

## 1. INTRODUCTION

- 1.1 The purpose of this policy is to enable employees to support vulnerable Service Users, ensuring their health and well-being is upheld within the framework of their Human Rights, as individuals, and that the policy complies with the Human Rights Act 1998.
- 1.2 We will ensure:
- 1.2.1 Professionals involved, work together in preventing, investigating, and taking action in respect of allegations of abuse against vulnerable Service Users, and follow these principles:
- 1.2.2 Service Users rights to a safe environment where they are treated with respect and dignity are upheld.
- 1.2.3 Equal Opportunities in respect of race, colour, gender, disability, age, sexual orientation, religious or cultural beliefs.
- 1.2.4 Individual empowerment and participation.

## 2. CONFIDENTIALITY

- 2.1 Service Users have a right to, both written, and verbal information remaining confidential, but public interest can override the duty of confidentiality in the event of abuse.
- 2.2 Information should only be shared on a “need to know” basis when it is in the best interests of Service Users.
- 2.3 Confidentiality should not be confused with secrecy.
- 2.4 Informed consent should be obtained wherever possible.

### Note:

**Clarify whether vulnerable Service Users have the capacity to make decisions regarding the sharing of confidential information about themselves, and the consequences of allowing the release of information.**

- 2.5 **No** Assurances of absolute confidentiality should be given if there are concerns of abuse. In **all** circumstances where abuse is a criminal act or other vulnerable Service Users are at risk the information must be disclosed to the relevant authorities.

2.6 Employees who are told of, or suspect abuse of vulnerable Service Users should report the incident in line with this policy.

### **3. DEFINITION OF A VULNERABLE ADULT**

3.1 A vulnerable adult is any person aged 18 years or over who:

3.1.1 Appears to be eligible for local authority or mental health services by reason of mental ill health, physical or learning disability, age or illness.

or

3.1.2 May be unable to take care of themselves or protect themselves against significant harm or serious exploitation.

### **4. REPORTING ABUSE**

4.1 Reports should be made initially through line management (Support Manager), or in their absence, the Duty Manager.

**Note:**

**In criminal offences the Police must be informed first of the alleged offence**

4.2 If employees are concerned that the appropriate action has not or will not be taken, they must report directly to the following agencies:

- Care Quality Commission (CQC)
- Care & Social Services Inspectorate Wales (CSSIW)
- Adult Protection Unit
- Police

### **5. TYPES OF ABUSE**

#### **5.1 Physical Abuse**

5.1.1 Physical injuries or unreasonable physical constraint to Service Users where there is definite knowledge, or a reasonable suspicion that the injuries are inflicted or knowingly not prevented:

- Assault, hitting, slapping, scratching
- Misuse of medication
- Pushing or rough handling
- Restraining without justifiable reasons

**Note:**

**Ceiba Community Support does not allow for any form of physical or mechanical restraint, especially as a means of punishment. However, training in 'breakaway techniques' will be provided where appropriate.**

**5.2 Sexual Abuse**

5.2.1 The involvement of Service Users in sexual activities to which they may not have given their informed consent, may not fully comprehend, with which they do not wish to continue, or that violate the social taboos of family roles:

- Inappropriate touching
- Non-contact abuse (Pornography)
- Rape or attempted rape
- Sexual harassment

**5.3 Psychological Abuse**

5.3.1 These are actions which are not of a physical nature, but can severely affect Service User's psychological well being:

- Emotional abuse
- Humiliation or ridicule
- Threats of punishment or exclusion
- Verbal assaults

**5.4 Discriminatory Abuse**

5.4.1 This is psychological abuse which is racist, sexist, or linked to Service User's age or disability:

- Racial or sexual harassment
- Insults or harassment based on disability.
- Denial of cultural or religious needs

**5.5 Financial Abuse**

5.5.1 Misappropriation of Service User's money or any other action, which is not in the best interests of Service Users:

- Theft of money, possessions, property or other material goods
- Misuse of money
- Fraud or extortion of material assets

## 5.6 Neglect

5.6.1 Neglect of Service Users to such an extent that their physical and/or mental well being is seriously impaired:

- Failure to keep Service Users clean, suitably clothed, warm and in good health
- Failure to provide reasonable care/support
- Failure to give prescribed medication
- Failure to give privacy and dignity
- Failure to provide supervision of behaviour, which could be dangerous
- Failure to access medical care or technical aids
- Failure to provide nourishment

## 6. CRIMINAL OFFENCES

6.1 Some cases of abuse will constitute a criminal offence. In such cases, contacting the Police, as a matter of urgency, should be the first priority.

**Note:**

**The responsibility for initiating action rests with the Police and the Crown Prosecution Service.**

6.2 Criminal investigation by the Police takes priority over all other lines of enquiry.

## 7. ABUSE WITHIN CEIBA COMMUNITY SUPPORT

7.1 Neglect and poor professional practice may be isolated incidents or pervasive ill-treatment, are gross misconduct. Repeated instances of poor care and support may be an indication of more serious problems. Ceiba Community Support will take these incidents seriously, and deal with them appropriately.

### 7.2 Who can the Abusers be?

7.2.1 Vulnerable Service Users may be abused not only by employees of Ceiba Community Support, but may include:

- Relatives and family members
- Outside Professionals
- Volunteers
- Other Service Users
- Neighbours, friends and associates

- People who deliberately target vulnerable people
- Strangers

### 7.3 Abuse by Strangers

7.3.1 Abuse by strangers will require a different kind of response to an ongoing relationship, or in a care/support location, but in some instances the procedure should be used to ensure that vulnerable Service Users receive the service and support they request and need.

7.3.2 The calling of a Strategy Meeting to examine Service Users circumstances or holding a Case Conference to arrange support, and ensure mechanisms are in place to monitor the situation.

## 8. PERPETRATORS

8.1 Ceiba Community Support not only has a responsibility to all vulnerable Service Users, but also has responsibilities in relation to some perpetrators of abuse. The roles, powers, and duties of Ceiba Community Support vary accordingly in line with who the perpetrator is:

- An employee, proprietor or Manager
- A member of a recognised professional group
- A volunteer or member of a community group
- Another Service User
- A spouse, relative or member of Service Users social network
- A neighbour
- A person who deliberately targets vulnerable people in order to exploit them

8.2 Each Company/agency should have in place procedures to deal with a situation when someone they employ, whose services they use, or who acts as a volunteer, is found to be a perpetrator. This should be separate to these procedures.

## 9. ADULT PROTECTION PROCEDURES

### 9.1 Reporting

9.1.1 All reported incidents of abuse or suspected incidents of abuse are taken seriously. Records must be fully maintained throughout all stages of the process. **At no stage should any recording be entered in Service Users files.** All Employees have a responsibility to report any circumstances, which indicate the presence of suspected or actual abuse.

- 9.1.2 We will fully support any employee who in good faith reports abuse (see Whistle Blowing Policy).
- 9.1.3 In emergency situations i.e. when the person is in immediate need of medical attention or where the abuse is observed, immediate action should be taken to safeguard vulnerable Service Users/or preserve evidence.
- 9.1.4 Where the abuse is of a physical or sexual nature, medical examination will be obtained.
- 9.1.5 Where Service Users are identified as a “Vulnerable Adult” the multi agency procedures should be initiated by completion of an Incident Report Form. This is the agreed mechanism for alerting Social Services.
- 9.1.6 The employee, who observes the abuse or is informed that abuse may have occurred, is responsible for immediately reporting this to their Manager or in their absence, the Duty Manager.

**Note:**

**In the case of criminal offences the Police must be informed first of the alleged offence.**

- 9.1.7 The Care Quality Commission (CQC)/Care and Social Services Inspectorate Wales (CSSIW) must be informed at the same time as Social Services.
- 9.1.8 Where vulnerable Service Users or alleged perpetrators are funded by another local authority, the Manager or in their absence the Duty Manager, must make arrangements to inform the authority.
- 9.1.9 The Manager or in their absence the Duty, should record any further information, which may assist an enquiry.

**Note:**

**The original Incident Report Form should always be forwarded to Ceiba Community Support Office for safe keeping. The form will be disclosable to the Police in any subsequent court case.**

**10. RECEIPT OF INITIAL REPORT**

- 10.1 The employee will:

- 10.1.1 Assist the Adult Protection Team or CQC/CSSIW by gathering together, and making available information, which will assist the person nominated to lead the investigation.
- 10.1.2 Provide any required support to Service Users.
- 10.1.3 Follow advice given by the Police if appropriate.
- 10.2 The Manager or in their absence the Duty Manager will:

- 10.2.1 Assist the Adult Protection Team or CQC/CSSIW by gathering together, and making available information, which will assist the person nominated to lead the investigation.

**Note:**

**All reporting must be documented on an Incident Report Form**

- 10.2.2 Retain the initial report form as a piece of evidence.
- 10.2.3 Take any necessary management action.
- 10.2.4 Inform the relevant CQC/CSSIW.
- 10.2.5 Inform the Local Funding Authority for the vulnerable Service Users.
- 10.2.6 Immediate action will be taken to safeguard the victim, and preserve evidence and records.
- 10.2.7 Ensure all other action at this stage is limited to gathering basic information on which to make informed judgments.

**Note:**

**No investigative action should be undertaken at this stage, as this could result in contamination of potential evidence.**

- 10.9 Communicate with all other relevant parties.

**11. INVESTIGATION**

- 11.1 If necessary, the following procedures will be followed:
- 11.2 Unauthorised and un-coordinated investigations will not take place. In particular, investigative interviews (whether of potential witnesses or

perpetrators) will only take place if authorised by the individual in charge of the investigation. This will avoid duplication, upset to vulnerable Service Users, and prevent confusion within the investigation.

- 11.3 During the course of the investigation, the welfare of vulnerable Service Users must be the prime factor for consideration.
- 11.4 On occasions, the welfare of the individual will take precedence over the question of prosecuting an alleged offender, but public safety must always be considered.
- 11.5 All criminal investigations are governed by the Police and Criminal Evidence Act, 1984 (PACE). The Police are in a position to advise over the application of this Act, and in respect of other matters concerning the gathering and preservation of evidence.
- 11.6 No promises of confidentiality or anonymity should be made as these will not be recognised in law.
- 11.7 It should be noted that all information collected during the course of an investigation may be disclosable to the Police in any legal proceedings. Wherever possible the exact words spoken by vulnerable Service Users, or the alleged perpetrator, should be recorded.
- 11.8 It is essential that every effort is made to preserve evidence. Where physical or sexual abuse is alleged to have just occurred, the following should apply:
  - 11.8.1 Vulnerable Service Users, and alleged perpetrators, should be kept totally separate to avoid contamination of any possible forensic evidence.
  - 11.8.2 Alleged perpetrators should not be allowed to visit the scene of the alleged incident.
  - 11.8.3 As far as possible, the scene of the alleged incident should be preserved in its original state.
  - 11.8.4 Clothing worn at the time should be preserved for examination by the Police.
- 12. TIME STANDARDS**
  - 12.1 Employees should work to the agreed time scales set.



## 12.2 **Training**

12.2.1 Training is essential for the successful implementation of this policy and the supporting procedures. Managers at all levels must ensure that employees are given training and support. Identified training needs must be brought to the attention of the HR Manager.

## 12.3 **Monitoring**

12.3.1 Monitoring and analysis of data will enable identification of:-

- Service User groups who are at risk.
- Settings where abuse is predominant.
- Groups of people likely to be or become perpetrators.
- Types of prevalent abuse.
- Agencies involved in Adult Protection.
- Outcomes of Investigations.

## 13. **USE OF DATA**

Such data will:

- Help identify areas of specific training needs.
- Help identify resource shortfalls.
- Raise the profile of Adult Protection.
- Inform Senior Managers.
- Enable pro-active planning and training.

## 14. **RESPONSIBILITIES**

14.1 The sharing of information will always comply with the Data Protection Act.

14.2 This procedure will be reviewed annually.

14.3 All employees should take responsibility for the provision of monitoring information, with the responsibility of the data remaining with the appropriate manager.

14.4 Accurate records **MUST** be maintained at all stages.