

APPENDIX 16 GLOSSARY OF TERMS

Advance Statement

A statement made under the provisions of Section 275 of the Mental Health (Care and Treatment) (Scotland) Act 2003 setting how a person would, or would not, wish to be treated should they subsequently require care and treatment under that Act.

Affected Person

Term for an adult at risk when applying for Protection Orders.

Alarm

Sudden anxiety and fear, especially that something dangerous or unpleasant might happen.

Allegation

A statement which has not been proven to be true which says that someone has done something wrong or illegal.

Appeal

A request that a legal decision is changed.

Appropriate Adult

The role of the appropriate adult is to facilitate communication between a mentally disordered person and the Police and, as far as is possible, ensure understanding by both parties.

Appropriate Services

Suitable or right provision of services for a particular situation or occasion.

Ascertainable Wishes

To discover; to make certain of the person's views.

Assessment Order

Order granted by a Sheriff to help the Council to decide whether the person is an adult at risk and, if so, whether it needs to do anything to protect the person from harm.

At Risk

In a potentially dangerous situation.

Attorney

Means a continuing attorney or welfare attorney (within the meaning of the Adults with Incapacity (Scotland) Act 2000).

Authorisation (in relation to Council Officer)

Producible evidence that the Council Officer has permission from their Council to carry out duties in relation to the Act.

Availability and Suitability

Able to be obtained, used, or reached to be right for a particular person, situation or occasion.

Banning Order

Order granted by a Sheriff to ban a person from being in a specified place or area. The Order may have specified conditions attached. The banned person can be any age, including a child.

Benefit

A helpful or good effect, or something intended to help.

Biennial Report

Happening once every two years.

Body Corporate

A group of people relating to a large company.

Breach

An act of breaking a law, promise, agreement or relationship.

Capacity

See mental capacity.

Care Commission

The Scottish Commission for the Regulation of Care.

Case Conference

A multi-disciplinary meeting of relevant people including the client and carer, and sometimes the alleged perpetrator at which all information about all aspects of the client situation will be shared leading to an Adult Protection Plan. The investigation report will be made available to the meeting and will be presented by the Council Officer.

Children's Reporter

Person who will decide if a child needs to be referred to a Children's Hearing which aims to provide a safety net for vulnerable children, and to work with partner agencies who deliver tailored solutions which meet the needs of the individuals involved.

Civil Law

Law relating to private arguments between people or organisations rather than criminal matters.

Communication

To share information with others by speaking, writing, moving your body or using other signals.

Communication Difficulties

When a person does not have clear verbal skills and needs the support of other aids or a person that knows them well to support them in sharing information, thoughts and feelings.

Confidentiality

Protection of information in an organisational situation within agreed parameters.

Collaboration

Joint working with other agencies for the benefit of the adult at risk.

Comparable Situation

To examine a specific case and circumstances in its own right and to take into consideration how a different person in a similar position would be treated.

Conduct

Includes neglect and other failures to act.

Consent

Permission or agreement.

Convenor

Person who arranges a meeting, or for a group of people to attend a meeting.

Co-operation

To act or work together for a particular purpose, or to help someone willingly when help is requested.

Contingencies

Something that might possibly happen in the future, usually causing problems or requiring further arrangements to be made.

Council Nominee

An individual who is not a Council Officer under Section 52 of the Act, nominated by the Council to either interview the adult under an Assessment Order or to move the adult under a Removal Order.

Council Officer

A professionally qualified Council employee who will lead the enquiry/investigation and completion of the report and risk assessment and have shared responsibility for implementation of the protection plan and ongoing monitoring. The Council Officer will be supported by the Team Leader and Service Manager.

Detain/Detention

To force someone officially to stay in a place.

Disability

An illness, injury or condition that makes it difficult for someone to do the things that other people do.

Disapply/Disapplication

To dispense with.

Disclosure

To make something known , or to show something that was hidden.

Distress

A feeling of extreme worry, sadness or pain.

Entitled

To give someone the right to do or have something.

Exhausted

Tried without success.

Fear

An unpleasant emotion or thought that you have when the person is frightened or worried by something dangerous, painful or bad that is happening or might happen.

Harm

Includes all harmful conduct. This includes conduct that causes physical or psychological harm, unlawful conduct that adversely affects property, rights or interests possessions, conduct that causes self-harm.

Health Professional

The person is a doctor, nurse, midwife or other type of individual prescribed by the Scottish Ministers.

Health Records

Records relating to an individual's physical or mental health which have been made by or on behalf of a health professional in connection with the care of the individual.

Impaired Mental Capacity

Reduced ability to effective thought processes.

Independent Advocacy Services

Services of support and representation made available for the purpose of enabling the person to whom they are available to have as much control of, or capacity to influence, that person's care and welfare as is, in the circumstances, appropriate.

Independent Advocacy Services are provided by a person who is none of the following:

- (a) a local authority;
- (b) a Health Board;
- (c) a National Health Service trust;
- (d) a member of:
 - (i) the local authority;
 - (ii) the Health Board;
 - (iii) a National Health Service trust,

in the area of which the person to whom those services are made available is to be provided with them.

Information Sharing

Process of effective exchange of relevant details and specific circumstances of an individual within professional agencies and confidential boundaries.

Inquiry

In general, after notification of an adult protection concern, there is an initial information gathering phase by the Council Officer which may involve a visit and will indicate the likelihood of harm being perpetrated or if there are unexplained/complex issues that need to be further explored. This will either proceed to an investigation, be dealt with using other legislation or not require any further action.

Inventory

A detailed list of all the items in a place.

Intervention

To intentionally become involved in a difficult situation in order to improve it or prevent it from getting worse.

Interview

A meeting in which someone asks you questions to ascertain the facts of which an accurate record is kept.

Investigation

In general, following an adult protection enquiry, the multidisciplinary process led by the Council Officer in which all aspects of the situation are examined and reported on using appropriate risk assessment. This will usually culminate in an Adult Protection Case Conference. Occasionally when the adult protection notification clearly indicates that harm has been perpetrated, the investigation will be initiated from the

outset. Where there is a need to use any powers under the Act, this would be regarded as an investigation.

Justification/Justifiable

You give a good reason for what you have done which is documented.

Least Restrictive

To intervene only as much as is necessary in order to achieve the desired outcome.

Legal Representative

Person connected by law to speak, act or be present officially for another person or people.

Liabile

Having legal responsibility for something.

Medical Examination

Assessment related to the treatment of illness and injuries.

Mental Capacity

Relating to the mind, or involving the process of thinking: condition of thinking process.

Mental Disorder

Person with a mental illness, learning disability or personality disorder.

Mental Infirmity

Relating to the mind, or involving the process of thinking in relation to a person who is ill or needing care, especially for long periods and often because of old age.

Mental Illness

A disease of the mind or involving the process of thinking.

Mental Welfare Commission

The Mental Welfare Commission for Scotland is an independent organisation working to safeguard the rights and welfare of everyone with a mental illness, learning disability or other mental disorder.

Movable Property

An object or objects that belong to someone that can be moved.

Multi-Disciplinary Assessment

Gathering of information that is analysed by multi-disciplinary team members application of professional knowledge.

Multi-Disciplinary Plan

Inter-agency joint agreement of tasks to be carried out by named individuals within specified timescales.

Neglect

To give insufficient care or attention to vulnerable people to their detriment.

Obstruction

To prevent something from happening correctly by putting difficulties in its way.

Occupancy Rights

Legal entitlement to the use of a room or building for the purposes of living or working.

Parental Responsibility

As provided for in Section 1 and 2 of the Children (Scotland) Act 1995. Subject to Section 3(1)(b) and (3) of this Act, a parent has in relation to his child the responsibility:

- (a) to safeguard and promote the child's health, development and welfare;
- (b) to provide, in a manner appropriate to the stage of development of the child:
 - (i) direction;
 - (ii) guidance to the child;
- (c) if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis; and
- (d) to act as the child's legal representative.

Power of Arrest

Power attached to a Banning Order (or temporary Banning Order) granted to the Police by a Sheriff which allows a Police Officer to arrest, without warrant, a person who the Police Officer reasonably suspects to be breaching, or to have breached an Order, and considers arrest necessary to prevent further breaches of the Order. Person may be detained in Police custody and then be brought before a Sheriff on the next court day.

Prejudice

An unfair and unreasonable opinion or feeling, especially when formed without enough thought or knowledge.

Procurator Fiscal

The public prosecutor in Scotland, also carrying out functions broadly equivalent to the coroner in other legal systems.

Proxy

A continuing or welfare attorney, or a guardian under the Adults with Incapacity (Scotland) Act 2000. Can have a combination of powers - welfare, property and/or finance.

Public Body

According to Section 5 of the Act:

- (a) the Mental Welfare Commission for Scotland;
- (b) the Care Commission;
- (c) the Public Guardian;
- (d) all local authorities;
- (e) Chief Constables of Police forces;
- (f) the relevant Health Board, and
- (g) any other public body or office-holder as the Scottish Ministers may by order specify.

Public Guardian

Government department that has legal responsibility to ensure the people who are appointed to take care of someone who cannot take care of themselves fulfil their statutory obligations.

Reasonable Time

To arrange visits at a suitable period of the day taking into account how long it takes for someone to do something.

Recall

An authorisation by the Court to cancel a Removal or Banning Order.

Removal Order

An Order granted by a sheriff authorising a Council Officer or Council nominee to move a named person to a specified place within 72 hours of the Order being made and the Council to take reasonable steps to protect the moved person from harm. The Order can be for any specified period for up to 7 days.

Representations

To articulate views on behalf of another person.

Review

To consider something in order to make changes to it, give an opinion on it or study it.

Risk

The possibility of something happening that has either positive or negative consequences.

Risk Assessment

Judging the relevant impact and likelihood of particular actions.

Risk Management

Making arrangements to minimise the negative impact of particular actions and reduce frequency.

Safeguard

To protect something from harm.

Safeguarder

Person appointed by the Sheriff to safeguard the interests of the person who is the subject of proceedings relating to an application.

Self Harm

Injuries done to oneself.

Self Neglect

Not giving enough care or attention to oneself.

Serious Harm

Any action or series of actions that has ongoing consequences for physical or psychological health.

Statutory Interventions

To intentionally become involved in a difficult situation in order to improve it or prevent it from getting worse because there is a legal duty to act.

Strategic Discussion

A sharing of information between key professionals involved in the enquiry or investigation of an adult protection concern which will result in documented decision making on how to proceed by attributing responsibility for decision making and actions to named individuals.

The issues that are likely to be considered will be:

- adherence to the principles of the Act;
- if intervention is necessary;
- if an MHO is required;
- if Police should be consulted;
- other relevant legislation;
- level of risk;
- duty to consider advocacy and other services;
- worker's safety;
- need for Case Conference;
- any undue pressure;
- need for medical examination;
- need to access records;
- Protection Orders.

This will take place as often as necessary to ensure robust management of case and support of staff.

Subject

The person suspected of harming the adult at risk when applying for a Protection Order.

Subordinate Legislation

Statutory legislation (usually in the form of regulations) which may be made by Ministers under enabling powers within an Act of the Scottish Parliament to clarify and implement the details of an Act.

Temporary Banning Order

An Order granted by a Sheriff pending determination of an application from a Banning Order. The Order may specify the same conditions as a Banning Order.

Timeous Investigations

To examine a crime, problem, statement, etc carefully, especially to discover the facts within a suitable time frame.

Undue Pressure

The ability to have an unacceptable or unreasonable influence on how a person behaves or thinks because of their perception of possible consequences.

Variation

A submission to the Court to change or cause something to change in relation to a Removal or Banning Order.

Visit

A visit by a Council Officer under Sections 7, 16 or 18 (including warrant entry) unless the contrary intention appears.

Vulnerable

Able to be easily physically, emotionally, or mentally hurt, influenced or attacked.

Vulnerable Witness Scheme

An Act of the Scottish Parliament to make provision for the use of special measures for the purpose of helping vulnerable adults participate more fully in court proceedings.

Warrant for Entry

Authority for a Council Officer to visit any specified place under Section 7 or 16 together with a Constable. The Constable may do anything, including the use of force

where necessary, that the Constable considers to be reasonable towards fulfilling the object of the visit

Wellbeing

State of physical, emotional and mental health relative to one's own personal circumstance.