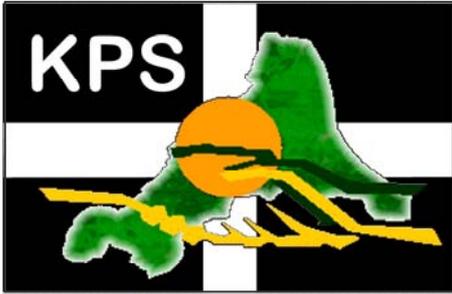


# **Safeguarding Vulnerable Adults and Children Policy/Guideline**

Kernow Positive Support



SPECIALISED HIV INFORMATION,  
SUPPORT, RESPIRE & RETREAT

**POLICY DOCUMENT 2013**

# **SAFEGUARDING AND PROTECTING VULNERABLE ADULTS AND CHILDREN POLICY GUIDELINE**

## **INTRODUCTION**

**All services within Kernow Positive Support (KPS) must respond swiftly and effectively in response to any concerns about suspected abuse or neglect of vulnerable adults – regardless of whether the alleged perpetrators are members of staff, volunteers and service users, family members or other carers.**

All services must ensure that the likelihood of abuse or neglect is minimised in the first place through effective recruitment procedures, operational practices, training and awareness raising, adequate staffing, volunteer levels and skills, supervision and well understood whistle blowing procedures.

It is the responsibility of the KPS Board of Trustees and must receive routine performance reports – and ensure that best practice from elsewhere informs their organisational policies, procedures and practices.

This policy sets out Kernow Positive Support in accordance with the Department of Health publication "No Secrets": Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" (*March 2000*).

This policy and guideline builds on the Government's respect for human rights and results from its firm intention to close a significant gap in the delivery of those rights for vulnerable adults alongside the coming into force of the Human Rights Act 1998.

The policy and guideline also uses references from document 'Safeguarding Adults' published by the Association of Directors of Social Services (ADSS) in October 2005. This publication sets out 11 standards for Kernow Positive Support (KPS) to aspire to in terms of best practice.

This policy and guideline describes how KPS should proactively prevent abuse occurring and respond if abuse is identified, suspected or disclosed.

KPS its staff, volunteers and service users must take account of the fact that abuse of vulnerable adults does occur. It is essential that the response to all allegations must be in line with this policy.

***This policy will be reviewed annually and implemented by 1<sup>st</sup> April of each year.***

- Promoting best practice to minimise abuse across all KPS services.
- Promoting effective partnership working between partner agencies.
- Ensuring that staff, volunteers and services users have knowledge and understanding of;
- Safeguarding Adults and Children and receive training in implementing Safeguarding Adults procedures.
- Promoting the early recognition of abuse and its definition (*see Definition of the term abuse*).
- Ensuring that there is a consistent and effective response to any concerns, allegations or disclosure of abuse.

***Protecting vulnerable adults from abuse and neglect adults remaining in high risk situations, provided:***

- It is evident from case records that the Safeguarding Adults Procedures have been properly followed;
- Every effort has been made to intervene positively to protect the vulnerable adult;
- Legal advice has been obtained, that, within the present legal framework there will be some occasions when vulnerable adults remain in potentially abusive situations. It may be that, even after careful scrutiny of the legal framework, staff/volunteers still find they have no power to gain access to a particular vulnerable adult. Staff/volunteers may find that they have no power to remove the vulnerable adult from a situation, investigate or assess the condition of the vulnerable adult's affairs, or intervene positively because the vulnerable adult refuses all help and wants to terminate contact with KPS.

In these extremely difficult circumstances, staff/volunteers will be expected to continue to exercise as much vigilance as possible. However, KPS will give full support to staff/volunteers over problems of handling cases of vulnerable adults.

- Supporting staff, volunteers and service users in reporting and investigating allegations of adult abuse. Contributing towards Safeguarding Adults investigations, conferences and protection plans.
- Ensuring that any risk of harm to children that is identified through the Safeguarding Adults process is referred to the relevant agency.
- To work in a preventative manner to protect vulnerable adults from being abused and/or neglected.
- To provide information and training that assists in the detection of abuse and the early identification of any services which are failing to ensure the safety of vulnerable adults.
- To respond sensitively and coherently to reported incidents of self-neglect and abuse in a consistent manner, in accordance with this policy and guideline.
- To co-ordinate action and services in order to best protect and support vulnerable adults in achieving best outcomes.
- To ensure the safety of vulnerable adults by developing strategies and policies, and utilising current legislation to provide a working framework.

- To recognise that adults identified as vulnerable have a right to confidentiality.

The primary aim for KPS shall be to prevent abuse. Where preventative strategies fail, KPS will ensure that robust procedures are in place for dealing with incidents of abuse.

## **KPS guidelines in Protecting Children from abuse and neglect**

Although, KPS does not work directly with children we all have a duty to protect them from harm or abuse, and the Children Act – 1989 makes Social Services (*Family and Children's Services*) and the Police responsible for investigating cases where children are abused. KPS has a policy which \*employees (*\*staff and contracted practitioners*) and volunteers who work with clients must follow, if they believe a child is being abused or harmed:

- employees and volunteers who work with clients must try to protect all children they have contact with;
- employees will listen to any person who tells them a child is at risk from abuse and/or being abused or harmed and write down what you say;
- employees will take this information to the Responsible Trustee, and if necessary discuss the matter with Social Services and/or the police;

If the information you have given to a KPS employees or volunteer who works with clients suggests that a child is in immediate danger they may call the emergency services.

The KPS employees or volunteer will support you if you want to talk to Social Services or the Police. If you are concerned that an employee or volunteer who works with clients may be abusing or harming a child you should go to the Responsible Trustee or directly to Social Services or the Police. The Responsible Trustee can be contacted by using the KPS Help line on **01208 264866**.

If Social Services have been informed about abuse or harm of a child they will decide what must be done to protect the child. Social Services may involve others once they have information about the abuse of a child; these could include the police, parents, guardians, carers and KPS employees/Trustees.

## **Child Protection means**

*Children who may be subject to the following:*

- Physical Abuse.
- Emotional Abuse.
- Neglect.
- Bullying.
- Sexual Abuse – which includes forcing or coaxing a child to take part
- in sexual activities, this may include; touching, sexual intercourse,
- taking photographs of a sexual nature or content or showing sexual
- images.

KPS check the history of all \*employees (*\*staff and contracted practitioners*) and volunteers, including KPS trustees who work with clients to make sure they do not have a history of abusing or harming others. KPS employees and volunteers access training about protecting others and ways of identifying abuse and harm.

All KPS employees and volunteers **must** follow the KPS Ethics and Code of Practice Policy.

## ***References***

- Safeguarding Vulnerable Groups Act 2006,
- “No Secrets”
- Children Act 2004
- Keeping Children Safe  
(*Child Protection and Safeguarding Children – Tier One*)
- Mental Capacity Act 2005,
- CRB

The KPS Safeguarding Adults and Children’s Policy encompasses the mental capacity act and its underlying philosophy to ensure that any decision made, or action taken, on behalf of someone who lacks the capacity to make the decision or act for themselves is made in their best interests and the following link provides detailed information on the MCA code of practice:

***<http://www.publicguardian.gov.uk/mca/code-of-practice.htm>***

## **The KPS policy reflects safeguarding as defined in the following acts:**

- Care Standards Act 2000
- Data Protection Act 1998
- Disability Discrimination Act 1995
- Human Rights Act 1998
- Mental Health Act 1983
- Mental Capacity Act 2005
- National Health Service and Community Care Act 1990
- Human Tissue Act 2004.

## **KPS Safeguarding Adults and Children Action Plan**

- Defining Who is at Risk
- What is the Definition of a "Vulnerable Adult"?

This policy relates to adults of 18 years of age or over (*see "No Secrets" – Guidelines*) Children under the age of 18 years are protected by the Children Act 1989. A person is a "child" until they reach 18 years of age or until they get married.

The broad definition of a “vulnerable adult” is taken from (*see "No Secrets" – Guidelines*)

A vulnerable adult is a person “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 exploitation”. (*see "No Secrets" – Guidelines*).

The term “community care services” includes all social and health care services provided in any setting or context. (*see "No Secrets" – Guidelines*).

The term “harm” should be taken to include not only ill treatment (*including sexual abuse and forms of ill treatment that are not physical*), but also the impairment of, or an avoidable deterioration in, physical or mental health. It should also be taken to include the impairment of physical, intellectual, emotional, social or behavioural development. (*see "No Secrets" – Guidelines*).

## **What Constitutes Abuse and its definition?**

Abuse is a violation of an individual’s human and civil rights by any other person or persons. (*see "No Secrets" – Guidelines*).

The following definitions are covered by this policy: (*see "No Secrets" – Guidelines*)

- Physical abuse, including hitting, slapping, pushing, kicking, misuse of medication or inappropriate sanctions or restraint.
- Sexual abuse, including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, could not consent or was pressured into consenting.

## **The Categories of Abuse**

Protecting vulnerable adults from abuse and neglect. Neglect and acts of omission, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care, or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating. Discriminatory abuse. This abuse is motivated by discriminatory and oppressive attitudes towards race, gender, cultural background, religion, physical and/or sensory impairment, sexual orientation and age.

Abuse can 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. (*see "No Secrets" – Guidelines*). Psychological abuse, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation or blaming.

Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits.

Discriminatory abuse manifests itself as physical abuse/assault, sexual abuse/assault, financial abuse/theft and the like, neglect and psychological abuse/harassment, including verbal abuse. Institutional abuse, neglect and poor professional practice. This may take the form of isolated incidents of poor or unsatisfactory professional practice at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other. (*see "No Secrets" – Guidelines*).

Any or all of these types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance. continuing relationship or service context, or to more than one person at a time. This makes it important to look beyond the single incident or breach of standards to underlying dynamics and patterns of harm. 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. 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 must be given high priority.

Through the Safeguarding Adults process, liaison, with the Police may allow for other actions to take place whilst the criminal investigation continues.

### **Incidents of abuse may be multiple, either to one person in:**

#### ***Risks Arising from Self-Neglect***

The KPS Safeguarding Adults policy and guideline will apply where a vulnerable adult has been identified as having been subject to significant neglect and where one or more of the following situations apply:

They are unable to agree to having their needs met because they lack capacity to make this decision. They have capacity but have refused essential services without which their health and safety needs can not be met.

Often, the cases which give rise to the most concern are those where a vulnerable adult refuses help and services and is seen to be at grave risk as a result. If KPS is satisfied that the vulnerable adult has the capacity to make an informed decision on the issues raised, then that person has the right to make their own choices.

In these circumstances, all agencies must use the Safeguarding Adults process. All attempts must be made to include the vulnerable adult in this process.

Where KPS is unable to implement services to reduce or remove risk the reasons for this should be fully recorded and maintained on the person's file, with a full record of the efforts and actions taken by the agencies to assist the vulnerable adult.

The vulnerable adult, carer or advocate should be fully informed of the services offered and the reasons why the services were not implemented. There is a need to make clear that the person can contact the relevant agency at any time in the future for services. In cases of high risk, consideration should be given to arrangements for monitoring and where appropriate making proactive contact to ensure that circumstances do not deteriorate to an unacceptable degree.

## **Who can be an Abuser?**

*Anybody can be an abuser.*

The roles, powers and duties of KPS in relation to the alleged perpetrator will vary. (See "No Secrets" Guidelines)

## **In What Circumstances Can Abuse Occur?**

Abuse can take place in any context. (See "No Secrets" Guidelines)

What degree of abuse justifies intervention building on the concept of 'significant harm' introduced in the Children Act 1989, the Law Commission suggested that: "Harm' should be taken to include not only ill treatment (*including sexual abuse and forms of ill treatment which are not physical*), but also the impairment of, or an avoidable deterioration in physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development'." (See "No Secrets" Guidelines)

The seriousness or extent of abuse is often not clear when an alert is first received by the KPS Board of Trustees. It is important, therefore, for the Responsible Trustee when considering the appropriateness of intervention, to approach reports of incidents or allegations with an open mind. In assessing seriousness, the following factors need to be considered:

- The vulnerability of the individual.
- The capacity of the individual.
- Protecting vulnerable adults from abuse and neglect.
- The risk of repeated or increasingly serious acts involving this or other vulnerable adults. (See "No Secrets" Guidelines)
- The nature and extent of the abuse.
- The length of time it has been occurring.
- The impact on the individual. And;
- Confidentiality and Information Sharing

Vulnerable adult enquiries, investigations and conferences can only be successful if staff and volunteers share and exchange all relevant information. That information must be treated as confidential at all times and staff and volunteers will be bound by the ethical and statutory codes that cover confidentiality and data protection.

Problems around the disclosure of information can be avoided if the consent of the individual is obtained, preferably in writing, so long as they have mental capacity. However in certain circumstances disclosure may be necessary in the public interest where a failure to disclose information may expose themselves or others to significant risk of serious harm or to prevent criminal activity.

All those providing information should take care to distinguish between fact, observation, allegation and opinion. It is important that, should any information exchange be challenged in respect of a breach of confidentiality or, for example, as a breach of the Human Rights Act, the information can be supported by evidence.

Concerns may arise within an agency as information comes to light about a person with whom the service is already in contact. Whilst professionals should seek in general to discuss any concerns with the individual and their carers and seek agreement to share the knowledge with other relevant agencies, this should not be done where such discussion and agreement-seeking will jeopardise the safety of the individual, other individuals or the investigation.

Shared information must be adequate, relevant and not excessive in relation to the purpose for which it is held and must be held no longer than is necessary for that purpose. Be clear about disclosing information to external organizations and check the specific procedures under 'Roles and Responsibilities' below.

## **Kernow Positive Support (KPS) is responsible for maintaining our own records**

This policy and guideline seeks to set out the proper level and line of the policy will adhere to the principles within:

- Sharing of information to promote the protection of vulnerable adults and children.
- Protecting vulnerable adults from abuse and neglect on work with safeguarding adults cases. And a policy stating the purpose and format for keeping the records and for their destruction.
- Communication to be adhered to when any partner agency seeks to obtain from another agency confidential information concerning clients and records.
- The Data Protection Act.
- Human Rights Act.
- Existing protocols for Adult Social Care and NHS Trusts and third party disclosure to the Police.
- Police disclosure to Adult Social Care.
- Disclosure by the Police in care proceedings, civil proceedings and matrimonial proceedings.
- Disclosure of videos/statements.
- Caldicott Guardianship Rules.
- Freedom of Information Act

## **Recording Information**

It is essential that clear and accurate records be kept of all contacts and actions relating to cases of alleged abuse/neglect. The records may need to be used to hold individuals/agencies to account and therefore should be complete.

- It is important that no record breaches the person's individual legal rights.
- All records should be accurate and factual.
- KPS will use the data monitoring and collection procedures agreed by the KPS Board of Trustees. This will ensure that information from individual cases can be aggregated and reported on.

### ***Unlawful Acts***

Unlawful acts can be either criminal or civil offences. Some instances of abuse will constitute criminal offences or unlawful acts under civil law. In this respect, vulnerable adults are entitled to the protection of the law in the same way as any other member of the public. Examples of actions which may constitute criminal offences are assaults (*whether physical, psychological or sexual*) sexual relations without consent, harassment, threats, theft and fraud.

It is therefore essential that Police involvement should be considered as soon as any allegation or suspicion of abuse is made where there is an indication that a criminal offence has taken or is likely to take place. The Police will advise on the necessary further action, level of urgency and the process for undertaking any subsequent criminal investigation. Criminal investigation by the Police must be given high priority. Through the Safeguarding Adults and Children process liaison with the Police may allow for other actions to take place whilst the criminal investigation continues.

***This policy identifies distinct roles in the protection of vulnerable adults and children.***

### ***Alerters***

Co-ordinating Officer to the KPS Board of Trustees (*Responsible Trustee*) for Safeguarding Adults.

### ***Investigators***

Lead Officer for Safeguarding Adults designated by the KPS Board of Trustees.

## **Alerters**

***Protecting vulnerable adults from abuse and neglect.***

Anybody could see abuse taking place, be told about abuse or suspect abuse is occurring. The Alerter's duty is to report this. Alerters can be anybody – the vulnerable adult themselves, health workers, domiciliary care staff, social care workers, emergency services staff, voluntary staff, college staff, housing workers, day centre staff, residential and nursing to prove guilt and the defendant is presumed innocent until proved guilty.

Criminal offences are dealt with by the State - the Police investigate and then in liaison with the Crown Prosecution Service decisions are made whether or not to prosecute. The Crown Prosecution Service has to apply two tests - whether there is a realistic prospect of conviction, and if so, whether it is in the public interest to proceed. If it does proceed then the case may be heard in the Magistrates Court or, if it is more serious, in the Crown Court. The Court decides on sentence.

The Alerter should make a written record of what they have been told/witnessed and any actions taken. The Alerter should ensure they pass this information on appropriately. The vulnerable adult should be informed of the intention to report this information, where it is safe and appropriate to do so.

The KPS Co-ordinating Officer has overall responsibility for ensuring that the correct procedures are followed according to this policy.

The KPS Co-ordinating Officer is responsible for ensuring that enough information is gathered to provide an initial assessment as to whether the alert should be dealt with under the Safeguarding Adults process. If the Co-ordinating Officer decides that the alert should be dealt with under the Safeguarding Adults and Children process they need to assess the level of risk and the urgency of response that is required.

The KPS Co-ordinating Officer is responsible for convening and chairing a Strategy Meeting/Strategy Discussion. There may be occasions where the Co-ordinating Office may choose to arrange an alternative chair.

The KPS Co-ordinating Officer is responsible for ensuring that the Safeguarding Adults and Children process is followed from the initial alert and the completion of a report through to recording the clearly identified outcome measures. A record must be kept of all contacts and action taken, including telephone conversations.

## **Investigation**

Only those identified to do so as a result of a Safeguarding Adults and Children Case Conference meeting should undertake investigations. Their tasks will include collecting and verifying information from files, other agencies, relatives, staff, volunteers and so on. It may involve interviewing the vulnerable adult, possibly with the police, and other relevant people.

They will produce a comprehensive factual report which in most cases will include an assessment of the risks and some recommendations for action.

The Safeguarding Adults and Children strategy meeting is a multi-agency professionals planning meeting. Those invited to take part have a responsibility to produce reports for the meeting if they are unable to attend so that a decision can be reached regarding the next step. It is important that this decision is based on all pertinent information available.

***Some outcomes may be:***

- More information still needs to be gathered.
- An investigation needs to be undertaken.
- An Safeguarding Adults and Children case conference needs to be called.
- No further action required under Safeguarding Adults and Children procedures.

**Working with perpetrators of abuse**

KPS is committed to creating a safe environment for people to report abuse by providing a gateway for multi-agency interventions designed to hold abusers accountable for their behaviour. Through its policies and staff training KPS hopes to highlight the negative consequences of abusive behaviour as a deterrent sending a strong signal that abusive behaviour in any form is **not** acceptable. KPS will work with the perpetrators of abuse who wish to address abusive behaviour provided the risk assessment enables it to do so and no criminal offence has been committed. The rights of those accused of abuse will always be maintained, and they will be supported to exercise those rights within the KPS client charter, and have access to the KPS complaints procedure.

**The Role of the Multi-Agency Safeguarding Adults and Children Case Conference**

The Safeguarding Adults and Children case conference is a multi-agency meeting, where ongoing protection of the vulnerable adult is being considered. This meeting is usually planned as an outcome from a strategy meeting. The purpose of a case conference is to agree on a course of action and to ensure the agreed plan is monitored and reviewed. Unlike the strategy meeting, the case conference must consider inviting the vulnerable adult and must enable them to attend if they so wish.

***The outcome of a case conference could be:***

- Implementation of the action plan to achieve desired outcomes.
- Agreement about monitoring arrangements.
- Agreement about each agency's responsibilities and timescales.
- If needed further investigation by a named agency or agencies.
- No further action and case closed to Safeguarding Adults/Children.

***Safeguarding Adults and Children Review Meeting***

A Safeguarding Adults and Children review meeting should take place within a maximum of six months from the initial case conference and will be arranged and convened by the Coordinating Manager.

*The review is likely to look at the following:*

*Have desired outcomes for the service user been achieved?*

- To agree upon a revised safeguarding adults plan.
- To agree reporting/monitoring and reviewing arrangements.
- To identify any weaknesses within the process and recommend where improvements can be made.
- To identify any strategic policy issues.

## **KPS Roles and Responsibilities**

*Responsibilities and procedures*

- Raising awareness within the organisation of the abuse of vulnerable adults and giving clear messages that safeguarding adults is everyone's responsibility.
- Ensuring that Safeguarding Adults and Children procedures are accessible to the staff, volunteers and service users.
- Rigorous recruitment practices, induction and specific training in safeguarding adults in relation to both employing staff and in the selection of volunteers.
- Supervision and monitoring of staff and volunteers working with vulnerable adults.

Internal guidelines for all staff and volunteers relating to the implementation of any a safeguarding adult and children policy that set out the responsibilities within which all staff and volunteers must operate.

- Safeguarding Adults and Children awareness and procedure training for all staff and volunteers within the induction process and the KPS Staff/Volunteer Handbook. This will include all roles within the procedures and ongoing training to ensure staff and volunteers are up-to-date with current legislation with ongoing and refresher training opportunities covering both adults and children.
- Ensure staff and volunteers understand the procedures they should follow within this policy and guideline if they are concerned and/or suspect abuse.
- Ensure service users (*KPS Clients*) accessing services are aware of this policy and guideline within the KPS Client Handbook and indicate in writing that the client(s) have been made aware of this policy and guideline within an individual's Support Plan and any other relevant paperwork and that they understand it.
- Ensure all those accessing and/or working for the organization have access to current legislation appertaining to Safeguarding and protecting Adults and Children.
- Ensure Good Practice at all levels of service provision..
- Keep clear and accurate records.
- Undertake assessments of risk.
- Share information on a need-to-know basis when it is in the best interest of the vulnerable adult.

- Sharing information as defined and in accordance with the Mental Capacity Act 2005, which contains clear guidance on information sharing and disclosure without consent.
- When an 'Alert' is made regarding a vulnerable adult or child the appropriate local authority including the service commissioner (*where appropriate*) should be informed (*in the case of a child – Child Protection Advisor*).
- Participate in the joint working arrangements as defined in this policy and guideline and in the "No Secrets" and Safeguarding Adults and Children procedures and guidelines.
- Implement preventative and/or supportive action to vulnerable adults and children.
- Protecting vulnerable adults and children from abuse and neglect.
- If needed further investigation by a named agency or agencies.
- A decision that no further action is required under Safeguarding Adults and Children procedures.

#### **PROCEDURES ENSURING KPS PROTECTS:**

- **Service Users (*Clients*) accessing our services.**
- **Staff - including contracted practitioners (*Counsellors/Therapists*).**
- **Volunteers (*including Trustees and Patrons*).**

All those involved in providing services will have undertaken the necessary training (*see Staff/Volunteer Handbook*) such as; understanding all KPS Policies and Procedures.

All those involved in providing services will have had relevant 'Checks' (*Enhanced Criminal Record Bureau*) made, and that their certificates are reviewed and updated at the required intervals.

Undertaken the necessary training (*see Staff/Volunteer Handbook*) such as; understanding all KPS Policies and Procedures.

All Service Users (*Clients*) being made aware and understanding all KPS Policies and Procedures (*see Client Handbook*).

There will be annual and periodic reviews of the effectiveness of this policy, guideline and procedures such as:

- Looking at any concerns or alerts raised over the last year (*if applicable*) and ensuring that the policy guideline procedures are effective.
- To identify and address any disincentives to reporting abuse if found to exist.
- Record reviews and any revisions to policy and guideline.

## **PROCEDURES FOR REPORTING ABUSE**

If you are concerned and/or suspect abuse whether a person is being abused, or that a person is the perpetrator of abuse.

In the first instance you should contact the named and current '**Responsible Trustee**' (*Coordinating Officer*) within Kernow Positive Support (KPS) on the KPS Help line 01208 264866, as outlined in either the Client or Staff/Volunteer Handbook. However, if you are concerned that the named Responsible Trustee is involved in the abuse you should discuss the matter with another member of the KPS Board of Trustees (*Responsible Trustee*) or a member staff or a volunteer at your earliest. Alternatively, contact the HIV Link Social Worker and/or any Social Care or Health Care professional who is known to you.

### ***Examples:***

- KPS Responsible Trustee (*Coordinating Officer*)
- KPS Board of Trustees member
- KPS Support Worker/Officer
- KPS registered practitioner (*Counsellor/Therapist*)
- KPS Volunteer
- Social Worker (*Local Authority*)
- Health Care Worker (*Dr/GP/Consultant/Nurse*)
- Police
- Service Commissioner (*where appropriate*)

In the first instance, the matter will be discussed in confidence and you will be given details and the procedure that should be undertaken, as outlined within this policy guideline.

### ***In addition, KPS will:***

- Play a co-ordinating and advocacy role in assisting your concerns regarding the protection of vulnerable adults from abuse and the process that should be undertaken.
- Support any concerns or anxieties you may have as the 'Alerter'.
- Support the person(s) who have been abused and those involved.
- Ensure those involved how KPS will 'Feedback' on actions taken and why.
- Offer professional support such as; Counselling to any or all those involved

### ***In addition, KPS will work with other agencies to achieve the following:***

- Pursue criminal proceedings when appropriate.
- Provide information and crime prevention assistance to vulnerable adults and children to help them protect themselves.
- Where appropriate share information with partner agencies.
- Ensure appropriate victim support and care is provided.

- Inform the Cornwall Department of Adult Social Care, Cornwall Partnership Trust or the Isles of Scilly Department of Community Services, Service Commissioner when reports are received that one or more vulnerable adults or children may be or are at risk of abuse or neglect within regulated establishments or in their own homes.
- Attend Strategy Meetings and Case Conferences where appropriate in respect of regulated services.
- Contribute to investigations acknowledging the requirements of confidentiality and data protection.
- Raising public awareness within any HIV Awareness training carried out by the organisation of the abuse of vulnerable adults and children, and giving clear messages that Safeguarding Adults and Children is everyone's responsibility.

This policy also includes the identification of risks posed to both clients and staff during lone working. KPS recognises that a significant proportion of the support provided will be through one to one contact in a variety of settings and the risks to clients, staff and volunteers need to be identified. Staff and volunteer training and induction procedures will highlight the potential risks to staff and volunteers, and the risk to clients will be identified in the client handbook. As part of the overall service provision staff and volunteers are required to draw to the attention of perspective clients the relevant section of the client handbook which deals with these potential risks.

Information covering these potential risks and how staff, volunteers and clients deal with the possible risks which can arise from one to one working are contained in several policy documents including:

- KPS Risk Assessment
- KPS Lone Worker Policy
- KPS Whistleblowing Policy
- KPS Managing your Personal Safety
- KPS Harassment Policy
- KPS Ethics and Practices Policy
- KPS Disciplinary Procedure Policy
- KPS Conflict of Interest Policy
- KPS Confidentiality Policy
- KPS Complaints Policy
- KPS Health & Safety Policy

Including the KPS Client Handbook, and the KPS Staff and Volunteer Handbook.

## **No Secrets** (*Guidelines*)

Department of Health publication "No Secrets": A Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse" (*March 2000*).

### **An introduction**

- Understand the definitions of vulnerable adults and abuse.
- Able to recognise possible indicators and signs of abuse.
- How to respond appropriately and sensitively to disclosure of abuse.
- How to help reduce the risk of abuse.
- Understand the roles, policies and procedures in the Safeguarding Adults process.

### **Why do we need to protect adults?**

- Everyone has the right to live their life free from violence, fear and abuse.
- All adults have the right to be safeguarded from harm and exploitation.
- Not everyone can protect themselves.
- However, all adults have the right to independence which may involve some risks.

### **Definitions:**

#### ***A Vulnerable Adult is a person:***

“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 protect him or herself against significant harm or exploitation”.

*The ‘No Secrets’ definition of a ‘Vulnerable adult’ is taken from the 1997 consultation paper ‘Who Decides?’ issued by the Lord Chancellor’s department.*

#### ***Defining Abuse***

- Abuse is a violation of an individual’s human and civil rights by an act, or a failure to act, on the part of another person or persons.
- Abuse can occur in any relationship, both formal and informal, and may result in significant harm to or exploitation of the person subjected to it. Abuse may consist of a single or repeated acts.

## **What do you know about our human rights?**

### **Human Rights Act 1998**

Human rights are Rights and freedoms that belong to all individuals regardless of their nationality and citizenship. They are fundamentally important in maintaining a fair and civilised society.

#### **Article 2 - *Right to life.***

A person has the right to have their life protected by law. There are only certain very limited circumstances where it is acceptable for the state to take away someone's life e.g. if a police officer acts justifiably in self-defence.

#### **Article 3 - *Prohibition of torture.***

A person has the absolute right not to be tortured or subjected to treatment or punishment which is inhuman or degrading.

#### **Article 4 - *Prohibition of slavery and forced labour.***

A person has the absolute right not to be treated as a slave or to be required to perform forced or compulsory labour.

#### **Article 8 - *Right to respect for private and family life.***

A person has the right to respect for their private and family life, their home and their correspondence. This right can be restricted only in specified circumstances

#### **Article 9 - *Freedom of thought, conscience & religion***

A person is free to hold a broad range of views, beliefs and thoughts, and to follow a religious faith. The right to manifest those beliefs may be limited only in specified circumstances

#### **Article 10 - *Freedom of expression.***

A person has the right to hold opinions and express their views on their own or in a group. This applies even if those views are unpopular or disturbing. This right can be restricted only in specified circumstances.

### **Anyone could be an abuser**

#### ***It might be:***

- A family member or partner
- A neighbour
- A health or social care worker
- Another professional worker, for example; a financial advisor or solicitor
- A volunteer worker
- A friend
- A service user

## **Abuse can happen in many different places**

- Someone's own home
- A care home
- A hospital
- A day centre
- A public place

## **Categories of abuse**

- Financial or material abuse
- Sexual abuse
- Physical abuse
- Psychological abuse
- Neglect and acts of omission
- Discriminatory abuse
- Institutional abuse

## **Things that may increase the risk of abuse**

- Physical disability
- Learning disability
- Sight or hearing loss
- Mental health problems
- Severe illness
- Dementia or confusion
- Old age and frailty

## **You may suspect abuse because:**

- You have general concerns about someone's well-being.
- You see or hear something which could be abuse.
- Someone tells you that something has happened or is happening to them, which could be abuse.

## **Remember:**

- It is **not** your role to investigate any concerns you may have.
- It is your role to pass on any concerns you may have.

## **You must not:**

- Contact the alleged abuser.
- Talk to other staff members/volunteers or service users about the information shared with you

## **Preserving Evidence**

- Your first responsibility is to the safety and welfare of the abused person.
- However, immediate action may be necessary to preserve, and protect evidence.
- Your action may be vital in any future proceedings and the success (*or failure*) of any investigation.
- Don't disturb the person.
- Keep them calm and quiet until the police arrive.
- Don't change their clothes, bath them or give them a drink.
- Don't disturb the room.
- Keep bedding, clothing and so on.
- Don't let other people go into the room until the police arrive.
- Do keep the 'victim' and the perpetrator apart.
- Do tell hospital staff what you think has happened as it might affect the way they treat the person.

## **If you witness abuse or someone tells you about it**

### ***You must:***

- Write an account of what you have seen or heard as soon as possible. Make sure you include the time and date.
- Make sure the information is factual and accurate.
- Note down what the person said, using their own words.
- Describe the circumstances and identify anyone else who was there at the time.
- Use a body map to record any injuries if appropriate.
- Sign and date your report, noting the time and location.
- You **must** report any concerns that you may have.
- Never assume that somebody else will recognise and report what you have seen or heard.
- You should normally report your concerns to your line manager/designated person as soon as possible and they will then contact the relevant organisations.

However, if you think that any person involved in the abuse or does not take what you say seriously, you **must** contact:

**The Responsible Trustee  
Kernow Positive Support  
01208 264866**

## **The Role of the Alerter**

### ***You are not***

- Being asked to prove that information is true

### ***You are:***

- Being asked to record your concerns or disclosures made to you and report them to your organisation and the police, if necessary.

You can find further information at:

**[www.cornwall.gov.uk/safeguardingadults](http://www.cornwall.gov.uk/safeguardingadults)**

You can contact the Safeguarding Adults Unit on **01872 324112** if you need further advice.

## **References**

**No Secrets:** guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse.

### **Department of Health March 2000**

[http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT\\_ID=4008486&ch=7W0gjo](http://www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance/PublicationsPolicyAndGuidanceArticle/fs/en?CONTENT_ID=4008486&ch=7W0gjo)

**Safeguarding Adults:** a national framework of standards for good practice and outcomes in safeguarding adults work

### **ADSS (*Association of Directors of Social Services*) October 2005**

<http://www.adss.org.uk/publications/guidance/guidance.shtml>

Protecting vulnerable adults from abuse and neglect against a registered person, it may not be appropriate for the registered person to be involved.

## **Further guidance on procedures to safeguard and protect vulnerable adults from abuse**

In recent years several serious incidents have demonstrated the need for immediate action to ensure that vulnerable adults, who are at risk of abuse, receive protection and support. The Government gives a high priority to such action and sees local statutory agencies and other relevant agencies as important partners in ensuring such action is taken wherever needed. This guidance builds on the Government's respect for human rights and results from its firm intention to close a significant gap in the delivery of those rights alongside the coming into force of the Human Rights Act 1998.

The aim should be to create a framework for action within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse and a consistent and effective response to any circumstances giving ground for concern or formal complaints or expressions of anxiety. The agencies' primary aim should be to prevent abuse where possible but, if the preventive strategy fails, agencies should ensure that robust procedures are in place for dealing with incidents of abuse. The circumstances in which harm and exploitation occur are known to be extremely diverse, as is the membership of the at-risk group. The challenge has been to identify the next step forward in responding to this diversity.

- **Everyone has the right to live their life free from violence, fear and abuse.**
- **Everyone has a right to be respected by other people.**
- **Everyone has a right to make choices about their life and things that affect them.**
- **Everyone has a right to live in safety.**
- **You have these rights whoever you are. It doesn't matter if you are old, or disabled, or ill. You still have these rights.**
- **This information is about protecting your rights and stopping abuse.**
- **If you think you are being abused, you should tell someone. There is information below about who you should tell, and what they will do next.**

## **SAY NO TO ABUSE - Tell someone you trust.**

*These are some phone numbers you might need to use:*

### **Adult Care and Support**

0300 1234 131

Out-of-hours 01208 251 300

### **Kernow Positive Support (KPS)**

01872 262221

Out-of-hours 01208 264866

### **The National AIDS Help line**

0800 012322 (*24hr Help line*)

### **Council of the Isles of Scilly**

01720 422 148

Out of Hours 01720 422 699

### **Care Quality Commission**

0300 0616 161

**Police** – for emergencies **999**  
for enquiries 08452 777444

**NHS Direct**  
0845 46 47

**Royal Cornwall Hospitals Trust**  
01872 250000

**Cornwall & Isles of Scilly PCT**  
0854 170 8000

**Cornwall Partnership Trust**  
01208 251 300

**Action on Elder Abuse**  
0808 808 8141

**Age Concern**  
01872 264 370

**DIAL service** (*Disability Information Advice Line*)  
01736 759 500

**Mencap**  
0808 808 1111

**Mind**  
0845 766 0163

**Other information**

Some of the information contained within this document was overseen by the Cornwall and Isles of Scilly Safeguarding Adults Board. This multi agency Board jointly fund the Cornwall and Isles of Scilly Safeguarding Adults Unit which co-ordinates Safeguarding Adults work across Cornwall and the Isles of Scilly.

The unit consists of two Coordinators, two Independent Chairs, a Training Coordinator and Administration Staff. Professionals or others seeking more information can contact the Safeguarding Adults Unit, on 0300 1234 100 or by

**e-mail:**  
**[safeguarding.adults.unit@cornwall.gov.uk](mailto:safeguarding.adults.unit@cornwall.gov.uk)**

**Website:**  
**[www.cornwall.gov.uk/ safeguardingadults](http://www.cornwall.gov.uk/safeguardingadults)**

This information is part of a wider campaign of education and publicity surrounding the issue of abuse of vulnerable adults.

A wide range of Training Courses are available. Further information is available to help those at risk to understand their rights, and the steps they can take to protect themselves.

For more information, call 0300 1234 100 and ask to speak to someone about Safeguarding Adults training.

**Other formats**

If you would like this information on audio tape, in Braille, on CD, any other format or translated into a language other than English, please contact The Corporate Equality and Diversity team, on **0300 1234 100**

This policy and guideline is available by request from KPS in a wide range of formats.

All KPS policies and procedures are reviewed annually; this GUIDANCE ON PROCEDURES TO PROTECT VULNERABLE ADULTS FROM ABUSE has been reviewed and ratified by the KPS Board of Trustees commencing 1<sup>st</sup> April 2013 (*under 'policies' as shown in the KPS Annual Report and Accounts*).

Further details and the leaflet **NO SECRETS 'SAY NO TO ABUSE'** is available within the KPS Information Pack and/or by contacting the KPS Office on 01566 86378.

***Ref: SAFEPA-APR2010. (Revised - May 2013)***

Below you will find attached '**KEEPING CHILDREN SAFE**' a copy of the leaflet Child Protection and safeguarding Children.

# KPS Safeguarding Log

## Practice Guidance & Instruction

*All records should be:*

- **Timely** - Records should be made as soon as possible.
- **Accurate** - If mistakes in information have been recorded, they are unlikely to be questioned by a new worker (*Staff/Volunteer*). The inaccurate information will be perpetuated inadvertently. At times, information may be gathered in a stressful situation. However, every effort must be made to ensure accuracy. It may be advisable to check the information recorded at a later date.
- **Factual** - It is essential to record the nature and the source of the information.
  - What is said and by whom.
  - What was observed and by whom.
  - Hearsay and third party information must be clearly recorded as such.
- **Ethical** - All records should be non-judgmental and non-discriminatory. It may be a useful guide to record information with an assumption that the person you are writing about will read it.

**The importance of good record keeping is essential for all agencies and not just Local Authorities.**

*“Good record keeping is essential for Local Authorities so that when they are challenged – as is increasingly likely – they are able to demonstrate that decisions were not taken unlawfully or with maladministration...Defensive record keeping can easily become poor record keeping...This renders decision making opaque and difficult to defend against challenge.”*

(Mandelstam, M., 1998, page 163)

From a legal perspective, the Human Rights Act 1998, which came into effect 1st October 2000, brings into English law a distinct and different approach to thinking about rights, responsibilities and remedies. Additionally, courts appear increasingly willing to hold Local Authorities, and individual practitioners, to legal account. In the light of this, it is important to keep detailed records.

Record keeping is an integral part of the professional practice and should assist the process. It is not separate from the process and not an optional extra to be fitted in if time and circumstances allow.

KPS Practitioners must be aware of the Human Rights articles and if they feel that they are possibly contravening any Human Rights article, they must refer to this in written records, including a justification.

For more information regarding the Human Rights Act, refer to the "*Code of Practice*".

## **Procedure**

Whenever a complaint or allegation of abuse is made all agencies should keep clear and accurate records and each agency should identify procedures for incorporating all relevant agency and vulnerable adult's and children's records into a file to record all actions taken. In the case of providers of services these should be available to the commissioners of services and to the Care Quality Commission.

## **When Should Information be recorded?**

- Records must be kept from the time that a concern, allegation or disclosure is made.
- Each entry must be dated and timed.
- The name of the person recording the information must be written in full.  
**Do not use initials.**

## **What to Record**

- All entries must provide factual information, for example, times, dates, names of people contacted.
- Avoid expressions of opinion (*remember that the person you are writing about may have the right to read what you have said*).
- All contact with the vulnerable adult and alleged perpetrator must be recorded.
- Record the exact words the vulnerable adult and alleged perpetrator used.
- Use body maps to illustrate any physical injuries.
- All consultation with a Manager and/or Senior Manager must be recorded.
- When contacting other agencies the questions asked and information received must be recorded.
- If a decision is made not to contact the Police, the details of why this decision was made and on whose authority it was made must be recorded.
- All telephone calls, those received and made in relation to the abuse, must be recorded even if there was no reply to outgoing calls.
- Those who attend Safeguarding Strategy Meetings must be named.
- The decisions taken at all meetings must be recorded.
- It is essential to demonstrate how an assessment of risk, responsibility, rights, Autonomy and protection of the vulnerable adult was undertaken.
- If no investigation is to take place, the reasons why and on whose authority this Decision was taken must be recorded.

## **How to Record Information**

- All records should be typed.
- If this is not possible, they **must** be written in black ink.
- Any alteration to records must be made by drawing a single line through the word(s).
- Correction fluid must not be used.

## **Other Documentation**

- Any rough notes made during the investigation must be kept with the record.
- Minutes from Safeguarding Strategy Meetings must be kept with the record.
- Minutes from the Case Conference must be kept with the record.
- All Safeguarding plans and reviews must be kept with the record.

## **Legal Requirements**

- Records should not breach a person's legal rights
- All agencies should identify arrangements, consistent with principles of fairness, for making records available to those affected by and subject to the investigation.  
(See "No Secrets")

## **Service User as Perpetrator**

If the alleged perpetrator is a service user then information about his/her involvement in an Safeguarding Adults investigation, including the outcome of the investigation, should be included on his/her case records. (See "No Secrets")

## **Storing of Information**

All records must be stored in accordance with your own agency's policies with regard to the Data Protection Act 1998.

## **Standards of Recording**

Best practice in recording is based on key principles of partnership, openness and accuracy. Effective recording is part of the total service to the user.

## **Child Protection Board**

[cioslscbenquiries@cornwall.gov.uk](mailto:cioslscbenquiries@cornwall.gov.uk)

*This KPS Safeguarding Log is reviewed by the KPS Board of Trustees annually (1<sup>st</sup> April of each year) and will be subject to review after each recorded incident to ensure the guidelines, procedure and instructions are working in accordance with KPS Policies 2011/12.*

Children can be abused physically, sexually, emotionally or through neglect. The concerns that you have may make up part of a bigger picture which could help to prevent serious harm to a child. Giving families help at an early stage can prevent abuse and neglect.

This leaflet is the first of 3 levels of training for people who work in either a paid or voluntary role with children in Cornwall. If they have not already done so, ask your employer to talk through this leaflet with you and tell you who to contact within your organisation if you have concerns. If you think you need further training talk to the person who gave you this leaflet or to your manager.

**NEVER KEEP CONCERNS ABOUT CHILDREN'S SAFETY TO YOURSELF**

## CONTACTS

South West Child Protection Procedures  
[www.swcpp.org.uk](http://www.swcpp.org.uk)

Local Safeguarding Children Board  
Website

[www.safechildren-cios.co.uk](http://www.safechildren-cios.co.uk)

Emergency Services	999
Devon and Cornwall Police	08452 777444
Children's Social Care	0300 1234 101
Children's Social Care - out of hours	01208 251300
Cornwall Safeguarding Children Unit	01872 254549

**Keep this leaflet in a safe place you never know when you might need it!**



Local Safeguarding Children Board

## CHILD PROTECTION & SAFEGUARDING CHILDREN

TIER ONE

# KEEPING CHILDREN SAFE

No one wants to hear about children being abused, neglected or unsafe and that sometimes makes it difficult to respond so ....

Remember these three important messages:

**1 ALL CHILDREN HAVE A RIGHT TO BE SAFE NO MATTER WHO THEY ARE OR WHAT THEIR CIRCUMSTANCES.**

**2 KEEPING CHILDREN SAFE IS EVERYONE'S RESPONSIBILITY.**

**3 WE ALL NEED TO LISTEN TO CHILDREN EVEN THOUGH WE MAY NOT ALWAYS BE COMFORTABLE WITH WHAT WE HEAR.**

**WHO SHOULD I TALK TO IF I HAVE CONCERNS ABOUT A CHILD?**

Write the name and contact details here of who you should talk to in your agency if you have concerns about a child, if possible write two people down in case one is not available.

Name: .....

Role: .....

Phone: .....

Name: .....

Role: .....

Phone: .....

If these contact people are not available do not delay but contact one of the numbers at the end of this leaflet.

**REMEMBER**

- It doesn't matter if you are a paid worker, a volunteer or a member of the community, you have a responsibility to act if you are worried about a child.
- Each agency will have someone who has a responsibility for child protection and safeguarding issues - they have had training to know what to do next.
- It is not your responsibility to investigate child abuse but you should tell the appropriate person within your organisation. It will be this person's job to decide whether to pass your concerns on. If necessary they will speak to Children's Social Care or the police. The police and social workers can then decide whether they need to investigate your concerns.