



## **SAFEGUARDING POLICY**

### **POLICY STATEMENT**

**Safeguarding vulnerable adults and promoting their wellbeing, personal dignity and respect requires effective co-operation amongst all those that work with, or who are involved with adults.**

**The Mental Health Act 2005 sets out 5 statutory principles that must be adhered to in relation to any act relating to issues of mental capacity.**

**A person must be assumed to have capacity unless it is established that they lack capacity.**

**A person is not to be treated as unable to make a decision unless all practicable steps to do so have been taken without success.**

**A person is not treated as unable to make a decision merely because they make an unwise decision.**

**An act done, or the decision is made regard must be had to whether the purpose for which it is needed can be effectively achieved in a way that is less restrictive of the person's rights and freedom action.**

**Changes Tamworth endorses values for people's dignity.**

- \* Have a zero tolerance for all forms of abuse.**
- \* Provide support to people with the same respect paid workers would want for themselves.**
- \* Treat each person as an individual by offering a personalised service.**
- \* Enable people to maintain possible level of, independence, choice and control.**
- \* Listen and support people to express their needs and wants.**
- \* Respect people right to privacy.**
- \* No swearing in the Changes building as this is classed as verbal abuse and can effect other members of the group.**
- \* Ensure people feel able to complain without fear of retribution.**
- \* Engage with family members and carers as care partners.**
- \* Assist people to maintain confidence and a positive self-esteem.**
- \* Act to alleviate people's loneliness and isolation.**

**Guiding principles for work in Adult Protection.**

**Actively promote the empowerment and wellbeing of vulnerable adults through the services we provide.**

**Act in a way, which supports the rights of the individual to lead an independent life based on self-determination and personal choice.**

**Recognise people who are unable to make their own decisions and/or protect themselves, their assets and bodily integrity.**

**Recognise that the right to self-determination can involve risk and ensure that such risk is recognised and understood by all concerned and minimised**

whenever possible (there should be an open discussion between the individual and the agencies about the risks involved to him or her.

## **DEFINITIONS**

Key Terms will be defined as.

**Vulnerable Adult-** A person aged 18 or over, who is or may be in need of community care serviced by reason of mental or other disability, age or illness and who is or may be unable to protect him/her against significant harm or exploitation.

### **Abuse**

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

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission act, or it may occur when a vulnerable adult is persuaded to enter into financial or sexual transaction to which he or she had not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of the person subjected to it. Swearing is unacceptable at all times as this could effect another member suffering from mental distress.

### **Harm**

Should be taken to include not only ill-treatment this includes sexual abuse and forms of ill-treatment that are not physical but also the impairment of physical or mental health and the impairment of physical, intellectual, emotional, social or behavioural development.

### **Safeguarding**

All work which enables an adult "who is or may be eligible for care services so people can retain independence, wellbeing and choice and to access their human right to live a life that is free from abuse and neglect.

## **Adult Protection**

**The identification, investigation and protection of vulnerable adults from abuse by others.**

## **Mental Capacity**

**The ability to make specific decisions about health, welfare, property and affairs. Where it is believed that a person may not be able to make the specific decision an assessment of their capacity will be required and this must demonstrate that this is caused by an impairment or disturbance in the functioning of the mind or brain.**

**Merely reference of age, appearance, a condition or an aspect of behaviour cannot establish a lack of capacity.**

## **Best Interest**

**Any act done or decision made of a person who lacks mental capacity must be done in his or her best interests and regard must always be had as to whether the acts or decisions could be achieved in less restrictive way.**

## **Deprivation of Liberty.**

**Provisions of the Mental Capacity Act 2005 amended by the Mental Health Act 2005 amended by the Mental Health Act 2007, which permit a person who lacks mental capacity to be deprived of his or her liberty in a hospital or care home where this is in the persons best interests and has been authorised by the relevant local authority or Primary Care Trust following a series of assessments or where an Urgent**

**Authorisation has been issued to enable assessments to take place.**

## **Vulnerable Witness**

**A person suffering from mental disorder within the meaning of the Mental Health Act 1983 or who otherwise has a significant impairment of intelligence and social functioning.  
A person who has a physical disability or disorder.**

### **Alleged Abuser**

**Any individual who is believed to be responsible for, or implicated in, the abuse of a vulnerable adult. This may include relatives and family members, professional staff, paid care workers, volunteers, other service users, neighbours, friends and associates, people who deliberately exploit vulnerable people and strangers.**

### **Evidence**

**Any information in the form of statements from the Vulnerable Adult, alleged abuser (s) or other witnesses: also documents, pictures, visual or records which enable a conclusion to be made about the truth of an allegation.**

**In the case of criminal investigation the evidence presented to a court would need to 'establish beyond reasonable doubt' that the crime has been committed before a conviction could be made.**

**Where there is disciplinary or civil proceedings the evidence needs to demonstrate that the allegation is demonstrated on the balance of probability?**

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**A lack of capacity cannot be established merely by reference to age, appearance, a condition or an aspect of behaviour.**

**(Sections 2 and 3, Mental Capacity Act 2005).**

## **Best Interests**

**Any act done or decision made of a person who lacks mental capacity must be done in his or her best interests and regard must always be had as to whether the acts or decisions could be achieved in a less restrictive way.**

**Best Interests decisions must take account of:**

**Whether the person concerned is likely to regain capacity in relation to the decision in question;**

**The participation of the person in the decision as far as this is practicable.**

**In cases of life-sustaining treatment the decision must not be motivated by a desire to bring about the person's death.**

**The past and present feelings and beliefs of the person.**

**The views of people engaged in caring for the person or in his or her welfare or any person holding an enduring or lasting Power of Attorney or a court appointed deputy.**

**(Sections 1 and 4, Mental Capacity Act 2005).**

**In assessments by Social Care and Health staff professional judgements will also be made on the basis of the balance of probability, as it is on this basis that future challenges might ultimately be determined either through a Complaints process or through an application in court.**

## **Social Care**

**The directorate within the local authority with social services responsibility that is responsible for assessment and care provision for vulnerable adults under the NHS and Community Care act.**

**In Staffordshire County Council**

**It is called Social Care and Health. Some integrated services such as Mental Health are managed by NHS Trusts on behalf of the local authority and, as such they will carry the same social care responsibilities for their service user groups (e.g. adults with severe and enduring mental health problems).**

**. Alert**

**The stage at which adult protection concerns are first recognised.**

### **Referral**

**The notification of concerns to one or more of the statutory investigating or regulatory agencies (e.g. Social Care, the Police, the Care Quality Commission).**

### **Strategy Discussion**

**The initial discussions between the investigating agencies to clarify concerns, identify the risk of harm, agree an interim Protection Plan and plan investigation.**

**The Strategy Discussion can be either a meeting or a series of telephone conversations.**

### **Protection and Support Plan**

**The initial actions that will be taken to ensure the Vulnerable Adult is protected from abuse.**

**Subsequently this will become a plan that clearly outlines the protective measures that will put into place to ensure that they are safeguarded in future. This will include clearly ascribed roles and responsibilities for those involved and arrangements to address contingencies.**

### **Adult Protection Investigation**

**The process whereby the adult protection concerns are explored to assess the evidence and to establish whether they are substantiated, investigations have many strands including one or more of the following: criminal justice, protection of others, regulation, contract compliance, employee discipline, serious untoward incidents (SUI), care management, health and safety, trading standards or professional practice and registration.**

### **Investigation Review Meeting**

**A meeting that brings together investigating staff and other relevant people to review the interim Protection and Support Plan, review progress of the investigation, share**

**information and agree further action. This meeting will be as inclusive as the circumstances permit and may include the participation of the service user or their advocate but in all cases will ensure that the service user's views are fully included.**

#### **Outcomes Conference**

**A final meeting that brings together all those involved in an investigation to confirm the outcomes and to agree the details of A Safeguarding Plan that will continue after the closure of the investigation.**

#### **Safeguarding Review**

**A meeting held within 3 months of the Outcomes Meeting to review the effectiveness of the Safe Guarding Plan, this may be done as part of assessment and care management or CPA processes.**