

Multi-Agency Adult Protection Policy

| | | |
|-----|---|-------|
| 1.0 | INTRODUCTION | 3-4 |
| 2.0 | PRINCIPLES OF ADULT PROTECTION | 4-6 |
| 3.0 | THE ROLE OF THE VULNERABLE ADULT SAFEGUARDING BOARD | 6-9 |
| 4.0 | LEGAL CONTEXT | 9 |
| 5.0 | SHARING INFORMATION BETWEEN AGENCIES | 9 |
| 6.0 | REVIEWING THE POLICY | 10 |
| 7.0 | DEFINITIONS | 10-11 |
| 8.0 | ACKNOWLEDGEMENTS | 11 |

Appendix 1 - Multi-Agency Procedures for the Protection of Vulnerable Adults (yellow, green and white)

Appendix 2 - Legal Considerations (peach)

Appendix 3 - Multi-Agency Information Sharing Protocol (blue)

Appendix 4 – West Midlands Association of Directors of Social Services Agreed Protocol for Inter-Authority Investigation of Vulnerable Adult Abuse (pink)

Appendix 5 – Dealing with Complaints about Potential Abuse in a Health Service (lavender)

1.0 INTRODUCTION

The purpose of the Multi-Agency Adult Protection Policy and Procedure is to make clear the roles and responsibilities of staff working with vulnerable adults when abuse is suspected or reported.

It is the responsibility of all agencies to attempt to protect vulnerable adults from abuse.

The Government has emphasised the importance of protecting vulnerable adults from abusive situations and exploitation. This issue has been highlighted in recent Acts of Parliament and Government publications, for example: The Youth Justice and Criminal Evidence Act 1999, Crime and Disorder Act 1998, Modernising Social Services, Making Decisions, Action for Justice, Living without Fear, Caring for Young People and Vulnerable Adults, No Secrets and Mental Capacity Act 2005.

No Secrets was produced by the Department of Health in March 2000 to help agencies come together in a co-ordinated way to prevent the abuse of vulnerable adults including how to implement procedures which offer protection to vulnerable adults who may be being abused. This guidance is mandatory in that it has been issued under Section 7 of the Local Authority and Social Services Act 1970, which requires local authorities in their Social Services function to act under the general guidance of the Secretary of State.

It is important to remember that a full assessment of the vulnerability of the individual is an important part of this Policy and Procedure. Having any form of disability, being older or having a sensory impairment, does not necessarily mean that an individual is vulnerable or would want to be seen in that way.

These procedures are jointly agreed by those agencies represented on the Vulnerable Adult Safeguarding Board and include West Mercia Constabulary, Telford & Wrekin Council, Shropshire Council, Care Quality Commission, NHS Acute and Mental Health Foundation Trusts, the Primary Care Trusts, Shropshire Partners In Care (representing the independent sector), Carer representatives and all Housing Authorities.

Where abuse is suspected or reported and falls within the definitions set out in this policy, all signatories have agreed to adopt these multi-agency procedures and to follow the actions set out in them.

All partners that have contributed to the production of this policy recognise that vulnerable adults have the right to live full and meaningful lives, without fear from any form of abuse regardless of their age, race, sexual orientation, physical and intellectual ability or gender.

There is a zero tolerance to the abuse of vulnerable adults.

This policy recognises the right of the vulnerable adult, where possible, to make decisions for themselves and understands that there may be abusive situations identified that form part of their chosen lifestyle. No Secrets states that *“...capacity is the key to action since if someone has capacity and declines assistance, this limits the help that he or she may be given.”* (paragraph 6.21)

However, this should not limit the action and intervention that may be needed to protect other vulnerable adults. No Secrets states that *“the first priority should always be to ensure the safety and protection of vulnerable adults”*. (paragraph 6.2)

All partners are mindful that there is a duty of care to all vulnerable adults even if a person has the capacity to make decisions for themselves and are making unwise and eccentric decisions.

2.0 PRINCIPLES OF ADULT PROTECTION

All agencies will use the procedures in this policy (Appendix 1.) when an abusive situation is suspected, has been reported or an alleged abuser has been identified. Organisations will respond sensitively to the needs and rights of the individual including his/her racial and cultural background, gender, religious beliefs and sexual orientation, age, physical and sensory ability, emotional distress, mental health need and learning ability.

In order to comply with the Mental Capacity Act 2005, vulnerable adults should be assumed to have capacity and should be encouraged to make their own decisions about their lives. They should be made aware of any choices or options available to help them make decisions. This includes helping vulnerable adults to participate in the investigation process.

If a service user lacks capacity to make a specific decision for themselves, a decision should be made on their behalf that is in their best interests and is the least restrictive alternative.

Working with adults who have been abused involves the acceptance of risk and sometimes means the person may choose to be in a situation which professionals perceive to be risky or dangerous.

Statement of Principles

All agencies involved in work to protect vulnerable adults will adhere to the following guiding principles;

- The vulnerable adult should be at the centre of the process and encouraged and supported to participate at all times.
- To actively work together within the multi-agency policy.
- To actively promote the empowerment and well-being of vulnerable adults through the services they provide.
- Recognise the right of all adults to use the services of an advocate.
- To act in a way which supports the rights of the individual to lead an independent life based on self determination and choice.
- Recognise some people may be unable to make their own decisions and/or to protect themselves from harm and exploitation.
- Recognise that the right to self determination can involve risk and ensure that such risk is recognised and understood by all concerned and reduced wherever possible (there should be an open discussion between the individual and the agency about the risks involved to him/her).
- Ensure the safety of vulnerable adults by integrating strategies, policies and services relevant to abuse within the framework of the NHS and Community Care Act 1990, the Mental Health Act 1983, the Public Interest Disclosure Act 1988 and the Registered Homes Act 1984, the Care Standards Act and Human Rights legislation.
- Ensure that when the risk to an individual's lifestyle and choice is suspected or reported, the individual concerned receives appropriate help, is given advice, protection and support from relevant agencies where possible.
- Ensure that the law and statutory requirements are known and used appropriately so that vulnerable adults receive the protection of public, civil and criminal law and access to the judicial process.
- Ensure that all practice is anti-discriminatory and anti-oppressive.
- Make sure the individual's communication needs, including people with a disability and/or sensory impairment, are met during the process of assessment and investigation. This should include providing information in appropriate formats for example, Braille, audio tape, through interpreters, intermediaries or the use of appropriate symbols and communicator guides.

- Where intervention is necessary to reduce risk and is accepted by the person concerned, staff should take action that least disrupts life for the person.

3.0 THE ROLE OF THE VULNERABLE ADULT SAFEGUARDING BOARD (VASB)

Local Authorities have the responsibility for co-ordinating working arrangements related to Adult Protection and Safeguarding and should identify a senior manager with responsibility for this area.

All partners participating in the VASB are to identify a senior manager to take the lead role for Adult Protection and Safeguarding.

The VASB is made up of representatives from both Shropshire and Telford & Wrekin Council areas. It oversees the development of all work in relation to the protection and safeguarding of vulnerable adults.

The terms of reference are as follows;

Aims

| | |
|----|--|
| 1. | The Board will promote inter-agency collaboration in Safeguarding work within the Shropshire and Telford & Wrekin area ('the area'). |
| 2. | Recognising that the two local authorities have responsibilities for the co-ordination of adult safeguarding work within their respective parts of the area, the Board will provide a forum for debate and for the development of strategy about vulnerable adult safeguarding. |
| 3. | The Board will regularly review progress against the safeguarding strategy and any associated action plans. |
| 4. | The Board will oversee the development of policies and procedures, which specify how agencies will respond and co-operate in dealing with adult safeguarding concerns and referrals. |
| 5. | The Board will maintain a collective and developing awareness of best practice within the area of vulnerable adult safeguarding nationally, serious case reviews and of examples of systemic and institutional failures. The Board will proactively address any issues arising as a consequence. |

Objectives

| | |
|----|---|
| 6. | To ensure the protection of vulnerable adults in the local area from all forms of abuse, whether by commission or omission. |
| 7. | To develop on a multidisciplinary basis, the means by which vulnerable adults can be safeguarded and protected from avoidable harm. |

| | |
|-----|--|
| 8. | To adopt and sustain a reflective learning approach to adult safeguarding, across the professional system. |
| 9. | Ensure that learning outcomes result in change and improvement. |
| 10. | To identify gaps in service and options to address them. |

Values

| | |
|-----|--|
| 11. | Commitment to the reduction and ultimately to the eradication of all forms of abuse of vulnerable adults and to encourage a zero tolerance culture in respect of all forms of abuse. |
| 12. | Belief in the value and dignity of all and recognition of the right of individuals to choose. |
| 13. | Recognition of a wide range of inequalities which render some citizens particularly vulnerable to abuse and a commitment to action which minimise the impact of such inequalities. |
| 14. | Ensure individuals have access to services that will protect them from harm. |
| 15. | To ensure a proportionate response to issues and incidents of potential abuse. |

Membership

| | |
|-----|--|
| 16. | The Board will be composed of representatives of the following statutory agencies, operating in the area. The Board will operate inclusively, so that no relevant agency is precluded from membership. In addition to regular attendance by the following statutory organisations, representatives of other agencies will be invited to attend the Board where relevant. |
|-----|--|

| Statutory Organisations | Other members |
|---|--|
| <ul style="list-style-type: none"> • Shropshire Council * • Telford & Wrekin Council * • West Mercia Police • Crown Prosecution Service • Probation Service • Shropshire County PCT • Telford & Wrekin PCT • Shrewsbury & Telford Hospital Trust • South Staffordshire & Shropshire Mental Health Trust • Care Quality Commission • Prison Service • Provider Organisations • Voluntary sector service group • Residential and domiciliary care provider association (SPIC) | <ul style="list-style-type: none"> • Service user/patient organisations • Carers organisations |

| | |
|--|--|
| <ul style="list-style-type: none"> • Children's Safeguarding Boards for Shropshire and Telford & Wrekin • Robert Jones & Agnes Hunt Orthopaedic Hospital Trust | |
|--|--|

* Representation from Adult Social Services, Housing and Legal Services

| | |
|-----|--|
| 17. | All organisations will provide a named representative and deputy and commit to maintaining a minimum 80% attendance. Representatives will be at a senior level from partner organisations sufficient to enable them to commit to decisions of the Board on their organisations behalf as required and appropriate. |
| 18. | The Board will additionally maintain strong working links with local strategic partnerships, especially with regard to work streams on Community Safety and Domestic Violence. |
| 19. | Links will also be made as required with HM Coroner, the Office of the Public Guardian, Courts, Fire Service and the Ambulance Service. The HM Coroner will receive copy of the minutes as a matter of course. |

Reporting

| | |
|-----|--|
| 20. | As the Board has no executive function, any recommendations which it makes should be submitted promptly for endorsement to the appropriate management group/board in the relevant organisations as agreed by the Board. |
| 21. | The Board will produce an annual report on safeguarding activity during the previous financial year. The Board will specify the required content of the report, within the terms set out in the joint policy and procedures, and seek input from the agencies represented on the Board. |
| 22. | The annual report will be presented by members of the Board to their respective boards. |
| 23. | The Board will receive quarterly updates in relation to the performance and quality of services being delivered across the two local authorities. This ensures that the Board maintains a strategic overview with key themes and trends being identified and addressed via the safeguarding strategy and supporting action plan. |
| 24. | The Board will be responsible for commissioning and receiving independent investigations for serious case reviews. |

Board Meetings

| | |
|-----|---|
| 25. | The Board will meet quarterly with the responsibility for arranging a venue, making housekeeping arrangements and the provision for secretarial support alternating between the two local authorities on an agreed basis. |
| 26. | The Adult Protection Manager (SC), and the Principal Officer Adult Protection (T&WC) and the Adult Protection Trainer (SPIC) will attend Board meetings in the capacity of professional and technical advisors. |

| | |
|-----|--|
| 27. | Papers for consideration by the Board need to be provided in good time to ensure circulation with the agenda which will be distributed a week before the meeting. |
| 28. | Papers tabled at the meeting or verbal presentations on matters requiring detailed consideration will be permitted by exception only and with express approval of the Chair. |
| 29. | Guest speakers will attend the Board by prior arrangement or at the invitation of the joint chairs. |

The Board's Work

| | |
|-----|--|
| 30. | Each member of the Board is responsible on behalf of the agency s/he represents for bringing to the Board issues and developments in the area of adult safeguarding which will require, or would benefit from an inter-agency perspective. |
| 31. | The Board will formally register matters of local, regional and national interest, in the field of adult safeguarding, and will formally record a view on what response it needs to make. |
| 32. | Although some decisions can be reached on the basis of plenary discussions at Board meetings, the Board will also form subgroups from among its membership to undertake specified tasks. The Board will appoint a lead for each such group, and specify a date for reporting back and any interim updating arrangements. |
| 33. | In order for a formal decision/recommendation to be made by the Board, eight of the member agencies must be present. If this is not the case, the decision/recommendation will be deferred until the next meeting of the Board. At least one member of the relevant local authorities and health must be present. |

4.0 LEGAL CONTEXT

Appendix 2. provides more detailed information about the legal issues relating to the protection of vulnerable adults. **The general overview provided there must not be used as a substitute for seeking specific legal advice.**

5.0 SHARING INFORMATION BETWEEN AGENCIES

The Government guidance document, No Secrets, recognises there are circumstances when it will be necessary to share confidential information about individuals.

Appendix 3. provides guidance for agencies on how and when to share information about individuals.

In all cases, it should be made clear to clients both verbally and in written form, that information will be shared if there are concerns about potentially abusive situations.

6.0 REVIEWING THE POLICY

It is the responsibility of the Adult Protection Manager for Shropshire Council, Principal Officer, Adult Protection for Telford & Wrekin Council and VASB to ensure this policy is reviewed on a regular basis. Changes in law and in practice relating to protecting vulnerable adults will determine when this needs to happen.

7.0 DEFINITIONS

| | |
|-------------------------|---|
| Adult | - a person aged 18 years or over. (No Secrets - March 2000) |
| Vulnerable Adult | - <i>“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.”</i> (No Secrets, paragraph 2.3) |
| Vulnerable Witness | <i>“a person suffering from a mental disorder within the meaning of the Mental Health Act 1983 or who otherwise has a significant impairment of intelligence and social functioning.”</i> (Section 16(2)a - The Youth Justice and Criminal Evidence Act 1999) <i>“a person who has a physical disability or disorder.”</i> (Section 16(2)(b) - The Youth Justice and Criminal Evidence Act 1999) |
| Community Care Services | - <i>“...will be taken to include all care services provided in any setting or context”.</i> (No Secrets, paragraph 2.4) |
| Safeguarding | helping vulnerable adults live a life free from abuse including neglect. This involves preventing abuse as well as responding to allegations of potential abuse. |
| Abuse | - <i>“...is a violation of an individuals human and civil rights by any other person or persons”.</i> (No Secrets, paragraph 2.5) |

Alleged Abuser - may include; strangers, staff member/health professionals, relatives, carers, another service user/patient, partner or institution.

8.0 ACKNOWLEDGMENTS

Shropshire and Telford & Wrekin Council's Vulnerable Adult Safeguarding Board would like particularly to thank the following organisations for their help in creating and contributing to the development of this policy;

Action on Elder Abuse

Barnet's Adult Protection Committee

Derbyshire's Multi-Agency Protection Committee

Kent Police Training and Alan Grainger of West Mercia Constabulary

Powys Adult Protection Committee

Sheffield's Adult Protection Committee

Shropshire's Area Child Protection Committee

Social Workers and Team Managers in Shropshire Council and Telford & Wrekin Council

Wolverhampton Adult Protection Committee