

# **NORTH DERBYSHIRE WOMEN'S AID ADULT PROTECTION POLICY AND PROCEDURES**

June 2008

Review Date: June 2009

## **CONTENTS**

<b>1. Introduction</b>	Page 1
<b>2. Policy Framework</b>	Page 1
2.1 Principles	Page 1
2.2 Confidentiality	Page 1
2.3 Reporting Suspicions	Page 2
2.4 Definition of a Vulnerable Adult	Page 2
2.5 Types of abuse	Page 2
2.6 Criminal Offences	Page 3
2.7 Who are the abusers	Page 3
2.8 Perpetrators	Page 4
3.0 Adult Protection Procedures	Page 4
4.0 Rights and Responsibilities	Page 5
5.0 Training	Page 6

### **1. Introduction.**

The aim of this policy is to outline the practice and procedure for paid and volunteer staff in North Derbyshire Women's Aid to contribute to the prevention of abuse of vulnerable adults through raising awareness and providing a clear framework for action when abuse is suspected. It is aimed at protecting both the vulnerable adult and the worker, recognising the risks in lone working.

These procedures will be applied to all North Derbyshire Women's Aid's service users aged 18 or over, who fall within the definition of a vulnerable adult as set out in this policy section 2.4.

Every effort has been made to ensure that this document complies with The Human Rights Act 1998. [Human Rights Act 1998 \(c. 42\)](#)

### **2. Policy Framework.**

#### **2.1. Principles**

The Policy and procedures are based upon the concept of multi agency working in preventing, investigating and taking action in respect of allegations of abuse against vulnerable adults and are rooted in the following principles:-

- People's right to a safe environment where they are treated with respect and dignity.
- Equal Opportunities practice in respect of race, colour, gender, disability, age, sexual orientation or religious or cultural beliefs.
- Individual empowerment and participation.

#### **2.2. Confidentiality.**

The protection of all confidential information is recognised as good practice but public interest can override the duty of confidentiality.

The principles of confidentiality are:

- Information should only be shared on a need to know basis when it is in the best interests of the service user.
- Confidentiality should not be confused with secrecy.
- Informed consent should be obtained wherever possible. Care should be taken to check that each vulnerable person has the capacity to make decisions about sharing confidential information and the consequences of not doing so.
- Assurances of absolute confidentiality should not be given where there are concerns about abuse. In circumstances where the abuse is a criminal act, or other vulnerable people are at risk the information must be disclosed to the relevant authorities.

### 2.3 Reporting Suspicions.

Any worker who is told of or suspect abuse of any vulnerable adult should report the incident in line with these procedures. Where that person is concerned that appropriate action has not or will not be taken she should report directly to their senior worker.

### 2.4. Definition of Vulnerable Adult

A vulnerable adult is any person aged 18 years or over who:

- Appears to be eligible for local authority or mental health services by reason of mental ill health, physical or learning disability, age or illness
- Or
- May be unable to take care of themselves or protect themselves against significant harm or serious exploitation.

### 2.5. Types of abuse

#### **Physical abuse:**

Physical injury or unreasonable physical constraint to an individual where there is definite knowledge, or a reasonable suspicion that the injury was inflicted or knowingly not prevented e.g:-

- assault and battery
- hitting, slapping and scratching.
- misuse of medication
- pushing or rough handling
- restraining without justifiable reasons

#### **Sexual Abuse:**

The involvement of individuals in sexual activities, to which they may not have given informed consent, may not fully comprehend or which they do not wish to continue or that violate the social taboos of family roles e.g:-

- inappropriate touching
- non contact abuse – e.g. pornography
- rape or attempted rape
- sexual harassment

#### **Psychological Abuse:**

Action that is not of a physical nature but severely affects the psychological well being of the individual, e.g:-

- emotional abuse
- humiliation or ridicule
- threats of punishment or exclusion
- verbal assaults

**Discriminatory Abuse:**

Psychological abuse that is racist, sexist or linked to a person's age or disability e.g:-

- racial or sexual harassment
- insults or harassment based on disability
- deliberate denial of cultural or religious needs

**Financial Abuse:**

Misappropriation of an individual's funds or any other action that is against the person's best interests, e.g:-

- theft of money, possessions, property or other material goods
- misuse of money
- fraud or extortion of material assets

**Neglect:**

Neglect of individuals to such an extent that their physical and/or mental well-being is seriously impaired e.g:-

- 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.

Multiple forms of abuse may occur in an ongoing relationship or abusive service setting to one person or to more than one person at a time. It is important to look beyond single incidents or breaches of standards to underlying dynamics and patterns of harm. Any or all of these types of abuse may be perpetrated as the results of deliberate intent and targeting of vulnerable people, negligence or ignorance.

**2.6. Criminal offences:**

No abuse is acceptable and some abuse is a criminal offence and must be reported to the police as a matter of urgency.

[Sexual Offences Act 2003 \(c. 42\)](#)

[Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#)

[Mental Capacity Act 2005 \(c. 9\)](#)

[Mental Health Act 2007 \(c. 12\)](#)

[http://www.opsi.gov.uk/ACTS/acts2006/pdf/ukpga\\_20060035\\_en.pdf](http://www.opsi.gov.uk/ACTS/acts2006/pdf/ukpga_20060035_en.pdf)

(Fraud Act)

**2.7 . Who are the abusers:**

Vulnerable adults may be abused by a wide range of people including:

- Relatives and family members
- Professional staff
- Sessional workers

- Volunteers
- Other service users
- Neighbours, friends and associates
- People who deliberately target vulnerable people
- Strangers

## 2.8 . **Perpetrators:**

North Derbyshire Women's Aid has a responsibility to all vulnerable adults using our services but may also have responsibilities in relation to some perpetrators of abuse.

NDWA's roles, powers and duties vary according to whether the perpetrator is:-

- A member of staff
- Another service user
- A spouse, relative or member of the person's social network
- A carer
- A neighbour
- A person who deliberately targets vulnerable people in order to exploit them

Please refer to Protection from Abuse, Harassment, Whistle Blowing and Equal Opportunities Policies, Disciplinary Policy and Procedure.

## **3. Adult protection procedures**

Reporting.

- Every reported incident of abuse or suspected abuse will be taken seriously and will be fully recorded at all stages of the process. All members of NDWA have a responsibility to report any circumstances which indicate the presence of suspected or actual abuse.
- In emergency situations:- when the person is in immediate need of medical attention or where the abuse is observed, immediate action should be taken to safeguard the vulnerable person and/or preserve evidence.
- The person who observes the abuse or is informed that abuse may have occurred is responsible for immediately reporting this to their senior worker on the same day. NDWA senior workers have the responsibility for dealing with safeguarding adults issues which may arise. The decision to refer or not refer should be made by the senior worker. It is not necessary or advisable to seek any further evidence. By supporting the vulnerable adult and carefully logging any information provided at this stage will lay the foundations for an effective formal investigation by Social Services/Police.
- The person reporting will, with the support of their senior worker, report (refer)verbally to Local Authority Social Care Services. Confirm the report in writing by completing and sending the top copy of the safeguarding adults report card on the same day to the local Social Services office along with any further information which may assist any enquiry. (these forms are available with the policy at each site.) The

copy should be retained in the adult protection file @ advice centre or refuge.

- This information should include details of the alleged victim:-
  - i) name , address, age, gender, ethnicity, language, disability.
  - ii) details of GP and any medication.
  - iii) Whether individual is aware of and has consented to the referral/report
  - iv) Mental capacity of the individual, are there concerns re: this?
- The copy report card will be kept in NDWA adult protection file as a piece of evidence, for potential disclosure to the Police in any subsequent court case.

#### **4.0. Rights and Responsibilities.**

It is the responsibility of NDWA :-

- To ensure that staff and volunteers are aware of adult protection policy and are adequately trained
- To ensure that all staff and volunteers have satisfactory references and Enhanced Criminal Record Checks in place
- To notify the appropriate agencies if abuse is identified or suspected.
- To support and where possible secure the safety of individuals and ensure that all referrals to services have full information in relation to identified risk and vulnerability
- To ensure that all volunteers and employees working in the organisation have enhanced criminal record bureau checks.

It is the responsibility of employees and volunteers:

- To be familiar with the adult protection policy
- To take appropriate action in line with the policy
- To take action under the organisation's Disciplinary Procedures if allegations are made against a member of staff or under the Problem Solving Procedure if allegations were made against a volunteer.
- To declare any existing or subsequent convictions

Support for those who report.

All those making a complaint or allegation or express concern should be reassured that:-

- They will be taken seriously
- Their comments will usually be treated confidentially but their concerns may be shared if they or others are at risk
- If service users they will be given immediate protection from the risk of reprisals or intimidation
- If staff they will be given support and afforded protection if necessary in line with the Public Interest Disclosure Act 1998 [Public Interest Disclosure Act 1998 \(c. 23\)](#)

The vulnerable adult has the right:-

- To be made aware of this policy
- To have alleged incidents recognised and taken seriously
- To receive fair and respectful treatment throughout

- To be involved in any process as appropriate
- To receive information about the outcome

When making the decision to refer or not refer to other agencies, e.g. the Police or Social Services the senior worker should take the following into consideration:-

- The wishes of the vulnerable adult and their right to self determination
- The mental capacity of the vulnerable adult
- Known indicators of abuse
- Definitions of abuse
- Level of risk to this individual
- The seriousness of the abuse
- The effect of the abuse on others
- Whether a criminal offence has been committed
- The need for others to know
- The ability of others to make a positive contribution to the situation (other agencies)

### **5.0. Training**

NDWA will ensure that all members of the organisation working with vulnerable adults receive training in safeguarding adults and are aware of this policy and its procedures.

01/06/2008