

# Policy & Guidelines on Safeguarding Vulnerable Adults



Updated and Approved November 2017

Clare Public Participation Network is committed to safeguarding the well-being of all those who participate in Clare PPN events, whether run in the centre, or any other locations, and all Clare PPN staff and volunteers have a responsibility to adhere to this policy as part of the organisation's educational programmes and activities.

## Safeguarding Vulnerable Adults

This document sets out the requirements for working with vulnerable adults at Clare Public Participation Network in accordance with the *Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures*, published by the Health Service Executive. The Designated Liaison Person, responsible for dealing with any concerns or reports regarding the safeguarding of CLARE PPN participants is the Coordinator, Sarah Clancy 087 1617375

Contents of this Policy are:

1. **Definition of a vulnerable adult**
2. **Key principles in vulnerable adult protection and welfare**
3. **Identifying Abuse**
4. **Responding to and reporting vulnerable adult protection concerns**
5. **Mandatory Reporting**
6. **Consent**
7. **Record Keeping**
8. **Recruitment and Selection**
9. **CLARE PPN Code of Behaviour**
10. **Annex: CLARE PPN Incident form**

### 1. Definition of a vulnerable adult:

A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves, or protect themselves from harm or from being exploited. This may be because they have a disability (either intellectual or physical, or relating to mental health), a sensory impairment, are older and frail, or have some other form of illness.

### **Definition of a vulnerable person for the purposes of Garda vetting:**

The Garda Vetting Bureau (children and vulnerable persons) Act 2012 defines a vulnerable person as a person, other than a child, who (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, (b) has an intellectual disability, (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or (d) has a physical disability, which is of such a nature or degree— (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Incidents of physical and sexual assault, fraud and financial exploitation are crimes and should be reported to the Gardaí. In the case of Sexual Offences involving people with disabilities, specific provision is contained in Section 5 of the Criminal Law (Sexual Offences) Act 1993. Ireland is also a signatory to the UN Convention on the Rights of Persons with Disabilities. Abuse of vulnerable adults can constitute the physical, psychological, emotional, financial or sexual maltreatment or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time, it may take one form or a multiple of forms.

**The lack of appropriate action can also be a form of abuse.**

## **2. Key principles in vulnerable adult protection and welfare:**

**Citizenship** confers a status on an individual whereby their fundamental right to dignity and respect and other basic human rights as well as their rights to participation in society are upheld and supported by the Constitution, by Ireland's human rights treaty commitments and by the laws of the State.

**Person centeredness** is that principle which places the person as an individual at the heart and centre of any exchange requiring the provision or delivery of a service. Services are organised around what is important to the person from his / her perspective. –

**Empowerment** is that principle which recognises the right of the individual to lead as independent a life as possible and that supports the individual in every practical way to realise that right.

**Self direction** recognises the right of the individual to self-determination to the greatest extent possible including where this entails risk. Abiding by this principle means ensuring that risks are recognized, understood and minimised as far as possible, while supporting the person to pursue their goals and preferences.

## **3. Identifying Abuse:**

Vulnerable adult abuse is any mistreatment that violates a person's human and civil rights. The abuse can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering. A vulnerable adult may be subjected to more than one form of abuse at any given time:

**Physical abuse** such as hitting, pushing, pinching, shaking, misusing medication, scalding, restraint, hair pulling.

**Sexual abuse** such as rape, sexual assault, or sexual acts to which the vulnerable adult has not or could not have consented, or to which they were pressurised into consenting.

**Psychological or emotional abuse** such as threats of harm or abandonment, being deprived of social or any other form of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, being prevented from receiving services or support.

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

**Neglect** such as ignoring medical or physical care needs and preventing access to health, social care or educational services or withholding the necessities of life such as food, drink and heating.

**Discriminatory abuse** such as that based on race or sexuality or a person's disability and other forms of harassment or slurs.

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

**Domestic abuse** refers to the use of physical or emotional force or threat of physical force, including sexual violence in close adult relationships. This includes violence perpetrated by a spouse, partner, son or daughter or any other person who has a close or blood relationship with the victim. The term 'domestic violence' goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other potential sources of support; threats to others, including children; stalking; and control over access to money, personal items, food, transportation and the telephone.

**Elder Abuse** is defined as "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 older person or violates their human and civil rights." 65 years of age is taken as the point beyond which abuse may be considered to be elder abuse.

Concerns in relation to elder abuse should be reported to the relevant Public Health Nurse or to the HSE Senior Case Worker for the Protection of Older People.

#### **4. Responding to and reporting vulnerable adult protection concerns:**

If you are concerned about the protection or welfare of a vulnerable adult, contact the Designated Liaison Person. It is recognised that adults have the right to self-determination and to make decisions, even if this means that they remain at risk. Where there are concerns regarding diminished capacity, consideration should be given to requesting a specialist assessment of the person's decision-making capacity in the context of the abuse allegations and the risk posed to the person. When the Designated Liaison Person receives a report about suspected or actual abuse, they should consider the wishes of the vulnerable adult and if there are reasonable grounds for reporting to the Statutory Authorities.

This will mean:

- Clarifying or getting more information about the matter;
- Consulting with the vulnerable adult to hear his/her wishes etc;
- Where there is any doubt or uncertainty, consulting with the Statutory Authorities to obtain their advice on the situation;
- Where there are concerns about the diminished capacity of the vulnerable adult, considering assessment of decision making capacity in the context of the abuse allegations and the risk posed to the person;
- Making a formal referral to the Statutory Authorities (*Protecting Our Future: Report of the working Group on Elder Abuse, September 2002*)

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions will be recorded or noted internally by the Designated Liaison Person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for Statutory Authorities.

A full written record of all decisions will be maintained by the Designated Liaison Person. In an emergency, where a person is at immediate risk, you should contact the Garda Síochána or Emergency Services on 999 or 112.

Confidentiality: All information concerned with the identification and reporting of vulnerable adult abuse is subject to best practice guidance on confidentiality. Where a vulnerable adult has capacity, their consent should be sought prior to disclosing information to another agency / Statutory Authorities.

## 5. Mandatory Reporting

Beyond the scope of this guidance document on reporting, all citizens should be aware that it is a legal requirement throughout Ireland for any person who knows or believes that a serious offence has been committed including an offence relating to Rape, Sexual Assault and False Imprisonment to report such information to An Garda Síochána and it is an offence not to do so where that failure cannot be reasonably excused. In current criminal legislation in Ireland (Section 4 Criminal Justice (Withholding of Information of Offences against Children and Vulnerable Persons Act 2012” it should be noted that complicated provisions appear within the context of defences available to persons charged with an offence relating to non-reporting of serious personal abuse. These warrant more detailed consideration in developing in detail the implementation process of any guidance adopted.”

## 6. Consent

The consent of the vulnerable adult should be sought prior to reporting any matter to the civil authorities and onto family and care service providers. Sometimes adults do not want civil authorities to take action to investigate or protect them from harm; People have a right to make such choices about reporting; however, if a criminal act is suspected, it must be reported to the civil authorities. If upon receipt of the concern, where the vulnerable adult does not give consent to reporting, and it is not clear that a criminal act has taken place, and where the designated person believes that others may also be at risk of harm, consultation should take place with the civil authorities as to the best course of action, in the absence of consent from the alleged victim.

In considering the capacity of the vulnerable adult to give consent, the following factors should be taken into account:

- The adult has the capacity to understand what is being asked of him/her
- Sufficient information is given, in a way that the person understands, to enable him/her to make an informed decision
- Consent is not received through any form of coercion

If the vulnerable adult is unable to give informed consent, discussions should take place with their carer/guardian/close family about reporting concerns/allegations and, where appropriate, discussions should also take place with any medical or social work personnel. There may need to be a determination as to who can give consent on behalf of the vulnerable adult; in some instances, there may already be provision in place; consultation may be required with legal advisers and statutory personnel.

Please note the designated liaison person should not make determinations around capacity to give consent, without consultation with appropriately trained and skilled personnel.

## 7. Record Keeping:

It is essential the designated liaison person keep contemporaneous records of all safeguarding concerns – this will include contacts, consultations and any actions taken. All records relating to vulnerable adult protection and welfare such as records of concerns, allegations or disclosures or reports to statutory authorities should be kept in a safe and confidential manner. Paper records should be stored in locked filing cabinets with restricted

access. Records held on PCs, servers or mobile devices should be encrypted and password protected. As regards the retention of records normally all protection reporting records are held in perpetuity.

## **8. Recruitment and Selection**

Safe recruitment is an integral part of good safeguarding practice. In addition to standard good HR practice (cross ref HR Recruitment policy), it should include:

- Seeking Garda vetting, and police clearance for other jurisdictions, and developing criteria on decision making regarding suitability in the event of disclosures
- Specific factors which would exclude applicants from working in the organisation
- Contracts agreed by management and workers (including that workers will comply with the organisation's protection and welfare policies)
- All workers will receive induction in the vulnerable adult safeguarding policy and regular refresher or updating training will be provided as required.
- All staff whose roles include or could potentially include contact with vulnerable adults will receive appropriate safeguarding training, approved to national standards.

## **9. Management and Supervision:**

All staff and volunteers whose roles or duties include or may include contact with vulnerable adults will receive appropriate support and supervision from their line manager or other appointed manager.

### **Allegations against Clare PPN personnel and volunteers:**

Should an allegation of abuse or inappropriate conduct in relation to a vulnerable adult be made against a Clare PPN employee, the following procedure will be followed:

1. The standard reporting procedure as above will be initiated on notification of the allegation, by the Designated Liaison Person, or by the Chairperson, as appropriate. The safety and welfare of the vulnerable adult is the foremost consideration and any necessary protective measures, proportionate to the risk will be taken (e.g. staff member removed from duties that involve contact with the vulnerable adult up to and including possible suspension with pay pending a full investigation). Parents / carers (including service providers) will be kept informed of steps taken as above.
2. The Coordinator (or member of the Board) will be appointed to advise the staff member or volunteer that an allegation has been made against them and the nature of the allegation. The person will be afforded an opportunity to respond.
3. The person will be informed that a report will be made to the statutory authorities and that Clare PPN will cooperate fully with any assessment or investigation that ensues. This should be undertaken without delay.
4. The Designated Liaison Person/ Chairperson will liaise closely with investigating bodies (HSE / An Garda Síochána) to ensure that actions taken by the organisation do not undermine or frustrate any investigations.
5. These steps will be followed with due regard for privacy and fair procedure of the individual involved.

6. Following advice from the statutory authorities an internal investigation under Clare PPN's Disciplinary and Grievance Policies may be undertaken

## **10. Clare PPN Code of Behaviour**

The Clare PPN code of behaviour must be adhered to by all staff (whether full-time or part-time) or volunteers (whether full-time or part-time) at all times during events and activities. This can help to minimise the risk of harm or abuse to vulnerable adults, as well as help protect all staff and volunteers from unfounded accusation.

This code of behaviour sets out that:

- The safety of all participants is paramount and must be our first consideration in any contact with them.
- Respect the rights, dignity and worth of every participant, and treat each one equally regardless of age, gender, ability, ethnic origin, cultural background or religion
- Physical or verbal interactions with participants should never be punitive, aggressive, embarrassing or humiliating.
- When meeting vulnerable adults for the first time, introduce yourself and explain in appropriate language, who you are and why you are visiting them
- Respect the ethos and practices of any service you visit

Staff/Volunteers must NOT:

- Spend excessive amounts of time alone with vulnerable adults and should, conversely, endeavour to avoid situations where this may arise.
- Engage in games of a physical nature unless as vital elements of drama/art workshops or structured outdoor activities. (In the planning of drama/art workshops and outdoor activities, staff/volunteers should attempt, where possible, to avoid activities which require such physical contact.)
- Engage or allow inappropriate physical contact with, or make sexually suggestive comments to, vulnerable adults.
- Spend time or meet with vulnerable adults outside of services
- Take vulnerable adults in your car or to other locations or premises
- Perform tasks, involving physical contact, for vulnerable adults which they are capable of doing themselves, at all times respecting the dignity of the person.
- Take or publish photographs of participants involved in activities without explicit consent (and also in keeping with policies of partner services and organisations)

Staff/Volunteers must ensure that:

- Any necessary meetings with vulnerable adults should be conducted as openly as possible with the awareness of other staff, volunteers and/or other adults present.
- Should any meetings be deemed to require privacy, doors to the rooms where the meetings are conducted must remain open.

All the above apply whether activities or events are conducted in any premises or venues both indoor and outdoor, as well as during travel to and from any other premises/venues, as part of Clare PPN's activities or events.

If you think you may have caused offence, however unintentionally, acknowledge and offer an apology or explanation as soon as possible

Should you observe or witness any action, behaviour or symptoms that indicate a concern in relation to a child's safety or welfare, report the matter, in the first instance to the service manager and advise her/him of your obligations under this policy. Note the concern and report to the designated liaison person at the first opportunity.

Provided that all Clare PPN policies and procedures are adhered to, it is the wish of Clare PPN staff and Board members that staff and volunteers encourage vulnerable adults to participate in activities and encourage all participants to develop their own ideas and skills as well, as experience the many other positive outcomes, both personally and socially, acquired by participation in such activities.

This policy fulfils the requirements of the legislation and embraces the principles of best practice in relation to Vulnerable Adult Policies and procedures in the Republic of Ireland.