

## **SAFEGUARDING ADULTS POLICY**

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### **Introduction**

This policy establishes RUILS' position regarding 'vulnerable' people and their exposure to abuse. It addresses situations where a service user may be, have been, or is currently being abused and also identifies the action the organisation will take to prevent or curtail the abuse of its members, service users and workforce.

### **Position Statement**

RUILS recognises that there are situations in which disabled, older people and individuals who use mental health services are vulnerable to abuse. As an organisation involved in the provision of services to disabled people, RUILS acknowledges that it has a role to play in the protection of its service users, who are in a situation where they are at risk of abuse.

Whilst accepting the importance of this issue, as an organisation that is based on the social model of disability and the philosophy of independent living, RUILS has to balance the issue of vulnerability against the right of disabled people to make choices about their lives that may involve taking risks.

RUILS sees risk as an essential part of everyday life associated with being independent and having choices. Being free to make choices is particularly important for Direct Payment users in relation to choosing Personal Assistants.

RUILS has adopted Richmond Social Service's positional statement regarding the balance of risk and independence.

*'Everyone has the right to protection under the law and is entitled to be treated with respect and accorded personal dignity.'*

*Each person has a right to a life that maintains independence and enables them to make their own decisions and choices, having been made aware of any choices or options open to them. If such an independent life involves a degree of risk, which the person accepts, this should be respected, unless exceptionally a statutory responsibility to intervene exists.*

*In every situation it will be assumed that a person can make their own decisions, unless it is demonstrated that they are unable to do so. There is, therefore, a presumption of capacity'.*

### **Defining vulnerability**

There is no simple definition of 'vulnerable person' based on age or disability. For example, there is no one age at which elderly people should be classed as 'vulnerable' and many would rightly resent such a label. Nor could or should all those with physical or other disabilities be classed as 'vulnerable'. Moreover, some of our service users might go through periods of being 'vulnerable' e.g. someone who has a

period of illness, but subsequently recovers.

There are however, certain services provided for adults where the service provider e.g. a personal 'care' assistant, is in a particular relationship of 'care' and reasonable expectation of trust with those receiving such a service and whom may therefore, be considered as 'vulnerable' and at risk of abuse.

This may be more likely, but not inevitably, to apply to service users who are:

**Adults** who have a 'substantial' learning or physical disability/physical or mental illness

**Young adults** That is, young people of 16 or 17 years of age who in some areas of the law are still classed as children, and therefore, acknowledged as 'vulnerable' to exploitation,

**Children** That is, in English law, anyone below the age of 18 years.

### Types of abuse

The Department of Health defines abuse as:

'A violation of an individual's human or civil rights by any other person or persons'.

It notes that abuse can be a single act or a series of acts. It can also be an act of neglect or omission. It may be intentional or unintentional. In some instances abuse may have happened a long time ago and may only recently have been suspected or disclosed.

Abuse takes many forms. The following list is not exhaustive, there are many other types of abuse, or there could be a combination of any of these.

**1. Physical Abuse** is the actual or likely physical injury to a person, or failure to prevent physical injury (or suffering) to a person. It may involve any form of physical violence against a person e.g. hitting, slapping, burning, pushing, restraining, given too much, insufficient or incorrect medication.

**2. Sexual Abuse** involves forced or coerced participation in sexual activity without the person's consent.

**3. Psychological/Emotional Abuse** is the persistent emotional ill-treatment of a person such as to cause severe and persistent adverse effect on their emotional well-being e.g. shouting, swearing, frightening, blaming, ignoring or humiliating a person.

**4. Neglect** is the persistent failure to meet a person's basic physical and/or psychological needs. It may involve failure to provide adequate food, shelter, and clothing, failing to protect a person from physical harm or danger or the failure to

ensure access to appropriate medical care or treatment.

**5. Financial/material** abuse is stealing, unauthorised or fraudulent use of a person's funds, property or other resources, such as the unauthorised use of a car.

**6. Discriminatory** abuse is where someone is harassed, shunned or receives inappropriate treatment because of his/her race, gender, disability, sexual orientation, impairment, ethnicity and age.

**8. Institutional abuse** occurs where a person is forced to comply with institutional routines and procedures against their wishes.

**9. Social Abuse** is the deprivation of the rights of the individual to engage in activities or to see friends and relatives and have social contacts.

**10. Professional abuse** involves the inappropriate use of power, abuse of trust, breaches of confidentiality, poor practice/neglect in services. Particular examples could include inappropriate relationships with service users (including sexual relationships) and denying access to support such as advocacy, and failure to 'whistle blow'.

Abuse may be carried out by anyone in a person's life, but there is particular concern when it is a person in a position of power/authority or a professional involved in care/support services.

### **Procedures for RUILS' staff to follow in the event that abuse is suspected**

RUILS is fully committed to an inter-agency approach to addressing abuse where it occurs or is suspected and will work with Richmond's Adult and Community Care Services and other relevant agencies where abuse is identified.

If a member of staff, (paid staff or volunteers) believes that a service user - that is anyone that they have contact with in the course of their work - is being or has been abused, they must take the following actions. Failure to act may result in disciplinary action being taken.

Staff should always bear in mind that it is not their job to investigate an allegation.

#### **The following action must be taken:**

1. If the person appears to be in immediate danger, contact your line manager to discuss course of action. If your line manager is not available you should use your best judgement. If the person requires medical attention and is in immediate danger call the emergency services and if not already done so inform your line manager.

Note 1: If events have taken place recently, you should not assist the victim to

wash, change clothes, take food or drink or tidy the resultant mess as this could contaminate the evidence that may be required.

Do not confront the alleged perpetrator.

2. If there does appear to be an immediate risk, speak to the service user and inform them that you will be speaking to your line manager.
3. Suspected or allegations of abuse should always be discussed with your line manager at the earliest opportunity. If they are not available, you should speak to the Chief Executive or the Chair of the Board. In the event that you are working out of hours you should use your best judgement and follow this procedure.
4. The Manager should gain the full facts and circumstances and together you should identify all possible course of action to follow.
5. It is essential to keep clear and accurate records of all information received and action taken in such instances, bearing mind that some cases can result in criminal proceedings and that staff may be required to give evidence.
6. If there is a suspicion of abuse, or clear evidence of it, a referral should be made to Social Services subject to the consent of the individual involved (see note 2). You must make every effort to ensure that the person understands why a referral is being advised and what it will entail.

If the incident was witnessed directly by a RUILS member of staff, a referral to Social Services should be made.

#### Note 2

If the person involved does not wish the referral to be made then their wishes should be honoured unless:

1. They or others are in physical danger
2. There is concern that the client is incapable of making an informed decision.
3. Others are at risk from the abuser.

If no referral is made in line with the person's wishes, then all other course of action should be considered and the situation monitored, reviewed and records kept. This could include advocacy and support.

7. A referral to Social Services should include:
  - A statement of the exact concern, including personal details of the individual if known.
  - The referrer's job title and involvement.

This should be reported under the LBRuT's "Vulnerable Adults Policy" In situations where there is obvious evidence of a criminal offence a simultaneous referral to the police may be made.

8. Once a referral to Social Services has been made, they will respond according to their own procedures. Their response should be made within specified timeframes contained within the LBRuT Inter-Agency Policy Safeguarding Policy.
9. Staff and managers should agree a framework for working with the client, whether or not a referral has been made. The line manager should clarify the staff member's role. It should be recognised that, in some circumstances, continued monitoring may be the only course of action
10. A specific file, (locked secured or password protected) should be started on the case and the file should be reviewed with the line manager or Chief Executive.

When considering confidentiality, the following principles should be observed:

- Information should only be shared on a 'need to know' basis.
- Where possible you should get the user's permission to disclose the issue.
- Do not promise confidentiality where there may be an issue or potential issue of abuse.

### **Capacity and Self Determination**

People are free to determine their own lives and make their own decisions, even if their decisions seem unwise to those around them. Legally, there is a presumption of capacity unless demonstrated otherwise. Where an individual is able to make an informed decision, the worker should discuss with them all available courses of action. If there is the suspicion that the person does not have the capacity to make an informed decision, the following factors should be considered:

- **Awareness:** Is the person aware of the choice he/she is making?
- **Consequences:** Can the person say and understand what the consequences of their choice will be?
- **Communicate:** Has that choice been communicated?
- Is the person's ability to make an informed decision affected by the abuse that is occurring?
- Consider a referral to LBRuT's IMCA service

If there is doubt as to a person's capacity, this should be discussed with the line manager. A collective decision will then be made as to whether abuse should be reported in the absence of consent from the client.

### **If others are at risk from the abuser**

In assessing the situation with your line manager, the following points should be considered:

- Is anyone else at risk?
- Is the alleged perpetrator responsible for, or do they have contact with, other vulnerable people?
- Is the alleged perpetrator another service user?

If the risk to others is a genuine concern, staff may decide to alert the

relevant authorities in order to prevent abuse to others.

Taking action to prevent or support others who may be at risk may compromise your client's confidentiality. It is necessary to ensure that no other courses of action are possible which would protect your client and ensure the safety of other service users. For example, disclosure of information to LBRuT Social Services may be able to occur with agreement on how that information should be handled.

### **Co-operation with Adult and Community Services investigations**

RUILS's staff may be required to be involved with vulnerable adult investigations instigated by Adult and Community Services.

Where a request for information or involvement is received, the member of staff concerned should give full cooperation as a matter of urgency.

The line manager of Chief Executive should be informed but beyond this the matter should be treated as confidential.

### **Support to staff (paid and unpaid) dealing with cases of abuse**

Staff who have to deal with a case of abuse may experience difficulties with the situation - there may be problems in working with the service user involved, such as the user being angry about the matter having been reported.

The line manager or Chief Executive or Chair of the Board will provide support to the member of staff concerned through the supervision process and agree how work with the user concerned will move forward.

If necessary the member of staff can request additional external supervision or counselling about this issue.

If Social Services need further information or involvement from the member of staff, the line manager or Chief Executive will talk with them and the member of staff about how this will happen.

### **Allegations against staff**

RUILS's staff may be the subject of allegations of abuse against service users. Such allegations can include failure to take appropriate action in line with this policy.

Any allegation that involves accusations of criminal activity will immediately be reported to the police. Internal disciplinary/complaints procedures will not be initiated until the police conclude their investigation.

Where a member of staff is being investigated by the police, they will be suspended from duty while that investigation takes place.

If the investigation results in the prosecution of a member of staff, they will remain

suspended until the outcome of the prosecution. If the staff member is convicted, they will be dismissed immediately by RUILS.

If a member of staff is cleared of criminal allegations, they will be reinstated unless the issue involved is subject to internal disciplinary/complaints procedures which will be initiated at the end of any criminal investigation/prosecution if appropriate.

Where an allegation of abuse is not of a criminal nature it will be dealt with under RUILS's Disciplinary Procedure. Such an allegation would constitute an allegation of gross misconduct and will result in suspension on full pay while an investigation takes place.

During suspension, the member of staff will be offered support in the form of a person within RUILS who will be named to act as a contact point. This will be the member of the management team (Chair of the Board or Chief Executive) who is not their line manager.

Disciplinary action may be initiated following the investigation.

### **'Whistle-blowing'**

Where a member of RUILS' workforce is concerned about an issue of abuse relating to another member of staff, a member of staff employed by another agency, organisation or agency, or a Personal Assistant employed by a Direct Payment user, the RUILS' management will support the employee to raise and deal with the issue appropriately.

### **Training for staff and volunteers**

Training on issues of abuse, vulnerability and safeguarding will be provided to all Trustees, staff and volunteers with RUILS.

All new staff who works with RUILS's service users will receive training in Safeguarding vulnerable adults within 12 weeks of commencing work.

### **Criminal Record Checks (CRB)**

CRB checks are required for all staff, trustees and volunteers.

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