

# Protection of Vulnerable Adults from Abuse

## Introduction

Effective protection of vulnerable adults is achieved through a multi-disciplinary approach with consultation and a sharing on information. Each local authority area will have agreed Vulnerable Adult Protection Procedures. This policy and procedural guidance should be used in conjunction with the agreed local policies and procedures. A copy of the local vulnerable adult procedures should be available and accessible in all Family Action services.

Family Action believes that every individual who accesses our services has a right to a life free from fear, to be treated with dignity and respect, to have their choice respected and not to be forced to do anything against their will.

## Definition of Abuse

Abuse is described as **“a violation of an individual’s human or civil rights by any other person or persons”** (No Secrets, Department of Health - 2000). We recognise that all our service users are potentially open to abuse, but that those service users defined as ‘vulnerable adults’ are particularly at risk.

## Definition of a Vulnerable Adult

A vulnerable adult is defined as a person who: **“may be in need of services by reason of mental or other disability, age or illness: and who may not be able to take care of him or herself, or is unable to protect him or herself against significant harm or exploitation.”** (Who Decides, Lord Chancellor’s Department - 1997).

Service users outside of this definition may also be vulnerable to abuse due to low self-esteem, social exclusion, drug or alcohol misuse, offending history, homelessness, domestic violence, ethnicity, immigration status, gender or sexuality. Family Action recognises that abuse may be perpetrated as a result of deliberate intent, negligence or ignorance. Incidents of abuse may consist of a single act or repeated acts and may be perpetrated upon one person in a continuing relationship and/ or, of more than one person at a time. Abuse can occur in a domestic and/or service context. Therefore we aim to consistently look beyond any single incident or breach of policy and practice within our services in order to identify any underlying patterns of harm.

## Context

Abuse can occur in any relationship, context or environment irrespective of whether the vulnerable adult lives in his or her own home, residential care, shared or supported housing. Those who perpetrate abuse on others are often well known to their victims. Virtually any individual who is in direct contact with a vulnerable person could be a risk. The seriousness of abuse varies and can range from behaviour that is violent and criminal to passive abuse, which is neglectful, unintentional and less deliberately exploitative in character. Forms of abuse may include:

- Physical

- Sexual
- Psychological and emotional
- Financial or material
- Neglect and acts of omission
- Discriminatory abuse
- Social
- Institutional.

### **Risk and protection**

Family Action believes that each person has a right to a life that maintains independence and enables them to make their own decisions and choices. We also acknowledge that an individual's rights to independent living sometimes involves a degree of risk and we therefore aim to ensure that any risk is recognised, understood by all and minimised whenever possible. We also understand that there will be cases where an individual may be unable to make their own decisions and/or to protect themselves or their assets.

### **Prevention of and dealing with incidents of abuse**

Family Action acknowledges that its primary responsibility is the prevention of abuse, and where this fails there are robust measures in place to deal with incidents of abuse. Measures for preventing incidents of abuse include:

- Ensuring that robust policies and procedures are in place and are being followed by staff who are sufficiently skilled and have an awareness of abuse.
- Effective recruitment and selection processes, which involve Criminal Records Bureau checks and thorough checking of employment history references, are in place.
- Ensuring that breaches of policy and procedures are dealt with appropriately and consistently.
- Maintaining effective partnership with other agencies, including Social Services and the police and working in line with local inter-agency guidelines for the protection of vulnerable adults.
- Cases of abuse are reported to, and monitored in each area by the Project Team and Steering Group (see local procedures) and individual cases of abuse are reviewed in order to improve working practices.

### **Monitoring of multiple related serious incidents**

Regional Managers are to keep a log of informal and formal complaints where members of staff or others have allegedly abused service users. Repeat cases where a staff member is the alleged abuser will be discussed with the Director of Services with advice from Human Resources department and appropriate action taken in line with the following procedure. Such cases will also be reported to the Trustee Board. All complaints must be dealt with in accordance with Family Action's complaints procedure.

### **Recognising abuse**

All staff should be alert to the potential indicators of abuse. However the presence of one or more indicators does not necessarily mean that abuse is taking place, but may mean that further investigation/observation is required. Victims of abuse do not always react in the same way, however some of the more common reactions are:

- Full or partial disclosure
- Frequent and unexplained minor injuries or bruising
- Signs of depression or stress which may happen suddenly or gradually emerge
- Neglected personal care
- Weight loss
- Changes in habits/mood ranging from withdrawal from normal activities to a total lack of communication
- Dramatic change of behaviour/personality – this can happen very suddenly and unexpectedly and is often associated with fear
- Confusion
- Persistent financial hardship
- Denial that anything is wrong and an emphasis that all is extremely well
- Seeking help from numerous sources/people – this may be a direct request for help or attention seeking behaviour
- Acceptance or resignation of their situation as part of being old and /or disabled

### **Confidentiality**

The organisation's Confidentiality Policy and Procedures will be followed in all cases where we receive any information concerning alleged abuse of one of our service users. Where the alleged perpetrator is a member of the organisation's staff, confidentiality will be respected in line with the Disciplinary Policy and Procedure.

The Regional Manager and Director of Services and HR Department should be informed of any allegations of abuse prior to contacting external agencies. Refer to *Confidentiality, Access to Personal Information and Record Keeping Policy, Complaints Procedure and the Human Resources Handbook, Disciplinary Procedures*.

### **Disclosures of abuse**

Staff, service users and their family or friends, external agencies or the general public may disclose allegations of abuse perpetrated upon vulnerable adults in receipt of the organisation's services.

### **Disclosures made by a service user, family member or external agency**

*Many incidents of abuse only come to light because the abused individual discloses the information himself or herself. Often they may not realise they are being abused and may not be aware of the significance of what they are disclosing. Some disclosures may happen after many years. There may be good reasons for this and any delay in reporting or disclosing by an abused person should not cast doubt on their truthfulness. Staff members will be expected to take all allegations seriously, however insignificant they may initially seem.*

During a disclosure of alleged abuse, staff should always explain that they are required to share this information with their line manager. Where the line manager is allegedly involved in the incident staff must explain that they are required to inform their line manager. If it is possible and appropriate, staff should make notes at the time of the disclosure, noting what the person actually says using their own words and phrases. A full record of the disclosure must be made as soon as possible, and always within 24 hours.

## Consent of the service user

All action, including referrals to Social Services and the police, must be subject to the consent of the service user. In every situation it will be assumed that a person can make their own decisions and action will only be taken in the absence of consent from the service user where:

- They or others are in physical danger, i.e. they are not the only person at risk and the risk to others needs to be considered;
- It has been assessed (by a multi-disciplinary team) and agreed that the vulnerable adult is unable/incapable of making an informed decision for himself or herself.
- Staff should be prepared to accept that no action, other than continued monitoring, might in some circumstances be the only option due to current legal implications.

## Disclosures made by a member of staff

Where a member of staff wishes to disclose alleged abuse perpetrated by a colleague they must immediately contact their manager who will discuss the issue with their line manager with advice from the HR department. An investigation will be set up immediately and this may involve the colleague being suspended from work. If the member of staff wishes the allegation to remain confidential the manager will discuss the options for action which are available with their line manager with advice from the HR department and then feedback to the individual. The manager should discuss the option of approaching the police with the individual if appropriate. All staff will take reasonable steps to respect the confidentiality of the person disclosing the alleged abuse. The organisation will aim to ensure that the staff member making the disclosure is supported and protected from reprisals or victimisation as a result of an expression of concern.

If staff observe a possible incident of abuse or have suspicions abuse is being perpetrated, or receive a disclosure from a service user or another source, where the alleged abuser is a member of staff, they must comply with the Public Disclosure Act (1998). This Act requires staff to report any fraud, misconduct or malpractice to their line manager. Failure to do so may result in disciplinary action being taken against the staff member.

## Multi-agency procedures

All local authorities in England have multi-agency policies in place for the protection of vulnerable adults (No Secrets, Department of Health – 2000). These documents are based upon collaborative partnerships between local authorities, police and those who provide a range of services to vulnerable adults. Therefore, if there is a suspicion of abuse or clear evidence of it, the Project Manager (PM) or Regional Manager (RM) must contact the relevant authority without delay (**within 24 hours of a decision being taken to refer**) in accordance with the local multi-agency procedure. A referral to Social Services under the multi-agency procedures will only be appropriate where the person suffering harm meets the NHS and Community Care Act (1990) eligibility criteria i.e. meets the definition of a “vulnerable adult. The reporting PM/RM must inform their line manager when a Social Services referral has been made. The HR department should also be informed if the alleged perpetrator is a staff member.

## **Criminal Offences**

The organisation recognises that some instances of abuse constitute a criminal offence, and in such cases the vulnerable adult is entitled to the protection of the law in the same way as any other person. Criminal offences include

- Physical or psychological assault
- Rape or sexual assault
- Theft
- Fraud
- Discrimination, victimisation or harassment

Where there is obvious evidence of a criminal offence a simultaneous referral to the police must be made and, in such cases, criminal investigations by the police take priority over all other lines of enquiry. Guidance may be sought from the person taking the referral in Social Services. The reporting PM/SM must inform their line manager when a referral has been made to the police. HR should also be informed if the alleged perpetrator is a staff member.

## **Adult Protection Procedure**

Whenever abuse of a service user is suspected, staff should follow this procedure.

### **Stage 1**

- Project Workers (PW's) should contact the emergency services immediately if a service user appears to be in immediate physical danger. Be aware of retaining forensic evidence.
- If there is no immediate physical danger apparent, proceed directly to Stage 2.

### **Stage 2**

- PWs should discuss the situation and courses of action available with the service user who has had abuse perpetrated upon them.
- PWs should contact their Project Manager (PM) immediately. If the PM is not available they should contact their Regional Manager (RM) or contact another a senior manager, and report the full facts and circumstances of the situation and discuss options and required action, having considered:
  - If immediate referral to the police or Social Services is required;
  - If there is any requirement to inform the local Supporting People team, registering or inspecting body;
  - If there is a need to contact partner care/support agency;
  - Review of relevant records, particularly similar incidents of the same kind;
  - Consider the immediate health/welfare needs of the alleged victim or any other vulnerable adult who may be affected and methods for supporting the service user, including access to counselling services.

The PM will consider with the RM the appropriateness or not of notifying the alleged abuser of the allegation made against them prior to a referral to Social Services or the police. Social Services and/or interagency input should be sought when making this decision.

### **Stage 3**

- PWs, with input from the service user and support from their PM/RM, should complete an Adult Abuse Incident Recording Form (AAPF1) within 48 hours of the report/incident of abuse.
- It is essential that the above form is signed and dated and completed in a manner that is:
  - Clear and factual.
  - Reflects the words and phrases used by the person disclosing.
  - Describes the circumstances in which the disclosure came about i.e. the context, setting and anyone else who was there at the time.
  - Contains factual information only and not your own opinions. Any opinions or third party information must be clearly identified as such.
  - An action plan (AAPF2) outlining actions to be taken, by whom and timescales must be devised in consultation with the service user. This plan will be produced jointly by the PW, PM and RM and should be reviewed by the PW, PM and service user at appropriate intervals to ensure the safety of all service users.
- A copy of the completed Adult Abuse Incident Recording Form and Action Plan, plus additional records pertaining to the incident should be kept in the service user's file. The issue of confidentiality should be considered, for example if the allegation involves a staff member, do all staff in the project have access to the file? Private and confidential information on staff should be kept separately and placed on the personnel file only, with "need to know" information only in the file at the project.

#### **Stage 4**

If no referral is made to Social Services or no further action taken, including contacting the police, in line with a service user's wishes the PW and PM must:

- Keep records of all decisions, including why no further action is to be taken
- Regularly monitor the situation and review the agreed action plan
- Discuss appropriate help-line or counselling services that are available with the service user
- Refer to the organisation's Risk of Harm Assessment procedure and carry out a Risk Assessment and note actions on Individual Support Plan

#### **Stage 5**

If a referral is made to Social Services this should be made by phone and followed by written notification on the form produced by the local Social Services department.

### **Investigating Allegations of Abuse**

When investigations into alleged abuse of service users are undertaken it is crucial that the individual's privacy, dignity, independence and choice is taken into consideration throughout the entire process. Therefore the organisation aims to ensure that the service user is fully supported and has access to all the relevant information to enable them to make informed decisions regarding possible follow-up action.

### **Internal investigations**

Internal investigations into alleged abuse of service users will be undertaken by one of the organisation's managers who is responsible for another service other than the one where the alleged incident has taken place. The manager, or investigating

officer, will be selected by the RM in conjunction with the Director of Services. The investigating officer will liaise with the HR department during the investigation process and they will also be responsible for contacting and liaising with Social Services where appropriate and the police where a criminal offence is suspected. This will be done in line with the local multi-agency framework for the protection of vulnerable adults.

Where the investigating officer considers that there is possible misconduct by staff they will also apply the disciplinary procedures with guidance from HR department. If there is a criminal investigation the investigating officer and HR manager will agree the timing of the disciplinary investigation with the police.

#### WHERE THE ALLEGED ABUSER IS A MEMBER OF STAFF

Where the alleged or suspected abuser is a member of staff, a full internal investigation must take place. This does not exclude investigations also being carried out by Social Services, the police and any registering authority.

#### WHERE THE ALLEGED ABUSER IS ANOTHER VULNERABLE ADULT

Where the alleged abuser is another vulnerable adult stages 1 to 5 of the above procedure will apply. Where the alleged victim has asked that no further action be taken, and where it is determined that the alleged victim and other vulnerable adults are at continued risk, the PM/RM should contact Social Services, and the police if a possible criminal offence has taken place.

Duty of care obligations continue for the alleged abuser and they may need the same or greater support as was available before the allegation. Therefore the PW, in conjunction with their PM, will carry out a thorough risk assessment to establish the likelihood that the alleged abuser will perpetrate further abuse of the alleged victim or other service users. Clear interventions for reducing risk must be agreed and communicated to all staff providing support to the alleged perpetrator, victim and other service users who may be affected.

PWs and PMs must also liaise closely with Social Services in order to develop a revised support plan which aims to ensure that the alleged perpetrators support needs are met. Where there is an ongoing risk to the alleged victim and other service users that cannot be managed within the service, Social Services must be contacted to provide crisis intervention services/accommodation pending a long-term solution.

#### THE INVESTIGATION PROCESS

The investigation process described in section above will also apply in cases where the alleged abuser is a vulnerable adult. Often additional input from Social Services may be necessary in some cases.

#### WHERE THE ALLEGED ABUSER IS A WORKER EMPLOYED BY ANOTHER AGENCY

Where the alleged abuser is a worker employed by another agency (private, statutory or voluntary) e.g. CPN, Social Worker, GP, agency Support Worker etc, stages 1 to 5 of the procedure must be followed. The SM must immediately notify the appropriate manager from the agency and plan and agree investigation protocols.

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MGB, ODM