

PROTECTION OF VULNERABLE ADULTS POLICY

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| Prepared by: | Head of Learner Services | | |
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Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, transgender, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

1. Introduction

- 1.1 The College works in partnership with its colleagues in Social Services, Health, the Police and the Voluntary and Independent Sectors to challenge and combat abuse and promote the rights of vulnerable people.
- 1.2 Some adults are particularly vulnerable to abuse and a disregard to their basic human rights. There are many forms of abuse, including physical, psychological or emotional, sexual, financial, inappropriate care and neglect and failure to act.
- 1.3 Abuse may be an isolated event or a series of incidents. It may take place in the person's own home or in day or residential centres, clinics and hospitals or indeed in the College. It is everyone's responsibility to play a part in the protection of vulnerable adults. The College has developed this policy in order that it can play its part in reducing abuse.
- 1.4 The South Wales Adult Protection Forum policy states: "The development and implementation of effective policy and professional practices for responding to the abuse of vulnerable adults requires a multi-agency approach, co-ordinated locally by each local authority social services department and involving the core services of health and police together with those agencies tasked with the care and protection of vulnerable adults." The College recognises its part in the multi-agency approach and will work with partners to this end.
- 1.5 This document covers the procedure for dealing with suspicions or allegations of abuse against vulnerable adults.
- 1.6 These procedures are intended to work alongside the South Wales Adult Protection Forum Policy and Procedures for the Protection of Vulnerable Adults and National Assembly for Wales guidance 'In Safe Hands' (updated 2004).

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- 1.7 This policy and its procedures follow the framework of our Safeguarding of Children Policy, but recognise important differences between young people and adults in this respect:
- 1.7.1 Adults have the right to make their own decisions unless there are clear grounds to override this as a result of their lack of capacity or if a wider public interest is involved
- 1.7.2 The Law in relation to adults offers far fewer opportunities or responsibilities in relation to intervention: negotiation is much more the norm. General and professional knowledge, awareness of issues and options is significantly more limited at the present time.

2. Scope

- 2.1 This procedure will be followed by everyone associated with the College irrespective of site but excludes persons involved in approved “letting” activities. It includes collaborative provision.
- 2.2 “Staff” refers to all adults mentioned in paragraph 2.1 throughout this policy and procedure.
- 2.3 Any person, who has knowledge of, or suspicions of a vulnerable adult suffering significant abuse or being at risk of significant abuse will follow this procedure.
- 2.4 Three members of staff are nominated by the College as Adult Protection Officers. They are the Head of Learner Services and the Curriculum Director Care, Sport & Public Services, (see paragraph 3.3).

3. Procedure

3.1 Definitions

- 3.1.1 For the purposes of this guidance a **vulnerable adult** is a person over 18 years of age who:
- 3.1.2 " is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation" Law Commission (Who decides?: making decisions on behalf of mentally incapacitated adults 1997)
- 3.1.3 People with learning disabilities or mental health problems, older people and disabled people may fall within this definition, particularly when their situation is complicated by additional factors, such as physical frailty or chronic illness, sensory impairment, challenging behaviour, social or

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emotional problems, poverty or homelessness. In addition to information about client group, agencies may wish to make a separate note where clients are from ethnic or minority communities and/or where they are Welsh speakers or where neither English nor Welsh is their first language.

- 3.1.4 The following definition of **abuse** provides a basis from which to develop practice:
- 3.1.5 Abuse may take different forms. The ADSS endorses the following categorization and it is proposed that this be used as the basis of recording and monitoring in Wales.
- 3.1.6 **physical abuse**- including hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions
- 3.1.7 **sexual abuse** including rape and sexual assault or sexual acts to which the vulnerable adult has not or could not consent and/or was pressured into consenting
- 3.1.8 **psychological abuse** - including threats of harm or abandonment, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks
- 3.1.9 **financial or material abuse** - including theft , fraud, pressure around wills, property or inheritance, misuse or misappropriation of benefits
- 3.1.10 **neglect** including failure to access medical care or services, negligence in the face of risk-taking, failure to give prescribed medication, poor nutrition or lack of heating.
- 3.1.11 **Racially motivated abuse** could take any of these forms and this needs to be noted additionally in situations when the victim perceives abuse to have been racist in its intent.
- 3.1.12 **Stranger abuse** will warrant a different kind of response than the response to abuse within an ongoing relationship or care setting. Nevertheless in some instances it may be appropriate to use the locally agreed inter-agency adult protection procedures to ensure that the vulnerable adult receives the services and support that they need. Such procedures may also be used when there is the potential for harm to other vulnerable people.
- 3.1.13 Some instances of abuse will constitute a criminal offence. In this respect vulnerable adults are entitled to the protection of the law in the same way as any other member of the public. In addition, statutory offences have been created which specifically protect those who may be incapacitated in various ways. Examples of actions which may constitute criminal offences are assault, whether physical or psychological, sexual assault and rape, theft, fraud or

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other forms of financial exploitation, and certain forms of discrimination, whether on racial or gender grounds. Alleged criminal offences differ from all other non criminal forms of abuse in that the responsibility for initiating action invariably rests with the state in the form of the police and the Crown Prosecution Service (private prosecutions are theoretically possible but wholly exceptional in practice). Accordingly, when complaints about alleged abuse suggest that a criminal offence may have been committed it is imperative that reference should be made to the police as a matter of urgency. Criminal investigation by the police takes priority over all other lines of enquiry.

- 3.1.14 Further help with definitions can be obtained from the references in section 4 of this policy and the following:-Definitions - Family Law Act (FLA) 1996, Significant Harm - Mental Health Act (MHA) 1983 and Legal Framework - The Police and Criminal Evidence Act 1984.

3.2 Reporting Allegations or Suspicions

- 3.2.1 The College has increased the number of adult learners in recent years including those who had traditionally been excluded from such opportunities. In this context it is important that vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously and referred to one of the nominated members of staff as noted in paragraph 3.4.
- 3.2.2 This procedure must be followed whenever an allegation is made that a vulnerable adult has been abused or when there is a suspicion that a vulnerable adult has been abused.
- 3.2.3 The suspicion or allegation may involve other family members, learners at the College, employees of the College or other persons.
- 3.2.4 Information relating to allegations of abuse may be communicated directly to members of staff by the vulnerable adult him/herself or from other, “third party”, sources.
- 3.2.5 In any event staff who receive such reports should not give promises of confidentiality as the matter may develop in such a way that these cannot be honoured.
- 3.2.6 If the complainant is the vulnerable adult him/herself, questions should be kept to the minimum necessary to understand what is being alleged and leading questions should be avoided. The use of leading questions can cause problems for the subsequent investigation and any court proceedings.
- 3.2.7 Staff who receive reports of alleged abuse should make a written record as soon as possible of the nature of the allegation and any other relevant information including:
- a) the date of the report and the alleged abuse
 - b) the time of the report and the alleged abuse
 - c) the place where the alleged abuse happened
 - d) his/her name and the names of any others present

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- e) the name of the complainant and, where different, the name of the person who has allegedly been abuse
 - f) the nature of the alleged abuse
 - g) a description of any injuries observed
 - h) the account, which has been given of the allegation
- 3.2.8 Some people with special educational needs may need different treatment to others e.g. in the way their physical/mental condition might mask possible abuse.
- 3.2.9 Details of the suspicions or allegations of abuse should be reported to one of the nominated members of staff as noted in paragraph 3.3 as soon as possible.

3.3 The Nominated Members of Staff

- 3.3.1 The two nominated members of staff with responsibility for adult protection are the Head of Learner Services and Curriculum Director for Care, Sport & Public Services.
- 3.3.2 In the absence of the nominated members of staff, details of the suspicions or allegations of abuse should be reported to any member of the Executive Management Team.
- 3.3.3 If, for whatever reason, none of those staff mentioned above are available, the individual staff member must retain a personal responsibility to ensure that suspicions of abuse are reported to Social Services or the Police

3.4 Responding to an Allegation

- 3.4.1. Any suspicion, allegation or incident of abuse must be reported to one of the nominated members of staff with responsibility for adult protection (see paragraph 3.3) as soon as possible with a view to these concerns being passed on to Social Services within 24 hours.
- 3.4.2. On receiving a report of suspicion about abuse or an allegation of abuse, the nominated member of staff will inform the Social Services team relevant to the area in which the person lives. If outside of office hours the nominated member of staff should speak to the relevant Social Services Out of Hours or Emergency Duty Team.
- 3.4.3. Before contacting the Social Services the nominated member of staff should have at their disposal basic details concerning: the person's full name, their date of birth, their address, details of any other family members, any other names the young person or family members may have been known by and clear details of the concern.

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- 3.4.4. If, for whatever reason, Social Services cannot be contacted then concerns should be forwarded to other agencies with statutory powers to investigate and intervene for example, the police.
- 3.4.5. The nominated member of staff will discuss with the relevant statutory agency what action should be taken. The nominated member of staff will act on the recommendations of the Social Services duty social worker.
- 3.4.6. The nominated member of staff will also inform the Principal of the action taken as soon as practicable and in any event within 24 hours of the initial concern arising. In the absence of the Principal the Deputy Principal will be informed.
- 3.5 Allegations against a College Employee – NB: Employee includes volunteers working for the College
- 3.5.1 Where an allegation or suspicion of abuse is made against a College employee then this must be reported to one of the nominated members of staff as soon as possible. In their absence details of the allegation or suspicion should be reported to the Principal.
- 3.5.2 On being notified of such a concern the nominated member of staff shall:
- a) notify the Principal or in their absence the Deputy Principal
 - b) take any steps, as they consider necessary, to ensure the safety of the child in question or any other child who may be at risk
 - c) report the matter to the appropriate statutory agency as set out in 3.4.2 above
 - d) ensure that a report of the matter as set out in 3.2.4 is completed by the person reporting the original concern
 - e) report the matter to the Head of Human Resources in confidence.
- 3.5.3 If one of the nominated members of staff is the subject of the allegation or complaint then the matter must be reported to the Principal or in their absence the Deputy Principal, and not to one of the nominated members of staff.
- 3.5.4 The substantive decision on whether to investigate under adult protection procedures will remain with the appropriate adult protection agency. However, it is likely that the nominated member of staff and the Principal or the Deputy Principal will be involved in consultation with the relevant agency as to the substance of the allegation.
- 3.5.5 Following such consultation there will be four possible outcomes:-
- a) an immediate referral under the adult protection procedure

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- b) that there is reason to suppose abuse could have occurred and that referral under the Adult Protection Procedure or under internal disciplinary procedures may be necessary
- c) that the allegation was prompted by inappropriate behaviour, which needs to be dealt with under internal disciplinary procedures
- d) that the allegation is apparently without foundation

3.6 Written Records

- 3.6.1 For all reported cases of allegations or suspicions of abuse the nominated member of staff shall retain copies of any adult protection procedure report, any notes, memoranda or correspondence dealing with the matter and any other relevant material. Copies of reports, notes etc. will be kept securely locked at all times.
- 3.6.2 Evidence of abuse can manifest itself in many different ways and over a period of time and information relating to suspicion or allegation of abuse can come from many sources including learner, parents, staff or others. Therefore clear records are important.

4. Policy Monitoring and Review

The Head of Learner Services will monitor the implementation of this policy and periodically review it suggesting changes where appropriate

5. Further Reference Material (internet links quoted in smaller print)

South Wales Adult Protection Forum Policy and Procedures for the Protection of Vulnerable Adults

<http://www.neath-porttalbot.gov.uk/swapforum/>

National Assembly for Wales guidance 'In Safe Hands' (updated 2004)

Coleg Morgannwg Safeguarding Children Policy