



Dudley Mind

Adult Protection Policy and Procedure

1 Policy

Many people who use Dudley Mind services are vulnerable to abuse and exploitation because of a disability. Such disabilities may include mental illness, substance dependence, learning difficulties etc. Additionally, those who are elderly and especially those who are elderly and mentally infirm may be victims. A key element of Dudley Mind's philosophy is to assist its users to make appropriate decisions about different aspects of their lives and to enhance their independence. There is therefore a balance to be struck between protection of vulnerable people and their decision to allow themselves to be the abused or exploited party in a relationship they have entered into.

As well as working to protect its service users from abuse Dudley Mind will participate in work at a local and regional level to advance the interests of our service users by participation in those fora where our participation may be of use.

2 Scope

This procedure gives guidance on:

- 2.1 How Dudley Mind staff prevent and respond to any abuse and exploitation of vulnerable people who use Dudley Mind floating support, residential or day services.
- 2.2 What Dudley Mind expects from its staff when dealing with such situations and who within Dudley Mind and from other agencies are to be informed.
- 2.3 Many of the definitions found within this policy have been taken directly from the "No Secrets" guidance issued under Section 7 of the Local Authority Social Services Act 1970.
- 2.3 Where users can give meaningful and informed consent, then their wishes should be respected. When making a judgement if the consent is informed

the following questions are relevant:

- 2.3.1.1 Does the person concerned understand what is being done to them?
- 2.3.1.2 Does the person appreciate the potential consequences?
- 2.4 When a user starts with a Dudley Mind service, they are informed about equality of opportunities and the prevention of harassment.
- 2.5 Staff are responsible for informing their manager whenever they have a concern or suspicion of abuse or exploitation.
- 2.6 In circumstances when abuse is identified to have occurred, Dudley Mind has a duty to inform the local Social Services or Community Mental Health Team, or indeed where the service-user is already known to the relevant Care Manager or Care Co-ordinator so an adult protection enquiry may proceed.

3 Types of Abuse and Exploitation

- 3.1 Physical abuse. Examples of this are:
 - 3.1.1 the use of physical force that results in causing pain or injury.
 - 3.1.2 bullying
 - 3.1.3 forced medication
 - 3.1.4 prolonged physical restraint
 - 3.1.5 Non-accidental infliction of physical force that results in bodily injury, pain or impairment.
- 3.2 Sexual abuse. This is defined as the involvement of vulnerable people in sexual activities that are for the gratification of the abuser and which the victim:
 - 3.2.1 does not want and have not consented to
 - 3.2.2 does not understand and are not able to consent to
 - 3.2.3 has been coerced into because the abuser is in a position of trust, power or authority – such as within a care giving situation, a family or other power relationship including trusted friends, a neighbour, a volunteer or paid career.
 - 3.2.4 Or which are against the law.
- 3.3 Emotional and psychological abuse. Behaviour that has a harmful effect on the vulnerable adult's emotional health and development or any other form of mental cruelty, that results in:
 - 3.3.1 Mental distress
 - 3.3.2 Humiliating someone in private or public
 - 3.3.3 The denial of basic human and civil rights such as self-expression, privacy and dignity.

September 2009

- 3.3.4 The negation of the vulnerable adult's choices, independent wishes and self-esteem.
 - 3.3.5 Behaviour that causes isolation or over-dependence and has a harmful effect on an adult's emotional health, development or well being.
- 3.4 Financial and property abuse.
This is the use of a vulnerable person's property, assets, income, funds or any resources without their informed consent or authorisation. Examples of this are:
- 3.4.1 the control of the user's financial affairs by an appointee or another party, but a refusal to meet the user's financial needs
 - 3.4.2 money being spent by the appointee or another party on their or other's benefit without this having been intended by the service-user
 - 3.4.3 disposal or sale of possessions by another party
 - 3.4.4 Entry of the vulnerable adult into contracts or transactions which they do not understand, which are to their disadvantage and which have been as a result of duress, undue influence or pressure of some kind.
- 3.5 Neglect and Acts of Omission. Examples of these are:
- 3.5.1 Depriving someone of everyday essentials like food, clothes, warmth and hygiene needs
 - 3.5.2 Depriving someone of a service.
 - 3.5.3 Failure to intervene in behaviour which is dangerous to the vulnerable adult or others.
- 3.6 Discriminatory Abuse, examples of which are:
- 3.6.1 When values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals.
 - 3.6.2 Exploitation of a person's vulnerability, resulting in repeated or pervasive treatment of an individual, which excludes them from opportunities in society e.g. education, health, justice, civic status and access to services and protection.
- 3.7 Institutional Abuse. Examples of this are:
- 3.7.1 The mistreatment or abuse of a vulnerable adult by a regime or individuals within an institution. It can be through repeated acts of poor or inadequate care and neglect or poor professional practice.
 - 3.7.2 Occurs when routines, systems and norms of an institution compel individuals to sacrifice their own preferred lifestyle and cultural diversity to the needs of the institution

4 Alertness and Recognition

- 4.1 It is often difficult to recognise abuse and exploitation. Dudley Mind will provide basic adult protection training that will be mandatory for all new starters as part of their induction. In addition we will use our discretion to train staff to a more advanced level.

September 2009

- 4.1.1 Staff should be alert to changes in a user's disposition or demeanour and be observant of their relationships with other users and with visitors.
- 4.1.2 Staff may also overhear indications of abuse or exploitation, or be informed directly. Make sure that the person is not in immediate danger.
- 4.2 If staff suspect abuse:
 - 4.2.1 Ensure the victim of the alleged abuse is safe.
 - 4.2.2 Seek medical treatment as a matter of urgency (if appropriate).
 - 4.2.3 Make sure that person is not in immediate danger.
 - 4.2.4 Ensure that securing the scene (if appropriate) loses no forensic evidence.
- 4.3 Whatever the source of the information or suspicion, it is recorded in the client's progress notes and other relevant client documentation.
 - 4.3.1 Include anonymous information or information from people who do not want to be identified. Include:
 - 4.3.1.1 Accurate details of the allegation or the grounds for suspecting abuse.
 - 4.3.1.2 The date and time of the incident.
 - 4.3.1.3 The people involved.
 - 4.3.1.4 Details of any observed injuries.
 - 4.3.1.5 Appearance and behaviour of the victim and what they have said.
- 4.4 When sharing information with other teams/agencies about a vulnerable adult:
 - 4.4.1 The adult's consent should be requested.
 - 4.4.2 It will be necessary to override a refusal to consent when
 - 4.4.2.1 They do not have the mental capacity
 - 4.4.2.2 A crime has been committed
 - 4.4.2.3 Where other service users are at risk.

5 Actions when Suspected Abuse/Exploitation is Occurring while Receiving Service from Dudley Mind

All Dudley Mind staff will undergo an enhanced CRB disclosure to assess their suitability to work with vulnerable adults and, on occasion, children.

- 5.1 Staff have a duty to act on any concern or suspicion that a vulnerable adult is being abused or exploited, however that concern has arisen. They **must**:
 - 5.1.1 Share this with their Manager at the earliest opportunity. This will record the precise details of the injuries or allegation.
 - 5.1.2 See also procedures around whistleblowing.
 - 5.1.3 If the Project Manager is implicated in the abuse or exploitation, inform a more senior manager or Social Services, or Community Mental Health Team (CMHT), and the CEO.
- 5.2 The vulnerable adult may have the capacity to understand what is happening to them, but may not wish any action to take place. In these circumstances

respect their wishes, but do not promise complete confidentiality as you have a duty to inform the appropriate managers.

- 5.3 The Manager is responsible for deciding any immediate action that should be taken to protect a person who is in imminent danger of serious injury/abuse. This decision may be made after consultation with the operations manager.
- 5.4 Alleged/suspected abuse/exploitation by staff will be treated as an act of gross misconduct under Dudley Mind disciplinary procedures.
- 5.5 If there is knowledge concerning a threat to life or indications of serious injury or a crime being committed, then immediately contact the emergency services e.g. Police, Ambulance, GP.

6 Assessment, Planning and Review

- 6.1 When exploitation and abuse have been indicated through an investigation and the victim is vulnerable and not in a position to make an informed choice, the manager arranges a meeting to plan how future risk of recurrence will be minimised.
- 6.2 The manager also makes a decision as to whether an adult protection referral is required, he/she may consult with the Operations Manager. In some circumstances the matter must be reported externally to the Social Services or CMHT and regular authorities. Certain factors must be considered when deciding if abuse is serious enough to warrant a referral, these are:
 - 6.2.1 Vulnerability of Client.
 - 6.2.2 Nature and extent of abuse.
 - 6.2.3 Period during which abuse has been happening.
 - 6.2.4 Impact on individual.
 - 6.2.5 Risk of repeated or increasingly serious acts.
- 6.3 A referral **must** be made if there are indications that:
 - 6.3.1 A crime has been or could be committed.
 - 6.3.2 The allegation involves a member of staff or paid carer.
 - 6.3.3 Other vulnerable adults are at risk.
 - 6.3.4 The alleged perpetrator is also a vulnerable adult. If this is the case Dudley Mind will attempt to support and to work with the perpetrator if this is appropriate in the circumstances, whilst guaranteeing that any exploitative action has ceased.
- 6.4 If there is any doubt over whether or not to refer, than refer.

7 Allegations Against a Staff Member

- 7.1 If the alleged abuser is a staff member, the investigation will follow the disciplinary procedure. Abuse of tenants/residents is an act of gross

misconduct.

- 7.2 The whistle-blowing procedure underlines the responsibility of staff to report staff actions which are abusive/exploitative of users or which are unethical.
- 7.3 An adult protection referral enquiry is also made (see 6.3 above).

8 Actions when Suspected Abuse/Exploitation is Occurring Off-site to Dudley Mind Services

- 8.1 Dudley Mind staff may become suspicious that a person receiving a service is being abused/exploited although it is not connected to Dudley Mind.
- 8.2 Staff should talk with the user to clarify the situation and if there is abuse and exploitation. The manager and Operations Manager are kept informed.
- 8.3 If there is evidence of abuse/exploitation and the user is vulnerable to the extent that they are unable to prevent it, or are unable to make informed choice about consenting to it, then the details will be reported to Social Services, as in 6.6, Or the referral should be made to the relevant CMHT if they know the Service user.

9 Choice and independence

- 9.1 If the abused/exploited user is able to make informed choices about the abuse/exploitation in question then Dudley Mind respects this decision. The exception to this is as stated in 6.3.
- 9.2 If the abuse or exploitation the service-user complains of or has suffered is also a crime they will be reminded of their right to contact the police for an investigation.

10 Self-neglect and Environmental Neglect

- 10.1 Dudley Mind staff may become suspicious or have evidence that a person receiving a service is neglecting themselves in their own accommodation or that the accommodation itself is severely being neglected.
- 10.2 Staff collect evidence to substantiate the suspicion. If there is neglect and it is severely harmful to the health of the user and to others, and if the plan to remedy this situation is not effective, then a referral should be made to Social Services. Thought should be given to the capacity of the individual to make informed choices and if social services are unwilling or unable to act then consideration should be given to involving an Independent Mental Health Advocate (IMHA).

11 Child Protection

- 11.1 If Dudley Mind staff members obtain information about alleged physical or sexual abuse of a child who is 16 years of age or younger, then this information must immediately be passed to the Team Leader who will contact the local Social Service Department and the Police. It is our legal duty to pass on this information to the appropriate authority.
- 11.2 The Project Manager will inform the Social Services Department in the area in which the child lives. The CEO will be informed of this action. In most cases the person providing the information of the allegation will be informed that this reporting has occurred or will occur.
- 11.3 Records will be made of 11.1 and 11.2. This will include the reasons behind any judgement not to inform the person who made the allegation that this information is being passed to Social Services.

Appendix - All adult protection recording and reporting will be stored confidentially in the adult protection log administered by the operations manager.

Other Relevant Procedures

Whistleblowing
Equal Opportunities
Confidentiality
CRB