

Protection of Vulnerable Adults Policy and Procedures

Policy	Protection of Vulnerable Adults Policy and Procedures
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Protection of Vulnerable Adults Policy

1.0 Scope

- 1.1 Photoion has the responsibility for the provision of a safe learning environment for all students and staff but especially students under the age of 18 and vulnerable adults. This includes students with Photoion on work placements or students who are undertaking extended work placements arranged by the Photoion
- 1.2 Photoion will help keep young people and vulnerable adults safe by contributing to:
 - providing a safe environment for children and young people to learn; and
 - identifying children and young people who are suffering or likely to suffer significant harm, and taking appropriate action with the aim of making sure they are kept safe
- 1.3 Photoion's Safeguarding policy sets out Photoion's commitment to ensuring and promoting the safeguarding of learners who are involved in courses or activities which come under the responsibility of the Photoion.
- 1.4 This policy sets out Photoion's commitment to the health, safety and welfare of all vulnerable adults involved in courses or activities which come under the responsibility of Photoion.
- 1.5 A separate policy covers Child and Young Persons Protection
- 1.6 This policy has been adapted from the East Sussex, Brighton and Hove, Multi-agency Policy and Procedures for the protection of Vulnerable Adults and follows where relevant the policy and procedures as drawn up by the Multi-agency Management Group.
- 1.7 The purpose of these policies and accompanying procedures is to ensure that the rights of vulnerable adults are protected through staff awareness of the issues and the following of the statutory and local guidelines in the reporting of concerns.
- 1.8 It is the responsibility of all staff working within Photoion to record and report vulnerable adult protection concerns, i.e. where they believe a vulnerable adult has been or is at risk of abuse, or significant harm. This responsibility extends to all staff and not just those specifically working with vulnerable adults.

2.0 Definitions

2.1 Vulnerability

To define a vulnerable adult the Photoion has taken the definition used by East Sussex, Brighton and Hove Multi-agency Policy and Procedures.

The term 'vulnerable adult' refers to any person aged 18 years and over who:

'..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 him or herself, or unable to protect him or herself against significant harm or serious exploitation.'

'Who Decides', Lord Chancellor's Department 1997

2.2 Adult Abuse

The term adult abuse is subject to wide interpretation and definition. 'No Secrets' provides the following definition as a starting point:

"Abuse is a violation of an individual's human and civil rights by any other person or persons."

No Secrets, Department of Health 2000

The following definition is widely used in East Sussex and Brighton and Hove. Abuse is:

'Physical, sexual, financial, emotional, discriminatory or psychological violation or neglect of a person unable to protect him/herself to prevent abuse from happening, or to remove him/herself from abuse or potential abuse by others.'

2.3 Significant Harm

The Law Commission has suggested that another key concept is 'significant' harm which helps to determine how serious or extensive abuse must be to justify intervention.

"Harm' should be taken to include not only ill-treatment (including sexual abuse and forms of ill-treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development.'

For a detailed definition of adult abuse and significant harm see Appendix 1 and 2

3.0 Policy Statement

- 3.1 Photoion holds as a high priority the health, safety and welfare of all vulnerable adults involved in courses or activities which come under the responsibility of the Photoion.
- 3.2 Photoion has a duty to ensure that its' staff fulfils their responsibilities to prevent abuse of vulnerable adults and to report any abuse discovered or suspected.
- 3.3 Photoion will advise at interview all parents/ guardians/ carers of vulnerable adults of the existence of Photoion's Vulnerable Adult Protection Policy and Procedures, and the fact that this may require cases to be referred to the investigative agencies in the interests of the vulnerable adult.
- 3.4 Photoion will take all reasonable steps to identify a vulnerable adult on admission to a course. Teachers will be informed, as part of the admissions procedures, if vulnerable adults have been enrolled on their courses where these are not specifically designed for vulnerable adults. Other additional supervision measures will be put in place for all students defined as vulnerable adults, and such students will come under the provisions of this policy
- 3.5 Photoion will work with appropriate local agencies, and in particular Social Services, to ensure that vulnerable adults are safeguarded through the effective operation of Photoion's Vulnerable Adult Protection Procedures.
- 3.6 Photoion recognises that any vulnerable adult can be subject to abuse and all allegations of abuse will be taken seriously and treated in accordance with Photoion's procedures.
- 3.7 Photoion recognises that it is the responsibility of all staff to act upon any concern no matter how small or trivial it may seem.
- 3.8 Photoion recognises its responsibility to implement, maintain and regularly review the procedures that are designed to prevent or notify suspected abuse. The Policy and Procedures will be reviewed annually at the autumn term meeting of the Quality Committee. The committee will receive a report and recommendations as part of the Safeguarding Report.
- 3.9 Photoion is committed to supporting, resourcing and training those who work with, or who come into contact with, vulnerable adults and to providing appropriate supervision.

4.0 Code of Practice

- 4.1 This code of practice is based on the East Sussex, Brighton and Hove, Multi-agency Policy and Procedures.

- 4.2 All actions taken under these guidelines must be carried out sensitively, taking account of the vulnerable adult's individual needs, including race, culture and ethnicity, age, gender, religion, disability or sexuality.
- 4.3 An individual's communication needs should be considered at all times. Practice will be based on the following values; enshrined in 'Homes are for Living In' (SSI/Department of Health 1989);
 - Privacy
 - Dignity
 - Choice
 - Independence
 - Rights
 - Fulfilment
- 4.4 Vulnerable adults should be allowed and helped to make their own decisions based on an awareness of the choices available.
- 4.5 It is recognised that there will be situations where a vulnerable adult chooses to remain in a situation perceived by professionals to be risky or dangerous.
- 4.6 The principle of self-determination is important, but may need to be reconsidered if a vulnerable adult is unable to make an informed choice, where there is a risk to life or limb or where a statutory responsibility exists.

6.0 Vulnerable Adult Protection: Alert Procedures

- 6.1 Once you suspect or know of any abuse of any vulnerable adult, you should immediately inform the Photoion's Vulnerable Adult Protection Manager in person or by telephone..
- 6.2 Do not email or use the internal post. The contact will be followed up by an individual meeting.
- 6.3 Even if you have only heard rumours of abuse, or you have a suspicion but do not have firm evidence, you should still contact the Vulnerable Adult Protection Manager to discuss your concerns.

The Vulnerable Adult Protection Manager will assess:

- If the vulnerable adult is in immediate danger?
- Has a crime been committed?
- Is there a need to protect evidence?

- 6.4 If the answer to any of these is 'yes' then the emergency services must be contacted immediately. This can be done by either the Vulnerable Adult

Protection Manager for Vulnerable Adults or a member of Photoion leadership team.

6.5 If 'no' the Vulnerable Adult Protection Manager will liaise within 24 hours with the Lead Senior Manager for Vulnerable Adults. A decision will be made as to whether the matter should be taken further. This will be based on:

- if the adult is considered vulnerable (see section 2.1 above)
- if there is reasonable grounds for suspicion or evidence of abuse (see section 2.2 above)
- if there is or is potential for significant harm (see section 2.3 above)
- if there may be a criminal act
- if the adult has given consent for the information to be shared and taking into account their wishes(see section 7 on Confidentiality.)

6.6 Where the Lead Senior Manager for Vulnerable Adults decides that further action is necessary, this may be to:

Social Services Department – Assessment Teams: Responsible for investigating adult abuse in any setting (except nursing and residential homes or private hospitals), including a person's own home, a day centre, or hospital.

Community Mental Health Teams: Responsible for investigating adult abuse relating to adults with serious mental health difficulties

Health Authority Inspection Unit: Responsible for investigating adult abuse in any nursing home or private hospitals.

Local Authority Inspection Unit: Responsible for investigating adult abuse in any residential home.

6.7 If the adult does not give consent to contact outside agencies and has the capacity to withhold that consent, then the member of staff should still contact the Vulnerable Adult Protection Manager.

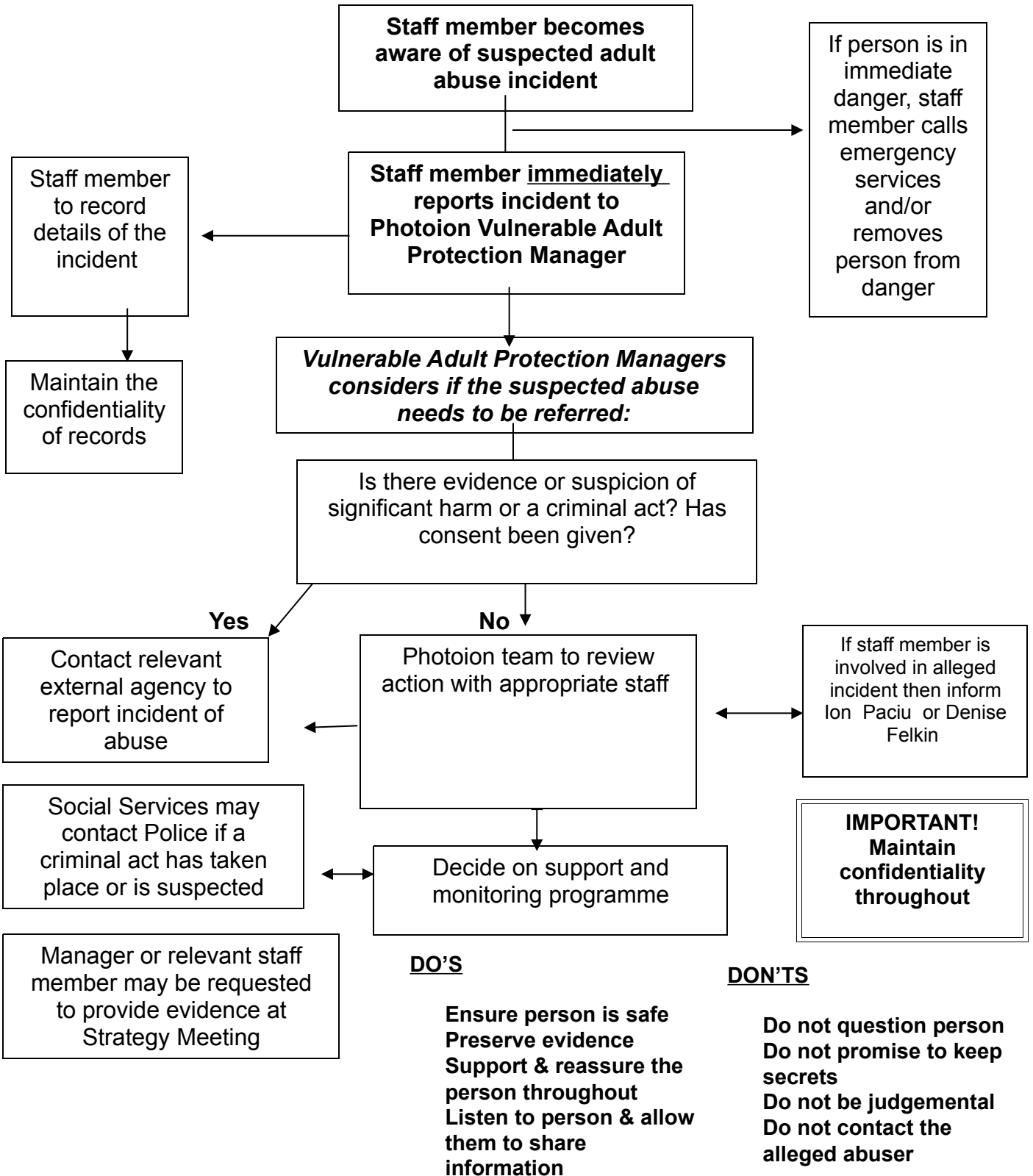
6.8 There must be written records kept at all stages. The incident will be recorded on the 'Vulnerable Adult Concern Form' either by the member of staff directly after the disclosure or at a subsequent meeting with the Lead Senior Manager for Vulnerable Adults.

6.9 It is not the role of staff to investigate any incident. Staff are not equipped or qualified to do so. This must only be done by social services and/or the police. If any member of staff feels unsure about what to do or how to respond to a disclosure they must seek advice from either the Vulnerable Adult Protection Manager or the Lead Senior Manager for Vulnerable Adults.

6.10 If a member of staff does not agree with a decision of the Senior Manager for Vulnerable Adults that no further action is necessary, then the member of staff has the right and duty to refer the case directly to Social Services Assessment Team

6.11 The Lead Senior Manager for Vulnerable Adults will keep the member(s) of staff who raised the concerns informed as the progress/ outcome of the case on a need to know basis.

Flowchart Showing Responsibilities For Staff Reporting Incidents Of Suspected Adult Abuse



7.0 Confidentiality

- 7.1 Unlike young people under the age of 18, adults can insist on confidentiality unless there are circumstances in which a vulnerable adult's wishes may be overridden. As a general principle you must act in accordance with the wishes of the vulnerable adult wherever possible (see Code of Practice in section 4.0).
- 7.2 As a matter of best practice, vulnerable adults should not be offered nor promised confidentiality by a member of staff. It is important for staff to be able to share concerns and seek help from others at least within Photoion and this must be explained to the student.
- 7.3 Where there is reasonable suspicion of abuse and the adult has capacity to withhold consent and does not wish the information to be shared, then the adult must be offered all appropriate support from within Photoion
- 7.4 If there is reason to believe a crime has been committed, seek the vulnerable adult's consent to inform the police. If the vulnerable adult gives permission, ensure the situation is discussed with the Vulnerable Adult Protection (Senior) Manager who may then contact the police
- 7.5 If the vulnerable adult does not give permission to involve the police, this information should be passed on to the Lead Senior Manager for Vulnerable Adults as soon as possible. The Manager may on occasions, be legally obliged to make disclosures to the police whatever the wishes of the vulnerable adult.
- 7.6 If the person lacks the capacity to give consent and there is reason to believe a crime has been committed, consult the Lead Senior Manager for Vulnerable Adults.
- 7.7 Other staff may need to be alerted to concerns in order to monitor concerns or gather further evidence or to assist with support. Any discussions must be kept confidential between those directly involved and only shared on a strict need to know basis and within a professional context.

8.0 Record Keeping

- 8.1 Any disclosure from a student or another member of staff must be recorded in writing on the Protection of Vulnerable Adults Concern Form. This will cover:
 - Student and staff details
 - Reason for the concern
 - Any apparent physical signs of abuse
 - An account given to you of abuse by the student concerned, as accurately as you are able to record it.
 - Dates and times of incidents
 - Date and time of when notes were made.

- 8.2 The report should be factual and should not include opinions or personal interpretations of the facts presented. The report should contain as much detail as possible and as accurately as you are able to record it. If you are unsure about what to write, you can get advice from the Vulnerable Adult Protection Manager. The report may form part of a criminal investigation.
- 8.3 The report should be signed, dated and passed as soon as possible or at the latest within 24 hours to the Lead Senior Manager for Vulnerable Adults, who will keep a copy stored in a secure place.

9.0 Training

- 9.1 It is the responsibility of Photoion to ensure that all staff are trained in order to be able to carry out their responsibility to ensure the protection of vulnerable adults.
- 9.2 This will include training for those working with vulnerable adults as well as middle and senior managers.
- 9.3 The training should cover recognition of abuse, key policy principles and code of practice including the rights of vulnerable adults, alert procedures, record keeping and emotional support.

10.0 Allegations Against Staff

- 10.1 There are occasions where a student who is a vulnerable adult may accuse a member of staff of abusing them. In some cases this may be false or unfounded. However, in some cases the allegations may be true.
- 10.2 In the event that any member of staff suspects any other member of staff of abusing a student, it is their responsibility to bring these concerns to Ion Paciu, Denise Felkin or Tatiana Zigar
- 10.3 The decision to refer to outside agencies will follow the same process as any other disclosure or suspicion of abuse.
- 10.4 If a decision is made to pursue an allegation of abuse against a member of staff, this will be dealt with under Photoion disciplinary procedures.

11.0 Other Policies

- 11.1 Photoion will have regard to Protection of Vulnerable Adults when developing other policies in particular:

Equality and Diversity Policy
Child and Young Persons Protection Policy
Safeguarding Policy

Appendix 1: Definition of Adult Abuse (from East Sussex, Brighton and Hove, Multi-agency Policy and Procedures)

Adult Abuse

The term adult abuse is subject to wide interpretation and definition. 'No Secrets' provides the following definition as a starting point:

“Abuse is a violation of an individual’s human and civil rights by any other person or persons.”

A number of factors need to be considered in more detail:

‘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 may result in significant harm to, or exploitation of, the person subjected to it.’

No Secrets, Department of Health 2000

The following definition is widely used in East Sussex and Brighton and Hove. Abuse is:

‘Physical, sexual, financial, emotional, discriminatory or psychological violation or neglect of a person unable to protect him/herself to prevent abuse from happening, or to remove him/herself from abuse or potential abuse by others.’

The above definitions apply to all vulnerable adults in whatever setting they may find themselves. Applying these to definitions to different circumstances may not always be an easy task. In particular drawing the line between what is poor practice and what is adult abuse can sometimes be difficult. If there is an element of doubt about defining a situation as adult abuse, staff should discuss this with their line manager. If the line manager remains uncertain, he/she should contact the appropriate assessment or inspection team to clarify and resolve the issue.

Any or all of these types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

For ease of understanding, adult abuse is often viewed in terms of a number of key categories. Within these Guidelines the following six categories are used:

- discriminatory
- physical
- sexual
- psychological
- financial / material
- neglect

It should be emphasised that abusive situations are rarely as straightforward as the six categories suggest. Many situations involve combinations of abusive elements.

The six categories of abuse are expanded in Appendix II below, with examples of behaviour associated with each category.

Appendix 2: Categories of Abuse (from East Sussex, Brighton and Hove, Multi-agency Policy and Procedures).

Discriminatory Abuse

The principles of discriminatory abuse are embodied in legislation including the Race Relations Act 1976, Disability Discrimination Act 1995, and the Human Rights Act 1998. Discriminatory abuse links into all other forms of abuse.

Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals.

It is the exploitation of a person's vulnerability, resulting in repeated or pervasive treatment of an individual, which excludes them from opportunities in society, for example, education, health, justice, civic status and protection.

It includes discrimination on the basis of race, gender, age, sexuality, disability or religion.

Examples of behaviour
unequal treatment, verbal abuse, inappropriate use of language, slurs, harassment, deliberate exclusion

Physical abuse

The non-accidental infliction of physical force that results in bodily injury, pain or impairment. (Stein, 1991, quoted in McCreadie 1994)

Examples of behaviour: hitting, slapping, pushing, kicking, the inappropriate application of techniques or treatments, involuntary isolation or confinement, misuse of medication.

Sexual abuse

Direct or indirect involvement in sexual activity without consent. Consent in a particular activity may not be given because:

- a person has capacity and does not want it
- a person lacks capacity and is therefore unable to give it
- a person feels coerced into activity because the other person is in a position of trust, power or authority

Examples of behaviour: Non-contact: inappropriate looking, photography, indecent exposure, harassment, serious teasing or innuendo, pornography.

Contact: touch eg of breast, genitals, anus, mouth, masturbation of either or both persons, penetration or attempted penetration of the vagina, anus, mouth, with or by penis, fingers, other objects.

(Brown & Turk, 1992, 1994)

Psychological abuse

The use of threats, humiliation, bullying, swearing and other verbal conduct, or any other form of mental cruelty, that results in mental or physical distress. It includes the denial of basic human and civil rights, such as choice, self-expression, privacy and dignity.

Examples of behaviour

Treating a person in a way which is inappropriate to their age and/or cultural background, blaming, swearing, intimidation, insulting, harassing, deprivation of contact.

Financial abuse

“The unauthorised and improper use of funds, money or resources belonging to an individual.” (Stein, 1991, quoted in McCreadie, 1994)

Examples of behaviour

Misappropriating money, valuables or property, forcing changes to a will and testament, preventing access to money, property, possessions or inheritance, stealing.

Neglect and Acts of Omission

The repeated deprivation of assistance that the vulnerable adult needs for important activities of daily living, including the failure to intervene in behaviour which is dangerous to the vulnerable adult or to others.

NB: Self-neglect on the part of the vulnerable person will not usually lead to the initiation of adult protection procedures unless the situation involves a significant act of commission or omission by someone else with established responsibility for that adult’s care. Other assessment and review procedures, including risk assessment procedures may prove a more appropriate intervention in situations of self-neglect.

Examples of behaviour

Failure to provide: food, shelter, clothing, heating, medical care, hygiene, personal care, inappropriate use of medication or over medication.

Institutional Abuse

Institutional abuse is the mistreatment or abuse by a regime or the individuals within an institution. It occurs when the routines, systems and norms of an institution compel the individuals to sacrifice their own preferred lifestyle and cultural diversity to the needs of the institution.