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**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’. Switchboard therefore has a duty to put in place systems to protect these vulnerable adults from abuse of any description, and promote their wellbeing.

The safeguarding lead for LGBT Switchboard is the Director

**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.

The principal pieces of legislation governing this policy are:

* + Safeguarding Vulnerable Groups Act 2006
	+ The Care Act 2014

**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 core definition of “vulnerable adult” from the 1997 Consultation “Who Decides?” issued by the Lord Chancellor’s Department, is a person:
**“Who is or may be in need of community care services by reason of disability, age or illness; and is or may be unable to take care of unable to protect him or herself against significant harm or exploitation”.**  This definition of a Vulnerable Adult covers all people over 18 years of age who has a condition of the following type:

* Is elderly and frail
* Has a mental illness including dementia
* Has a physical or sensory disability
* Has a learning disability
* Has a severe physical illness
* Is a substance misuser
* Is homeless

“A vulnerable adult is a person aged 18 years or over who 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 him or herself against significant harm or exploitation;” *No Secrets* (DH/Home Office 2000)

The Safeguarding Vulnerable Groups Act (2006) uses the term “vulnerable adult” in a much wider context to apply to people using certain types of services or residing (even temporarily) in certain types of places

**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 ensuring all staff and volunteers have DBS checks before working unsupervised with service users
* 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

The statutory guidance enshrines the six principles of safeguarding:

1. **empowerment** - presumption of person led decisions and informed consent

2. **prevention** - it is better to take action before harm occurs

3. **proportionality** - proportionate and least intrusive response appropriate to the risk presented

4. **protection** - support and representation for those in greatest need

5. **partnerships** - local solutions through services working with their communities

6. **accountability** - accountability and transparency in delivering safeguarding.

**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 including paid and unpaid roles and check all references thoroughly.
* Carry out DBS advanced checks on all staff and volunteers who come into unsupervised contact with service users in the course of their duties

**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**

**When a safeguarding concern should always be raised**

Where the 3 Key Tests in the Care Act 2014 appear to be met, a safeguarding concern **should always be raised**, that is:

● An adult who has needs for care and support (whether or not any of those needs are being met).

● The adult may be experiencing, or is at risk of, abuse or neglect.

● As a result of their care and support needs, the adult is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

# Categories of abuse

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

Types of abuse can be:

**Domestic abuse**

In 2013, the Home Office announced changes to the definition of domestic abuse:

● Incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality.

● Age range extended down to 16 years and over. (Young people up to the age of 18 years are covered by the Sussex Child Protection Procedures.)

Domestic abuse includes

**Sexual abuse**

Direct or indirect involvement in sexual activity without valid consent (this can include when an adult has not or cannot consent, or was pressured into consenting).

**Psychological abuse**

**This includes:** emotional abuse, threats of harm or abandonment, deprivation of contact with others, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber-bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

**Financial or material abuse** Financial abuse is the main form of abuse recorded by the Office of thePublic Guardian both amongst adults and children at risk.Financial abuse can occur in isolation but it is also likely to be connectedto some other forms of abuse. Although this is not always the case, everyone should be aware of this possibility.

**Modern slavery**

Modern slavery exists in the UK and can be perpetrated against men, women and children, UK nationals, and those from abroad. Modern slavery includes exploitation in the sex industry, forced labour, domestic servitude in the home and forced criminal activity. These types of crime are often called human trafficking. The true extent and nature of modern slavery in Sussex is not presently known as this crime remains largely invisible to the general public.

**Discriminatory abuse**

The principles of discriminatory abuse are embodied in legislation including the following: ● Human Rights Act 1998

 ● Equality Act 2010

Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals. It is the exploitation of a person’s characteristics, which excludes them from opportunities in society, for example, education, health, justice, civic status and protection. It includes discrimination on the basis of age, disability, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation and includes hate crime incidents.

**Hate crime or incidents**

Hate crime or incidents means any incident that is perceived by the victim, or any other person, to be racist, homophobic, transphobic or due to a person’s religion, belief, gender identity or disability. It should be noted that this definition is based on the perception of the victim a third party witnessing the incident. Such incidents may constitute a criminal offence. Anyone can be a victim of hate crime or incidents regardless of race, age, disability, sexuality or gender. Lesbian, gay, bisexual and transgender (LGBT) individuals could face additional concerns around homophobia

and gender discrimination. Individuals may be concerned that they would not be recognised as victims or be believed and taken seriously. Abusers may also control their victims, threatening to ‘out’ them to friends, family or support agencies. Local authorities have a range of support services and advice for professionals in place.

(Sussex Safeguarding Adults Policies and Procedures 2015)

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

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.

# 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, the older peoples project and the HIP project as well as any additional services and support groups provided. 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 confidentialty, 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 manager, 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 manager. If the manager is suspected of abuse this must be reported 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 calling 999 using the phone in the counselling room or in the office or 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 the counselling room)
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 manager, and that the manager 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 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 manager 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 manager. If the manager is not available the issue must be discussed with the Director, if the Director is not available the issue must be discussed with a trustee.
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 manager. (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.

1. Record your concerns and any information given to you or witnessed by you and report the situation as soon as possible to the manager. 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.
2. 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.
3. Understand the need not to contaminate, and to preserve evidence if a crime may have been committed.
4. When considering with the manager 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 manager, if it is decided that action needs to be taken to protect this vulnerable adult or others, the manager 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 Dec 2015

 SAFEGUARDING ADULTS FLOWCHART

**Responsibilities for Staff reporting Incidents of suspected Abuse**

**If raising a concern:**

**Do:**

* Keep person safe
* Preserve evidence if a criminal offence
* Keep written records
* Support & reassure
* Observe confidentiality as much as possible

**Don’t:**

* Make judgemental comments
* Promise to keep secrets

**Consider throughout:**

* Desired outcomes of the person
* Mental Capacity
* Risk to vulnerable adult & others

Contact emergency services if person in immediate danger.

Where possible remove person from danger.

Contact police if alleged criminal offence

**Abuse or neglect discovered or suspected**

**Staff member immediately reports concerns** to provider manager, or person with managerial responsibility. If manager may be implicated, contact another manager in the service or Adult Social Care (ASC) without delay

Staff member to record details of concern

Report to Care Quality Commission

Consideration of human resource implications if a staff member is involved

**Provider Manager/staff member to alert ASC** and complete alert form

* 01273 295 555
* accesspoint@brighton-hove.gov.uk

**OR** If the name of the social worker or team dealing with the person is known, and these details are correct and up to date, contact team/person directly

ASC to make enquiries, or cause an enquiry to be made

where the three key tests are met. These are:

1. An adult who has needs for care and support (whether or not any of these needs are being met;
2. May be experiencing, or at risk of, abuse or neglect; and
3. As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect

**Contacts**

* Access Point:  01273 295 555  accesspoint@brighton-hove.gov.uk
* For incidents occurring out of hours please contact the Access Point on 01273 295 555 for Adults Services or 01273 335 905/6

For safeguarding concerns relating to Children contact the

Multi-Agency Safeguarding Hub (MASH) on 01273 290400

For a full copy of the Sussex Safeguarding Adults Policy and Procedures please log onto: <http://pansussexadultssafeguarding.proceduresonline.com/index.htm>

**Other useful contacts**

● Elder Abuse Response Phone: 080 8808 8141 Website: www.elderabuse.org.uk

● Healthwatch 0300 012 0122

● Public Concern at Work (for staff concerned about bad practice in the workplace)

Phone: 020 7404 6609

● NHS Direct Phone: 0845 4647

● Samaritans Phone: 08457 909090

● Carers Direct National Helpline Freephone: 0808 802 0202

● National Domestic Violence Helpline (24-hour helpline) Freephone: 0808 2000 247