



Safeguarding (Adults at Risk) Policy and Procedures (2017)

Purpose: This policy applies to all Newport City Council employees including students and any volunteers practising within or on behalf of the local authority. The policy and the subsequent procedures cited are in accordance with the Social Services and Wellbeing (Wales) Act 2014; NHS and Community Care Act 1990; “In Safe Hands” 2000; “Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse” (2nd version) 2013.

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Policy Statement

Newport City Council recognises that safeguarding Adults at Risk is everyone's business and everyone's responsibility, therefore, regardless of an employee's service area they should be fully aware of what actions they need to follow should they identify a concern for an adult who may be at risk of harm whom they may come into contact with during their working day.

The purpose of this policy and subsequent procedures is to provide a clear and consistent approach to recognising and responding to adult protection concerns by all staff employed by Newport city Council.

For the purpose of this policy the term "employees" is also intended to include students on placement within the authority and any voluntary staff members in addition to paid council employees.

Relevant Legislation

In 2000, strategic guidance was issued to authorities in Wales called 'In Safe Hands'. It established the national framework for the development of local policies, procedures and guidance for the protection of vulnerable adults. From this strategic guidance the Wales Policy & Procedures for the Protection of Vulnerable Adults from Abuse (AWP) was developed. This guidance provides a clear framework to inform how Welsh Local Authorities should respond to and coordinate cases of Vulnerable Adult Abuse.

The Social Services and Wellbeing (Wales) Act 2014 introduced new legal duties in respect of safeguarding adults, the legislation broadened the scope and duties to report and intervene not only for those identified as "vulnerable adults" but from a wider context for ALL adults who may be "at risk" of harm or abuse. The legislation also introduced the same legal duties to report where concerns are identified for an adult at risk as there are when reporting concerns for a child at risk. Along with the new legal "duty to report" the Act also introduced Adult Protection and Support Orders (s127), which allows the authorised officer to speak privately with the adult where abuse or harm is suspected or alleged. This new legislation has strengthened how we respond, support and safeguard adults at risk within Wales.

Key Principles

Although the investigation of suspected or actual abuse of an adult at risk remains the lead responsibility of Social Services and the Police, the protection of adults at risk is everyone's business and everyone's responsibility no matter which service area we work for within the council.

You are not specialists in this area and you are not expected to be trained to deal with adult protection, or to investigate concerns yourselves, however, you do need to be aware of the following key aspects:

- Adult abuse does happen and it does happen in Newport
- You have responsibility to be alert and aware of possible concerns about adults' safety and protection
- You should know who to talk to in your workplace if you have concerns for an adult
- In an emergency situation you should contact the Police directly
- You should contact the First Contact Team based in The Civic Centre and contactable via the Contact Centre on 01633 656656 for advice or to make a referral. If out of hours (8.30am- 5pm) you should contact the Emergency Out of Hours Service on 0800 3284432.

Newport City Council (and all other areas of Wales) has adopted the new duties and practices as determined by the Social Services and Wellbeing (Wales) Act 2014 in combination with Working Together to Safeguarding People (Statutory Guidance) 2016 and the [Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse](#) (2nd version) 2013, these documents detail the agreed processes which should be followed in order to safeguard and protect adults.

Unless your position requires you to be fully aware of all of the procedures in their entirety (ie. Adult Social Services Practitioner) you do not need to know the high level of detail within the procedures, however, you must be aware of your duties and responsibilities to respond to concerns identified for an adult and that there is a clear process which should be followed to report your concerns which is detailed within this document. As an employee you have a duty to be aware of the document, know where to access the document and who you require to speak to within your service area if you have concerns about an adult.

If you are the designated responsible officer for adult protection in your service area then you should ensure that you are aware of the process of reporting concerns and your responsibility to support your staff should concerns for an adult be raised.

Who is defined as an “Adult at Risk”?

An “Adult at risk” is defined in the Social Services and Wellbeing (Wales) Act 2014 as an adult (aged 18 years +) who;

- (a) is experiencing or is at risk of abuse or neglect,
- (b) has needs for care and support (whether or not the authority is meeting any of those needs), and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The definition of an “adult at risk” refers to the person experiencing abuse or neglect, or ‘at risk’ of doing so. The inclusion of “at risk” enables early intervention to protect an adult at risk. The decision to act does not require actual abuse or neglect to have taken place.

This new definition replaces the definition of a “vulnerable adult” included within *In Safe Hands* (Welsh Assembly Government 2000).

What is abuse?

“Abuse” means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place), and “financial abuse” includes:-

- having money or other property stolen;
- being defrauded;
- being put under pressure in relation to money or other property;
- having money or other property misused.

“Neglect” means a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s well-being (for example, an impairment of the person’s health).

The following is a non-exhaustive list of examples for each of the categories of abuse and neglect:

- physical abuse - hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions;
- sexual abuse - rape and sexual assault or sexual acts to which the vulnerable adult has not or could not consent and/or was pressured into consenting;
- psychological abuse - threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks (coercive control is an act or pattern of acts of assault, threats, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim);
- neglect - failure to access medical care or services, negligence in the face of risk taking, failure to give prescribed medication, failure to assist in personal hygiene or the provision of food, shelter, clothing; emotional neglect
- financial abuse in relation to people who may have needs for care and support -.Possible indicators of this include:
 - unexpected change to their will.;
 - sudden sale or transfer of the home;
 - unusual activity in a bank account;
 - sudden inclusion of additional names on a bank account;
 - signature does not resemble the person’s normal signature;
 - reluctance or anxiety by the person when discussing their financial affairs;
 - giving a substantial gift to a carer or other third party;
 - a sudden interest by a relative or other third party in the welfare of the person;
 - bills remaining unpaid;
 - complaints that personal property is missing;

- a decline in personal appearance that may indicate that diet and personal requirements are being ignored;
- deliberate isolation from friends and family giving another person total control of their decision-making.

Domestic abuse is a serious crime and has a traumatic and sometimes life threatening effect on victims. Domestic abuse perpetrators can be within an intimate relationship with the victim or a family member. Other forms of abuse can include honour based violence, forced marriage, modern day slavery, human trafficking and radicalisation. Adults at risk suffering domestic abuse require a multi-agency response to ensure that positive action is taken in providing support for victims whilst at the same time dealing effectively with offenders.

Any of the above forms of abuse could be motivated by the personal characteristics of the victim. This may make it a hate crime. These involve a criminal offence perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived disability, race, religion and belief, sexual orientation and transgender.

Where can abuse occur?

Abuse can occur in:

- Adult's own home in the community
- Relative's Home
- Sheltered Accommodation (Warden)
- Supported Tenancy
- Adult Placement Scheme
- Care Home - residential place
- Care home – nursing place
- Hospital, NHS
- Hospital, Independent
- Hospice
- Public Place
- Day Centre

Mental Capacity

The Mental Capacity Act 2005 (the Act) provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular decisions for themselves. Everyone working with and/or caring for an adult who may lack capacity to make specific decisions must comply with this Act when making decisions or acting for that person, when the person lacks the capacity to make a particular decision for themselves. The same rules apply whether the decisions are life-changing events or everyday matters.

The Act's starting point is to confirm in legislation that it should be assumed that an adult (aged 16 or over) has full legal capacity to make decisions for themselves (the right to autonomy) unless it can be shown that they lack capacity to make a decision

for themselves at the time the decision needs to be made. This is known as the presumption of capacity. The Act also states that people must be given all appropriate help and support to enable them to make their own decisions or to maximise their participation in any decision-making.

Some adults may lack mental capacity to make specific decisions which may make them especially vulnerable.

Consent

Most adults are deemed, in law, capable of giving or withholding consent. In adult protection it is vital to consider if an adult is capable of giving consent and, if so, their consent must be sought. **However**, even where an adult declines there is a new legal duty to report where abuse or neglect of an adult is suspected or alleged (s128, SSWB Act 2014).

Please also refer to the *“Procedural response where abuse is identified or suspected”* section for further guidance.

Roles and Responsibilities

If any employee has knowledge, concerns or suspicions that an adult is suffering, has suffered or is likely to be at risk of harm, it is his or her responsibility to ensure that they share their concerns with their line manager/ designated lead officer for their service in a timely manner.

If a child, parent, caregiver, relative or member of the public expresses concerns about an adult’s welfare to an employee that person must never be asked to make a self-referral to Social Services or the Police about their concerns. The employee must ensure that they receive the information from the person and make the referral to the First Contact Team or The Adult Safeguarding Team.

The conduct expected of all employees is defined in the Employee Code of Conduct.

What everyone needs to know:

- What sources of advice and expertise are available and who and how to contact for such advice;
- What information is recorded within this policy regarding safeguarding adults at risk and what procedure they need to follow in order to report their concerns.

Procedural response where abuse is identified or suspected

You should discuss your concerns with your manager/ designated lead for safeguarding and contact the First Contact Team or The Adult Safeguarding Team as soon as possible and certainly within a 24 hour period (01633 656656).

NB. If there are immediate safeguarding concerns that place the adult at immediate risk of harm then this must be reported immediately to the Police and Social Services.

Following discussion, the manager/ designated person is responsible for determining and referring the concerns to the First Contact Team/ Adult Safeguarding Team, outside of office hours and/ or in an emergency situation the referral should be made to the Emergency Out of Hours Service and the Police.

- In an Emergency: 999
- Referrals: Contact Centre –First Contact Team 01633 656656
- Advice: POVA Team Newport – 01633 210826 (for ALL referrals, wherever the Adult at Risk is from)
- Out of Hours: South East Wales Emergency Duty Team - 0800 328 4432

YOU SHOULD ALWAYS SEEK ADVICE FROM THE FIRST CONTACT TEAM WHERE YOU ARE IN DOUBT, ESPECIALLY WHERE YOUR DOUBT RELATES TO A CONCERN REGARDING POSSIBLE SIGNIFICANT HARM TO AN ADULT OR OTHERS.

A referral must be made to Social Services, Health or the Police as soon as possible and in any case **within one working day of the alert**. The referral must highlight the perceived level of risk to the adult (s) and others.

There is a designated referral form that is used to submit and process all concerns. Duty to Enquire Form (appendix 1). However referrals can be made in person or by telephone, but **MUST** be submitted in writing on the Duty to Enquire form within 24 hours.

Staff must always consider the potential impact of adult protection issues have on the welfare and safety of any children being cared for in the environment of concern.

- Staff should always gather information on the basic details of children living in or visiting the environment and identify any concerns arising for the child's welfare or safety.
- If there are concerns that a child is at imminent risk of harm the Police should always be contacted.
- If they identify child protection concerns then they should pass this information immediately to Children's Services.

The Duty Social Worker receiving the call will require as much of the following information as possible, for example:

1. The nature of the concerns
2. How and why those concerns have arisen
3. The full name; address; age of the vulnerable adult (D.O.B where known)
4. The names and relationships of those known with caring responsibilities
5. The names; addresses; ages (D.O.B where known) of any other

- children within the family
6. Information on any adults known to be living in the home
 7. Information relating to any other professionals known to be involved
 8. Any information you have regarding the adult's needs
 9. Any information which may affect the safety of staff.

Designated Lead Officer for Safeguarding (Adults at Risk)

Newport City Council has a number of Designated Lead Managers across Adult Services responsible for the overall management of an adult protection case. Often the role is undertaken by a Social Services Team Manager, a member of the Protection of Vulnerable Adults Team or a member of the Health Board.

There are two situations in which allegations of abuse will be managed by a Health Designated Lead Manager:

- It is alleged that the abuse has taken place within an NHS health care setting.
- It is alleged that an NHS employee has abused a vulnerable adult during the course of their work.

Each service area within Newport City Council has a designated person responsible for safeguarding. This may be the team manager or another person within your department, you should be notified who the designated person for safeguarding is at the point of induction and you should also be notified if the designated person changes.

If you are the designated person for safeguarding you should ensure that you are fully aware of the expectations of your role, you will be supported by receiving training in respect of child protection provided by the authority.

The role of the designated person is to:

- Receive and record information from staff, volunteers, children or parents/carers who have adult protection concerns;
- Assess the information properly and carefully, clarifying or obtaining more information about the matter as appropriate;
- Consult with the First Contact Team to discuss concerns and/ share information as soon as possible;
- Be responsible for submitting a timely referral to the First Contact Team/ Emergency Out of Hours Service and where necessary, the Police.

Safeguarding Champions

Each service area has an identified Safeguarding Champion. The purpose of the Safeguarding Champion is to be a key contact for advice and to keep "safeguarding" as an area of on-going focus within their service area, their function is NOT to respond to concerns of safeguarding. The Safeguarding Champion role is about supporting others but also understanding the limitations of the role and seeking further clarification/ support from the organisation's designated safeguarding lead should they need advice, guidance or assistance themselves.

It is the role of the Safeguarding Champion:

- To act as a resource and a point of contact for colleagues who require support and guidance with safeguarding issues. **HOWEVER it is not the role of the Safeguarding Champion to be responsible for the submission of referrals on behalf of the service area.**
- To cascade/disseminate safeguarding information received to colleagues within their teams.
- To maintain safeguarding as a standing agenda item at team meetings.
- To support staff in identifying those in need of protection and assist in their understanding of the action they need to take.
- To maintain an awareness of the Council's policy and procedures in relation to Safeguarding including the referral processes to be followed internally within the organisation.
- To encourage colleagues to recognise and be aware of trends and themes within their area and communicate these as appropriate to line manager and safeguarding leads.

In relation to consent...

Every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.

Mental capacity should always be assessed in relation to the specific activity or issue that is being considered. At the initial referral stage there is no requirement to have a formal capacity assessment, consideration will be given to the person's mental capacity with regard to processing the adult protection process based on the information available.

Where an adult at risk with capacity has made a decision that they do not want action taken, this will be respected unless not acting will put other adults or children at risk.

If the adult seems able to make an informed decision and does not want action or intervention, their wishes should be respected, unless:

- there is a statutory duty to intervene (e.g. a crime may have been committed or may well be); or
- public interest e.g. another person or people are put at risk; or
- it is suspected the adult may be under the undue influence of someone else.

Responding to allegations of abuse against a staff member or other professional

Where concerns are identified in respect of any member of staff, whether a Newport City Council employee or a staff member/ volunteer from another agency/ organisation, that those concerns are acknowledged and responded to appropriately.

Where concerns are identified in respect of any staff member it is essential that suspicions/ allegations regarding the staff member are investigated in strict confidence thus enabling information to be shared freely and fully, considering both the protection of the rights of the suspected person whilst the investigation is

undertaken but also to ensure the safety of the vulnerable adult and any child/ young person that the suspected person comes into contact with. It is also necessary to consider what action should be taken in respect of any contact the suspected person has with any other vulnerable adult or child, including their own children and family.

You should report your concerns to your line manager/ or the POVA Team without delay.

If you are the designated person for safeguarding you should refer to the following, *“Professional Concerns Strategy Meetings A Multi-Agency Protocol for the Management of Risk posed by Employees, Carers or Volunteers”* (Appendix 2).

All employees should also familiarise themselves with the authority’s [Whistleblowing Policy](#).

Other Newport City Council Policies and Procedures linked to safeguarding

[Recruitment and Selection Policy](#)

[DBS Disclosure and Barring Service Checks](#) (formerly CRB) Policy and Guidance

[Use and Management of Volunteers Policy](#)

[Disciplinary Policy](#)

[Scheme of Delegation to Officers Policy](#)

Appendix 1- Duty to Enquire



1 Person experiencing/at risk of abuse details	
1.1	Name:
1.2	Social Services ID No:
1.3	Gender: Male <input type="checkbox"/> Female <input type="checkbox"/>
1.4	Home address:
1.5	Postcode:
1.6	Date of birth:
1.7	Ethnicity: White <input type="checkbox"/> Mixed Ethnic Groups <input type="checkbox"/> Asian or Asian British <input type="checkbox"/> Black, African, Caribbean or Black British <input type="checkbox"/> Other Ethnic Group <input type="checkbox"/> Information not obtained <input type="checkbox"/> Information refused <input type="checkbox"/>
1.8	First Language:
1.9	Needs Interpreter: Yes <input type="checkbox"/> No <input type="checkbox"/> Details:
1.10	G.P Details:
1.11	NHS: Datix Incident No:
1.12	NHS: Patient CRN No:
1.13	Category of need: Physical Disability <input type="checkbox"/> Learning Disability <input type="checkbox"/> Mental Health problem (organic) <input type="checkbox"/> Mental Health Problem (functional) <input type="checkbox"/> Substance Misuse <input type="checkbox"/> Visual Impairment/Blind/Partially sighted <input type="checkbox"/> Hearing Impaired/deaf <input type="checkbox"/> Other care and support needs <input type="checkbox"/>
1.14	Allocated Social Worker / Care Coordinator/Team Name: Tel number: E-mail:
1.15	Is there information to suggest that the person lacks capacity to understand the safeguarding process? Yes <input type="checkbox"/> No <input type="checkbox"/> Details:
1.16	Does the person consent to the Adult Safeguarding process (POVA)? Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know <input type="checkbox"/> Details:
1.17	Does the person consent to police involvement? Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> Details:
1.18	Have the police been informed? Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know <input type="checkbox"/> Details:
1.19	Next Of Kin details Name: Tel number: DOB: Address:

2	Abuse details	
2.1	Type of Abuse:	Physical: <input type="checkbox"/> Sexual: <input type="checkbox"/> Neglect: <input type="checkbox"/> Emotional/Psychological: <input type="checkbox"/> Financial/Material: <input type="checkbox"/>
2.2	Other factors. Is this?	Domestic Abuse/violence: <input type="checkbox"/> Hate Crime: <input type="checkbox"/> Honour based violence: <input type="checkbox"/> Forced Marriage: <input type="checkbox"/>
2.3	Description of the incident of Abuse/neglect. What happened?	
2.4	When/where did it occur? Date: Time: Location: Community: Own Home: <input type="checkbox"/> Relative's Home: <input type="checkbox"/> Alleged perpetrator home <input type="checkbox"/> Care home setting: Residential Home <input type="checkbox"/> Nursing Home <input type="checkbox"/> Supported Living: <input type="checkbox"/> NHS Trust Group home <input type="checkbox"/> Health setting: NHS Hospital <input type="checkbox"/> Independent Hospital <input type="checkbox"/> Public Place: <input type="checkbox"/> Other: <input type="checkbox"/> Please specify -	
2.5	What harm or injury did this incident cause?	
2.6	Body Map completed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.7	What has been done so far to keep the person safe/protected?	

3	Alleged Perpetrator details	
3.1	Alleged perpetrator unknown <input type="checkbox"/>	
3.2	Name:	
3.3	Address:	
3.4	D.O.B:	
3.5	Does the Alleged perpetrator have needs for care and support?	Yes: <input type="checkbox"/> No: <input type="checkbox"/> Don't know <input type="checkbox"/>
3.6	Relationship to Victim:	

4	Witness details	
4.1	Witness Name:	
4.2	Address:	
4.3	DOB:	
4.4	Relationship to Victim.	

5	Person reporting details:	
5.1	Incident reported by:	
5.2	Form completed by:	
5.3	Date of completion:	
5.4	Job title/role:	
5.5	Agency/Company:	
5.6	Telephone Number:	
5.7	E-mail Address:	

6	Additional Information	
	Click here to enter text.	

7	For Social Services use only: Outcome of report	
7.1	Progressed through the Adult Safeguarding Process	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.2	If not progressed reason why and action taken:	
7.3	Has Information Advice or Assistance been given?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.4	Decision made by:	Name: Job Title: Organisation:

Form to be sent to:

Blaenau Gwent:

dutyteam@blaenau-gwent.gcsx.gov.uk

01495 315700

Caerphilly: povateam@caerphilly.gov.uk

08081002500

Monmouthshire: monpovaduty@monmouthshire.gcsx.gov.uk

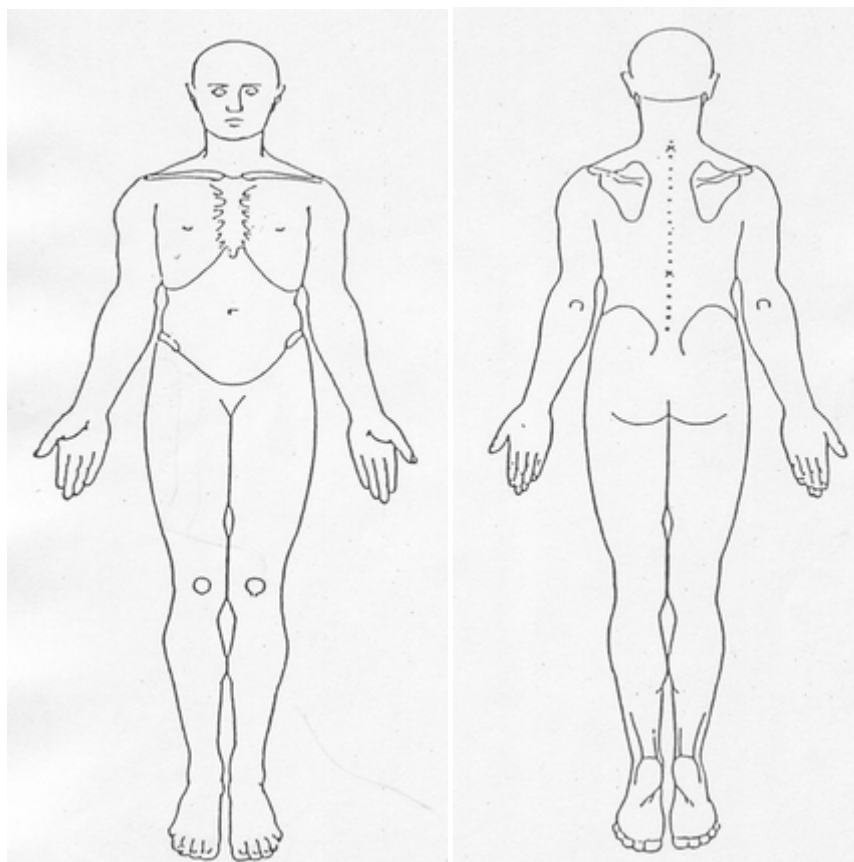
01291 638928

Newport: Pova.team@newport.gov.uk

01633 656656

Torfaen: socialcarecalltorfaen@torfaen.gov.uk

01495 762200



NB: This body map should only be completed if you are trained and competent at doing so. It is noted that any illustrations made are not to scale and for a guide only. Injuries can be described

Appendix 2- Professional Concerns Strategy Meetings
Wales Policy & Procedures for the
Protection of Vulnerable Adults from
Abuse

Professional Concerns Strategy
Meetings

A Multi-Agency Protocol for the
Management of Risk posed by
Employees, Carers or Volunteers

Introduction

This Protocol is for all Employers, Employees, Carers and volunteers whose role brings them into contact with Vulnerable Adults. The underpinning Principles and Values of this document reflect those outlined in The Wales Interim Policy and Procedures of Vulnerable Adults from Abuse (p.20). The primary consideration must always be to ensure the protection of Vulnerable Adults.

For the avoidance of doubt, unless expressly stated otherwise in this policy interpretation and definitions within this policy are those adopted by the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (2013)'

1. Purpose and Scope

This protocol caters for those cases of concern where there is not an identifiable Vulnerable Adult that would be suitable for referral and management under existing PoVA processes. It is for the management of cases where information comes to light that an employee, carer or volunteer may have acted in a way that suggests a risk of significant harm to Vulnerable Adults. It provides a process for the lawful and proportionate sharing of information, assessment and management of risk.

Examples of the types of cases that should be managed under this protocol include:

- Harmful conduct that has occurred in a volunteer or employee's private life (for example being a perpetrator of domestic abuse)
- The individual of concern is the subject of a Police investigation and the investigation has identified a risk to Vulnerable Adults
- This individual is also a parent / carer for children who are subject to a child protection investigation or whose names are added to the Child Protection Register
- Historic allegations of abuse by an employee, volunteer or carer

This is not an exhaustive list.

2. The role of the employer – Safe Recruitment

Within this document, the term 'employer' applies equally to anybody or organisation that recruits paid or unpaid individuals to carry out work or support in positions of trust with vulnerable adults.

The overriding duty for safe recruitment and safe practice by its employees / volunteers remains with the employer or voluntary organisation. This equally applies to employers who are recipients of Direct Payments.

This means that agencies have a duty to have the following in place:

- Safe Recruitment Procedure
- Adult Protection Procedures

- Training
- Operational policies and procedures that clearly establish the standard / quality of practice that is expected
- Staff supervision and appraisal process
- Whistle Blowing Policy
- Robust arrangements for Commissioning and Contracting, Quality Assurance of service provision
- Processes for gathering and listening to service users feedback about service provision
- Disciplinary Procedures

3. The Management of Concerns

4.1 When the employer becomes aware of a risk via intra agency routes

In situations where the employing agency becomes aware of information that there is conduct that poses a risk to Vulnerable Adults then the employer has the duty to carry out a risk assessment and share information appropriately. The employer may seek advice from statutory agencies at any point.

The individual should be informed that a concern has been raised under this process, unless to do so could invoke risk to a Vulnerable Adult or jeopardise an investigation. This should be carried out in a relevant, timely, and proportionate fashion.

As part of the risk assessment, the employer will need to consider whether the information also indicates a risk due to the individual's involvement with Vulnerable Adults as a volunteer / employee in another setting. For example;

- whether the individual involved is also caring for a relative / friend who is a Vulnerable Adult
- whether the individual involved is also caring for a child and the information represents a risk of significant harm to a child
- whether the individual is also employed / volunteering with children or Vulnerable Adults
- whether the individual has committed a criminal offence

This may lead to a Vulnerable Adult referral, a Child Protection referral or consideration of need to share information under the process set out in 4.3 below.

4.2 Raising the Concern

Anybody who becomes aware of information that suggests an employee, carer or volunteer may have acted, or is suspected of acting in a way that indicates a risk of significant harm to Vulnerable Adults should immediately share the information and risk assessment with the appropriate professional within Police, Local Health Board,

or Social Services. The appropriate professional should then decide with whom the information should be shared in order to facilitate the Safeguarding of Vulnerable Adults.

4.3 Information Sharing and Management of Risk

The sharing of information should take place via the coordination of a Professional Concerns Strategy Meeting. In order to allow this to happen, the agency with the information should record the information and share the information with the Local Authority or Local Health Board who can host the Professional Concerns Strategy meeting. In situations where the concern is about a Health professional, for example, an LHB lead maybe more appropriate.

This will lead to a coordination of a Professional Concerns Strategy Meeting on a strictly need to know basis.

Invitees to the Strategy Meeting can include the following but consideration needs to be given to any overriding conflict of interest:

- Referring Agency
- The CSSIW must be invited if the alert concerns a regulated setting/service
- Police
- Health Inspectorate Wales

- Contracts/Commissioning officer (Local Health Board, and or Social Services)

- Provider, Service Manager, Proprietor or their line manager
- Health care professionals, e.g. medical, nursing and therapy staff

- Local Authority Legal Services officer or lawyer

- Agencies with involvement with the individual e.g. care manager / social worker
- Health and Safety Executive and Environmental Health Officer
- Occupational therapist (e.g. if there are issues of equipment misuse)
- Human Resources representative for the employing agency

A proposed agenda for the strategy meeting can be found at Appendix 1.

Data Protection Act 1995

The Data Protection Act allows for the sharing of information without consent for reasons of protection or prevention of a crime.

Personal and sensitive information should be shared in compliance with the requirements of the Data Protection Act 1998.

The Office of the Information Commissioner supports sound practice in information sharing and provides checklists to support information sharing without consent where this is justified for the protection of an individual or to prevent a crime. Further information about the data sharing code of practice can be found at **www.ico.gov.uk**.

4.4 Employer's Risk Management Plan:

The Risk Management Plan may involve but is not limited to any of the following:

- Additional Supervision
- Training and Assessment of competency
- Making changes to the working arrangements to reduce risk
- Suspension to allow for enquiries to unfold
- Implementation of HR processes, including disciplinary which could ultimately lead to dismissal
- Referral to professional body
- Information and Support to the Individual of Concern
- Referral to Disclosure and Barring Service

Whilst the overriding imperative is the Safeguarding of Vulnerable Adults, employers also have a duty to comply with the requirements of Employment and Equality Law and the principles of the Human Rights Act.

Risk Management Plans should be recorded, retained upon the individual's file and stored securely. Any Risk Management Plan should be subject to review / reconsideration in the light of new information. An example of a Risk Management tool can be found at Appendix 2.

A record of the meeting will be made and attendees will receive a copy of the record which should be stored securely in line with agencies policy and procedures.

It is possible that several meetings maybe required coordinating information and manage risk.

4.5 Information and Support to Individual Posing a Risk

Individuals who are subject to the process have the right to be treated fairly, openly and honestly. The employer should inform the employee about the concern at the earliest opportunity unless to do so would increase risk to an individual or jeopardise an investigation. Each meeting will consider what information should be disclosed but in principle each individual should be:

- Advised of the concern
- Informed about the process
- Be told what support is available to them
- Be clearly informed of the outcome of the process and any subsequent actions

Any actions taken to manage the presenting risks must be seen as a neutral act and outcome must not be pre-determined. The privacy and rights of others will have to be balanced against the needs and rights of Vulnerable Adults.

This process can be highly stressful and the employer will need to ensure that the individual has access to effective support and a clear line of contact for information. If the individual is a member of a Trade Union or Professional Body, they should be advised to contact that organisation.

An example of an information leaflet can be found at Appendix 3.

4.6 Concluding the Process

The Strategy Meeting should decide who should inform the individual of the outcome of the process. Best practice would suggest that the individual receives should also receive a letter to inform her / him of the outcome of the process.

5 Quality Assurance and Inter –Agency Governance

Awareness raising should take place amongst local social care providers about the significance of safe recruitment and the existence of this protocol.

LASBs / AAPCs should develop a method by which data can be collected in order to map trends or highlight concerns and inform the improvement of practice.

6 References

In Safe Hands (2000) National Assembly of Wales

Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse (2012)

Escalating Concerns With and Closures of, Care Homes Providing Services for Adults (2009) Welsh Assembly Government

Appendix 1: Agenda for Professional Concerns Strategy Meeting

'This meeting/conference is held under the Wales Procedures for the Protection of Vulnerable Adults.

The issues discussed are confidential to the members of meeting and the agencies they represent. They will only be shared in the best interests of the Vulnerable Adult.

Minutes of the meeting/conference are circulated on the strict understanding that they will be kept confidential and stored securely.

In certain lawful circumstances it may be necessary to make the minutes of the meeting available to the civil and criminal courts, solicitors, psychiatrists, other local authority social workers or other professionals involved in the care of the Vulnerable Adults'.

1. People present, Apologies and Non-attendance
2. Purpose of the meeting
3. Nature of Concern
4. Roles / settings in which the individual works or volunteers.
5. Information about safe recruitment and management of the individual
6. Presentation of report by agencies
7. Consideration of risks to the Vulnerable Adult and others
8. Employers Risk Management Plan
9. Information and Support to the individual and others affected by the process
10. Information sharing with professional bodies and / or Disclosure and Barring Service
11. Date / Time of next Meeting

Appendix 2: An Example of a Risk Assessment / Management Pro Forma

Issue of concern	What are the risks in the current work / volunteering environment	Likelihood	Impact	Overall Risk Rating	Risk Management Plan Action	By Whom	By When

Appendix 3: Example of an Information Leaflet for Professional Concerns

What is protection of Vulnerable Adults all about?

Health and social care agencies in Wales, along with Police, are working together to Protect Vulnerable Adults.

Who may be a Vulnerable Adult?

The definition of a Vulnerable Adult is:

“A person who is 18 years of age or over and who is or 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 care for him/herself, or unable to protect him/herself against significant harm or serious exploitation.”

Why have I been given this information?

Your employer has given you this information as part of their responsibility to make you aware that a concern has been raised about your work or volunteering with Vulnerable Adults. You will normally be given information about the nature of the concern and the implications of the concern for your work or volunteering role.

In certain circumstances, for example to protect Vulnerable Adults or to avoid jeopardising an investigation certain details will not be shared with you until a later date.

How will you be involved?

A meeting will take place to share information and make a decision about whether further investigation should take place and if so whether this investigation is to be coordinated by Police or your employer. Your employer will make a decision about what changes need to take place while any investigation takes place; this is the Employer's Risk Management Plan. If you are a paid employee or a registered service - for example, a care home or home care worker – you may be asked to work in a different place. Or you may be asked not to come to work during the investigation. This is only to protect you from being put in a difficult position while questions are asked, and to make sure the service carries out its duty of care to protect Vulnerable Adults until the situation is resolved. This does not mean that any judgment has been made about you or your work.

You will be informed about the decisions of the meeting and be given the opportunity to respond to the concern that has been raised about you.

Your employer will use their own employment policies to make sure support is available for you if you need it. They will also make sure you are kept informed about what is happening and that you have enough notice to arrange for someone to support you when you attend interviews or meetings.

How will you be supported?

If you are a paid care worker you can get support from:

- your employer
- your organisation's human resources department
- your trade union or staff organisation
- the Citizens Advice Bureau
- a solicitor

What happens after the investigation?

Another meeting will be held. At this meeting, we will look at the outcomes of any investigation and your employer will contact you following the meeting to inform you about the outcome of the process and any next steps in terms of the Employer's Risk Management Plan.

Confidentiality

Information may need to be shared. This information is only shared with those people involved in the process who need to know it and in order to ensure the Protection of Vulnerable Adults.

Contact Information

If you would like more information on the Protection of Vulnerable Adults, please contact your local authority's social services Department.

Appendix 4: An example of a Contact / Referral form:

Date of Referral	
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Name of Individual	
Date of Birth	
Home Address	
Children or Vulnerable Adults also living at the address	

Working / Volunteering role	
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Other roles with children or vulnerable adults – paid or unpaid	
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Cause for concern	
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Risk Management Arrangements	
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Name, Role and Contact Details of referrer	
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Appendix 5: An example of a Case Management Pro Forma (Record of DLM decision making)

Stage 1: Initial Evaluation

Date Referral received:	
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<p>Does the case meet the criteria for management under the process?</p> <ul style="list-style-type: none"> • There should be no identifiable Vulnerable Adult that would make the case suitable for referral and management under existing POVA processes • Has employee, carer or volunteer acted in a way that suggests a risk of significant harm to Vulnerable Adults? 	<p>DLM Comments / rationale for including or excluding the case for management under the process:</p> <p>Consider any alternative to management under (Professional Concerns) process</p>
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Stage 2: Strategy Discussion

Date and Time of Strategy Discussion	
Those involved in the Strategy Discussion	
Record and outcome of Strategy Discussion	
Arrangements for management of risk	

Stage 3: Strategy meeting(s)

Date of Strategy Meetings	Actions/Outcomes

Stage 4: Outcome and Conclusion:

Arrangements for communicating / writing to individual about outcome	
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Process Type	Outcome	Yes / No
1. Police Investigation	No Further Action	
	Charge	
	Conviction	
	Acquittal	
2. Employer / HR process	Investigation took place	
	Training	
	Additional Supervision	
	Disciplinary Action	
	Dismissal	
	Other Action – please state	
3. Professional Body	Referral Made	
	Sanction	
	De-registered	
	Other Action – please state	
4. Disclosure and Barring Service	Referral Made	
	Barred	
	Not Barred	
	Other Action – please state	
5. Time taken to conclude the case	Less than one month	
	More than three months	
	More than 6 months	
	More than a year	

Has this case highlighted any learning?	
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Closure Date and signature of DLM	
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Appendix 6: Flow chart

Flowchart: Professional Concerns for Information Sharing

