

Policy name:	POLICY AND PROCEDURE FOR THE PROTECTION OF VULNERABLE ADULTS AND CHILDREN
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1 Introduction

- 1.1 Mind Monmouthshire provides services to vulnerable adults as its core function. We may also provide direct services to children through the home support service and at Drop-in centres. We may also be aware of issues concerning children through our work with vulnerable adults.
- 1.2 All staff, members, and volunteers of Mind Monmouthshire can play an important part in promoting the safety and protection of the vulnerable adults and children with whom we work. The aim of this policy and procedure is to ensure that any vulnerable adults and children are protected and kept safe from harm while they are in receipt of services from Mind Monmouthshire.
- 1.3 In addition to this policy Mind Monmouthshire has a framework of policies, which are designed to ensure the emotional and physical safety of people who use our services, staff and volunteers.
- 1.4 These include:
- Recruitment and Selection Policy and Procedure
 - Confidentiality Policy
 - Grievance Procedure
 - Disciplinary Procedure
 - Complaints Procedure
 - Staff Code of Conduct
 - Health and Safety Policy
 - Equal Opportunities Policy
 - Staff Supervision and Appraisal Policy and Procedure

1.5 These documents are available in the Information, Policies and Procedures Folder or from the admin office. Please phone 01873 858275 for a copy of any document.

2 Definitions of vulnerable adults and children

2.1 A **child** is defined in this instance as anyone under 18 years old.

2.2 A **vulnerable adult** is a person aged 18 years or over who:

- Is or may be unable to take care of him or herself
- Is or may be unable to protect him or herself from significant harm or serious exploitation

2.3 This definition includes people who:

- Have a physical or sensory disability, including people who are physically frail, or have a chronic illness
- Have a learning disability
- Have a mental illness, including dementia
- Have social or emotional problems
- Misuses drugs or alcohol
- Receive any health care or social services
- Have a substantial reduction in physical or mental capacity due to advanced age or to illness

2.4 A person's vulnerability will depend on their circumstances and environment, and each case must be judged on its individual merits.

3. Definitions of abuse

3.1 **Abuse** is a violation of a person's human, civil or legal rights by another person or persons. It may be a single act, repeated acts or multiple acts perpetrated by individuals, organisations or groups. It may be perpetrated as a result of deliberate intent, negligence or ignorance.

3.2 Abuse can be:

- **Physical:** the non-accidental inflicting of a physical act that results or could result in physical injury, pain or suffering.
- **Sexual:** the direct or indirect involvement of a child or vulnerable adult in sexual activity to which they are unwilling or unable to give informed consent or which they do not fully understand. Any sexual activity that is not freely consented to is a criminal offence. Where there is an abuse of trust, sexual activity may appear to be with consent, but it is unacceptable because of the differences in power and influence between the people involved.

- **Neglect:** neglect can be intentional or unintentional. It includes ignoring care or support needs, or withholding or deliberately not providing care or support to a vulnerable adult or child. It includes the unintentional failure to provide care or support because of lack of knowledge or understanding of the need for services.
- **Emotional and psychological:** the violation of the emotional and psychological health and development of a vulnerable adult or child.
- **Financial and material:** the fraudulent or unauthorised obtaining and improper use of money, property or other resources or possessions of a vulnerable adult or child. This may amount to a criminal offence.
- **Discriminatory:** the violation of human and civil rights and abusive attitudes and behaviour based on a person's gender, disability, age, race, ethnic origin, religion, language, culture, class, or sexuality.

4 Deciding if abuse has taken place

- 4.1 It is not the responsibility of any one person working within Mind Monmouthshire in a paid or unpaid capacity to decide whether or not abuse has taken place. It is important that all cases of suspected or alleged abuse are raised in line with the procedures identified in this document so that a through investigation can be initiated if appropriate. *See Section 12.*
- 4.2 At every stage the needs, wishes and feelings of the vulnerable adult must be sought. The priority is to protect and support the abused person. The wishes of adults are crucial in determining what action will be taken. All people have a right to make choices insofar as they are able, even if this results in a degree of risk.

5 Abuse – could it be a criminal offence?

- 5.1 Some instances of abuse may be a criminal offence, for example, taking a person's possessions or money without their freely given consent (theft), sexual activities without consent (rape or sexual assault). The responsibility for investigating alleged criminal offences lies with the police and the Crown Prosecution service.
- 5.2 When complaints or allegations of abuse suggest a criminal offence may have taken place, the police must be contacted urgently. This will be done within 24 hours of hearing of the abuse, taking precedence over other enquiries.

6. Abuse concerning a child

- 6.1 In the case of suspected, disclosed or discovered abuse concerning a child, Mind Monmouthshire will always refer the matter to the Social Services Department of the Local Authority in which the child lives. This will be done within 24 hours of hearing of the abuse, taking precedence over all other enquiries.

7 Capacity and Consent

- 7.1 If there are concerns about the mental capacity of the vulnerable adult or the alleged perpetrator, assessment of mental capacity must form part of the investigation. It may be necessary to take decisions on behalf of the vulnerable adult or others a risk of abuse, to protect them from further abuse. The person taking such decisions must act in the best interest of the people concerned. Consideration should be given to referring the matter to the social services department in the local authority where the person lives.

8 Recruitment, Selection and Training of Staff and Volunteers

- 8.1 MM will ensure that its recruitment and selection procedures will take account of the need to protect vulnerable adults and children.
- 8.2 Two references will be taken up for all successful candidates prior to a formal offer of employment. The referee will be provided with the Job Description and Person Specification for the post, and asked to complete a pro forma, which includes questions on the applicant's suitability to work with vulnerable adults and children.
- 8.3 An appropriate Criminal Record Bureau (CRB) check will be done for each employee. Appointments will be subject to the resulting CRB certificate not revealing any information that would give cause for concern. Disclosures will be requested prior to applicants taking up post, but because of the lengthy delays in certificates being issued, applicants will be allowed to work with service users when accompanied by another member of staff. However, their permanent appointment will remain subject to a satisfactory CBR certificate.
- 8.4 Induction for new staff and volunteers will include information on all relevant policies and procedures, including the Policy for the Protection of Vulnerable Adults and Children. Training will be provided to ensure staff understand and are able to follow our policies.
- 8.5 All staff and volunteers will have a designated line manager who will provide appropriate ongoing support and supervision.

9 Allegations of Abuse Against a worker or volunteer in Mind Monmouthshire

- 9.1 An allegation of abuse made against:
- A member of staff or volunteer should be reported to that person's line manager
 - The Director should be reported to the Chair of the Executive Committee
 - A Trustee should be reported to the Chair and the Director
 - The Chair should be reported to the Deputy Chair

- 9.2 When an allegation of abuse is made against a worker or volunteer within the organisation, the Disciplinary Procedure will be used to deal with any misconduct that may be revealed by the investigation into the allegation of abuse. When the allegation is very serious, the worker or volunteer will be suspended on full pay from duties and forbidden to contact service users until the disciplinary investigation has taken place.
- 9.3 On learning of a serious allegation of abuse by a worker or volunteer, the line manager will immediately suspend that person whilst the decision about ongoing suspension is taken.
- 9.4 The decision to suspend a worker or volunteer until the abuse investigation is completed will be made by the manager of the service that the worker or volunteer serves in, the Director and one Trustee. This will be done by the end of the working day following the day the allegation was received.
- 9.5 If the manager or the Director is unavailable, the Chair will assign the decision making to other employees, using seniority as a guide in selection.
- 9.6 The disciplinary investigation cannot not start until the investigation into the allegation of abuse has been completed.

For further clarification, please see the Disciplinary Procedure.

10 Allegations about other organisations

- 10.1 If a service user makes an allegation about another organisation this should be reported and investigated in line with our procedure to establish matters of fact and assess the needs of the vulnerable adult for protection and support.
- 10.2 However, we cannot investigate events and actions by other organisations, so the matter will have to be referred on. This may be to the police, to the local authority, or to the organisation implicated, depending on the particular circumstances of the case. The decision to do this will be taken by the line manager of the service initially involved and the Director.

11 Confidentiality

- 11.1 It is important that our confidentiality policy is explained to people making allegations or disclosures of abuse at the beginning of any discussion or investigation. They should understand that allegations or disclosures will be treated in confidence with the information only revealed to others when strictly necessary, for example, whilst investigating the allegation.
- 11.2 It also means that if we are given information that we believe reveals a serious threat to an individual of harm or self-harm, then we will divulge that information to an appropriate authority.
- 11.3 In the case of an allegation or disclosure concerning a child, we will always refer the matter to the local authority in which the child lives within 24 hours of hearing of the alleged abuse.

- 11.4 In the case of an allegation or disclosure that may reveal a criminal offence, we will always refer the matter to the police within 24 hours of hearing of the alleged abuse.
- 11.5 In the case of allegations made by a third party on behalf of a service user (i.e. an advocacy service) MM will ensure that there is no breach of confidentiality of the service user to the third party. We will not divulge any further information to the third party without the expressed permission of the service user. This permission may be verbal or in writing.

12 Reporting Procedure

- 12.1 When abuse is suspected, disclosed or discovered no one should alert or confront the alleged abuser. This is to avoid further abuse taking place when, for example, the abuser puts pressure on the victim not to continue with the disclosure, or on people working for MM to abandon the investigation.
- 12.2 Any suspicion, disclosure or discovery of abuse should be reported by the worker or volunteer to their line manager as soon as possible, but certainly within 24 hours of the problem being identified. If the line manager is unavailable for more than 24 hours (for example, on annual leave) then the report should be made to the Director, or in the Director's absence, another manager within the organisation, or if this is not possible, to the Chair, Deputy Chair, Treasurer, or other Trustee of Mind Monmouthshire. Contact information is at Appendix 1.
- 12.3 The line manager will be responsible for keeping clear and accurate factual records of the allegation, referrals made to other agencies, steps in the investigation, decisions and outcomes.
- 12.4 In the case of suspected, disclosed or discovered abuse **concerning a child**, MM will always refer the matter to the Social Services Department of the Local Authority in which the child lives. This will be done within 24 hours of hearing of the abuse, taking precedence over all other enquiries.
- 12.5 When complaints or allegations of abuse suggest **a criminal offence** may have taken place, the police must be contacted urgently. This will be done within 24 hours of hearing of the abuse, taking precedence over other enquiries.
- 12.6 The line manager, in consultation with the Director, will gather further information and details by interviewing the person making the report and from the service user making the allegation, if it is judged appropriate. The task will be to:
- Establish matters of fact
 - To assess the needs of the vulnerable adult for protection, support and redress
 - To decide the sanctions necessary for the perpetrator

- To decide the action if the service or its management have been culpable, ineffective or negligent
- 12.7 The line manager will then devise an appropriate Action Plan to protect the abused individual. The exact nature of the action taken will be determined by the individual circumstances, and depends on a number of factors. Consideration should be given to:
- The environment or setting where the alleged abuse has occurred
 - The seriousness or extent of abuse
 - The vulnerability of the adult and the impact of the abuse
 - The length of time it has been occurring
 - The risk of repeated or escalate acts
 - The wishes of the vulnerable adult.
- 12.8 The Action Plan may include the involvement of external authorities, such as Social Services, the NHS Trust, and the Police.
- 12.9 Any actions will have deadlines and a named individual employee or volunteer with MM whose responsibility it is to ensure that particular action is carried out.
- 12.10 The line manager involved will take responsibility for implementing the Action Plan, backed up by the Director.
- 12.11 The line manager will continue to keep a written record of the case until the situation has been concluded. The record will be kept securely in the main office locked filing cabinet.

Guidelines when abuse is suspected disclosed or discovered

The following are guidelines on immediate action to be taken following the suspicion, disclosure or discovery of abuse by a vulnerable adult or child.

- If possible, move to a private area to talk to the person.
- Allow him or her to tell you what happened in her or his own words.
- Listen carefully and calmly, taking her or him seriously and allowing her or him to tell you as much as he or she wishes.
- React calmly so not to frighten or deter her or him.
- Re-assure her or him that you are glad they have told you, that they have done the right thing, and the situation is not their fault.

- Don't promise to keep it to yourself. At the earliest opportunity remind them of our confidentiality policy and explain what this means. Explain that you need to make sure that they will be safe and may have to pass on the information to somebody trusted to deal with it appropriately
- It is important to clarify what you have heard and to establish the basic facts. However, avoid leading questions and do not ask specific questions about explicit details.
- If possible make brief notes during the initial disclosure, explaining to the person that you want to remember what accurately what they have said. If not possible to take notes at the time, make notes as soon as possible afterwards.
- The information recorded should include:
 - The nature of the suspicion or allegation.
 - A description of any visible injury.
 - Dates and times and any other factual information.
 - The distinction between fact, opinion or hearsay.
- Print your name and sign and date the note. The person making the disclosure should also print their name and sign the note. Tell the person that they can have a copy of the note, and offer to keep it securely in the main office locked filing cabinet for her or him if he or she wishes.

Appendix 1

Contact information for Mind Monmouthshire.

- Elain Hogan, The Director, MM, 45b Cross Street, Abergavenny NP7 5ER Telephone 01873 858275.
- Jonathan Pearce, Supported Housing Coordinator, MM, 45b Cross Street, Abergavenny NP7 5ER Telephone 01873 858275.
- Dot Burgoyne, Drop-in Services Manager, 3C's Centre, Radstock Court, Abergavenny, NP7 5BP. Telephone 01873 856217.
- Mary Faulkner, Chair. Telephone 1873 810493.
- Mrs Pat Smail, Vice Chair. Telephone 01873840649
- Sheena Mooney, Treasurer. Telephone 01873 858275