

# POLICY AND PROCEDURE



SoLO  
Life  
Opportunities

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Charity No. 1102297  
England Company No.  
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## Protection of Adults with care & support needs

**Category:** staff and volunteers

### Policy Statement

The term *Vulnerable adult* or *adult at risk* was renamed *Adult with care and support needs* by The Care Act 2015

This policy accepts the principle that it is everyone's duty to protect adults with care & support needs and to take appropriate action to enable the cause and consequences to be tackled.

SoLO's Trustees are responsible for ensuring that those benefiting from, or working with, the charity, are not harmed in any way through contact with it. They have a legal duty to act prudently and this means that they must take all reasonable steps within their power to ensure that this does not happen. It is particularly important where beneficiaries are deemed vulnerable, specifically adults with care and support needs, or children

Trustees delegate responsibility for supporting adults with care and support needs to Senior Management staff and will receive regular updates. Any significant issue should, with due regard to confidentiality, be escalated to the Trustees by the Chief Executive or deputising manager.

### Identification of an adult with care & support needs within SoLO

Within SoLO we use the legal definition to identify who within the organisation would be deemed to be a vulnerable adult due to their care and support needs:

*A person aged 18 and over 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 himself or herself or unable to protect himself or herself against significant harm or exploitation. (No Secrets 2000)*

Vulnerability does not imply that a person needs care or direction in every area of their lives or every situation.

For the purposes of this policy we include:

Policy Name: Protection of Adults with care & support needs  
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- Our service users aged 18 and over
- Some carers and volunteers

Services users, staff and volunteers under the age of 18 are covered by SoLO's Safeguarding Children Policy.

## What is abuse?

There are many ways that adults can be hurt, injured or exploited. Some of the main types of abuse are:-

- Physical abuse – such as assault, physical restraint, self harm
- Financial abuse – such as misuse of someone's money or property
- Neglect – such as not providing food, clothing or medical care, and abandonment
- Sexual abuse – such as harassment, teasing, touching people in a way they don't like, or having sex with someone against their will
- Emotional abuse – such as threatening some or all of the above, bullying, 'putting down', taunting, name calling, etc...
- Institutional abuse – maltreatment by a regime or individuals in a setting or service.

The Care Act 2015 also introduced:

- Self neglect,
- modern slavery,
- domestic abuse.

### The Prevent Duty

From July 2015 section 26 of the Counter Terrorism & Security Act [2015](#) states that a range of services, including registered childcare services, schools, the police and Local authorities and others are required to protect children and young people from being drawn into terrorism. Such organisations, including SoLO, have to ensure they are part of their local authorities' safeguarding arrangements and that staff are aware of and know how to contribute to Prevent-related activity in their area where appropriate. Any staff requiring more information regarding this duty can take advice and guidance from the Designated Member of Staff for Safeguarding Children and can access the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/44597/7/3799\\_Revised\\_Prevent\\_Duty\\_Guidance\\_England\\_Wales\\_V2-Interactive.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44597/7/3799_Revised_Prevent_Duty_Guidance_England_Wales_V2-Interactive.pdf)

## The Legal Framework

It is everyone's duty to protect vulnerable adults and anyone working or volunteering with SoLO should report it in accordance with SoLO Life Opportunities procedures.

No information concerning possible abuse can be treated as confidential. Although, in all cases, the principles of data protection must apply, where an individual's health and safety is at stake, you must take action on any suspicions of abuse.

Investigations are the responsibility of the Social Services and the police, SoLO's **duty** is to alert them to concerns or suspicions. All staff and volunteers must act on any such concerns they have **and** their subsequent actions must be carried out in accordance with the law. It is **not** the individual's duty or that of SoLO to investigate as evidence could be contaminated within the process.

## Recognising Abuse

*Information about abuse can come from a variety of sources, e.g.*

- Allegations made by another person
- A person saying or showing that they have been mis-treated.
- An admission from someone who says they are harming an adult
- Someone noticing signs and symptoms of abuse

*Signs of abuse can include:*

- Changes in behaviour with no apparent cause
- Changes in appetite or sleep patterns
- Bruises or marks on the skin
- Changes in physical appearance
- Signs of neglect
- Signs of distress
- In appropriate or increased use of sexual language or actions
- Non-verbal attention seeking or withdrawal that is out of character

## PROCEDURES

### Responding to possible abuse:

If an adult wants to confide or discloses abuse:

- Stay calm and listen carefully
- Be available
- Take it seriously
- Reassure the person

- Be supportive and sympathetic
- Let the person know that you will have to report this
- Bear in mind that the person may be subject to pressure and threats if they disclose abuse
- Use appropriate language or aids to facilitate communication
- Negotiate getting **appropriate** help quickly **if required**
- Make a full written record of what has been said, seen and heard as soon as possible – **Record verbatim as far as possible, sign and date this.**
- Discuss with line manager/nominated person

**Don't:**

- Jump to conclusions
- Make guesses or accuse anybody
- Try to force the person to disclose
- Make promises of confidentiality
- Delay seeking medical assistance
- Destroy evidence
- Contact the alleged abuser
- Presume that only one person has been abused
- Suppose that parents, carers, including colleagues are not part of the abuse
- Assume that because the person is disabled it is not true
- Keep worries or concerns to yourself
- Examine the person

**All suspicions and allegations of abuse should be taken seriously and responded to under local Adult Protection Procedures.**

## **Recording & reporting suspected abuse**

Solihull Social Services, Health and Police all work together to combat abuse. They will make sure any suspicion of abuse is looked into by the most appropriate people. It has to be recognised that some cases can be complex and take time and more than one referral may be necessary before action is taken.

SoLO staff must ensure that every concern is recorded – factually and fully, including date, time, witnesses. Project Managers should be the initial point of contact for any concerns and a review mechanism will be put into place. The manager **will discuss with a senior manager to** decide whether a referral to Social Services or the police is required, but if there is concern that an individual is at immediate risk staff can make a direct referral by contacting **Adult Social services on 0121 704 8007 (out of hours 0121 605 6060)**

If the situation is an **emergency** staff or volunteers may need to **telephone 999**.

Staff or volunteers reporting abuse will be given appropriate support by SoLO.

## Deprivation of Liberty Safeguards (DoLS)

Sometimes adults who are unable to make decisions about their care and treatment have to be cared for in a particularly restrictive way to keep them safe. The Mental Capacity Act 2005 (MCA) has set out Deprivation of Liberty Safeguards (DoLS) to protect people in this situation.

The MCA DOL safeguards apply to anyone:

- Aged 18 or over
- Suffering from a mental disorder or disability of the mind – such as dementia or a profound learning disability
- Lacking capacity to give informed consent to the arrangement made for their care and/or treatment

A decision to deprive the individual of their liberty can only be considered after an independent assessment is determined to be necessary in their best interests to protect them from harm. Only trained personnel can carry out an assessment, and it only applies currently in care homes and hospitals.

When working with members/~~tenants/clients~~ within SoLO, staff and volunteers are always encouraged to treat the individual with respect, enable them to have choice and control over their lives and only intervene when to not do so would put the individual in danger. If there is any concern advice can be sought by contacting the DoLS advisors, after discussing the concerns with Senior Managers.

DoLS telephone: 0121 301 4961  
DoLS email: solihull.dols@solihull.gov.uk

## Determining 'Best Interest'

SoLO encourages all staff and volunteers to work in a person centred way which puts the member at the heart of the decision making. It is important, ~~therefore~~, not to make assumptions about someone's best interests merely on the basis of the person's age or appearance, condition or any aspect of their behaviour.

Decisions made in the 'best interests' of our members must be made considering all relevant circumstances, using all of the assessment data that has been collected to help form decisions and, at all times, involving the member in the decision making process. Staff and volunteers are encouraged to seek advice from more Senior Staff if they have any concerns.

## Use of Physical Intervention

There may be instances where, to ensure the safety of an ~~individual specific child or others~~, physical restraint is necessary. This should only be carried out by

appropriately trained staff (unless the **individual's** life is in danger). All instances of physical intervention must be recorded on an incident form and will be considered weekly by the senior management team.

## E Safety

Photographs provide wonderful evidence of the work done by SoLO and should only be used with the parent/carers consent. Staff must not use their own mobile phones or cameras to take photographs and the specified project camera can only be downloaded in the office. Staff should be mindful of their position of trust as a professional and should not communicate with members through private emails or networking sites. The use of official email and networking sites that have been sanctioned by SoLO are permitted as long as exchanges are visible and appropriate.

## Recruitment and Training

SoLO recognises that to provide a safe, high quality service, there needs to be investment into the recruitment process and then training to enhance the skills of staff or volunteers who are appointed. Listed below is the approach SoLO will take to the recruitment and training of staff to ensure that any vulnerable **person** remains safe within the service delivered by them.

- Two written references will be taken up on all new employees and volunteers, including one from their previous workplace or equivalent. Only those with satisfactory references will be appointed and references will ask a specific question about an individual's suitability to work with vulnerable people.
- Two proofs of identity will be required including recent photographic evidence and proof of address.
- All staff and volunteers will be required to complete a six-month probationary period.
- Staff and volunteers working directly with children will be required to undergo a satisfactory enhanced check via the Disclosure and Barring Service and complete a declaration form indicating whether they have been subject to any abuse investigations or enquiries.
- Protection of adults with care & support needs training will be a mandatory part of the induction process for all staff and volunteers. It will be provided as an e.learning package and all existing staff and volunteers will receive refresher training every three years in line with national guidance.
- Incidents and lessons learned will inform training.

To ensure that all staff and volunteers are equipped to support our adult members appropriately and safely, the following table charts out the basic training that is required which includes for all staff, safeguarding either in relation to children or adults.

	Mandatory	Specific To be agreed by Management
Volunteer	Project induction SoLO Induction and Disability Awareness Training Health and safety E Learning Safeguarding E Learning	Epilepsy Makaton Moving and Handling The Care Certificate
Support Worker	Project induction SoLO Induction and Disability Awareness Training Health and safety E Learning Safeguarding E Learning	Epilepsy First Aid/ <b>Basic Life Support</b> Food Hygiene Makaton Management of actual & potential aggression (MAPA) Moving and Handling The Care Certificate <b>Administration of emergency medication</b> Safe handling of Medication
Project Leader and Assistant Project Leader	Project induction SoLO Induction and Disability Awareness Training Health and safety E Learning Safeguarding E Learning	Epilepsy First Aid/ <b>Basic Life Support</b> Food Hygiene Makaton Management of actual & potential aggression (MAPA) Safe handling of Medication <b>Administration of emergency medication</b> Moving and Handling The Care Certificate
Personal Assistant & <b>Supported Living staff</b>	Project induction (If Applicable) SoLO Induction and Disability Awareness Training Health and safety E Learning Safeguarding E Learning Additional E Learning courses deemed necessary by senior managers. The Care Certificate Lone Working	Autism Epilepsy First Aid/ <b>Basic life support</b> Food Hygiene Makaton Management of actual & potential aggression (MAPA) Safe handling of Medication <b>Administration of emergency medication</b> Moving and Handling Record Keeping

## Procedure when the allegation is about a member of staff

where an allegation of abuse is directed at a member of staff<sup>1</sup> and there is a suggestion that a member of staff has:

- behaved in a way that has harmed a client, or may have harmed a client;
- possibly committed a criminal offence against or related to a client; or,
- behaved towards a vulnerable individual in a way that indicates s/he is unsuitable to work with our client group then:

The matter will be referred to the local authority as soon as possible. Where an

<sup>1</sup> Staff – either paid member of staff or volunteer acting on behalf of SoLO either working in direct contact with child or working in support role.

allegation has been made, and initial considerations suggest that the incident is likely to have occurred but the behaviour complained of does not reach the threshold for referral to social care and police, SoLO will investigate the matter internally and determine whether there is need to undertake disciplinary action in line with the Disciplinary Policy. At this stage a decision will be made about the future status of this employee or volunteer, and they may be suspended pending further investigation.

Any staff disclosing information regarding inappropriate behaviour by colleagues will be listened to and supported in line with SoLO's Challenging Bad Practice Policy.

Disciplinary proceedings are not subject to the same burden of proof as legal proceedings. The absence of a criminal conviction or charge within itself is not an adequate defence against an allegation within the work setting, nor does it preclude an employer from pursuing an internal disciplinary investigation. There may be elements of an allegation which clearly suggest a breach of expected or appropriate standards of behaviour or propriety, or which pose a risk to the welfare of our clients, even where no criminal activity is identified.

SoLO will also consider its duty of care to its employees and will ensure that the employee is treated fairly and reasonably and informed about the process to be followed. Consideration should be given to:

- the context in which the allegation occurred and whether this provides further insight which may mitigate risk.
- the type of activity the individual is expected to undertake,
- the level of access this provides,
- the indicative risks presented by the nature of the allegation and
- what, if any, mechanisms exist to reduce or manage the risk.

The internal investigation may determine that disciplinary action is not necessary and may exonerate the individual concerned, alternatively an appropriate sanction will be applied. Where the circumstances deem that gross misconduct has taken place, the employee will be dismissed. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned.

Occasionally, allegations will be made that are false. SoLO will endeavour to carry out any investigations in such a way to ensure that the rights of the individual who is the subject of the allegation are supported whilst ensuring that this does not impinge on the rights of the subject of the allegation. All investigations that are carried out will be:

- timely
- thorough
- fair.

**Links with:**

Safeguarding Children  
Data Protection  
Challenging Bad Practice  
Incident reporting  
Sharing Information  
Standards of Behaviour  
DBS – Checking staff & Volunteers  
Recruitment & Recruitment of Ex Offenders