

Safeguarding Vulnerable Adults (SVA)

Course Notes
January 2012

Safeguarding Vulnerable Adults – Course Notes

NEWS UPDATE - Dated: 3rd December 2010

NEW Multi-Agency Safeguarding Adults Joint Policy, Procedures and Legislative Guidance documents have now been approved and released for publication.

A copy of each document can now be downloaded from the Safeguarding Adults Website

http://www.norfolk.gov.uk/Adult_social_services/Adult_protection/NCC055784

Please note that the 3 documents entitled

Norfolk Multi-Agency Safeguarding Adults Policy - Norfolk Multi-Agency Safeguarding Adults Procedures - Norfolk Multi-Agency Safeguarding Adults Policy and Procedure - Legislative Guidance

Replace with immediate effect the single document Safeguarding Adults Joint Policy and Operational Procedures (2006). - **The new procedure says that telephone reporting is the way forward.**

To make a referral you should contact - Adult Community Services - Norfolk Care Connect - Available 24 hours a day 0344 800 8014

What is a Vulnerable Adult?

1. No Secrets – Department of Health 2000 says ““a violation of an individuals human and civil rights by any other person or persons”
2. Action for Elder Abuse says “A **single** or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person”

Types of Abuse

Physical – Psychological – Financial – Sexual – Discriminatory – Neglect – Institutional

What could make People Vulnerable?

Lacking mental awareness – Severely physically disabled – Sensory Impairment – Semi-Comatose/Comatose state – Communication difficulties – Disempowered – Dependent

Mental Capacity Act 2005

5 Basic Principles:

1. **Every adult has the right to make their own decisions if they have the capacity to do so - unless it can be established that the person does not have capacity.**
2. **People should receive support to help them make their own decisions. Before concluding that individuals lack capacity to make a particular decision, it is important to take all possible steps to try to help them reach a decision themselves.**
3. **People have the right to make decisions that others might think are unwise. A person who makes a decision that others think is unwise should not automatically be labelled as lacking the capacity to make a decision.**
4. **Any act done for, or any decision made on behalf of, someone who lacks capacity must be in their best.**

5. Any act done for, or any decision made on behalf of, someone who lacks capacity should be an option that is less restrictive of their basic rights and freedoms – as long as it is still in their best interests.

Single Clear Test

Assessing lack of capacity – The Act sets out a **single clear test** for assessing whether a person lacks capacity to take a particular decision at a particular time. It is a “decision-specific” and time specific test. No one can be labelled ‘incapable’ simply as a result of a particular medical condition or diagnosis.

Section 2 of the Act makes it clear that a lack of capacity cannot be established merely by reference to a person’s age, appearance, or any condition or aspect of a person’s behaviour which might lead others to make unjustified assumptions about capacity.

Best Interests – An act done or decision made for or on behalf of a person who lacks capacity must be in that person’s best interests.

(1) Lasting Power of Attorney

The Act deals with **two** situations where a designated decision-maker can act on behalf of someone who lacks capacity:

Lasting Powers of Attorney (LPAs) – The Act allows a person to appoint an attorney to act on their behalf if they should lose capacity in the future. This is like the current *Enduring Power of Attorney (EPA)* in relation to property and affairs, but the Act also allows people to empower an attorney to make health and welfare decisions. Before it can be used an LPA must be registered with the Office of the Public Guardian. EPAs created before April 2007 can be registered after the implementation date but it will not be possible to create EPAs after this time.

(2) Independent Mental Capacity Advocate (IMCA)

Court appointed deputies – The Act provides for a system of court appointed deputies to replace the current system of receivership in the existing Court of Protection. Deputies will be able to be appointed to take decisions on welfare, healthcare and financial matters as authorised by the new Court of Protection but will not be able to refuse consent to life-sustaining treatment. They will only be appointed if the Court cannot make a one-off decision to resolve the issues. People appointed as receivers before April 2007 will retain their powers concerning property and affairs after the implementation date and will be treated as deputies after this time.

TWO New criminal offences

Wilful neglect - Ill treatment

Situations that may lead Abuse

Social Isolation – Poor Quality long term relationships – Pattern of family violence – Dependency – Alcohol, Drug and Mental health problems.

How to Assess Abuse – Ask the following Questions!

Assess each scenario in terms of: - the **vulnerability** of the individual; - the **nature and extent** of the abuse; - the **length of time** it has been occurring; - the **impact on the individual**; and - the **risk of repeated or increasingly serious acts** involving this or other vulnerable adults.

Reporting

First priority **MUST** be to ensure the safety and protection of vulnerable adults. It is the responsibility of all staff to **ACT** on any suspicion or evidence of abuse or neglect (see the Public Interest Disclosure Act 1998) and to pass on their concerns to a responsible person/agency.

Alert - Suspicion - Discuss with Line manager - Inform Adult Protection Lead and/or Police APU - Record decision NOT to report

Report - Form AA1 and Flow Charts – Phone!

Investigate - Emergency response – VA wants the Police – Poor Performance

Review

Barriers to Disclosure

Low self confidence/self esteem - Perception of seriousness - Concerns about the effect of taking action – Embarrassment - Concerns about being blamed/making a fuss

Motivators to Take ACTION

Seeking to change the abusers behaviour - Placing distance away from the abuser - Seeking legal/formal redress - Fear for personal safety - Seeking emotional support - Encouragement and support from others

Don't

Take it lightly or make a joke about it - Dismiss or disbelieve what you have been told - Change the subject because you feel uncomfortable with it - Ignore what has been said - Make assumptions - Discuss the subject with or challenge the abuser

DO!

Listen attentively and also take notice of body language - Take it seriously – even if it is not making much sense to you at present - Try not to show if you are shocked - Explain about confidentiality - Confirm the victim's version of the story - Remember that you are there as a representative of your organisation as well as an empathetic individual - Ask the vulnerable person what he/she wants to do. Reassure them that they have done the right thing in talking to you - Report to your appropriate senior colleague - Remember that it is not your responsibility to handle the situation on your own

What TO DO if you suspect ABUSE

Always talk to the vulnerable person in a safe and private place - Find out what the victim wants to do - Record accurately and in the most appropriate place - Discuss the situation with your line manager at the earliest opportunity

Useful Numbers

- **Adult Social Services** – 0344 800 8014 - **Police** - 0845 456 4567 – **Debbie Beresford - Governance and Quality Team (Adult Protection Lead)** – 01603 776774 and/or 07876 232436 - **Deprivation of Liberties** – Donna Hewitt (Norfolk County Council) - 01603 729177 - **Adult Community Services - Norfolk Care Connect** - Available 24 hours a day 0344 800 8014 - **Police Adult Abuse Investigation Unit** - 01603 276332 - **Police - Main Switchboard** 0845 456 4567 - Emergency 999 - **Care Quality Commission** - 03000 616161 - **National Organisations:** - Action on Elder Abuse 0808 808 8141 - (9am - 5pm Monday to Fridays) - Public Concern at Work 0207 404 6609 - (9am - 6pm Monday to Fridays) - The Relatives and Residents Association 0207 359 8136 - (9am - 4.30pm Monday to Fridays) - **Carers Line** 0808 808 777 - (10am - 12noon 2pm - 4pm Wednesday and Thursdays) - **Norfolk Carers Helpline** - 0808 808 9876 - (8am - 8pm Monday to Fridays)

