

St Georges Day Centre (Bolton)Ltd Adult Protection Policy.

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1. Purpose of Policy.

This policy sets out what actions are required of staff working in Organisation when dealing with protection issues and to ensure effective links are made into Adult Support and Protection in Bolton AREA Multi Agency Adult Protection Procedures.

2. Introduction.

The protection of adults at risk of harm is a shared responsibility across agencies. The expectation for all “at risk” adults is that they are empowered, through support from public services including social work services, police, health, housing and care organisations to be free from preventable harm or exploitation.

It is the policy of this Organisation to support and protect anyone who receives our services. We are committed to the protection of individuals at risk of harm, and the safeguarding and promoting of the interests and well-being of such individuals.

We will ensure as far as we can that service users will not encounter harm of any form while in our care, and that, if abuse is detected, the situation will be reported immediately to allow investigation by the appropriate statutory agencies.

The Organisation undertakes to ensure that it will protect all adults it works with from exploitative relationships. In such circumstances where it is found that an adult is at risk then we undertake to liaise with Bolton- Council Social Work Services and any other appropriate Local Authority, to ensure that the adult continues to receive a service as agreed as appropriate.

The Organisation will ensure that staff will be alert to the possibility that they may become aware of adults requiring support and protection who are not service users, e.g. relatives, friends, visitors etc. In all cases staff will report their concerns using the Organisations reporting procedures, as detailed in the procedure outlined.

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The Organisation recognises that the protection of individuals at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality.

Mental Capacity Act 2005

The “No Secrets” guidance stresses the right for each person to be allowed and supported to make his / her own decisions and choices wherever possible.

The Mental Capacity Act 2005 and associated Codes of Guidance (more detailed information is contained in Appendix 1) came into force on 1st October 2007. The Act is based on the premise that a person has capacity to make a decision unless it is established that he / she lacks capacity. The fact that a person has dementia, a learning disability or is detained under the Mental Health Act 1983 does not affect this presumption.

The Act provides expressly that a person is not to be treated as lacking capacity simply because the decision being made is unwise. It is therefore an absolute prerequisite when investigating a case of suspected abuse and where there is a question as to mental capacity, that an assessment is made which is specific to the decision under consideration.

The Act provides that everything that is done for a person who lacks capacity must be in that person’s best interests. Where a person is providing care or treatment for someone who lacks capacity, then as long as there is an assessment that this is in the best interests of the person, there is no legal liability resulting from that care. However, the Act does not sanction the deprivation of liberty which must be authorised in accordance with the Deprivation of Liberty Safeguarding (DOLS).

Whilst the Mental Capacity Act 2005 does not directly deal with adult abuse cases, its principles and provisions are applicable in many situations that will be dealt with through these procedures.

Court of Protection and Office of the Public Guardian

The Act established a new Court of Protection which has a major role in protecting adults from abuse. It also established a Public Guardian(IMCA) who oversees the work of Court appointed deputies and those who have been granted Lasting Powers of Attorney. There is clearly a very significant role for the Public Guardian in cases of abuse, particularly cases of suspected financial abuse.

The new Court of Protection not only has the power to make “best interests” orders in the financial sphere but can also, where there is disagreement, make orders in person welfare cases.

So in a case of suspected abuse by a relative for instance, it may be possible for another relative or the Local Authority to seek orders as to where someone should live and / or what contact they should have with the person being investigated. The Court of Protection will also be able to rule on the legality of authorisations under the DOLS provision.

The possibility of making application to the Court of Protection for “best interests” orders presents a major extension in the powers available to protect vulnerable adults from abuse. It is likely to be one of the options considered in cases involving people who lack capacity who may have been subjected to abuse.

It should be noted that application may be made by the incapacitated person, a relative, the Local Authority, health bodies or anyone else with sufficient interest.

Section 44 of the Mental Capacity Act 2005 creates the criminal offence of ill treatment or wilful neglect of an incapacitated person.

The new criminal offence will apply to anyone caring for a person (of any age) who lacks capacity to make decisions for themselves. This includes family carers, healthcare and social care staff in hospitals and care homes and those providing care in a person’s home. The new offence carries a range of penalties from a fine to a prison sentence of up to five years

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3. Factors which may indicate harmful behaviour towards an adult at risk.

These can include one or a combination of the following actions. The following indicators must, however, be used only as a guide...

- Harm can be a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an adult. It can take the form of physical, sexual, emotional, psychological or domestic abuse, acts of neglect or omission, financial and material abuse and the withholding of information. The abuse can be multiple, involving some or all of the above.
- Harm can occur in any setting: when an adult lives alone or with a relative; within nursing, residential, supported living or day care settings; in hospitals, custodial situations, support services in people's own homes and other places previously assumed safe, or in public places.

Staff will be aware that adults using The Organisations services might have come to the service because they have been subject to harm...

- In their own home.
- In the community.
- Having been abused by a relative, friend or acquaintance.

Alternatively, adults might be at risk of harm after they come to the service, for example from...

- Someone who is not a service user coming into the service from outside.
- Another service user.
- A member of staff.

There is an expectation where the perpetrator of abuse is a member of staff that an internal investigation will not take precedence over reporting concerns to allow an investigation by Social Work Services and / or Police. The procedure outlined at Section B sets out the reporting guidelines.

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4. Types of Harm.

Physical Abuse - involving actual or attempted injury to an individual defined as at risk.

For example...

- Physical assault by punching, pushing, slapping, tying down, giving food or medication forcibly, or denial of education.
- Use of medication other than as prescribed.
- Inappropriate restraint.

Emotional / Psychological Abuse - resulting in mental distress to the individual at risk.

For example...

- Excessive shouting, bullying, humiliation.
- Manipulation of, or the prevention of access to, services that would be of benefit to the adult.
- Isolation or sensory deprivation.
- Denigration of culture or religion.

Financial or Material Abuse - involving the exploitation of resources and property belonging to the individual at risk.

For example...

- Theft or fraud.
- Misuse of money, property or resources without the informed consent of the individual at risk.

Sexual Abuse - involving activity of a sexual nature where the individual at risk cannot or does not give consent.

For example...

- Incest.
- Rape.
- Acts of gross indecency.
- Inappropriate touching or verbal or physical sexual harassment.

Neglect and acts of omission by others charged with the care of the individual, including ignoring medical or physical care needs.

For example...

- Failure to provide access to appropriate health, social care or educational services
- Withholding of the necessities of life such as nutrition, appropriate heating, etc.

Exploitation - the deliberate targeting of vulnerable adults for personal benefit.

Discriminatory abuse

(updated 18 June 2012)

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Information abuse - deliberately giving erroneous information or withholding information.

Human rights abuse - for example deprivation of a right to family life or to a fair hearing.

Multiple Forms of Abuse - This may occur in an ongoing relationship or service setting or to more than one person at a time. It is important therefore to look not only at a single incident, but to also consider the underlying dynamics and patterns of harm.

Random Violence - An attack by a stranger on an adult defined as at risk is an assault; this is a criminal matter and should be reported to the Police. However, where there is the possibility that the violence may be part of a pattern of victimisation in a community or neighbourhood, Protection procedures may also apply in respect of effective multi-agency intervention.

5. Training.

As an allegation of abuse can come to the notice of any member of staff at any time, all staff members will receive training in Adult Protection Procedures, either as part of an initial induction, or as part of an ongoing training programme.

Employees / volunteers will be made aware of the existence of the Adult Protection Policy and Procedure, and their responsibilities in relation to the Adult Protection process...

- Through the provision of training
- By issuing a copy of the policy to all new staff members
- By publicising its existence at strategic points within the office areas and service locations

Staff can access this policy at all times in the following locations: **The Managers Office**

6. Confidentiality.

To ensure appropriate protective measures can be put in place, it is recognised that confidential information will need to be shared with other workers, managers and other agencies on a "need to know" basis.

The Organisations staff has a duty to report concerns about an adult thought to be at risk of harm.

Where an adult is seen to be at risk of harm, this will always override a professional or organisational requirement to keep information confidential, subject to the provisions of the Data Protection Act 1998. It is the responsibility of those employed or involved with The Organisation to take appropriate action to ensure the adult deemed to be at risk is protected from harm.

7 Principles of Reporting and Information Sharing.

The protection of adults at risk of harm is placed above all other operating principles and supersedes the principle of confidentiality. Any concerns a member of The Organisations staff may have regarding the safety and well-being of an adult at risk of harm should be brought to the attention of their line manager or other senior manager immediately.

Although it is recognised that a service user's privacy must be protected at all times, in situations where abuse is suspected, there must be free communication between participating agencies throughout the investigation. Under no circumstances will information on an adult be withheld from Social Work Services because the holder of the information thinks that it might compromise a third party. If a staff member is given information relating to adult abuse 'in confidence' they must make clear that any information relating to adult or child abuse must be passed on to Social Work Services and / or Police for investigation.

(updated 18 June 2012)

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In all cases of suspected adult abuse, it must be recognised that children involved in the situation might also be at risk and that Child Protection Procedures might have to be invoked. The Organisation has separate procedures for this.

8. Named Person.

The Organisation acknowledges that having a specific member of staff as a named person/post in respect of adult protection is good practice. The named person / post will be a manager or senior practitioner within the organisation who has sufficient knowledge / expertise to deal with any concerns raised.

The Organisation recognises that providing a named person ensures that all allegations of abuse are reported to a central point to allow a consistent response and to maintain an overview of reports from staff. Concerns can then be passed on quickly and appropriately.

The named person / post will monitor issues and detect trends as these occur.

Our named persons / posts are Paula Walsh (Manager) -SAFEGUARDING LEAD OFFICER

In the event that the named persons / posts are not available – Philomena Hill-Deputy Manager will stand in.

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Section B: Organisation Adult Protection Procedure.

1. Introduction

This procedure details the action you should take on suspecting harm or poor practice.

2. Responsibilities of Organisation Staff.

Any report that an adult may be at risk of harm, including anonymous referrals, should be taken seriously. In all instances, the information given must be reported immediately to your line manager / named person..**Our named persons / post are:Paula Walsh**

In the event that the named persons/posts are not available Philomena Hill will stand in

All of these persons / posts are contactable in person/or by telephone on (01204 397889).

In the event that you become aware that an adult may be at risk of harm or you are told directly by a service user that they are being / have been abused, you should be aware that the adult may be feeling vulnerable or upset when disclosing this information.

You should be supportive and reassure the adult by listening carefully, but do not ask unnecessary questions. It is not your role to investigate.

3. Reporting. (see Contact List later in this procedure)

You should advise the adult that the information will have to be passed on to your line manager or Supervisor / named person and that the relevant Social Work Services may be required to investigate further.

When you feel it is appropriate to leave the service user who is disclosing the abuse, the information given by the service user should be passed on immediately to your line manager / named person.

Where you are concerned for the immediate safety and well-being of an individual, contact emergency services i.e. ambulance and Police immediately. Do not delay. You can contact your line manager / named person once you are satisfied that the person is safe.

If you suspect that a criminal act has been committed, for example in cases of physical or sexual abuse, you should contact the Police immediately and steps should be taken to preserve evidence. You can then contact your line manager / named person.

If you are unhappy with the response from your line manager / named person, you should contact Social Work Services at the appropriate office/TEL NUMBER and outline your concerns and the basis for them.

NOTE: You should follow the above procedure for all instances of suspected abuse, for example where you become aware of...

- Abuse by another service user
- Abuse by someone from within the community (family or friend)
- Abuse by a member of staff.

4. Recording.

(updated 18 June 2012)

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Write down the nature of your concern and anything the person may have told you using, as far as possible, the words used by the person. This information will form the basis of the referral, and will also be required if there is an investigation.

This information will be kept and securely stored. Your line manager / named person will determine who this information can be shared with, will maintain an overview of reports from staff, monitor issues and detect trends as these occur.

5. Responsibilities of The Organisation Manager / Named Person.

Referral: The line manager / named person will telephone the relevant Social Work Services location and give details of the alleged abuse in accordance with the Local Authorities Multi Agency Adult Protection Procedures. (Your local Authority guidelines, found on the local authority website page on Safeguarding)

Where information is given to your line manager / named person out of hours it must be passed to the Social Work Services Standby or Emergency Duty Service.

The line manager / named person making contact with Social Work Services and / or the Police must make a note of the following:

- The date and time that contact was made. Where contact cannot immediately be made, the reason for this must be recorded. Details of all unsuccessful attempts to make contact must also be recorded.
- Name, address and full details of those contacted.
- Details of who should be contacted for future follow-up / agreed further action.

In all cases of suspected adult abuse, it must be recognised that children involved in the situation might also be at risk and Child Protection Procedures might have to be invoked.

6. Role of Senior Managers Social Work Services.

All concerns of an adult protection nature should be reported to the relevant Social Work Services office. Social Work Services will seek to allocate the matter to a member of their staff who has sufficient knowledge and expertise to deal with any concerns raised. It will be the responsibility of the designated Organisation manager to ensure that all instances of alleged or suspected harm to an adult seen to be at risk and requiring protection are treated seriously and that appropriate liaison with Social Work Services and / or the Police is actioned.

7. Allegations Involving Staff.

If you have evidence of Organisation staff acting in a way that has caused you to be concerned you should contact your line manager / named person outlining your concerns and the basis for them. They will take your concerns seriously, make appropriate enquires into them and thereafter decide on the appropriate course of action.

If your concerns are about your line manager / named person, then you should inform INSERT OTHER SENIOR MANAGER. You can also contact social work directly to pass on your concerns and seek further advice.

In situations where the alleged abuser is a member of staff, The Organisation Investigatory and Disciplinary Procedures should be followed, but will not supersede an adult protection referral to and investigation by statutory agencies. In other words, care must be taken to ensure that implementation of any internal procedures (for example, fact finding) does not undermine or impede any investigation by statutory agencies. Advice should be sought from Social Work Services before proceeding.

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8. Frequent Complaints without Foundation.

A situation where a service user makes frequent complaints alleging abuse, which after full investigation are found to be vexatious, cannot be ignored. In such cases it is good practice to always follow the above reporting procedures. The allegation must be reported to their care manager and the pattern of allegations must be reviewed regularly in case abuse is taking place.

9. What Happens Next?

Once they have received a referral, it is the duty of Social Work Services in INSERT YOUR LOCAL AUTHORITY to make enquiries and to investigate matters of concern in relation to the protection of an adult deemed to be at risk of harm as defined by the legislation. Where it is alleged that a crime has been committed against the adult, investigation is likely to be progressed jointly in consultation with the Police.

The investigating officers may need to speak to the staff member from whom the concerns originated. Managers and staff of The Organisation will co-operate fully with any Police or Social Work Services enquiries, and managers will ensure that members of staff are facilitated in this.

10. Supporting the Adult at Risk of Harm.

It is important that all employees and those involved directly with the adult seen to be at risk of harm act throughout in a facilitating and supportive manner. Staff should avoid being judgemental and should not introduce personal or third party experiences of harm. Every effort should be made to enable the adult to express their wishes and to make decisions to the best of their ability where appropriate, but, within a duty of care, the overriding concern is the protection of the adult from harm.

11. Linking these policies and procedures with INSERT YOUR LOCAL AUTHORITY wider Protection policies and procedures.

It is imperative that these policies and procedures are understood within the context of INSERT YOUR LOCAL AUTHORITY Councils Adult Support and Protection Policies and procedures.

Local Authority Guidance and contact phone numbers will be found on your local area website Safeguarding page.

Contact summary sheet

If you or the individual is in immediate danger, need medical attention or if a crime has been committed, call the emergency services on 999.

In a non-emergency situation call Greater Manchester Police Police on 101

If you or an adult you know may be at risk of abuse you should contact Greater Manchester County Council Adult Helpdesk on:

Phone: 0161 234 5001

Email: mcsreply@manchester.gov.uk

Write to: Contact Manchester - Adults and Children's Social Care *Wenlock Way Offices, Wenlock Way, West Gorton, Manchester, M12 5DH*

Adult Helpdesk (Customer Service Contact Centre)

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If the abuse is also a crime such as assault, racial harassment, rape or theft you should involve the police to prevent someone else from being abused. If you are worried about contacting the police you can always contact the Adult Help Desk to talk things over first.

If you think that the abuse is happening because of:

- Race.
- Ethnic origin.
- Nationality or national origins.
- Religion.
- Sexual orientation or disability.

Then it is a hate crime

*PO Box 532
Town Hall
Albert Square
Manchester
M60 2LA*

*. The Hate Crime help number is Freephone **0800 25 26 27***

Or write to Manchester City Council PO Box 532

*Town Hall
Albert Square
Manchester
M60 2LA*

Useful contact numbers

For information including sharing information on concerns and complaints in residential/Nursing care or Domiciliary care or other services registered with the Care Quality Commission contact:

Care Quality Commission National Correspondence
Citygate Gallowgate
Newcastle upon Tyne NE1 4PA
Telephone: 03000 616161
Email: enquiries@cqc.org.uk

Further information about Care Standards can be found on their website at: www.cqc.org.uk

Other useful telephone numbers:

Samaritans - 08457 909090

Age Concern - 0800 009966

Elder Abuse Response - 080 8808 8141

“There can be no secrets and no hiding place when it comes to exposing the abuse of vulnerable adults”