

The page features a decorative design with three large, overlapping blue circles in the top right, middle right, and bottom right corners. A central circular emblem contains a stylized floral or leaf-like pattern. Thin blue lines cross the page diagonally from the top left to the bottom right.

# **VULNERABLE ADULTS POLICY**

**Reviewed and Adopted  
October 2017**



## Introduction

All organisations in the Royal Borough of Kensington & Chelsea are committed to working together to prevent the abuse of vulnerable adults. This policy explains your responsibility as an Al-Hasaniya staff member or volunteers. It will clarify the procedure to follow if you suspect that an older person is experiencing abuse and will explain how our duty of care fits into the Kensington & Chelsea and Westminster Multi-agency Policy and Procedures on The Protection of Vulnerable Adults.

## Definitions

**Vulnerable Adult** - A vulnerable adult is a person aged 18 years or over who is receiving or could be in need of community care services and is, or may be, unable to protect themselves from significant harm or serious exploitation. This may be because they have a mental health or other disability, or because they are old and frail or ill.

In this context community care services include all care services provided in any setting by any agency whether statutory, voluntary or independent in health or social care, including hospitals, housing agencies and advice services.

**Abuse** – Abuse is mistreatment by any other person or persons that violates someone's human and civil rights.

Abuse can happen anywhere – in a person's home, at a day centre, in a residential or nursing home, in a hospital, in supported or sheltered housing, at an educational establishment, in the work place or in the street. Abuse can consist of a single act or repeated acts.

### **The main categories of abuse:**

1. Physical Abuse – The use of force which results in pain or injury or the non-accidental infliction of physical force that results in bodily injury, pain or impairment.
2. Sexual Abuse – The involvement of the vulnerable adult in sexual activity or relationships which
  - they do not want or have not consented to,
  - they cannot understand and lack the capacity to give consent to,
  - they have been coerced into because the other person 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 carer),
  - are against the law.



3. Financial Abuse – The use of a vulnerable person's property, assets, income or any resources without their informed consent or authorisation.
4. Neglect and Acts of Omission – The repeated deprivation of assistance that the vulnerable adult needs for important activities of daily living, including the failure to intervene in behaviour which is dangerous to the vulnerable adult or to others.

**NB This form of abuse may arise in cases where the carer/relative is also a vulnerable adult.**

5. Discriminatory Abuse – Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals. Discriminatory abuse links to all other forms of abuse including discrimination on the basis of race, religion or belief, gender age, sexuality, disability, language or culture.

The principles limiting and preventing discriminatory abuse are embodied in legislation including the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995, the Sex Discrimination Act 1975 and the Human Rights Act 1998.

6. Institutional Abuse – Institutional abuse is 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. This abuse occurs when the routines, systems and norms of an institution compel individuals to sacrifice their own preferred lifestyle and cultural diversity to the needs of the institution.

Many of the above categories of abuse contain actions that may constitute criminal offences. Such actions include but are not limited to

- assault, sexual assault and rape,
- theft,
- fraud,
- discrimination on grounds of race, gender or disability.

**NB If complaints about abuse suggest that a criminal offence may have been committed, a referral should be made to the police.**

**Capacity** – Autonomy, capacity and ability to consent are key components in working with vulnerable adults. Unlike child protection, there is no act such as the Children Act 1989 that provides a legislative framework for agencies to take action.

The issue of capacity is crucial in determining the action to be taken in cases of alleged abuse. The Mental Capacity Act 2005 outlines the test for capacity



The new law says that a person should not be assumed to lack capacity just because of their age, behaviour, any condition they have, or because they couldn't make a particular decision in the past. The new law makes clear that assessing if someone can make a decision should be about whether they can make a particular decision at a particular time and not about their capacity to make decisions in general. A lack of capacity may be temporary, for example when someone is depressed, or it may just concern some types of issues, for example, a person with a learning disability may have capacity to decide what they should wear each day, but they may lack capacity to choose how to invest their money.

There are four key questions you must consider to help you determine whether someone is able to make a decision:

- Can the person understand information relevant to the decision, including understanding the likely consequences of making, or not making the decision?
- Can they retain this information for long enough to make the decision?
- Can they use and weigh the information to arrive at a choice?
- Can they communicate their decision in any way?

If you believe that the answer to any of these questions is 'no', then you can find that they lack capacity to make that decision at that time.

If there is uncertainty as to whether the service user has capacity or not, this should be determined in relation to the Multi-agency Procedures. Al-Hasaniya service users will usually have the capacity to make their wishes known and are likely to be assessed as having capacity to make decisions about their future.

If a person wants to remain in an 'at risk' situation and has the capacity to decide, unless there is a public interest consideration (that is, another/others at risk), they have the right to decide to do this and this should be respected. However the concerns should still be reported to social services and the full details should be recorded in this case, and the service user advised of whom to contact if they change their mind.

### **What to do if you suspect that a service user is experiencing abuse -**

The following principles should be upheld:

1. All staff and volunteers have a duty of care to act on any concerns about abuse of a vulnerable adult and to ensure that the situation is assessed and investigated as a matter of priority.
2. The first priority should always be to ensure the safety and protection of vulnerable adults.
3. The vulnerable adult should be involved as fully as possible in the process.



4. Al-Hasaniya will ensure that adequate support and supervision is in place for any worker involved in dealing with allegations of abuse.

The following action should be taken:

1. Deal with immediate needs
2. Take reasonable steps to ensure the adult is in no immediate danger.
3. Seek medical treatment if required as a matter of urgency
4. Contact the police if a crime has been committed.
5. Contact Social Services if a child is also at risk.

*Listen*

1. Assure the person making the complaint or allegation that they will be taken seriously.
2. Listen carefully to what they are saying, stay calm, clarify the facts of the abuse but do not interrogate.
3. Do not be judgmental or jump to conclusions.
4. Explain that you will try to take steps to protect them from further abuse.
5. Do not give any promises of complete confidentiality. Endeavour to gain their consent to pass on the information, giving your reasons for doing so. Explain that you have a duty to report what you have been told to your line manager and their concerns may be shared, especially if other vulnerable adults are at risk. If it is not possible to gain their consent, inform the person of the information you will need to pass on, and to whom you will disclose it, unless you judge that this would be a health and safety risk to yourself. This conversation should be documented.

Do **not** discuss the allegation of abuse with the alleged perpetrator.

Do **not** disturb or destroy articles that could be used in evidence.

*Inform*

- The Director immediately or,
- The Chairperson if the Director is not available or if the Director is implicated in the abuse.
- If for any reason you are unable to contact the Director or Chairperson, you should contact the relevant Social Services team or the Duty Social Worker.
- If the person is in an acute hospital, referral should be made to the hospital social services team.
- If there is any suspicion that a criminal offence may have been committed, the police should be contacted at the earliest opportunity for advice and guidance.



### *Record*

1. Make an accurate record at the time, giving details of the allegation or grounds for suspecting abuse including:
  - The date and time of the incident,
  - What the vulnerable adult said about the abuse and how it occurred or What has been reported to you,
  - The appearance and behaviour of the victim,
  - Any injuries observed.
2. The record should be factual. However, if the record does contain the worker's opinion or an assessment, that should be backed up with factual evidence. Opinion should be stated as such, and facts differentiated from hearsay.

In deciding whether the abuse is serious enough to warrant a referral, the factors to be taken into account are the:

- **vulnerability** of the individual
- **nature and extent** of the abuse
- **length of time** it has been occurring
- **impact** on the individual
- **impact** of the abuse on others
- Risk of **repeated or increasingly serious** acts involving this or other vulnerable adults.

### **IF IN DOUBT, REFER.**

**If you suspect that an Al-Hasaniya member of staff, volunteer or trustee is involved in abuse towards vulnerable adult/s.**

The first thing you should do is raise your concerns with the Director. If you are unable to do this, for example because the Director is implicated in your concerns, or has failed to act on your concerns, then you should contact the Chairperson. If you are unable to discuss this with the Chairperson, for example because the Chairperson is implicated or has failed to act on your concerns, then you have a right to protection if you take your concerns to an outside organisation.

### **Do**

Keep calm.

Think about the risks and outcomes before you act.

Remember you are a witness, not a complainant.

Phone Public Concern at Work for advice (020 7404 6609).



## **Don't**

Forget that there may be an innocent or good explanation.

Become a private detective.

Use whistle-blowing procedures to pursue a personal grievance.

Expect thanks.

## **Preventing abuse**

Because Al-Hasaniya works with vulnerable adults, it is exempted by law from the terms of the *1974 Rehabilitation of Offenders Act*. This means that any person working for Al-Hasaniya as a member of staff, volunteer or in a freelance capacity is exempted from the terms of the Act and **must** declare any criminal convictions they have, irrespective of whether these convictions have been 'spent' or not.

The Disclosure and Barring Service (DBS) has been established to assist organisations to meet their responsibilities with regard to protecting vulnerable adults from staff or volunteers who have a history of relevant convictions or cautions.

The DBS provides three levels of certificates – basic disclosures, standard disclosures and enhanced disclosures. For each post, paid or voluntary, a decision will be made as to the level of disclosure required based on the extent and nature of their contact with vulnerable adults.

The DBS emphasises that the existence of a comprehensive disclosure service should not be regarded as a substitute for any of the full range of recruitment checks. These include taking up references and enquiring into the person's previous employment history. Disclosures should be seen as complimentary to existing recruitment practice and should only be sought after a candidate has had a provisional offer of employment or voluntary position.

At Al-Hasaniya, all staff and volunteers will be required to;

1. declare on their application form whether they have any criminal convictions, whether 'spent' or not, and give details, including date and nature of the offence, penalty imposed and name of court dealing with it,
2. provide two references to assess the person's suitability for employment or as a volunteer,
3. Agree at interview stage to Al-Hasaniya contacting the CRB for the appropriate level of disclosure about that individual and provide proof of identity (birth certificate, passport etc.),
4. Account, if necessary for any discrepancies between the individual's own self-disclosure and the information provided on the CRB disclosure.

Failure to satisfy these requirements will result in any offer of employment being withdrawn.



## The recruitment of ex-offenders

**Having a criminal record does not necessarily bar an individual from working with Al-Hasaniya.** This will depend on the nature of the position and the circumstances and background of the offences.

1. Al-Hasaniya complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. We select all candidates for interview based on their skills, qualifications and experience.
2. A disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.
3. We ensure that all those at Al-Hasaniya who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
4. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.



## **Sources**

The Protection of Vulnerable Adults: Multi-Agency Policy and Procedures,  
City of Westminster, Royal Borough of Kensington & Chelsea, November  
2002

Criminal Records Bureau: Disclosure Information Pack, 2002  
Recruiting Safely

Forum on the employment of ex-offenders in care settings, September  
2001



**Date of Management Committee Meeting when policy was reviewed:  
October 2017**

**Name of Management Committee Member:  
Fatima Mourad**