



# SAFEGUARDING ADULTS POLICY AND PROCEDURE

January 18 2011

## Report of Head of Community Engagement

PURPOSE OF REPORT			
To seek Cabinet's approval of a Safeguarding Adults Policy and Procedure			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
		X	Referral from Cabinet Member
Date Included in Forward Plan			
This report is public			

### RECOMMENDATIONS

- (1) That Cabinet approve the policy and procedure set out in Appendix A to this report and that staff and Members are made aware of the new policy.

#### 1 INTRODUCTION

- 1.1 In July 2007 Cabinet approved a Child, Young Person and Vulnerable Adults Protection Policy. It was recognised at that time that whilst there are similarities with arrangements for safeguarding and protecting children and young people (hence a joint policy), there are also differences not just in terms of legal and policy frameworks, but also in terms of approach.
- 1.2 Adults have fundamental rights to determine how they want to live their lives. So there needs to be a balance of arrangements that support an individual's right to make choices and be independent (with specialist support when this is needed).
- 1.3 By 2009 the policy was out of date with many new initiatives and processes introduced both nationally and across Lancashire. A comprehensive review was undertaken resulting in a policy that took account of a broader definition of 'safeguarding' and gave guidance on new processes and procedures.
- 1.4 As a result of this review the Cabinet Member with Portfolio responsibility for Children and Young People approved a revised Safeguarding Children and Young People Policy which did not contain within it policy in relation to vulnerable adults. As a result the Council no longer has a policy in relation to the safeguarding of vulnerable adults.

## 2 REPORT

- 2.1 Reports of harm, abuse or exploitation are most frequently associated with children or young people. But increasingly there is public recognition and reporting of adults who have been victims of abuse because their circumstances have made them vulnerable. Recent reports have included accounts of people being abused in hospitals, care homes, supported housing settings, or their own homes. Reports have also highlighted cases where disabled people have been subjected to domestic violence, or targeted as victims of hate crime or sustained antisocial behavior.
- 2.2 The current safeguarding framework was set out in *No Secrets: the development of multi-agency responses to the abuse of vulnerable adults*, issued as statutory guidance by the Department of Health in 2000. In October 2008 the government issued a consultation on the review of *No Secrets*.
- 2.3 In January 2010 the government announced its intention to introduce legislation to put Safeguarding Adults Boards on a statutory footing and issue new multi-agency guidance in the autumn. The new government is yet to announce its intentions with regard to policy in this area.
- 2.4 At present, there is no specific piece of legislation relating to safeguarding adults. This does not mean that there are no powers to act – rather that the legislation is fragmented; a wide range of legislation, applicable to adults who may be vulnerable, has been developed over a number of years. It includes laws about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights, and mental health and capacity.
- 2.5 *No Secrets* requires council social services departments to take the role of lead agency when developing and implementing multi-agency policies, procedures and codes of practice. This is to ensure an effective response to safeguarding issues. However, key organisations involved more broadly in supporting community health and wellbeing, have particular roles to play.
- 2.6 For district councils, this will include people working in:
- housing
  - benefits
  - environmental health
  - alarm call
  - support or personal services funded through Supporting People
  - leisure services
  - licensing
- key local initiatives such as community safety (including domestic violence and abuse, hate crime and anti-social behavior work).
- 2.7 It should be also be recognised that there are areas of activity that specifically require the Council to have in place a vulnerable adults policy:

The outreach work undertaken by the Integrated Support Team (Vulnerable Households and Worklessness) in Regeneration & Policy. This is particularly important for the Vulnerable Households/Family Intervention Project funded under the County Council's Supporting People programme and was picked up in a review of the project earlier in the year as an issue that needed to be addressed.

Wellbeing services within Community Engagement have been and continue to be commissioned by NHS North Lancashire to deliver services on their behalf. NHS North Lancashire has a responsibility for ensuring that all services commissioned have comprehensive policies, procedures and systems in place that safeguard and promote the welfare of children and vulnerable adults. NHS North Lancashire is now seeking interim assurance that Lancaster City Council has in place the appropriate arrangements for safeguarding children and vulnerable adults.

- 2.8 The policy and guidance is in line with Lancashire County Council processes, but gives a city council perspective and details reporting routes and appropriate contacts.

### **3 OPTIONS**

There are three options presented:

- 1 To agree the draft Safeguarding Vulnerable Adults policy and procedure
- 2 To agree the draft Policy and Procedure with amendments
- 3 To not agree the new policy and procedure and have no policy place in respect of vulnerable adults

### **4 OFFICER PREFERRED OPTION**

The officer preferred option is option 1. The revised policy and guidance provides the Council with up to date information and procedures that are necessary to fulfill the council's responsibilities.

### **5 DETAILS OF CONSULTATION**

The draft policy has been the subject of internal consultation with those areas of service who most frequently come into contact with vulnerable adults, Council Housing, Regeneration and Policy and Community Engagement.

### **6 SUMMARY**

The draft Safeguarding Adults policy is a new policy developed in line with Lancashire County Council guidance and reporting procedures. It provides guidance to staff who may come into contact with vulnerable adults regarding the identification of different types of abuse and also what to do if they have concerns relating to a vulnerable adult.

## **RELATIONSHIP TO POLICY FRAMEWORK**

### **CORPORATE PLAN**

Partnership working and Community Leadership – working with partners to reduce costs, make efficiencies and create resilience within the district.

- The intention to protect the most vulnerable in our society should also be a thread that runs through all our priorities.

## **CONCLUSION OF IMPACT ASSESSMENT**

Adoption of the policy will have a positive impact in terms of providing support to the most vulnerable members of our community.

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising as a result of this report.

## **SECTION 151 OFFICER'S COMMENTS**

The section 151 officer has been consulted and has no comments.

## **LEGAL IMPLICATIONS**

At present, there is no specific piece of legislation relating to safeguarding adults. This does not mean that there are no powers to act – rather that the legislation is fragmented; a wide range of legislation, applicable to adults who may be vulnerable, has been developed over a number of years.

Local authorities and other agencies involved with adults who might be at risk of abuse have a duty of care to ensure that procedures are in place, that encourage reporting of suspected abuse, and take action to stop the abuse.

## **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments.

## **BACKGROUND PAPERS**

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# APPENDIX A

## Safeguarding Adults Policy & Procedure

### Contents

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3. Identifying Abuse
4. Different Types of Abuse
5. Where does abuse take place?
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8. Confidentiality
9. Data Protection Act 1998

Appendix A

Appendix B

## 1. Policy Statement

1.1 Lancaster City Council is committed to safeguarding and promoting the welfare of vulnerable adults and to delivering services that promote good practice. The welfare of the vulnerable adult is paramount and is always the primary concern of the Council who recognise the need to ensure the welfare of vulnerable adults whatever their age, gender, sexual orientation, race, religion or belief, gender reassignment, disability, culture or circumstance.

The Council is committed to the following principles and actions:

- The Council will ensure that a protective safeguarding culture is in place and is actively promoted within the Council and will work together with other agencies to safeguard vulnerable adults.
- The Council will implement procedures to safeguard vulnerable adults and take all reasonable steps to protect them from harm, discrimination and to respect their rights, wishes and feelings.
- All employees of Lancaster City Council who work with vulnerable adults will be recruited with regard to their suitability for that responsibility. Employees who have substantial access to vulnerable adults are subject to an enhanced Criminal Records Bureau check prior to appointment, which includes a check against the vetting and barring scheme in line with the Safeguarding Vulnerable Groups Act 2006.
- All employees/volunteers will be required to adopt and abide by this policy and procedures there in and will be provided with supervision, guidance and/or training in good practice and reporting procedures to ensure that they are properly equipped to:
  - identify where there may be a problem
  - know how to obtain advice
  - refer concerns to relevant specialists

All employees have a responsibility to report concerns of suspected abuse or poor practice and the Council will provide designated points of contact to deal with such reports.

Council employees are expected to work in an open and transparent way avoiding any conduct that may cause a reasonable person to question their motives and intentions.

The Council will promote good practice that encourages a safe environment, protects all parties and avoids mistaken allegations of abuse.

The Council will take all incidents of poor practice and allegations or suspicions of abuse seriously and these will be responded to swiftly and appropriately.

The Council will respond promptly to suspicions or allegations involving employees and appropriate disciplinary and appeals procedures will be implemented.

This policy will be reviewed every three years or whenever there is a change in the relevant legislation or any other adopted standard of best practice.

Confidentiality shall be upheld in line with current data protection and human rights legislation.

## 2. Who does the policy apply to?

2.1 The policy applies to Members, employees, volunteers, contractors and everyone working on behalf of or representing the Council. For the purpose of this policy the term "employee" relates to any person paid or unpaid working on behalf of the Council.

## 3. Identifying Abuse

3.1 Some adults (aged 18 and over) due to age, disability, illness or lifestyle may not be able to protect themselves against significant harm or exploitation.

Abuse occurs when someone's human and civil rights are violated by someone else.

This can be:

- A single or series of actions of abuse.
- Deliberately or unknowingly causing harm.
- Failure to protect people from abuse.

Anyone can abuse, often it can be the person you least expect, such as:

- Spouse/partner.
- Carers and care worker.
- Family member/relative.
- Friend.
- Neighbour.
- Volunteer helper.
- Someone not known to the person.

Things to look out for:

- Possible changes in the person's behaviour or mood/personality.
- Unexplained injury or a series of injuries.
- Signs of fear or distress.
- Signs of neglect.
- Theft, fraud or unexplained financial worries.

## 4. Different Types of Abuse

4.1 Abuse can take many forms, including the following:

**Physical abuse** such as hitting, pushing, pinching, shaking, misusing medication, withholding food or drink, force-feeding, scalding, restraint and hair pulling, failing to provide physical care and aids to living.

**Sexual abuse** such as rape, sexual assault or sexual acts to which the person has not or could not have consented, or pressurising someone into sexual acts they don't understand or feel powerless to refuse.

**Psychological or emotional abuse** such as threats of harm or abandonment, being deprived of contact with others, humiliation, blaming, controlling, intimidation, harassment, verbal abuse and being prevented from receiving services or support

**Financial or material abuse** such as theft, targeted scams, fraud or exploitation, pressure in connection with wills, property, or inheritance, misuse of property, possessions or benefits.

**Neglect or Acts of Omission** such as ignoring medical or physical care needs; or preventing access to health, care or educational services or withholding the necessities of life such as food, drink and heating; or failing to ensure adequate supervision which exposes a person to unacceptable risk.

**Discriminatory abuse** such as that based on race or sexuality or harassment, slurs or maltreatment because of someone's race, gender, disability, age, faith, culture or sexual orientation.

**Institutional abuse** can sometimes happen in day services residential homes, nursing homes or hospitals when people are mistreated because of poor or inadequate care or neglect and poor practice that affect the whole of that service.

#### 5. Where does abuse take place?

Abuse can take place anywhere, including:

- In the person's own home.
- In the homes of their family or friends.
- In the public places/the community.
- Place of work.
- Colleges of further education.
- In hospitals, GP surgeries, or other health centres.
- Care settings.
- Police station.

Abuse may result from a deliberate intention to cause harm but may also occur where a provider of care lacks the necessary knowledge or skills to respond to the individual's needs.

#### 6. What to do if you have concerns regarding abuse of a vulnerable adult (see flow chart Appendix A)

6.1 Employees or representatives of Lancaster City Council may become aware of possible abuse in various ways:

- See the abuse happening;
- Suspect or have concerns because of signs of abuse, or
- Have concerns reported to them by a third party.

It is not the responsibility of employees to decide that abuse is occurring, but it is their responsibility to act on any concerns by reporting any suspicions they have.

If a vulnerable adult indicates that he/she is being abused, or information is obtained which raises concern of abuse immediate action must be taken.

In the first instance employees should report or discuss their concern with their line manager and complete the Vulnerable Adult Incident Reporting Form (Appendix B).

This form should always be completed as soon as possible after disclosure, incidents or concerns. To ensure that information is as accurate and helpful as possible, a detailed record should always be made at the time of disclosure/incident or concern.

Following initial discussion with your manager, concerns should be reported to Adult Social Care Services on 0845 053 0028. They have the lead responsibility in safeguarding adults who may be at risk and will determine what action to take next.



If employees are unable to speak in the first instance with their line manager or another suitable manager or if they have serious concerns about someone's safety they should contact Adult Social Services direct or Lancashire Police on 0845 1 25 35 45 and report to their manager at the first opportunity..

**If employees believe a vulnerable adult to be in immediate danger they should contact the Police by calling 999.**

When speaking to the Adult Social Care Services, Council employees should:

- give their name and details of their role within the Council.
- obtain and record the social worker's name and the time the call was made.
- explain their concerns, giving as much clear and concise information as possible, based on their professional judgement.
- The social worker will assess the situation and if required initiate the appropriate procedures to protect the vulnerable adult.

Once the incident has been reported any associated paperwork including the Vulnerable Adult Incident Reporting Form should be stored securely by the individual reporting the incident or their line manager in line with Data Protection legislation.

Reporting of incidents or concerns can also be done online via the Partner Agency Alert Form at [www.lancashire.gov.uk/safeguardingadults](http://www.lancashire.gov.uk/safeguardingadults).

## 7. Allegations of abuse against employees

7.1 If an allegation of abuse is made against an employee, the HR Manager must be informed immediately. They will inform the relevant Director and consideration will be given to suspending the employee from work or moving them to alternative duties not involving contact with vulnerable adults – in accordance with the Council's Disciplinary

### Policy and Procedure

If it is necessary to conduct an investigation into events surrounding the complaint, this Disciplinary Policy and Procedure.

The consideration of suspension in such circumstances does not imply guilt but is a neutral course of action, which is designed to ensure that both employees and complainants are protected during the investigation.

## 8. Confidentiality

8.1 Personal information about service users held by professionals is confidential and should not normally be disclosed without the consent of the person involved. The law does however permit disclosure of confidential information without permission if it is necessary to safeguard a vulnerable adult.

## 9 Data Protection Act 1998

9.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the requirements of the Data Protection Act 1998.

## Appendix A

### Safeguarding Adults Procedures for Recording and Reporting Abuse



