Overview & Scrutiny Panel

Protection of Vulnerable Adults policy

Synopsis
At the heart of the Protection of Vulnerable Adult’s Scheme, as set out in Care Standards Act 2000, is the need to protect vulnerable adults from abuse. Employers should ensure they are familiar with the Protection of Vulnerable Adults Policy and procedures are in place for reporting abuse.

All agencies commissioned by Supporting People should ensure robust policies and procedures are in place to deal with incidents of abuse. Warden services are commissioned by Supporting People to provide support to vulnerable adults in the community. The requirement is to train managers and staff to identify signs of abuse, implement a policy and local procedure to protect vulnerable adults, and secure future contracts and funding.

1. Relevant Background Details
In recent years several serious incidents have resulted in the need to ensure vulnerable adults, who are at risk of abuse, receive protection and support. The aim is to create a coherent policy and a local procedure with a consistent and effective response to prevent abuse where possible.

What is POVA
The Protection of Vulnerable Adults (POVA scheme) consists of a list of people who are banned from working with vulnerable adults in registered care services in England and Wales, these people have been dismissed from care work because they have been found guilty of harming or risking harm to a vulnerable adult and are judged to be unsuitable to work with any other social care users.

It is an offence for people confirmed on the list knowingly to apply for, offer to do, accept or do any work in a paid or unpaid caring position.

Anyone employing them will be in breach of regulations relating to fitness of staff.

The list covers care workers, including volunteers and adult placement carers, who are working with vulnerable adults aged 18 years or over.

The list is run by the Department for Education and Skills, for the Secretary of State for Health. Officials in the POVA Team in Darlington review POVA referrals and make recommendations to the Secretary of State for Health, who makes the final decision about listing any individual. Referral does not automatically lead to listing.

Employers and managers must make a referral to the POVA list whenever they reasonably consider that a worker is guilty of misconduct that has harmed vulnerable adults or placed them at risk of harm. A referral is usually made when the employers own disciplinary procedures have been concluded.

Developing Local Policies
Employers and managers who have direct contact with vulnerable adults should, as good practise, develop a local policy protecting from harm vulnerable adults in their care.
This may be a policy for each service, for the whole organisation, or one that is developed in the local area by the local multi-agency adult protection framework, committee and/ or team under the No Secrets/In Safe hands guidance.

Under No Secrets/In Safe Hands, commissioned providers are required to adopt the Local Authority Adult Protection Policy. The Adult protection team can provide advice and support to assist with the writing and implementation of the Policy and procedure.

Employers should build POVA referral into their disciplinary procedures-for example, by making it clear to staff that if they are suspended following allegations of abuse, they may be subject to a POVA referral.

Employers have a statutory responsibility to refer individuals that they have dismissed for misconduct that led to the harm of a vulnerable adult.

**Understanding POVA Definitions**

**Who is a vulnerable adult**

A vulnerable adult is a person aged 18 years or over who may be unable to take care of themselves, or protect themselves from harm or from being exploited. This may be because they have a mental health problem, a disability, a sensory impairment, are old and frail, or have some form of illness.

**What is adult abuse**

Abuse is mistreatment by any other person or persons that violates a person's human and civil rights. The abuse can vary from treating someone with disrespect in a way, which significantly affects the person's quality of life, to causing actual physical suffering.

Abuse can happen anywhere - in a residential home or nursing home, a hospital, in the workplace, at a day centre or educational establishment, in supported housing or in the street.

**Forms of abuse include:**

- **Physical Abuse** such as hitting, pushing, pinching, shaking, misusing medication, scalding, restraint, hair pulling.

- **Sexual Abuse** such as rape, sexual assault, or sexual acts to which the vulnerable adult has not or could not have consented, or to which they were pressurised into consenting.

- **Psychological or Emotional Abuse** such as threats of harm or abandonment, being deprived of social or any other form of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, being prevented from receiving services or support.

- **Financial or Material Abuse** such as theft, fraud or exploitation, pressure in connection with wills property, or inheritance, misuse of property, possessions or benefits.

- **Neglect** such as ignoring medical or physical care needs and preventing access to health, social care or educational services or withholding the necessities of life such as food, drink and heating.

- **Discriminatory Abuse** such as that based on race or sexuality or a person's disability and other forms of harassment or slurs.

- **Institutional abuse** can sometimes happen in residential homes, nursing homes or hospitals when people are mistreated because of poor or inadequate care, neglect and poor practice that affect the whole of that service.
Any abuse can be either deliberate, the result of ignorance, lack of training, knowledge or understanding. Often if a person is being abused in one way they are also being abused in other ways. If the abuse is also a crime such as assault, racial harassment, rape or theft the police must be involved to prevent someone else from being abused.

**Who might be causing the abuse**

The person who is responsible for the abuse is very often well known to the person abused and could be:

- A paid carer or volunteer
- A health worker, social care or other worker
- A relative, friend or neighbour
- Another resident or service user
- An occasional visitor or someone who is providing a service
- People who deliberately exploit vulnerable people

**Possible indicators of Abuse**

Abuse occurs for many reasons and the causes are not understood the following indicators are some of the suspicious signs and symptoms, which should alert to the fact that something is wrong. The following list is not exhaustive and should be used as a tool to assess vulnerability and risk

**Possible signs of Discriminatory abuse**

- Lack of respect shown to individual
- Poor service offered
- Exclusion from basic human rights, health, education, employment.

**Possible Signs Physical abuse**

- Any injury not fully explained
- Injuries untreated in various stages of healing
- Unexplained bruising
- Inappropriate use of medication

**Possible signs of Sexual abuse**

- Wetting or soiling
- Poor concentration, Withdrawal, depression
- Unusual difficulty in walking, sitting
- Bruising to thighs or upper arms

**Possible signs Psychological abuse**

- Change in appetite
- Low self esteem
- Unexplained fear, defensiveness
- Emotional withdrawal
- Sleep disturbances

**Possible signs of Neglect**

- Physical condition poor
- Clothing in poor condition
- Untreated injuries or sores
- Reluctant contact with health or social care agencies
- Failure to engage in social activities
- Malnutrition
- Inadequate heating

2. **Procedure for reporting abuse**
All staff have a duty to report to line manager any suspicions or disclosure of abuse immediately. All abuse allegations or suspected abuse disclosed or witnessed by staff must be taken seriously and reported to senior manager.

- Staffs immediate priority will be to alleged victim, including any consideration of medical care.
- Notification report to be completed, completing name address and phone number of alleged victim, including a short description of the allegation, in the victims own words.
- Do not ask questions or press for further details.
- Explain you will be required to inform your line manager.
- Explain all information will remain confidential.
- On receiving information line manager will immediately consider needs of the alleged victim
- Consider referral to police
- Inform senior officer.
- Complete risk assessment.

Senior managers will be responsible for identifying the appropriate course of action. This may involve reporting to one or more of the following agencies.

- Adult protection unit
- Social services
- Police
- Probation

All actions should be recorded and reports sent to the person reporting abuse within 10 days. All records to be stored securely in locked cabinet in accordance with Data Protection Act.

3. Issues to be taken into account:-

Policy Priorities
Corby Borough Council to ensure it operates in line with current legislation all of the following needs to be considered:
Human’s Rights Act 1998, which came into force October 2002
Local Authorities Social Services Act 1970
Care Standards Act 2000
National Assistance Act 1948 Section 21 (1)
Health Service and Public Health Act 1968 Section 2
Housing Act 1996 Section 45
Data Protection Act

Financial
Current funding from Supporting People for contracts in place for supported services within Corby Borough Council, states the urgency of a Local Policy and Procedure to be implemented, to secure future funding.

Legal
The general overview of the policy will not be a substitute for seeking legal advice.

Human Rights
All of the following will need to be considered in view of the implications of the Human Rights Act
- Local Authorities Social Services Act
- Care Standards Act 2000
- National Assistance Act 1948
• Health Service and Public Health Act 1968
• Housing Act 1996
• Protection from Harassment Act 1997

**Equalities**
Maintaining and managing a consistent approach to the protection of vulnerable adults in a residential setting.

4. **Conclusion**
To protect the Council, its employees, and any potential vulnerable adult service users POVA policy and procedures should be adopted by each department. Failure to implement policy will put at risk future Supporting People funding streams.

5. **Recommendations**
That Members recommend to One Corby Policy Committee:

i) That the Council adopts the POVA policy and procedure;

ii) That Heads of Service devise and implement appropriate, local policies and procedures for their service area;

iii) That the Council introduces POVA checks of all staff working directly with the public as part of the current CRB process;

iv) That each service area devises and implements a training plan to ensure all staff comply with current legislation and are made aware of correct reporting/response to any issues relating to vulnerable adults.

**Background Papers**
• Northamptonshire Protecting Vulnerable adults from Abuse.
• Inter-Agency Policy and Procedure- Northamptonshire County Council
• Adult Services Practice Guide
• D.H.S website
• No Secrets/In Safe Hands

**External Consultations**
Supporting People Team (Northamptonshire)
Adult services practice code

**List of Appendices**
None

**Officer to Contact**
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