



PROTECTION OF VULNERABLE ADULTS FROM ABUSE

POLICY

Issued 12th July 2004

1. Introduction

1.1 For the purposes of this policy a vulnerable adult is defined as:

“An adult, who is aged 18 or over, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

(“No Secrets” Department of Health guidance 2000 refers).

1.2 In March 2000 the government issued a guidance document called “No Secrets” - This provides guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse. The guidance has been issued under Section 7 of the Local Authority Social Services Act 1970. This means that the guidance **must** be implemented unless local circumstances justify a variation. “No Secrets” is available on www.doh.gov.uk/scg/nosecrets.htm

1.3 South Cambridgeshire District Council (SCDC) has an opportunity to make a contribution to the protection of vulnerable adults. This policy will enable SCDC to play its part in meeting the social care needs of the vulnerable adults that its representatives meet in the course of their duties.

2. Application of the Policy and Background

2.1 SCDC representatives are defined as:

- Employees
- Agency staff
- Members
- Contract staff - when working under contract to SCDC e.g. sub contractors working in council houses.
- Volunteers - when working by agreement for or on behalf of SCDC e.g. providing assistance at social occasions or during consultation events.

2.2 SCDC 's representatives provide services for and come into contact with vulnerable adults in a range of contexts. Abuse of vulnerable adults may occur in many situations e.g. when:

- living alone, with a relative, or other(s);
- attending nursing, residential or day care settings;
- in hospital or custodial situations;
- receiving support services in their own home;
- in other places previously assumed safe;
- in public places
- a "customer" of any licence of SCDC e.g. taxi or private hire vehicle

2.3 Any SCDC representative could find themselves in situations where they suspect abuse and they need to be prepared for such an eventuality. Increasingly services are being delivered in the community through such activities as:

- Home visits e.g. sheltered housing
- Organised activities e.g. community services sport/art events and Milton Country Park
- Applications for support e.g. benefits, development control or Conservation

2.4 The principles of this policy are to:

- a) actively promote the empowerment and well-being of vulnerable adults through the services we provide;
- b) act in a way which supports the rights of the individual to lead an individual life based on self determination and personal choice;
- c) recognise people who are unable to take their own decisions and/or to protect themselves, their assets and bodily integrity;
- d) recognise that the right of self determination can involve risk and ensure that such risk is recognized and understood by all concerned, and minimised whenever possible;
- e) ensure that when the right to an independent lifestyle and choice is at risk the individual concerned receives appropriate help, including advice, protection and support from relevant agencies;
- f) ensure that the law and statutory requirements are known and used appropriately so that vulnerable adults receive the protection of the law and access to the judicial process.

2.5 **Abuse** is defined in 'No Secrets' as the 'violation of an individual's human or civil rights by any other person or persons'.

2.6 Abuse can occur in various forms:

- Physical abuse
- Sexual abuse
- Psychological abuse
- Financial or material abuse
- Neglect and acts of omission
- Discriminatory abuse
- Domestic violence
- Poor professional practice
- Institutional Abuse
- Stranger Abuse

- Harm

- 2.7 This policy is to be used to ensure that the best interests of the vulnerable adult are maintained at all times. The over arching purpose of this policy is to provide an SCDC framework, which will guide all SCDC representatives when they are faced with potential abuse situations. Within that context the policy purpose is to:
- a) identify the procedure to be followed if abuse is suspected
 - b) provide guidelines for SCDC representatives to enable them to avoid situations in which they could become falsely accused of abuse.
- 2.8 All SCDC representatives could be affected by this policy but it applies especially to those who provide front line services e.g. those visiting people's homes or attending meetings at leisure or social related activities.
- 2.9 This policy therefore puts all SCDC representatives in a special position of alertness to the possibility of abuse of vulnerable adults wherever and whenever this may arise.
- 2.10 Protecting vulnerable adults from abuse is a complex process. Action on abuse must always be in co-operation and collaboration with Cambridgeshire Social Services (CSS) who are the lead authority on these issues. The Constabulary and the Health Services should also be involved where appropriate.
- 2.11 All Cambridgeshire Authorities jointly support the CSS "Protection of Vulnerable Adults from Abuse Practice guidance and Procedures". These were originally jointly agreed in 1998 and reaffirmed following the introduction of "No Secrets" in 2001. Cambridge City Council (Head of Housing Services) currently represents all the District Councils on the Cambridgeshire Vulnerable Adult Protection Committee (CVAPC).

3. Training

- 3.1 During the course of delivering services our staff may come across situations where they suspect that abuse is taking place. The key role, as set out in "No Secrets", is to bring this to the attention of the lead Authority as soon as possible. To this end staff must be trained to recognize potential or actual abuse situations.
- 3.2 It is necessary to provide appropriate training to meet the assessed need. Training, which is pitched at various needs levels, is currently available free of charge from Cambridgeshire Social Services (CSS).
- 3.3 Initial level training will be appropriate for most front line SCDC representatives but higher-level training will be appropriate in some situations e.g. Sheltered Housing and Homelessness. Line Managers need to make this decision, in consultation with CSS, as part of their risk assessments.

4. Risk Assessments

- 4.1 Training in how to carry out risk assessments will form part of the CSS training. Line managers have the key responsibility for carrying out risk assessments for each post to identify the appropriate level of training and whether CRB checking is necessary.
- 4.2 HR will arrange for CRB checks, once line managers have confirmed the need, following a risk assessment.

5. The Policy Statement

- 5.1 The Council will ensure that all SCDC representatives, who could be faced with vulnerable adult abuse situations, are properly equipped to respond appropriately.
- 5.2 Service induction checklists will include a requirement to consider whether this policy raises issues for each new employee e.g. need for a CRB check.
- 5.3 If the role of an SCDC representative changes (e.g. office worker begins to carry out home visits), then the line manager will carry out a risk assessment to decide whether the change necessitates a CRB check.
- 5.4 The council's representatives will have appropriate training to ensure they have the necessary skills, information and knowledge to ensure they will be able to:
 - identify where there may be a problem
 - know how to obtain speedy and professional advice
 - refer concerns to relevant specialists
 - protect themselves from false abuse accusations
- 5.5 SCDC representatives will always refer their concerns, without delay, to their line manager and/or other appropriate authorities. Incidents of alleged abuse will normally be processed from the initial SCDC representative to their line manager and then directly to CSS and/or the Constabulary.
- 5.6 Line Managers will ensure their SCDC representatives have read and understood this policy statement.
- 5.7 Service guidelines, in the form of user-friendly leaflets, will be made available for all staff. Service heads will look to make use of leaflets, which are already available from CSS or other agencies. SCDC representatives will be able to refer to these guidelines/leaflets for quick reference.
- 5.8 Members may choose to report any concerns directly to CSS or through an appropriate line manager.
- 5.9 Line Managers, who do not normally work in the front line but who have responsibility for front line staff will complete the appropriate protection of vulnerable adults from abuse training.
- 5.10 SCDC representatives will record details of incidents fully, in the alleged victim's (or other person's) own words, accurately, at-the-time, legibly, and factually. Opinions will be kept to a minimum and be backed up by factual evidence.
- 5.11 Records will be stored securely in a manner that safeguards the individual's right to privacy and security. Records may be required as evidence in civil or criminal prosecutions or in disciplinary proceedings.
- 5.12 If the suspected abuser is an SCDC representative then the internal SCDC corporate disciplinary and/or whistle blowing procedure will be followed as well as external reporting aspects of this policy.
- 5.13 If there is a suspected abuse situation then it will be the responsibility of all SCDC representatives to refer the matter to their line manager and/or CSS – without exception. Issues of client confidentiality will not prevent this action. The vulnerable

adult who is suspected of being abused will be advised that this is the policy. In these situations CSS will be relied on to make appropriate judgments over issues of confidentiality.

- 5.14 Adults, including vulnerable adults, should be free to determine their own lives, take risks and make their own decisions except in certain prescribed circumstances. Legally there is a presumption of capacity for all adults to make their own decisions, unless demonstrated otherwise e.g. the fact that someone has dementia does not automatically mean that they lack capacity. However, in the case of suspected abuse, it is not the responsibility of SCDC representatives to make these judgements. All SCDC representatives will feel free to bring all occurrences of suspected abuse to the attention of those authorities (i.e. CSS or the Constabulary) that have the appropriate level of training and statutory responsibility to make the appropriate decisions.
- 5.15 **Data Protection:** No part of the Data Protection regulatory framework serves to prevent the responsible dissemination of relevant personal information in relation to the investigation of (especially) actual, suspected or reported vulnerable adult abuse. If issues are dealt with according to this policy guidance no data protection issues will be involved to inhibit action under it.
- 5.16 In order to achieve the Council's aims, guidance given by Central government and local Lead Authorities (e.g. CSS) will be adopted to ensure all SCDC representatives who may come in contact with vulnerable adults are fully aware of the issues.
- 5.17 Relevant SCDC representatives will:
- a) Be subject to a CRB check (where the risk assessment carried out by the line manager for the post requires it), before being employed by or otherwise allowed to represent the Council in situations where potential abuse could arise.
 - b) Have completed a recognised training programme or participate in a training programme with an approved provider (e.g. the ACPC), within 6-months of being employed or otherwise allowed to represent the Council.
 - c) Be accompanied, where potential abuse could arise, by another SCDC representative (who has had a clean CRB check), where in exceptional circumstances a required CRB check has not been completed in time.
 - d) Follow any additional service guidelines set out by their department for working with vulnerable adults.
 - e) Follow Guidance, on "The Protection of Vulnerable Adults", which is provided by the CSS Adult Protection Coordinator. The full guidance, which is extensive and authoritative, is available on the CSS web site. This joint policy was initially agreed in 1998 and again with the introduction of No Secrets in 2001.
- 5.18 The contact process includes the following simple steps:
- Try to bring the matter to the attention of their line manager to discuss the appropriate way forward
 - Refer the matter to the lead link officer employed by CSS
 - The CSS will normally refer issues to the Constabulary but if SCDC representatives believe an actual criminal offence is/has taken place then they can contact the Constabulary directly.
 - Assist in the development of multi-agency procedures if invited
- 5.19 The Council will aim to ensure that any vulnerable adult is protected and kept safe from harm whilst with any SCDC representative.

- 5.20 SCDC representatives will not put themselves at risk.
- 5.21 SCDC representatives will not investigate alleged or potential abuse.
- 5.22 There are official CSS referral forms but obtaining or completing these should not be allowed to delay the reporting of concerns. Matters of concern can initially be referred verbally to CSS.
- 5.23 SCDC representatives will follow these general guidelines:
- a) **REFER not INVESTIGATE** suspicions or allegations about abuse
 - b) Be aware that actions might be misinterpreted even if they are well-intentioned
 - c) Respect the vulnerable adults right to personal privacy
 - d) Only share concerns and seek support from those identified in this policy
 - e) Raise awareness of abuse amongst the general public e.g. at working groups.

6. Corporate Issues

- 6.1 It is essential for the Council to identify a corporate post holder who will own this policy. This person will be responsible for ensuring that:
- a) the policy is kept up to date
 - b) it is clearly displayed (wherever appropriate) and accessible (e.g. on the Intranet)
 - c) procedures are in place to ensure SCDC representatives are aware of the policy
 - d) if a line manager is absent then all SCDC representatives would know they could seek guidance from this officer
 - e) they know the CSS and Constabulary contact details
- 6.2 Like all other SCDC staff, this person is not required to be a specialist in vulnerable adult abuse issues. The specialists are within the CSS, who are the lead authority. The task is not seen as onerous, although there will be an initial workload in setting up procedures and establishing appropriate information and training programmes for managers and appropriate staff. Subsequently work is expected to be reactive to any situation, which might occur. It is anticipated that this can be absorbed into a current job description.
- 6.3 Management Team has identified the Housing and Environment Services Director as being appropriate to hold this responsibility as the nominated Corporate Vulnerable Adult Abuse Officer.
- 6.4 The Housing and Environment Services Director has not been involved to date in vulnerable adult protection issues, and must complete appropriate training before formally accepting this responsibility.