

October 12, 2018

POLICY STATEMENT

The Organisation undertakes to work in compliance with **The Care Act 2014** guidance on multi-agency policies and procedures to protect vulnerable adults from abuse

The purpose of this policy is to ensure service users are safeguarded from any form of abuse, and that their human rights are respected and upheld. This will be achieved through staff training and informing service users of the Policies and Procedures of the company and for both staff and service users to know how to raise concerns of abuse.

This Policy will work alongside the Derby and Derbyshire safeguarding Adults policy.

RECRUITMENT

Our organisation takes great care in the recruitment of staff, carries out all possible checks on recruits to ensure that they are of a high standard, and will co-operate in all Government initiatives regarding the sharing of information on staff who are found to be unsuitable to work with vulnerable people. All new recruits will also have to undergo an **enhanced Disclosure and Barring Service Check (DBS)**.

This policy outlines the organisation's approach to:

1. The use of criminal record checks and the storage and use of information on convictions disclosed by the DBS.
2. The safeguarding of vulnerable adults
3. The prevention of the abuse of adults
4. The management of reported abuse of adults

1. THE USE OF DISCLOSURE AND BARRING SERVICE CHECK POLICY STATEMENT

This organisation will:

1. To comply with the law, use the Disclosure and Barring Service to obtain information, to enable it to assess the suitability of applicants for employment in positions of trust.
2. Comply fully with the DBS code of practice and not discriminate unfairly against any subject of a DBS disclosure on the basis of conviction or other information revealed. Having a criminal record will not necessarily bar an applicant from working for the organisation as the nature of a disclosed conviction and its relevance to the post in question will be considered first.
3. Comply with the DBS code regarding the secure storage, handling, use, retention and disposal of DBS disclosures and disclosure information and with its obligations under the **Data Protection Act 1998**

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APPOINTMENTS REQUIRING A DBS.

Any information revealed in a disclosure that is likely to lead to withdrawal of a job will be discussed with the applicant before that offer is withdrawn.

Where a conviction has been disclosed in an individual's application for a post with the organisation, a discussion will take place at the end of the interview regarding the offence and its relevance to the position. Failure to reveal information relating to unspent convictions could lead to withdrawal of an offer of employment.

The **Rehabilitation of Offenders Act 1974** provides that ex-offenders are not required to disclose to prospective employers convictions defined as 'spent' under the Act. However, it is this organisation's policy to require all applicants to disclose all criminal convictions, both 'spent' and 'unspent' as they will be working with vulnerable adults in positions of trust.

DBS AND DATA PROTECTION

In this organisation:

- An enhanced DBS will be applied for against anyone applying for employment with Homecare D & D Ltd, which will include a check against the Safeguarding of Vulnerable Adults register (SOVA)
- DBS information will be stored on an employee's personnel file in lockable storage with access limited to those who are entitled to see it as part of their duties.
- DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.
- Once a recruitment (or other relevant) decision has been made, DBS information will not be stored for longer than is necessary. This is generally for a period of up to six months to allow for consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep such information for longer than six months, consideration will be given to the Data Protection rights of the individual.
- Once the retention period had elapsed, the organisation will ensure that any DBS information is destroyed and, while awaiting destruction, DBS information will be kept securely.

2. SAFEGUARDING OF VULNERABLE ADULTS POLICY

The SOVA list currently applies to anyone employed at Homecare D & D Ltd that has regular contact with a service user or service users, not only as care staff but also in other positions

There is a legal requirement on Homecare D & D Ltd to refer someone to be placed on the SOVA list, where there is evidence that the person has been guilty of misconduct by harming a service user or putting a service user at risk of being harmed during the course of their work, and as a result has left the employment of the organization.

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Referrals:

Referrals to Derbyshire County Council will be made by telephone in the first instance, via Call Derbyshire on 01629 533190 (08456 058 058) or minicom on 01629 585400 during the hours of 08.00 and 20.00 Monday to Friday. Outside of these hours calls should be made to the Out of Hours Team on 01629 532600. The safeguarding adults referral form is available at:

http://www.saferderbyshire.gov.uk/what_we_do/safeguarding_adults/default.asp.

Our organisation is required to implement the SOVA Register in one of two ways.

1. When a person applies for employment here, a search will be made to see if he or she has been placed on the SOVA Register. This will be done by the Criminal Records Bureau, which has access to the Register, as part of its checking procedures. At present staffs that were appointed before 26 July 2004 do not have to have to be checked against the SOVA list.

Care staff that have been appointed after 26th July 2004, will have a SOVA check. Also, anyone who applies for a care position from a non-care role will need to be checked against the list.

Application for a check will be made to the Disclosure and Barring Service (DBS) by Homecare D & D Ltd. The DBS will make the actual check, as the SOVA list is held by the Department of Health.

2. It has also become the organisation's responsibility to apply to have a name placed on the SOVA list if there is any evidence that the person in question has harmed a service user, or placed them at risk of being harmed.

Such behaviour will make them liable to charges of misconduct, which, if proven as misconduct, will make the person unsuitable for further, or future employment with vulnerable adults, and by implication in many cases vulnerable children.

INFORMATION TO BE SUPPLIED WITH A REFERRAL

The following provides a list of information that for example the agency will have to provide if it is necessary to make an application for someone to be included (provisionally in the first instance) on the SOVA list:

- Full name
- Date of birth
- National Insurance number, where known
- Last known address
- Confirmation that the individual occupied a care position
- Full details of the alleged misconduct
- Detailed explanation about how – by his or her misconduct – the individual harmed or placed at risk of harm a vulnerable adult
- Details of any investigations carried out to date – and their conclusions – including copies of relevant papers (including statements, notes of interviews, minutes of meetings and minutes or notes of disciplinary hearings) and details of the providers disciplinary procedures
- Details of the action taken against the individual – has he/she been suspended, dismissed or transferred from a care position or other action taken

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- Information on any police involvement (or the involvement of any other agency)
- Details of proposed further action – ie dates for disciplinary hearings, timetable on further investigations, etc and any other information considered relevant to the circumstances of the alleged misconduct.

3. THE PREVENTION OF THE ABUSE OF ADULTS

The aim of this Policy is to promote good practice. One important element of good practice is to guard against any kind of exploitation, neglect or abuse of clients.

DEFINITION OF ABUSE

“Abuse is a violation of an individual’s human and civil rights by any other person or persons”

The harm may be physical, psychological or emotional or it may be directed at exploiting the vulnerability of the victim in more subtle ways. The threat or use of punishment is also a form of abuse. Abuse may happen as a ‘one-off’ occurrence or it may become a regular feature of a relationship. Other people may be aware it is happening and for this reason, it may be difficult to detect. In many cases, it is a criminal offence.

PHYSICAL ABUSE

Rough handling or unnecessary physical force, either deliberate or unintentional, used in caring for a service user is abuse. Injuries may not always be visible although often there may be bruises, broken skin, cuts, burns or broken bones. During an episode of abuse, damage to property or clothing may also occur. Restraining a service user so that they cannot move, or by shutting them in a room, is abusive. However, it may sometimes be difficult to draw the dividing line between justifiable and unjustifiable restraint.

VERBAL ABUSE

Shouting and swearing at someone should be regarded as abusive behaviour. In addition, speaking to a client in a quiet but threatening way to make the resident fearful or to make the client an object of ridicule is equally abusive.

EMOTIONAL ABUSE

Playing on someone’s emotions to make him or her afraid, uneasy or unnecessarily dependent is another form of abuse. Exploiting a service user through using personal information gained through the caring relationship is an abuse of the trust vested in the care worker.

FINANCIAL ABUSE

Financial abuse includes the improper use or control of, or the withholding of, a person’s money, pension book, property, bank account or other valuables.

RACIAL ABUSE

This can include victimising people, verbally insulting them and physically attacking them because of their racial or ethnic origin is abusive.

SEXUAL ABUSE

Forcing someone to take part in sexual activity against his or her will is abuse and a criminal offence. The force does not have to be physical. Undue emotional pressure placed on an individual may lead him or her to consent in behaviour he or she finds unacceptable.

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NEGLECT

The withholding of care and treatment when it is required is a form of abuse. Similarly, depriving service users of the essentials of everyday life, such as food, clothes, warmth and personal cleanliness should also be regarded as a form of abuse.

PSYCHOLOGICAL ABUSE

This includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

DISCRIMINATORY ABUSE

This includes racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment

PREVENTION OF ABUSE

1. Ensure adequate staffing levels to cope with clients needs
 2. Ensure staff are well trained and experienced enough to deal with the stresses of caring for people who require a high level of assistance
 3. Ensure staff are not led by other senior staff or managers who may slip into a set of attitudes which reflects low morale, defensiveness about their competence and a lack of concern and respect for the clients
 4. Ensure staff are not overworked, or treated with a lack of appreciation, or given low pay.
- All points could contribute to the development of an environment in which abuse becomes an accepted feature of daily life

These issues demonstrate clearly the need for;

- Careful staff selection procedures
- Training and management support for staff once in post
- Leadership from senior management
- The development of a working environment which values staff, does not demand too much of them and rewards them adequately

Homecare Domiciliary and Domestic Ltd HAS A POLICY IN PLACE TO PREVENT ABUSE BY:

- Taking up references and character checks, and to confirm the references are valid
- Including specific reference to the avoidance and prevention of abuse in job description
- Holding induction's for new staff which includes abuse policy
- Regular supervision sessions between manager and individual staff members to provide support in coping with stressful situations
- Encouraging an atmosphere where staff feel able to discuss and therefore prevent the development of potentially abusive situations
- Assuring staff that their positions will not be threatened if they 'blow the whistle' on abusive behaviour by other staff
- Making clear in the Homecare Domiciliary and Domestic Ltd Terms and Conditions of employment, Homecare Domiciliary and Domestic Ltd Hand Book and disciplinary policy and procedures that abusive behaviour is a dismissal offence.

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- Instances of serious abuse should be regarded as gross misconduct and subject to removal from the Homecare Domiciliary and Domestic Ltd Register

ACTION TO BE TAKEN IF ABUSE OCCURS

If the situation is urgent, the person witnessing the abuse should:

1. Immediately challenge the person who is abusing the client, even though this may be difficult to do so, and try to persuade him or her to stop
2. Report the incident to the senior manager straight away

If the immediate risk to the client has passed, a more considered approach might be helpful. The person witnessing the abuse should:

1. Write and record all relevant facts
2. Use the Homecare Domiciliary and Domestic Ltd complaint procedure
3. Contact and inform the senior member of the working environment or the agency manager
4. Meet the manager to discuss the abuse/incident
5. Homecare D & D Ltd Manager will then take action, for example invoke the disciplinary procedure, take evidence, or call in the Police

All allegations of abuse will be investigated and if proven action will be taken. Any other parties involved in the client care will be notified and any other organizations such as social service's informed. All complaints, incident forms and statements made about the abuse will be kept and filed.

4. MANAGING THE SAFEGUARDING OF ADULTS

This policy is available to service users, and their relatives or representatives, in order for them to be made aware of the fact that abuse exists and of the agency's determination to take action where it comes across abuse. It is therefore written in terms comprehensible to the general public as well as to people familiar with the terminology of domiciliary care. This document outlines the policy of Homecare D & D Ltd in relation to dealing with abuse of our service users.

PRINCIPLES

This document is based on the conviction that:

- a) Vulnerable people are at risk of abuse in varied forms
- b) Abuse may be committed by the staff of agencies providing care or by others who are in a trusting relationship with a vulnerable person
- c) Our agency has a duty to do everything possible to prevent, report and tackle abuse wherever we encounter it

RECOGNISING ABUSE

It is the duty of all members of our organisation to be vigilant regarding the welfare of our service users. All staff will be trained to recognise the signs of abuse when they occur.

We believe that abuse may take the following forms:

- Physical abuse
- Neglect

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- Psychological abuse
- Financial or material abuse
- Sexual abuse
- Racial, discriminatory, religious or cultural abuse
- Failure to prevent self-harm
- Inhuman or degrading treatment

POSSIBLE SIGNS THAT ABUSE IS OCCURRING

The following is a list of warning signs that a Service User may be being abused:

- a. Unexplained injuries or injuries where the description of the “accident” and the injuries do not correspond.
- b. The person is quiet and withdrawn.
- c. The person is nervous and eager to please.
- d. Bruising, particularly to shins and forearms.
- e. Withdrawal from physical contact.
- f. Appears agitated and anxious, and seeks isolation.
- g. Cuts and tears to skin.
- h. Scalp tenderness and patches of missing hair
- i. Low self esteem
- j. Mood changes, confusion, disorientation
- k. Weight loss
- l. Private conversations are not allowed i.e. a family member is present during all conversations

The list is not exhaustive – if in doubt, even the slightest doubt, ask your supervisor or manager, the conversation will be in the strictest confidence.

REPORTING ABUSE

Any member of staff who knows or believes that abuse is occurring has an obligation to report it as quickly as possible to their manager. If the victim requests that the matter should not be reported, the staff member should inform them that silence in that situation is not permitted but reassure the service user that the matter will not be taken further than the manager without their consent unless there are exceptional circumstances. The Organisation will take vigorous action against anyone trying to suppress a possible report of abuse.

ACTION IN EMERGENCY SITUATIONS

If the situation is an emergency, with a service user in immediate danger, staff should take urgent action to intervene and call for assistance as soon as possible. They should give any necessary first aid and contact appropriate emergency services if necessary. If the abuser remains present, staff should seek to calm the situation. Staff have a right to avoid putting themselves at risk of violence or other harm.

IMMEDIATE ACTION TO BE TAKEN BY MANAGERS

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When a manager receives a report of suspected, imminent or actual abuse, an investigation should be opened as soon as possible.

1. The staff member investigating the abuse should take steps to arrange for the service user to be interviewed and, if possible, to give their consent to further investigation and action. If the service user refuses consent, their wishes must be respected unless the manager judges that they or others are in serious danger or if they are clearly incapable of making an informed decision.
2. Relevant legislation must be followed and confidentiality maintained unless the safety of a vulnerable adult is at risk. Records must be kept of all findings and discussions.
3. In cases of incapacity, the manager should attempt to pursue the matter with an appropriate representative of the service user.
4. If the suspected abuser is a member of staff of Homecare D & D Ltd the manager should initiate appropriate steps under the disciplinary procedure and remove the abuser from the situation if this is within the power of the company. Staff will take all possible steps to co-operate with further investigations by social services or the police.
5. After reporting the alleged abuse to the appropriate authority, hold a strategy meeting to ensure that a plan of care is made, where appropriate, in discussion with relevant personnel such as the Doctor and Senior Care staff, and implement same, informing all relevant staff.

Contact details are:

Care Quality Commission
East Midlands
City Gate
Gallow Gate
Newcastle upon Tyne
NE1 4PA

Derbyshire Social Services
County Offices
Matlock
Derbyshire
DE4 3AG
08456058058 (emergency contact)

6. Ensure that action plan is monitored and that a date is set to review progress against the care plan and check for compliance or non-compliance with all relevant policies and procedures for safeguarding.
7. Ensure all details are carefully documented whatever the outcome and that all interested parties are informed.

REFERRAL TO THE SOCIAL SERVICES DEPARTMENT

If the consent of the service user has been obtained, the situation should be reported as soon as possible to the social services department who will carry out a thorough investigation under their abuse procedures, involving other agencies as necessary.

REPORTING TO THE POLICE

If it is suspected that a criminal act might have been committed, the situation should be reported to the police. Every effort should be made not to interfere with possible evidence.

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ACTION TO BE TAKEN IN THE ABSENCE OF CONSENT

In instances where a service user refuses their consent for an allegation of abuse against a member of staff of The Organisation to be further reported, the appropriate manager should nevertheless proceed with an internal investigation within the disciplinary policy, should take any necessary steps to safeguard the service user as far as possible, and should keep the situation under review in case it becomes possible or necessary to take further action.

KEEPING RECORDS

All details associated with allegations of abuse will be recorded clearly and accurately and in accordance with the agency's complaint policy. These records will be kept securely and the agency's rules on confidentiality carefully followed. Reports will be made as required to the **Commission for Quality in Care (CQC)**

There is a legal requirement on the organisations management to refer someone to be placed on the Safeguarding of Children's Act (**SOCA**) or Safeguarding of Vulnerable Adults (**SOVA**) lists where there is evidence that the person has been guilty of misconduct by harming or putting at risk a child or vulnerable adult, during the course of their work, even if they have left the employment of the organisation.

Any suspicion, concern or allegation from any source, that a service user has been or is being abused or is abusing another person. The information sent to CQC must include:

- 1) Details of the possible victim(s)
- 2) Unique identification code
- 3) Date admitted to the service
- 4) Date of birth
- 5) Gender
- 6) Ethnicity
- 7) Disability
- 8) Religion or belief
- 9) Sexual orientation
- 10) Relevant circumstances
- 11) Anything already done about the incident by registered person
- 12) Any relationship to the service user
- 13) The person reporting the abuse (using code or identifier)
- 14) Relevant dates, witnesses and circumstances
- 15) Whether the abuse has been reported to any multi-agency or police
- 16) Type of abuse

In the case of any Interviews with the staff involved and the service user Homecare D & D Ltd will need to gain consent to further investigation. The wishes of the service user not to proceed must be respected unless personal safety is at risk. Appoint an Advocate if the service user has specific needs, which require the additional support of someone to speak on their behalf, throughout the process.

Keep detailed records of all incidents to include:

- A unique identification code relevant to the service user
- The date they were or will be admitted to the service

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- Date of birth
 - Gender
 - Ethnicity
 - Disability
 - Religion or belief
 - Sexual orientation
 - All relevant dates and circumstances, using codes where necessary
 - Anything you have already done about the incident
- a. Investigate the alleged abuse to establish the facts. Relevant legislation must be followed and confidentiality maintained unless the safety of a vulnerable adult is at risk. Records must be kept of all findings and discussions.
- b. Follow disciplinary procedure if appropriate, as a result of the investigation findings and remove the abuser from the situation if this is within the power of the company.
- c. After reporting the alleged abuse to the appropriate authority, hold a strategy meeting to ensure that a plan of care is made, where appropriate, in discussion with relevant personnel such as the Doctor and Senior Care staff, and implement same, informing all relevant staff.
- d. Ensure that action plan is monitored and that a date is set to review progress against the care plan and check for compliance or non-compliance with all relevant policies and procedures for safeguarding.
- e. Ensure all details are carefully documented whatever the outcome and that all interested parties are informed.

MONITORING AND PREVENTION OF ABUSE

Homecare D & D Ltd employs well-trained highly motivated staff who are chosen not only for their expertise but also for their personalities and caring nature. The following procedures could be used as tools to identify and report possible cases of abuse: -

Accident Policy

- All accidents and injuries to Service Users and staff are reported in the accident book and details recorded on an accident form.
- Accidents to Service Users are investigated by a senior member of staff and a written report submitted. If it is suspected that abuse may have taken place then the "Agency Manager" or "Agency Owner" will be informed immediately, they will be responsible for any further action. The action taken will depend on the circumstances.

Complaint's Procedure

- Homecare D & D Ltd operates a complaint procedure for Service Users or their representatives. Senior management closely monitors all complaints.

Service User's Money

- A record is kept of Service User's money transactions. Any discrepancies found in the record keeping are investigated by the "General Manager" or in their absence the "Managing Director"
- Care staff may not benefit from wills, bequests, and loans or sell goods to Service Users.

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Whistle Blowing Policy

- The policy gives clear guidance to all staff regarding the correct procedure for bringing to attention any wrongdoing or suspected wrongdoing which they feel could affect the service provided or the reputation of the agency or persons connected with the agency.

TRAINING

All staff will be trained in recognising abuse and carrying out their responsibilities under this policy within six months of their employment. They will achieve a qualification in the National Occupational Standards and their training will be updated at least every three years.

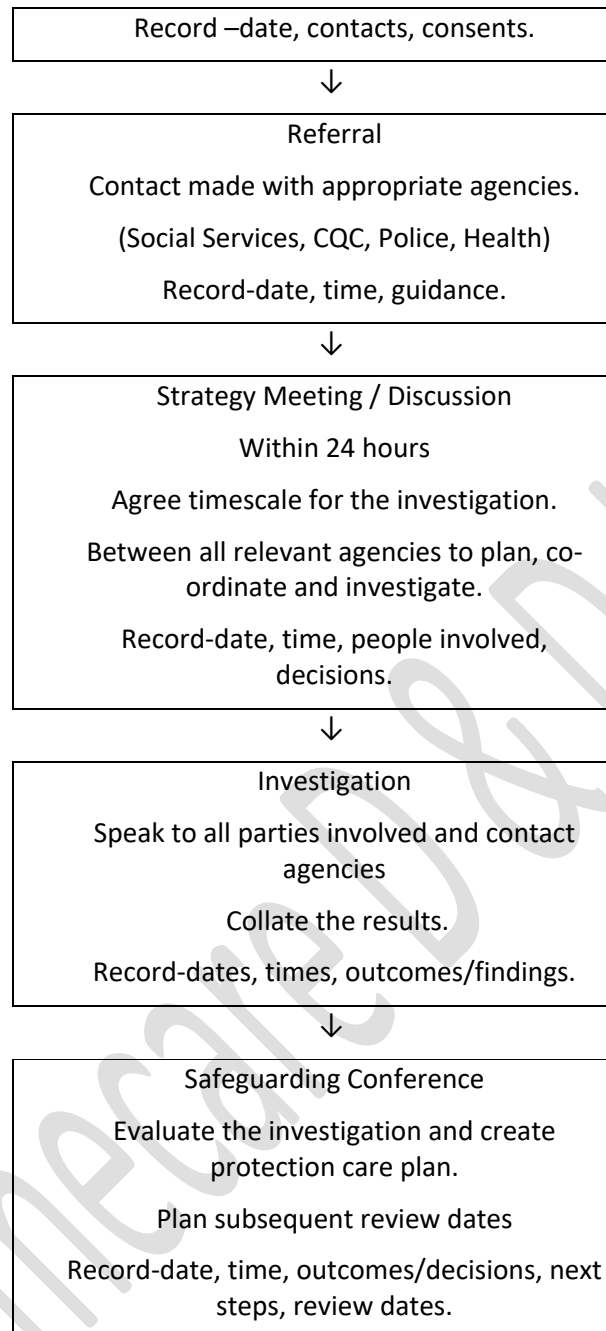
Objectives to be achieved:

- State how to access the Safeguarding Policy and Procedures
- Define a vulnerable adult
- Define the abuse and identify the different types
- List the likely signs and indications of abuse
- State their role within the procedures
- Explain their organization's whistle blowing procedures
- State the importance of creating a safe environment and promoting good practice
- State the value of a stimulating environment, meaningful activity and effective communication

Safeguarding Procedure

Alert
Immediate
Inform Line Manager or relevant Manager
Assess if anyone is in immediate danger and if so contact emergency services

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**Contact details for help with Safeguarding issues:**

Derbyshire Social Services
County Offices
Matlock
Derbyshire
DE4 3AG
08456058058

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Action on Elder Abuse

Astral House

1268 London Road

London

SW16 4ER

Telephone: 020 8764 7648

Age Concern

FREEPOST (SWB 30375)

Ashburton

Devon

TQ13 7ZZ

Telephone: 0800 009966

Open: 7.00am-7.00pm

Carers National Association

10-25 Glasshouse Yard

London

EC1A 4JS

Carersline: 080 8808 777

Open: 10am-12pm and 2pm-2pm

Care Quality Commission

East Midlands

Citygate

Gallowgate

Newcastle upon Tyne

NE1 4PA

Counsel and Care

Twyman House

16 Bonny Street

London

NW1 9PG

Advice Line Telephone: 0845 300 75855

Open: 10.30am-4pm
