



Safeguarding Vulnerable Adults Policy

Adopted:

For Review:

IF SOMEONE IS AT IMMEDIATE RISK OF PHYSICAL HARM OR ARE A RISK TO THE PUBLIC CALL THE POLICE ON 999

General Notes

Throughout the document:

'KMC', 'we', 'our', 'its', 'it', mean Kennington Memory Club, the organisation providing the service. 'you', 'yours' mean the reader of the document.

AIM

- 1.1 The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of the organisation in relation to Safeguarding Vulnerable Adults.
- 1.2 All adults have the right to be safe from harm and must be able to live free from fear of abuse, neglect and exploitation.

“Abuse is a violation of an individual’s human and civil rights by any other person or persons”

2 OBJECTIVES

- 2.1 To explain the responsibilities that the organisation and its staff, volunteers and trustees have in respect of vulnerable adult protection.
- 2.2 To provide staff and volunteers with an overview of vulnerable adult protection
- 2.3 To provide a clear procedure that will be implemented where vulnerable adult protection issues arise.

3 CONTEXT

- 3.1 For the purpose of this policy ‘adult’ means a person aged 18 years or over.

3.2 What do we mean by abuse?

- 3.2.1 Abuse of a vulnerable adult may consist of a single act or repeated acts. It may occur as a result of a failure to undertake action or appropriate care tasks. It may be an act of neglect or an omission to act, or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the individual.

- The following has been subsequently adopted by the World Health Organisation, is promoted by the International Network for the Prevention of Elder Abuse, and has been variously adopted by countries throughout the World, including the Republic of Ireland (with a slight addition):

'A single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person'.

- 3.2.2 Concerns about abuse may be raised and reported to social services as a result of a single incident or repeated incidents of abuse. However for some clients the issues of abuse relate to neglect and poor standards of care. They are ongoing and if ignored may result in a severe deterioration in both physical and mental health and even death.
- 3.2.3 Anyone who has concerns about poor care standards and neglect in a care setting may raise these within the service, with the regulatory body and/or with social services.
- 3.2.4 Where these concerns relate to a vulnerable adult living in their own home, is or at risk of homelessness, with family or with informal carers they must be reported to social services. These reports must be addressed through the adult protection process and a risk assessment must be undertaken to determine an appropriate response to reduce or remove the risk.
- 3.3 **Who is included under the heading 'vulnerable adult?'**
- 3.3.1 The Care Act does not give a definition of a “vulnerable adult” but instead states that safeguarding duties apply to an adult who has needs for care and support (whether or not the local authority is meeting any of those needs); and is experiencing or is at risk of abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect. (*Definition from Care Act 2014 Department of Health - Website link:*
<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- A ‘Matrix of Needs’ grid, produced by Oxfordshire Safeguarding Adults Board to guide professionals, can be found here; <http://www.osab.co.uk/wp-content/uploads/OSAB-Threshold-of-Needs-Matrix-Oct-2015.pdf>
- 3.3.2 This could include people with dementia, learning disabilities, mental health problems, older people and people with a physical disability or impairment. It is important to include people whose condition and subsequent vulnerability fluctuates. It may include an individual who may be vulnerable as a consequence of their role as a carer in relation to any of the above.
- 3.3.3 It may also include victims of domestic abuse, hate crime, homelessness, and anti-social abuse behaviour. The persons’ need for additional support to protect themselves may be increased when complicated by additional factors, such as, physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems, poverty or homelessness.
- 3.3.4 Many vulnerable adults may not realise that they are being abused. For instance an elderly person, accepting that they are dependent on their family, may feel that they must tolerate losing control of their finances or their physical environment. They may be reluctant to assert themselves for fear of upsetting their carers or making the situation worse.
- 3.3.5 It is important to consider the meaning of 'Significant Harm'. The Law Commission, in its consultation document 'Who Decides,' issued in Dec 1997 suggested that; 'harm' must be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also 'the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development'.

4 LEGAL FRAMEWORK

- 4.1 Oxfordshire County Council Multi-Agency Adult Protection Policy, Protocols and Guidance can be found on their website: <https://www.oxfordshire.gov.uk/cms/content/protecting-vulnerable-people>
- 4.2 The Care Act 2014, Human Rights Act 1998, the Mental Capacity Act 2005, Sexual Offences Act 2003 and Public Interest Disclosure Act 1998
- 4.3 General Data Protection Regulation 2018, Freedom of Information Act 2000, Safeguarding Vulnerable Groups Act 2006, Deprivation of Liberty Safeguards, Code of Practice 2008
- 4.4 The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they must go about this.
- 4.5 The Human Rights Act 1998 gives legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).
- 4.6 The Public Interest Disclosure Act 1998 (PIDA) created a framework for whistle blowing across the private, public and voluntary sectors. The Act provides for almost every individual in malpractice in accordance with the Act's provisions.

Further information can be found from the following web links:

<http://www.scie.org.uk/publications/guides/guide15/legislation/otherlegislation/vulnerablepeoplelegislation.asp>

<http://www.legislation.gov.uk/ukpga/1998/23/contents>

5 THE ROLE OF STAFF, VOLUNTEERS AND TRUSTEES

- 5.1 All staff, volunteers and trustees working on behalf of the organisation have a duty to promote the welfare and safety of vulnerable adults.
- 5.2 Staff, volunteers and trustees may receive disclosures of abuse or observe vulnerable adults who are at risk. This policy and accompanying training and guidance documents will enable staff/volunteers to be supported to make informed and confident responses to specific adult protection issues.
- 5.3 Investigation regarding any concerns of abuse or mistreatment will be undertaken by the organiser supported by the chair of trustees.

6 TYPES OF ABUSE

- 6.1 Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a

vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent.

- 6.2 Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.
- 6.3 Oxfordshire County Council and the OSAB recognise the following as the main types of abuse:
 - 6.3.1 **Physical abuse** - including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.
 - 6.3.2 **Sexual abuse** - including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting.
 - 6.3.3 **Psychological abuse** - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
 - 6.3.4 **Financial or material abuse** - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
 - 6.3.5 **Neglect and acts of omission** - including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
 - 6.3.6 **Self neglect** - the inability (intentional or unintentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and wellbeing of the individual and sometimes to their community
 - 6.3.7 **Discriminatory abuse** - including race, sex, culture, religion, politics, that is based on a persons disability, age or sexuality and other forms of harassment, slurs or similar treatment, hate crime.
 - 6.3.8 **Organisational abuse** - adults placed in any kind of care home or day care establishment are potentially vulnerable to abuse and exploitation. This can be especially so when care standards and practices fall below an acceptable level as detailed in the service specification.
 - 6.3.9 **Modern slavery** – this encompasses slavery, human trafficking, forced and compulsory labour and domestic servitude. Perpetrators use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
 - 6.3.10 **Multiple forms of abuse** - Multiple forms of abuse may occur in an ongoing relationship or an abusive service setting to one person, or to more than one person at a time, making it important to look beyond single incidents or breaches in standards,

to underlying dynamics and patterns of harm. Any or all of these types of abuse may be perpetrated as the result of deliberate intent and targeting of vulnerable people, negligence or ignorance.

6.4 Domestic abuse / Domestic Violence

6.4.1 Home Office Definition 2004

‘Any incident of threatening behaviour; violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been intimate partners or family members, regardless of gender or sexuality.’

6.4.2 Women’s Aid Definition

‘Domestic violence is physical, sexual, psychological or financial violence that takes place within an intimate or family-type relationship and that forms a pattern of coercive and controlling behaviour. This can also include forced marriage and so-called “honour crimes”. Domestic violence may include a range of abusive behaviours, not all of which are in themselves inherently “violent”’.

6.4.3 Most research suggests that domestic violence occurs in all sections of society irrespective of race, culture, nationality, religion, sexuality, disability, age, class or educational level.

6.4.4 Both definitions would therefore also include incidents where extended family members may condone or share in the pattern of abuse e.g. forced marriage, female genital mutilation and crimes rationalized as punishing women for bringing ‘dishonour’ to the family.

6.4.5 It is important to recognise that Vulnerable Adults may be the victims of Domestic Abuse themselves or be affected by it occurring within their household. This is likely to have a serious effect on their physical and mental wellbeing.

6.4.6 Where Vulnerable Adults are victims of Domestic Abuse, they may need extra support to plan their future. The violence or threat of violence may continue after a victim has separated from the abuser. It is important to ensure that all the vulnerable people in this situation have appropriate support to enable them to maintain their personal safety.

6.4.7 A separate Domestic Abuse Protocol is in place between Police, Social Services and Health.

7 CHILDREN

7.1 It is essential that the needs of any children within an abusive or domestic violence situation where there is a vulnerable adult involved are considered and acted upon. Please contact the local social services Safeguarding Children’s team.

8 PROCEDURE IN THE EVENT OF A DISCLOSURE

8.1 It is important that vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously.

- 8.2 This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that a vulnerable adult has been abused.
- 8.3 Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of the individual.
- 8.4 A full record shall be made as soon as possible of the nature of the allegation and any other relevant information.
- 8.5 This must include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation.

9 RESPONDING TO AN ALLEGATION

- 9.1 Any suspicion, allegation or incident of abuse must be reported to the organiser on that working day where possible.
- 9.2 If unsure whether the issue is a safeguarding issue or not the organiser can call and request a consultation with the Safeguarding Triage Team. They can be contacted on 01865 328232. This is only for new issues or when the organiser is unsure whether it is a safeguarding issue. The Triage Team will ask for completion of 'Raising a safeguarding concern' form (link below) if after discussion the issue is deemed to be a safeguarding one.
- 9.3 The organiser may also utilise the 'Threshold of Needs Matrix' to guide decisions around reporting.
- 9.4 After following guidelines to determine the need to make a notification, the organiser or nominated member of staff shall complete the online form 'Raising a safeguarding concern' <https://www.oxfordshire.gov.uk/cms/content/raising-safeguarding-concern-professional> The email confirmation of receipt should be copied to the client's case records by the staff member making the notification.

10 RESPONDING APPROPRIATELY TO AN ALLEGATION OF ABUSE

- 10.1 In the event of an incident or disclosure:

DO

- Make sure the individual is safe
- Assess whether emergency services are required and if needed call them
- Listen
- Offer support and reassurance
- Ascertain and establish the basic facts
- Make careful notes and obtain agreement on them
- Ensure notation of dates, time and persons present are correct and agreed
- Take all necessary precautions to preserve forensic evidence

- Follow correct procedure
- Explain areas of confidentiality; immediately speak to your organiser for support and guidance
- Explain the procedure to the individual making the allegation
- Remember the need for ongoing support.

DON'T

- Confront the alleged abuser
- Be judgmental or voice your own opinion
- Be dismissive of the concern
- Investigate or interview beyond that which is necessary to establish the basic facts
- Disturb or destroy possible forensic evidence
- Consult with persons not directly involved with the situation
- Ask leading questions
- Assume information
- Make promises
- Ignore the allegation
- Elaborate in your notes
- Panic

10.2 It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies, following a referral from the staff member nominated to make the notification.

11 CONFIDENTIALITY

- 11.1 Vulnerable adult protection raises issues of confidentiality which must be clearly understood by all.
- 11.2 Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of vulnerable adults with other professionals, particularly investigative agencies and adult social services.
- 11.3 Clear boundaries of confidentiality will be communicated to all.
- 11.4 All personal information regarding a vulnerable adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.
- 11.5 If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies.
- 11.6 Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it.
- 11.7 Where possible, consent must be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the vulnerable adult is the priority.

- 11.8 Where a disclosure has been made, staff must let the adult know the position regarding their role and what action they will have to take as a result.
- 11.9 Staff must assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account.
- 11.10 This policy needs to be read in conjunction with other policies and statements for the organisation including:
- Confidentiality
 - Disciplinary and Grievance
 - Data Protection
 - Recruitment and Selection

12 THE ROLE OF KEY INDIVIDUAL AGENCIES

12.1 Adult Social Services

12.1.1 The Care Act 2014 requires that authorities develop a local framework within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse.

12.1.2 All local authorities have a Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding vulnerable adults. It is normal practice for the board to comprise of people from partner organisations who have the ability to influence decision making and resource allocation within their organisation.

12.2 The Police

12.2.1 The Police play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

Empowerment: taking a person-centred approach, whereby users feel involved and informed.

Protection: delivering support to victims to allow them to take action which protects them from further harm.

Prevention: responding quickly to all allegations of abuse.

Proportionality: ensuring outcomes are appropriate for the individual.

Partnership: information is shared appropriately and the person is involved.

Accountability: all agencies have a clear leadership role in promoting the key principles adopted by the Board.

12.4 Role of the organiser

12.4.1 The organiser is the designated officer who deals with all instances involving adult protection that arise within the organisation. They will respond to all vulnerable adult protection concerns and enquiries. The organiser will support the member of staff, trustee or volunteer involved with the incident and ensure the correct procedures are followed.

12.4.2 The organiser must ensure that all staff and volunteers within their team are familiar with the organisation's vulnerable adult protection procedures and ensure that all staff undertake training, where appropriate.

12.5 **Training**

12.5.1 Training will be provided, as appropriate, to ensure that staff are aware of these procedures. Specialist training will be provided for the member of staff with vulnerable adult protection responsibilities.

12.6 **Complaints procedure**

12.6.1 The organisation has a complaints procedure available to all staff, volunteers and trustees.

12.7 **Recruitment procedure**

12.7.1 The organisation operates procedures that take account of the need to safeguard and promote the welfare of vulnerable adults, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

Signed:

Date:

Name:

Position held: