

SAFEGUARDING VULNERABLE ADULTS POLICY AND PROCEDURE

1. Introduction

RCVA is committed to safeguarding and promoting the welfare of vulnerable adults, engaged in the breadth of its activities.

We comply with North Yorkshire Safeguarding Adults Board Policy & Procedures

RCVA aims to create an atmosphere where all adults feel valued and safe and a place where their welfare is promoted.

The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of RCVA in relation to the protection of vulnerable adults from abuse.

All adults have the right to be safe from harm and should be able to live free from fear of abuse, neglect and exploitation. The key objectives of this policy are to:

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

2. Context

The legislative emphasis is now on 'regulated activities.' The definition of regulated activity relating to adults places the emphasis on the kind of activity carried out for any adult who requires them rather than on any specific groups of people or vulnerabilities. These activities cover:

- Provision of healthcare
- Provision of personal care
- Providing social work
- Assistance with cash, bills, shopping etc.
- Assistance with conduct of personal affairs
- Conveying e.g. to receive healthcare

The Protection of Vulnerable Adults Scheme (PoVA 2004) defined a vulnerable adult as a person aged 18 or over who has a condition of the following type:

- A substantial learning or physical disability;
- A physical or mental illness or mental disorder, chronic or otherwise, including addiction to alcohol or drugs;
- A significant reduction in physical or mental capacity.

The first priority should always be to ensure the safety and protection of vulnerable adults. To this end it is the responsibility of all staff and volunteers to act on any suspicion or evidence of abuse or neglect (see the Public Interest Disclosure Act 1998) and to pass on their concerns to a responsible person/agency.

For purposes of ensuring consistent and widely understood terminology, these policy and procedures will use the phrase 'Vulnerable Adults' to identify those eligible for interventions within the procedures.

3. Legal framework

This policy reflects the current legislative framework and links in with other RCVA key policies such as:

- Appraisal and Supervision
- Confidentiality
- Complaints
- Data Protection
- Equal Opportunities
- Grievance and Disciplinary
- Recruitment and Selection
- Recruitment of Ex - Offenders
- Whistle Blowing

3.1 Reporting cases to the Disclosure and Barring Service

RCVA has a statutory duty to make reports and provide relevant information to the DBS where there are grounds for believing, following an investigation, that an individual is unsuitable to work with children or adults in certain regulated activities, or may have committed misconduct. The responsibility for reporting cases to the DBS lies with the Designated Safeguarding Officer.

The DBS make barring decisions for Section 142 of the Education Act (formally known as List 99), The Protection of Children Act List (PoCA) and the Protection of Vulnerable Adults List (PoVA) and the Protection of Freedoms Act 2012. This has now been combined as part of the Vetting and Barring Procedures of the DBS.

4. The role of staff, volunteers and trustees

This policy applies to all employees, trustees and volunteers. All staff, volunteers and trustees working on behalf of RCVA have a duty to promote the welfare and safety of vulnerable adults. Employees, volunteers and trustees may receive disclosures of abuse and observe vulnerable adults who are at risk. This policy will enable staff/volunteers to make informed and confident responses to specific adult protection issues.

Any concerns will be taken seriously and acted upon appropriately and the organisation will pay attention to what adults feel.

RCVA will be rigorous and vigilant in protecting everyone using our services from abuse, bullying and intimidation. We will do this through a careful recruitment and selection process, ongoing supervision and monitoring arrangements and guidance on appropriate behaviour.

Everyone involved in RCVA is obliged to make sure that anyone using our services is safe. They must report concerns without delay using the reporting procedures set out in this policy

All those involved in the organisation will be made aware of this policy and of what to do if they have any concerns. There is guidance for those responsible for responding to concerns so that they are properly dealt with.

RCVA has a Designated Safeguarding Officer Judith Bromfield and a nominated deputy, Keith Hall Chairperson. The Designated Safeguarding Officer and Deputy Safeguarding Officer are responsible for vulnerable adults protection and the implementation of this policy. It is the responsibility of the Designated Safeguarding Officer to take appropriate action following any expression of concern and make referrals to the appropriate agencies.

4.1 Designated Safeguarding Officers

The Designated Safeguarding Officers will attend training as appropriate and make referrals to external agencies. Other aspects of their role include:

- obtaining information from staff, volunteers, children, parents or carers who have concerns relating to the protection of vulnerable adults and to record this information;
- assessing information quickly and carefully and asking for further information where appropriate;
- consulting with statutory child protection agencies e.g. the local social services department and police, to clarify doubts or worries;
- making referrals to Social Services, the Disclosure and Barring Service or the police, without delay.

All employees, trustees and volunteers will be made aware of the named Designated Safeguarding Officers and how to contact them. Contact details also appear at the end of this policy. The Designated Safeguarding Officers have contact telephone numbers for the local Area Safeguarding Boards and other statutory agencies.

5. What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons. 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. Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.

The Department of Health in its 'No Secrets' report suggests the following as the main 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. hitting, slapping, pushing, kicking, misuse of medication, restraining without justifiable reasons or inappropriate sanctions.

Sexual abuse: The involvement of individuals in sexual activities, to which they may not have given informed consent, may not fully comprehend or with which they do not wish to continue or that violate the social taboos of family roles, e.g. rape and sexual assault, inappropriate touching, non contact abuse - e.g. pornography, 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, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or material abuse: Misappropriation of an individual's funds or any other action that is against the person's best interests, e.g.: theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Neglect and acts of omission: 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, failure to give privacy and dignity, failure to provide supervision for behaviour which could be dangerous.

Discriminatory abuse: Psychological abuse that is racist, sexist or linked to a person's age, disability, sexual orientation, gender identity e.g. harassment, slurs or similar treatment, deliberate denial of cultural or religious needs.

6. Criminal Offences

Some instances of abuse will constitute a criminal offence. In these cases reference to the police should be made as a matter of urgency. The responsibility for initiating action rests with the police and the Crown Prosecution Service. Criminal investigation by the police takes priority over all other lines of enquiry.

7. Who are the Abusers?

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

- Relatives and family members
- Professional staff
- Paid care workers
- Volunteers
- Other service users
- Neighbours, friends and associates
- People who deliberately target vulnerable people
- Strangers

8. Recruitment and Selection of Staff (Paid, trustees and volunteers)

8.1 Recruitment Procedure

Determined abusers have often managed to gain access to vulnerable adults. Our policy and procedures are important safeguards to stop this happening. They will be understood by good applicants and will put ill intentioned people off.

All volunteers and staff, including temporary personnel will be subject to a careful and rigorous selection and vetting process in accordance with our 'Recruitment and Selection Policy.

On appointing a new member of staff the post will be assessed and a decision will be taken as to whether to apply to the Disclosure and Barring Service (DBS) for a check. If the job or role is eligible then a DBS 'Standard', 'Enhanced' or 'Enhanced check with list checks' as appropriate check will be carried out.

In particular, RCVA ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act.

At the interview, or in a separate discussion, we will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or subsequent dismissal.

For the recruitment of people who will be working with vulnerable adults the candidates will be asked to identify reasons for gaps or inconsistencies in employment.

No unsupervised access to vulnerable adults will be allowed until references have been verified and checks with the Disclosure & Barring Service (DBS) have been carried out.

RCVA makes every subject of a Disclosure and Barring Service (DBS) check aware of its existing policy and practice on safeguarding vulnerable adults and makes a copy available on request.

We will discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar any job applicant from working for RCVA. It will depend on the nature of the position, the circumstances and background of the offences committed. Advice will be sought about appointing people with a criminal record.

8.2 Support and supervision

All staff will receive support, supervision and line management which will be carried out in accordance with our 'Supervision and Appraisal Policy.' A regular component of supervision will include a risk assessment as to whether changes in working patterns necessitate a Disclosure & Barring Service (DBS) check.

8.3 Procedures for Dealing with Breaches of the Policy

In the case of paid staff, a serious breach of this policy may be grounds for disciplinary action.

In the case of members (including trustees), a serious breach of this policy may result in termination of membership and removal from the Board.

8.4 Safe Working Arrangements

This Policy will be issued to all new staff as part of their induction. All relevant staff will receive training in Safeguarding issues RCVA will ensure that users of the service, their families and carers are aware of the vulnerable adult protection policy and who to speak to if they have any concerns and the procedures to follow.

We will develop appropriate guidance for staff involved with vulnerable adults, which outline codes of behaviour. These will be developed on a group by group basis taking into account the needs of the particular group.

Responsibility for implementing and monitoring the policy rests with the Board.

All work with vulnerable adults will be monitored in accordance with the organisation's monitoring and evaluation procedures which are:

- the Board receiving regular reports from its recruitment panels, sub-groups and staff.
- all staff receiving line management which includes monitoring the equal opportunities aspects of their work;
- specific surveys are carried out from time to time in communities experiencing deprivation;
- the results of any monitoring and evaluation exercises are fed into priorities for work and future funding.

8.5 Whistleblowing

Any member of staff who raises an issue where they believe the employer, a fellow employee or any volunteer is acting in a way which is unlawful or falls below proper standards or contrary to this policy are protected by the Public Disclosure Act 1998, provided they comply with statutory procedures.

Any employee looking at whistleblowing can do so by using the procedure set out in our 'Whistleblowing Policy' and in the first instance should discuss it with the Chief Officer or Chair.

Anyone involved in whistleblowing will be supported and RCVA will ensure that proper procedures are followed.

8.6 Confidentiality

Vulnerable adult protection raises issues of confidentiality which should be clearly understood by all.

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.

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.

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.

Within that context, the adult should, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent should 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.

Where a disclosure has been made, staff should let the adult know the position regarding their role and what action they will have to take as a result.

Staff should 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 should be fully considered and their wishes and feelings taken into account.

Our statement relating to confidentiality will be made known to all who access any of our provision.

9. PROCEDURE IN THE EVENT OF A DISCLOSURE

It is important that vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously. 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. Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of the individual.

9.1 Guidance for Workers on Action to be Taken

If you suspect a vulnerable adult is being abused:

- immediately discuss with the Designated Safeguarding Officer
- record the facts as you know them

If a vulnerable adult discloses abuse by someone else:

- allow them to speak without interruption, accepting what is said
- advise that you will offer support where possible, but you must pass the information on
- discuss with the Designated Safeguarding Officer

If you receive an allegation about any adult or about yourself:

- immediately discuss with the Designated Safeguarding Officer
- record the facts as you know them
- try to ensure no-one is placed in a position which could cause further compromise

9.2 Responding to an allegation

All employees and volunteers are instructed to report the disclosure or discovery of abuse or alleged abuse directly to the Designated Safeguarding Officer on that working day where possible. All trustees will report such incidents directly to the Designated Safeguarding Officer.

The designated safeguarding officer or their deputy shall telephone and report the matter to the appropriate local adult social services duty social worker. A written record of the date and time of the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority adult social services department within 24 hours.

9.3 Responding appropriately to an allegation of abuse

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 manager 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

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 designated Vulnerable Adult Protection Officer.

9.4 Keeping A Record of Concerns

When a vulnerable adult concern arises, it is essential you record what is said or seen and what action was taken. This record or any other written record should be kept following Data Protection Procedures: in a locked cabinet or drawer and/or password protected if kept electronically. Access should be limited to only:

- the person who has completed the form;
- the designated safeguarding officer or deputy;
- the Chair if the person complained about is the Chief Officer.

It may be shown to the police or Adult Social Care and could possibly be used in court, although this is rare. The vulnerable adult concerned can be shown this document but discretion should be used. Their permission should be obtained before showing to the family/carer.

A full record shall be made as soon as possible of the nature of the allegation and any other relevant information. This should 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.

All stages of the reporting procedure must be documented, marked CONFIDENTIAL and stored securely following the procedures laid out in the Data Protection Policy.

9.5 Allegations against employees, trustees or volunteers

When any form of complaint is made against an employee or volunteer, it will be taken seriously and the complaint will initially be dealt with by the Chief Officer or the most senior staff member on site at the time the complaint is made. The senior staff member must report the complaint to the designated Safeguarding Officer immediately, giving details of the circumstances. If the designated Safeguarding Officer is unavailable (or is the person against whom a complaint has been made) the Chair or in their absence Vice Chair must be informed immediately and they will deal with the complaint and ensure that the designated Safeguarding Officer is informed

If any of the above (Chair, Vice Chair, Chief Officer or the designated Safeguarding Officer) is the person against whom a complaint has been made they will be excluded from the processing of the complaint.

The Chief Officer or the Chair/Vice Chair will attend the site of the allegation to gain an initial account of what has occurred from all relevant parties, including the person against whom the allegation has been made. If this is not possible, contact will be made by telephone.

The Chief Officer or the Chair/Vice Chair will have the right to suspend from duty and/or the premises, any person who is a party to the allegation until a full investigation has been made in line with [*Name of Organisation*]'s Disciplinary Procedures or the Code of Conduct.

This action does not prejudice the outcome of the investigation of the complaint or imply in any way that the person suspended is responsible for, or is to blame for, any action leading up to the complaint. The purpose of any such suspension is to enable a full and proper investigation to be carried out in a totally professional and objective manner.

The Safeguarding Officer will decide on a course of action as laid down by the appropriate local Safeguarding Board. They may also need to follow their legal duty to report/provide relevant information to the DBS.

RCVA will co-operate fully with the Police, Social Services, the NHS and all other parties involved.

The Chief Officer or his/her nominated deputy will ensure that the Chair or in his/her absence the Vice-Chair, is fully briefed. An agreed statement will be prepared for the purpose of accurate communication with external sources and for the protection of the legal position of all parties involved.

The Chief Officer or his/her nominated deputy will make a full written report of the incident and the actions taken. This report will be stored securely following the procedures detailed in the Data Protection Policy.

If, during the course of an investigation relating to safeguarding, an employee tenders his or her resignation, or ceases to provide their services, RCVA is not prevented from following up an allegation in accordance with these procedures. Every effort will be made to reach a conclusion, including in cases where the person concerned refuses to co-operate with the process.

9.6 Outside Organisations

Any club, society, organisation or individual undertaking activities on our behalf involving vulnerable adults will be required to either adopt our Safeguarding Policy or show proof that they have their own robust policies.

Any club, society, organisation or individual undertaking any activity that has been sanctioned by RCVA which involves vulnerable adults on our land or in our premises will be required to adopt our signing in and signing out procedures.

Any club, society, organisation or individual working vulnerable adults who refuse to adopt our policies, signing in and signing out procedures or adopt their own policies and procedures will not be permitted to use our facilities.

Any club, society, organisation or individual working with vulnerable adults will be subject to random spot checks periodically by RCVA employees to ensure policies and procedures are in place and being implemented.

The role of key individual agencies**Adult Social Services**

The Department of Health's recent 'No secrets' guidance document 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.

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.

The Police

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.

Role of designated Safeguarding (vulnerable adults) officer

The role of the designated officer is to deal with all instances involving adult protection that arise within RCVA. They will respond to all vulnerable adult protection concerns and enquiries.

The designated Vulnerable Adult Protection Officer for RCVA is Judith Bromfield. Chief Officer judith.rcvs@virgin.net (01748) 822537
The Deputy Designated Safeguarding Officer is: Keith Hall, Chairperson

References, internet links and further sources of information

'No Secrets' report

The first national policy developed for the protection of vulnerable adults, for use by all health and social care organisations and the police. It introduced guidance around local multi-agency arrangements and was issued under Section 7 of the Local Authority Social Services Act 1970. Its implementation is led by local authorities with social services responsibilities.

http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_4002849

Action on Elder Abuse (AEA) is a charity working to protect, and prevent the abuse of, vulnerable older adults. <http://www.elderabuse.org.uk>

North Yorkshire Safeguarding Vulnerable Adults Board

<http://www.nypartnerships.org.uk/index.aspx?articleid=17008>

Safeguarding Vulnerable Adults

Initial cause for concern form

Date
Time
Name of individual cause for concern is about
D.O.B/ age (if known)
Address (if known)
.....
.....

<p>Describe your concern and action taken</p> <p>Observations to support cause for concern</p> <p>Description and location of any visible marks, bruising or change in behaviour etc</p> <p>Name of alleged abuser and relationship with vulnerable adult (if known)</p> <p>Do the parents/carers know?</p>

Signature of person completing the form:
Witness:
Date: