbox"/>
Neglect	<input type="checkbox"/>
Physical	<input type="checkbox"/>
Psychological	<input type="checkbox"/>
Self harm	<input type="checkbox"/>
Sexual	<input type="checkbox"/>
If other, please specify:	<input type="checkbox"/>



<b>DETAILS OF CONCERN</b>			
Date and time of concern/incident			
Location of concern/incident			
Description of concern/incident			
Has Police Scotland been contacted?	Yes	<input type="checkbox"/>	No
If yes, please provide Crime Reference Number			
Other action and outcomes to date			
Additional action planned			

<b>SIGNIFICANT RELATIONSHIPS</b>			
Name	Relationship	Contact Details	Age (if known)

<b>DETAILS OF DISCUSSIONS</b>			
<b>(Please detail discussions to date about the incident – including discussion with your line manager wherever possible prior to submitting this form)</b>			
Name	Contact Details	Role in incident/concern	Date



## SCHEDULE-: PART 2

### PROCESS MAP FOR SHARING ADULT SUPPORT AND PROTECTION INFORMATION

Confirm that the adult who is the subject of the request falls within the scope of the Information Sharing Protocol: see Section 2.



Gather relevant information: Section 5



Review the information to ensure that it is necessary and proportionate to disclose. Particular care should be taken if sensitive personal data or third party personal data is being considered for disclosure.



If your organisation's procedures require it, confirm with your line manager that the information to be shared is appropriate and authorised.



Consider whether its appropriate to either  
(a) just inform the adult of the disclosure; or  
(b) to seek the consent of the adult for the disclosure; or  
(c) to proceed to disclose without informing or seeking consent.  
Liaise with the adult who is subject of request if appropriate.



Provide information authorised for disclosure to the Partnership organisation using secure means as outlined at Section 8.

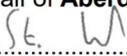
Throughout the process - record details of your decisions about the information request . Keep records about decisions to share and decisions not to share information. Include all the details outlined at Section 8 about each request and disclosure decision.

Signatories to Version 10

ADULTS AT RISK OF HARM  
INFORMATION SHARING PROTOCOL  
BETWEEN

ABERDEEN CITY COUNCIL, ABERDEENSHIRE COUNCIL, MORAY COUNCIL, NHS GRAMPIAN, POLICE SCOTLAND, OFFICE OF THE PUBLIC GUARDIAN (SCOTLAND), SCOTTISH AMBULANCE SERVICE AND SCOTTISH FIRE AND RESCUE SERVICE.

On behalf of **Aberdeen City Council** by

Signed  .....

(Authorised Signatory)

Name Steven Inglis

Position Team Leader, Legal Services, Aberdeen City Council

Date 27 June 2022

On behalf of **Aberdeenshire Council** by

Signed  .....

(Authorised Signatory)

Name PAMELA MILLIKEN

Position CHIEF OFFICER

Date 18/02/2022

On behalf of The **Moray Council** by

Signed  .....

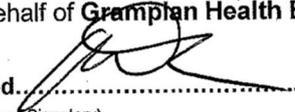
(Authorised Signatory)

Name Simon Bokor-Ingram

Position: Chief Officer, H&SCM

Date 18.02.2022

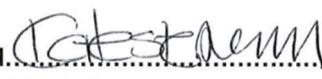
On behalf of **Grampian Health Board** by

Signed 

(Authorised Signatory)

Name NICK FLUCK  
Position MEDICAL DIRECTOR/CALDICOTT GUARDIAN  
Date 11 MAY 2022

On behalf of **Police Scotland** by

Signed 

(Authorised Signatory)

Name KATE STEPHEN  
Position T/CH SUPT  
Date 18.03.22

On behalf of **Office of the Public Guardian (Scotland)** by



Signed

(Authorised Signatory)

Name FIONA BROWN  
Position PUBLIC GUARDIAN  
Date 21 JUNE 2022

On behalf of **Scottish Ambulance Service** by

Signed 

(Authorised Signatory)

Name Jayne Scaife  
Position Head of Public Protection  
Date 21/06/2022

On behalf of **Scottish Fire and Rescue Services** by

Signed 

(Authorised Signatory)

Name Chay Ewing  
Position Local Senior Officer  
Date 01/03/2022