



BRIGHTON AND HOVE LGBT SWITCHBOARD

VULNERABLE ADULTS POLICY

INTRODUCTION

Brighton and Hove LGBT Switchboard (Switchboard) provides face to face counselling, telephone help-line, and group support services to adults, some of whom may be considered as 'vulnerable adults' or, in more recent terms, 'adults at risk'. Switchboard therefore has a duty to protect these vulnerable adults from abuse of any description, and promote their wellbeing.

THE PRINCIPLES OF THE POLICY

It is Switchboard's aim to be a professional well respected organisation providing sound services to adults, and in doing so keeping them safe and protected from any type of harm, abuse, exploitation, or discrimination.

Switchboard's duty is to protect vulnerable adults in a non-discriminatory way, regardless of their race, colour, nationality, ethnic or national origin, religion, gender, marital status, age, sexual identity, medical condition, HIV status, or disability.

AIMS OF THE POLICY

The aim of this policy is to outline the practice and procedures that Switchboard adheres to in order to contribute to the protection and prevention of abuse of vulnerable adults. The policies and procedures provide a clear framework for all volunteers and staff working for the organisation.

DEFINITION OF A VULNERABLE ADULT

The definition of a vulnerable adult, or an 'adult at risk' as used by Brighton & Hove City Council's Adult Social Care team:

"Any person who may need extra support with every day living tasks, and may be unable to protect themselves against harm or exploitation. Adults at risk of abuse include people with a wide range of disabilities and circumstances

They could be someone who is frail or with a serious health condition, someone with a visual or hearing impairment, a physical disability, learning disability or mental health condition including dementia. It could also be people who are carers for an adult at risk. People who are victims of domestic violence, or addicted to drugs or other substances may also be vulnerable."

We can also refer to the definition of a vulnerable adult given in the Safeguarding Vulnerable Groups Act 2006 (see Appendix A).

THE RESPONSIBILITIES OF SWITCHBOARD

It is Switchboard's responsibility to ensure the following:

- The protection of vulnerable adults will be considered in Switchboard's recruitment processes.
- The protection of vulnerable adults will be considered in Switchboard's training processes, and relevant policies, procedures and practice guidelines.
- All staff and volunteers will be made aware of the adult protection policy.
- The appropriate agencies will be notified if abuse is identified or suspected.

THE RESPONSIBILITIES OF STAFF AND VOLUNTEERS WORKING FOR SWITCHBOARD.

All staff and volunteers are responsible for the following:

- To ensure all adults who use Switchboard's services are treated with dignity and respect.
- To read, be familiar with, and implement the 'Vulnerable adults policy.'
- To read, be familiar with, and implement all other associated policies, e.g. confidentiality policy, equal opportunities policy etc.
- To take any necessary appropriate action to protect vulnerable adults in line with the policies of Switchboard.

THE VULNERABLE ADULT'S RIGHTS

The vulnerable adult has the right to the following:

- To be made aware of this policy
- To have alleged incidents of abuse or lack of protection recognized, taken seriously and investigated
- To receive fair and respectful treatment throughout
- To be involved in any investigative process as appropriate
- To receive information about the outcome

IMPLEMENTATION OF THE PRINCIPLES OF THE POLICY

Switchboard will implement the principles of this policy in a range of ways including the following:

Recruitment of staff and Volunteers

Switchboard will do the following when recruiting staff and volunteers:

- Ensure all staff and volunteers complete a relevant application form.
- Request at least two references for all positions within the organisation, including paid and unpaid roles.
- Check all references thoroughly.

In addition to the above Switchboard aims to implement the following in the near future to further protect vulnerable adults using its services:

- Risk assessment of role to assess need for CRB Disclosures.
- Carry out CRB checks for those roles that have been assessed as requiring this.

Training of staff and volunteers

Switchboard will ensure that all staff and volunteers receive the following training:

- All staff and volunteers will be expected to familiarize themselves with this policy and all other relevant policies and procedures during their induction.
- The principles of this policy will underpin all initial training that is provided to new volunteers joining Switchboard.
- In addition to the initial training and/or induction, staff and volunteers will be provided with further training as required, depending on the nature of the role.
- Keeping appropriate records.
- Listening and supporting skills.

RESPONDING IF A VULNERABLE ADULT IS AT RISK

The term 'adult abuse' is subject to wide interpretation and definition, one such definition states that:

'Abuse is a violation of an individual's human and civil rights by any other person or persons'.

Switchboard recognises that a vulnerable adult:

- Can be at risk of mistreatment and abuse and that such mistreatment and abuse constitutes a clear infringement of rights.
- Has the right to request that no further action be taken.

Categories of abuse

Abuse can take many different forms and can occur in many places and in any situation.

Types of abuse can be:

- Physical abuse
- Sexual abuse
- Financial abuse
- Emotional or Psychological abuse
- Neglect
- Discriminatory abuse

These are not mutually exclusive, many situations involve a combination of different types of abuse.

Who abuses?

The abuser is usually well known to the person being abused. They may be:

- a partner, child or relative
- a friend or neighbour
- a paid or volunteer care worker
- a health or social worker or other professional
- by the person they care for
- another vulnerable adult

SETTING THIS POLICY IN THE CONTEXT OF SWITCHBOARD AND ITS DIFFERENT SERVICES

This policy and procedure relates to all of the services that Switchboard provides, for example the help-line, the counselling service and support groups. How the policy applies and is implemented is likely to be different for each of the different services. For example, it is recognized that Switchboard's help-line is used by people in an anonymous way most of the time, and callers rarely give their identifiable details. This makes it impossible for a volunteer to report abuse unless the caller wishes them to do so and provides them with their identifiable and contact details. On the other hand, the counselling service and group work services are accessed by people for whom we do hold identifiable and contact details. However, the nature of the counselling relationship means that clients are offered a high degree of confidentiality, and the decision to take action about abuse of a vulnerable adult against their wish may raise an ethical dilemma for counsellors, which needs to be considered in partnership with the Director, and informed by this policy, the counselling service's confidentiality policy, and the BACP's Framework for Good Practice.

Consideration also needs to be given to the possibility of a volunteer or employee of Switchboard perpetrating abuse against a vulnerable adult, and this policy also applies to dealing with abuse of a vulnerable adult in this context. All of switchboard's volunteers and employees have a duty to report any suspicions of abuse by a volunteer or employee to the Director. If the Director is suspected of abuse this must be reported to a trustee.

WHAT TO DO IF ABUSE IS ALLEGED, SUSPECTED OR WITNESSED.

All allegations or suspicions are to be treated seriously.

No abuse is acceptable and some abuse is a criminal offence.

If abuse is suspected, alleged or witnessed it is important that the person it is being reported to does not do any of the following:

- Appear shocked, horrified, disgusted or angry
- Press the individual for details (unless requested to do so)
- Make comments or judgements other than to show concern
- Promise to keep secrets
- Confront the abuser
- Risk contaminating evidence

Deciding whether to take action can be a difficult decision if the victim does not wish you to take any action, therefore the following guidelines must be followed in determining the best course of action if abuse is suspected, alleged, or witnessed: **(See flowchart at end of document)**

1. In situations of immediate danger, for example if you witness abuse taking place and you or someone else is at risk, take urgent action by calling the relevant emergency services (e.g. Police, ambulance). This can also be done by pressing Switchboard's panic alarm pendants which links the activated alarm to the police and ensures a swift call out response by the police. (pendant alarms are situated in each of the counselling rooms and above the desk in the help-line office)
2. Remember to have regard to your own safety and leave the situation if it is not safe for you.
3. Listen to the vulnerable adult, offer necessary support and reassurance, and inform them of the fact that there are services that exist to offer support and protection, such as social services.
4. Issues of confidentiality must be clarified early on, for example staff or volunteers must make it clear that this policy exists, that they will have to discuss the concerns with their line manager, and that the manager may then discuss this with the Director and they will then make a decision about whether they need to report this elsewhere. The worker concerned must inform the vulnerable adult that they will contact them to inform them of the outcome of the discussion with the manager and Director, and their intended action. (It is unusual for help-line volunteers to ask callers for their name and contact numbers, however, this is appropriate and necessary if a caller is disclosing abuse and wishes to give you these details to enable you and the Director to consider what action needs to be taken.)

Switchboard recognizes that due to the confidential nature of the help-line service they may not have been given sufficient information by the vulnerable adult to enable them to take any action. Even if the caller has not given their consent to enable action to be taken, the situation must be discussed with the line manager and Director.

If the Director is not available the issue must be discussed with the trustee holding the position of line manager, or in their absence another trustee. (For volunteers who are also trustees they must discuss the situation with the Director or another trustee in the Director's absence)

5. Where a vulnerable adult expresses a wish for concerns not to be reported then this should be respected wherever possible. The vulnerable adult should be informed that their wishes will be considered at all times. However, decisions about whether to respect the service user's wishes must have regard to the level of risk to the individual and others, and their capacity to understand the decision in question. In some circumstances the vulnerable adult's wishes may be overridden in favour of considerations of safety. Decisions to override the vulnerable adult's wish not to take the matter further must be made in discussion with the Director. (This applies to situations where Switchboard has

- the identifiable and contact details of the vulnerable adult. As stated elsewhere, if a caller to the help-line does not wish any action to be taken, it is highly likely that they will not have given the volunteer their details, making it impossible for the volunteer to take any action.)
6. Record your concerns and any information given to you or witnessed by you and report the situation as soon as possible to the Director. Ensure the written record is accurate and contains the factual information regarding the name and position of the person who is concerned, the names and contact details of the vulnerable adult, and details of the concerns, allegations or witnessed events. Ensure the record is dated and signed.
 7. Remember, it is not necessary or advisable for you to seek evidence of your concerns, by supporting the vulnerable adult and carefully logging any information given to you at this stage, you will lay the foundations for an effective formal investigation.
 8. Understand the need not to contaminate, and to preserve evidence if a crime may have been committed.
 9. When considering with the Director what action if any needs to be taken, the following factors should be taken into account to inform the decision:
 - Risk** – does the vulnerable adult, staff member or volunteer understand the nature and consequences of any risk they may be subject to, and do they willingly accept such a risk?
 - Self-determination** – is the vulnerable adult able to make their own decisions and choices, and do they wish to do so.
 - Seriousness** – A number of factors will determine whether intervention is required. The perception of the victim must be the starting point. Factors informing assessment of seriousness will include: The **perception** by the individual and their **vulnerability**, the **extent** of the abuse, the **length of time** it has been going on, the **impact** on the individual, the risk of **repetition or escalation** involving this or other vulnerable adults, and whether a **criminal offence is** being committed.
 10. Following discussion with the Director, if it is decided that action needs to be taken to protect this vulnerable adult or others, the Director must inform the local Adult Social Care Team of the concerns. The vulnerable adult concerned must be informed of the action that is going to be taken by Switchboard.
 11. Once the information is passed to Adult Services they will make a decision on whether the Police need to be informed and if there is a need for a full investigation. The Investigation team should keep you updated with the progress of the investigation on a need to know basis.

CONFIDENTIALITY

Personal information may need to be disclosed in the best interests of the vulnerable adult, or other vulnerable adults. The following safeguards therefore need to be observed:

- Information will only be shared on a need to know basis when it is in the best interests of the vulnerable adult

- Informed consent should be obtained wherever possible
- It is inappropriate for staff, volunteers or agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse
- Vulnerable adults and their carers should be advised why, and with whom, information will be shared
- All records of confidential information must be stored safely in a locked cupboard

SUMMARY

The employee or volunteer's primary responsibility is to protect the vulnerable adult if they are at risk.

Reviewed June 2014

Appendix A – Safeguarding Vulnerable Groups Act 2006

(1) A person is a vulnerable adult if he has attained the age of 18 and—

- (a) he is in residential accommodation,
- (b) he is in sheltered housing,
- (c) he receives domiciliary care,
- (d) he receives any form of health care,
- (e) he is detained in lawful custody,
- (f) he is by virtue of an order of a court under supervision by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000 (c. 43),
- (g) he receives a welfare service of a prescribed description,
- (h) he receives any service or participates in any activity provided specifically for persons who fall within subsection (9),
- (i) payments are made to him (or to another on his behalf) in pursuance of arrangements under section 57 of the Health and Social Care Act 2001 (c. 15), or
- (j) he requires assistance in the conduct of his own affairs.

(2) Residential accommodation is accommodation provided for a person—

- (a) in connection with any care or nursing he requires, or
- (b) who is or has been a pupil attending a residential special school.

(3) A residential special school is a school which provides residential accommodation for its pupils and which is—

- (a) a special school within the meaning of section 337 of the Education Act 1996 (c. 56);
- (b) an independent school (within the meaning of section 463 of that Act) which is approved by the Secretary of State in accordance with section 347 of that Act;
- (c) an independent school (within the meaning of section 463 of that Act) not falling within paragraph (a) or (b) which, with the consent of the Secretary of State given under section 347(5)(b) of that Act, provides places for children with special educational needs (within the meaning of section 312 of that Act);
- (d) an institution within the further education sector (within the meaning of section 91 of the Further and Higher Education Act 1992) which provides accommodation for children.

(4) Domiciliary care is care of any description or assistance falling within subsection (5) whether provided continuously or not which a person receives in a place where he is, for the time being, living.

(5) Assistance falls within this subsection if it is (to any extent) provided to a person by reason of—

- (a) his age;
- (b) his health;
- (c) any disability he has.

(6) Health care includes treatment, therapy or palliative care of any description.

(7) A person is in lawful custody if he is—

- (a) detained in a prison (within the meaning of the Prison Act 1952 (c. 52));
 - (b) detained in a remand centre, young offender institution or secure training centre (as mentioned in section 43 of that Act);
 - (c) detained in an attendance centre (within the meaning of section 53(1) of that Act);
 - (d) a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (c. 33)) who is detained in a removal centre or short-term holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act.
- (8) The reference to a welfare service must be construed in accordance with section 16(5).
- (9) A person falls within this subsection if—
- (a) he has particular needs because of his age;
 - (b) he has any form of disability;
 - (c) he has a physical or mental problem of such description as is prescribed;
 - (d) she is an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 8 to the National Health Service Act 1977 (c. 49);
 - (e) he is a person of a prescribed description not falling within paragraphs (a) to (d).
- (10) A person requires assistance in the conduct of his own affairs if—
- (a) a lasting power of attorney is created in respect of him in accordance with section 9 of the Mental Capacity Act 2005 (c. 9) or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of him;
 - (b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of him is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of him;
 - (c) an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on his behalf, or such an order has been applied for;
 - (d) an independent mental capacity advocate is or is to be appointed in respect of him in pursuance of arrangements under section 35 of that Act;
 - (e) independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 (c. 41) or section 187 of the National Health Service (Wales) Act 2006 (c. 42)) are or are to be provided in respect of him;
 - (f) a representative is or is to be appointed to receive payments on his behalf in pursuance of regulations made under the Social Security Administration Act 1992 (c. 5).
- (11) The Secretary of State may by order provide that a person specified in the order or of a description so specified who falls within subsection (1) is not to be treated as a vulnerable adult.

FLOWCHART FOR POTENTIAL ALERTERS REGARDING RISK TO VULNERABLE ADULTS (HELPLINE SERVICE)

