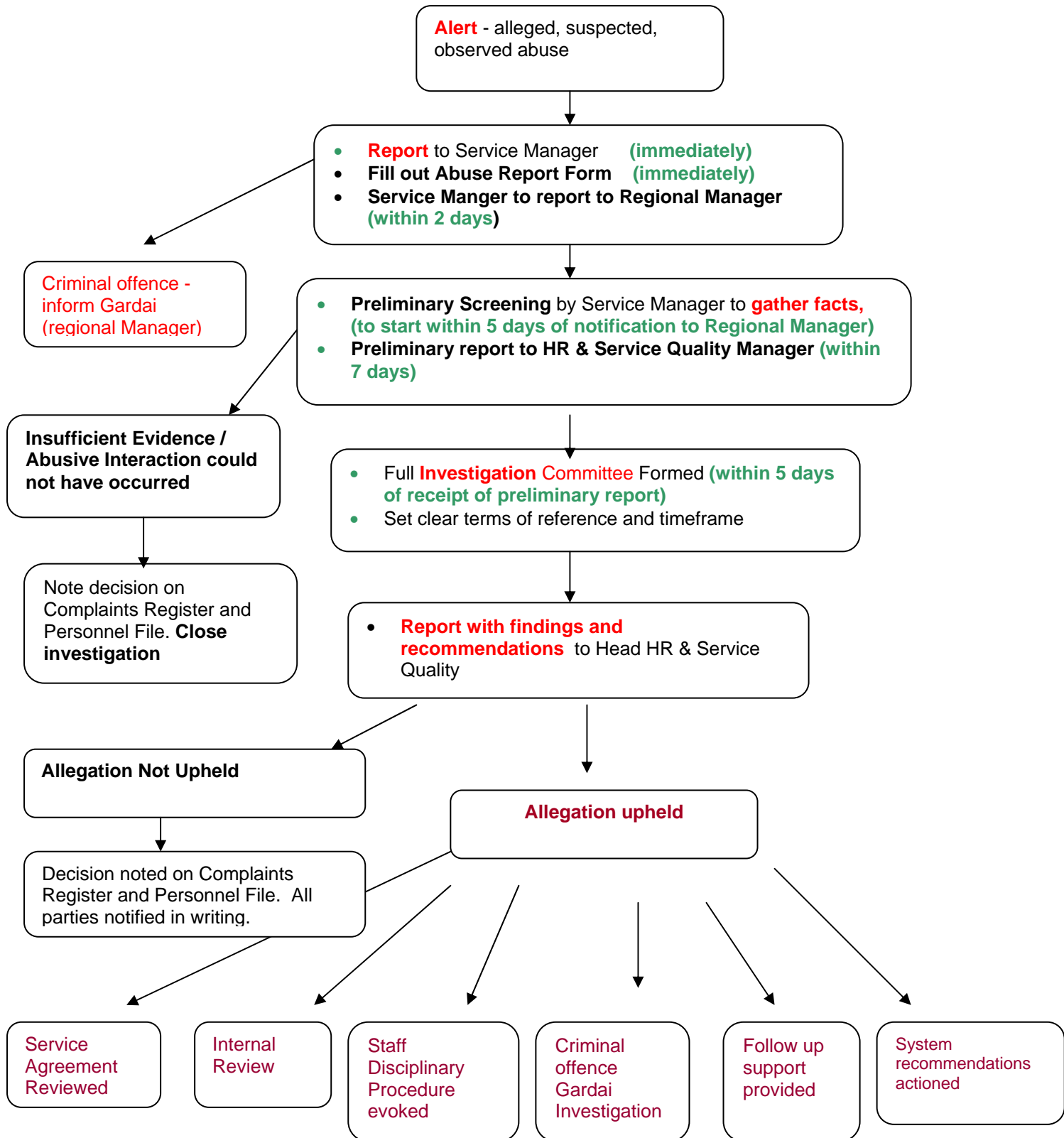


<p>Status: Standard Procedure specifies the procedures to be followed, only in exceptional circumstances should these not be followed</p>	<p>Policy No: SQ 04 Date Approved: Feb '05 Revision No: (1) Feb '06 Review Date: Jan '08</p>
<p>Title: Abuse Reporting and Investigation Procedures</p>	
<p>Written by: Service Quality Manager</p>	
<p>Approved by: Cheshire Ireland Board of Trustees</p>	
<p>Cross Reference Adult Protection Framework SQ 02 Adult Protection Policy SQ 03</p>	

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Flow Chart

Steps in the Investigation Process



Abuse Reporting and Investigation Procedures

Introduction

This Procedure is part of the Adult Protection Framework

This Abuse Reporting and Investigation Procedure forms part of the Adult Protection Framework and comes into play when individual and organisational safety, protection and promotion safeguards have failed to protect people who use Cheshire services from abuse and/or neglect. The procedure is intended to reflect and promote good practice in responding to allegations of abuse and/or neglect as outlined in the ***Trust in Care Policy for Health Service Employers on Upholding the Dignity and Welfare of Patients/Clients and the Procedure for Managing Allegations of Abuse against Staff Members.*** .

Abuse can include physical, emotional, psychological, sexual, financial, institutional, neglect, bullying or harassment of an individual. Further explanations of abuse are contained in the Adult Protection Policy. The Abuse Reporting and Investigation Procedure includes the following elements:

Elements of the Abuse Reporting and Investigation Procedure

1. Principles
2. Who can report an allegation of abuse or neglect
3. Supporting people who use Cheshire services to report allegations of abuse
4. Informed consent
5. Alerting and responding to allegations of abuse
6. Guidelines for writing reports on allegations/suspicions of abuse
7. Investigating allegations of abuse
8. Providing support
9. Recording, storing and monitoring information from investigations

All staff and people using Cheshire services should familiarise themselves with these procedures.

1. Principles

These procedures are underpinned by the following principles:

Principles underpinning the Reporting and Investigation Process

- All reported concerns and allegations of abuse and/or neglect will be taken seriously and thoroughly investigated
- A person reporting an allegation of abuse and/or neglect is able to do so without fear or retaliation or retribution
- Management of all investigations will be fair, expedient and objective and a person's right to natural justice will be respected throughout the investigation process
- Confidentiality throughout the investigation will be a primary consideration
- The investigation process should empower the vulnerable person, giving them control, supporting them to exercise choice over all stages of the process whenever possible
- Support will be provided as appropriate to all those involved at all stages of an investigation into allegations of abuse and/or neglect.

2. Who Can Report an Allegation of Abuse and/or Neglect

The following people can report a concern and/or allegation of abuse and/or neglect:

People who use a Cheshire service, their family member, friend or advocate and a staff member can report an allegation of abuse

- People who use Cheshire services in response to an allegation against a staff member or another person who uses the service
- A family member, advocate or friend of a person who uses a Cheshire service in response to an allegation of abuse and/or neglect against a staff member and/or another person who uses a Cheshire service
- A staff member **on behalf of** a person who uses a Cheshire service in response to an allegation of abuse by a staff member and/or another person who uses a Cheshire service
- A staff member in response to an allegation of abuse by a person who uses a Cheshire service.
- A volunteer including people who are members of Local Committees or support groups
- A member of the community in response to observing or suspecting an allegation of abuse against a person who uses a Cheshire service

The Abuse Reporting and Investigation Procedure does not apply to staff wanting to make an allegation of bullying or harassment against another staff member. These incidences are covered by the ***Dignity at Work Policy for the Health Services.***

3. Support for People Who Use Cheshire Services to Report Allegations of Abuse

People who use Cheshire Services will be fully supported to report concerns or allegations of abuse

People who use Cheshire services should be informed of and fully supported in understanding the Abuse Reporting and Investigation Procedures. Staff should support people who use Cheshire services to:

- report an allegation of abuse and/or neglect.
- put the details in writing (see Appendix 1: Abuse Report Form)
- access an advocate or family member if and when appropriate
- respect the wishes of the person regarding who should be informed as far as possible.

4. Informed Consent

At all stages during the investigative process, consideration should be given to the person's capacity to give informed consent. Consent is where an individual is being asked to consider agreeing to a particular intervention or course of action recommended by a professional / service provider. When obtaining consent three criteria must be satisfied:

Consideration to a person's capacity to give informed consent should be addressed

- The individual must have sufficient **information** relevant to the decision being made
- The individual must have the **capacity** to make a decision and understand the consequences of that decision. Where there is doubt about an individual's capacity to consent, this should be assessed on an individual case-by-case basis
- The individual must make the decision **voluntarily**, free from manipulation, coercion or duress.

At present, there is no general applicable definition of incapacity with regard to a person with a disability giving informed consent in Irish Law. Assessment of a person's capacity should be viewed on the basis of 'issue specific' ie the person's ability to make a decision on a particular issue .

Support will be provided to people using a Cheshire service in decision making

In instances where the person using the service has limited capacity to give informed consent and/or make decisions, Cheshire Ireland will provide an advocate of the person's choosing to assist in the decision making area and provide support during an investigation process. This could be a family member, friend, volunteer, independent external advocate.

5. Alerting and Responding to Allegations of Abuse

5.1 Procedure where an abuse is observed

Steps to Follow Where Abuse is Observed

- Any staff member who observes any other person engaging in abusive behaviour towards a person who uses a Cheshire service is obliged to intervene immediately or, where there is risk of harm to self, seek help to stop the behaviour.
- The staff member is responsible for the safety of the person by ensuring that he/she is not in any immediate danger and receives any necessary support or medical treatment.
- The staff member should immediately report the incident¹ to their Service Manager. In the absence of the Service Manager the matter must be reported to the designated shift leader, who must report it to the Service Manager at the earliest opportunity.
- A written report of the incident must be completed before the staff member goes off duty (see Appendix 1 for Abuse Report Form).

Protect Person from danger

Report Incident to Service Manager

Complete Abuse Report Form

¹ For the purpose of this procedure, the term 'incident' is used to relate specifically to the allegation or suspicion of abuse and/or neglect

Steps Where Abuse is Alleged and/or Suspected

Report to Service Manager

Complete Abuse Report Form

Service Manager to Report to Regional Manager within 2 working days

Reasonable steps must be taken to avoid contact between the person subject to the abuse and the alleged abuser

5.2 Procedure where abuse is alleged / suspected

Where a staff member receives an allegation or has a suspicion that a person who uses a Cheshire service has been abused, **they must**, in the first instance, report the matter to their Service Manager. In the absence of the Service Manager, the matter must be reported to the designated shift leader, who will report to the Service Manager at the earliest opportunity. A written report of the incident must be completed before the staff member goes off duty (see Appendix 1 for Abuse Report Form).

Where the alleged abuse is of a physical or sexual nature, the person should be supported as necessary to have a medical examination only with their consent as soon as possible following the alleged incident

A staff member who receives a complaint from a member of the public that somebody has engaged in abusive behaviour towards a person who uses a Cheshire service, should note the details of the alleged incident and obtain the name and address of the complainant. The staff member should inform their Service Manager immediately. A written report of the incident must be completed before the staff member goes off duty.

When a Service Manager/ shift leader receives an allegation of an abuse the details of the allegation must be reported in writing to the Regional Manager within two working days.

If a staff member suspects a manager of abuse or has concerns about the practices and/or behaviour of a manager towards a person who uses a Cheshire service, these concerns should be reported to the Regional Manager where the concerns is about a Service Manager, or the Head of HR & Service Quality where the concern is about a Regional Manager or Central Office Manager.

5.3 Where the alleged offender is a staff member

Cheshire management must ensure that all reasonable steps are taken to avoid contact between the person thought to have been the subject of abuse and the alleged offender. A staff member under investigation may be at the advice of the Human Resource Manager and in line with the **Staff Disciplinary Procedure:**

- Asked to continue with normal working arrangements
- Placed on leave of absence with full pay

Careful consideration should always be given to other protective measures which may be appropriate in the circumstances such as:

- Reassigning the staff member to other duties
- Providing an appropriate level of supervision

Any change in work practice or leave of absence does not imply any degree of guilt.

5.4 Where a person using Cheshire services makes an allegation against another service user

Allegations of abuse by one service users against another service user will be investigated

One of the challenges facing people living in Cheshire services is that very often they do not get to choose who they share their living environment with. Sharing a home with a large number of people and getting on with neighbours can bring many frustrations. Where an allegation of abuse and/or neglect is by a person using a Cheshire service against another person using a Cheshire service, the matter will be investigated. In the first instance, the Service Manager or designated member of staff with whom there is a good rapport, should hold individual discussions with both service users, to gain an understanding of the deeper issues presenting in the alleged behaviour. Factors such as the person's living environment, their life experiences, capacity to make informed decisions and understanding of their rights, responsibilities and Cheshire values in treating all people with respect, should be taken into consideration at this stage.

Following these initial discussions, the investigation of the incident should proceed as appropriate and as outlined in these procedures. Cheshire management must ensure that all reasonable steps are taken to avoid contact between the service users concerned where appropriate to minimize any perceived risk or harm.

5.5 Where a staff member makes an allegation against a person using Cheshire services

Allegations of abuse by a staff member against a person using the service will be investigated

One of the values Cheshire Ireland upholds at all times is respect for all people within the organisation and its services. This applies to staff's interactions with people using the service and vis-a-versa. In instances where a staff member makes an allegation of abuse against a person using a Cheshire service, the matter will be investigated. As outlined above, a discussion should take place with the service user who is the subject of the allegation and the Service Manager or a designated member of staff, to gain an understanding of the deeper issues presenting in the alleged behaviour. Discussions should also take place with the staff member with regard to their understanding of the nature of the work supporting a person with a disability before proceeding with the investigation as appropriate and as outlined in these procedures.

5.6 Where the alleged offender is a person outside the organisation (eg. Family member, friend)

Where the alleged offender is a person outside of the organisation, Cheshire management must ensure that the person using the service is given as much support and information as possible to protect themselves and to exercise their rights. The matter should be addressed directly with the alleged offender and depending on the nature of the alleged abuse, strategies put in place where possible to ensure that interactions only occur where absolutely required and under appropriate supervision. Where the allegation is of a criminal nature, the matter should be referred to the Gardai.

6. Guidelines for Writing Reports on Allegations/Suspensions of Abuse

All allegations of abuse must be recorded in writing using the Abuse Report Form

It is essential to record in writing all the information available stating what has been observed or alleged and the date time and place of the observation or alleged act. This information must be recorded on the **Abuse Report Form in Appendix 1**. It is important at this early stage in the investigation process that only factual information is recorded rather than opinions. All reports including original notes will be required as part of the investigation process, disciplinary process and criminal proceeding where applicable. All information in relation to the investigation should be treated confidentially and copies of reports should be given in the first instance to the service manager or shift leader.

7. Investigating Allegations of Abuse

Investigation process involves a preliminary screening and then process to full investigation if warranted

In every case where abuse has been alleged and reported, the matter will be investigated thoroughly. The investigation process consists of an initial **preliminary screening** and then proceeds to a full investigation where warranted. The purpose of the preliminary screening is to **establish the facts** pertaining to the complaint. This initially involves clarifying if the allegation should be investigated under the Abuse Reporting and Investigation Procedures or if the nature of the incident warrants process under the Complaints Procedure. The following criteria should be used to assist in making the distinction between the two:

Preliminary screening to gather facts, and determine need for full investigation

- The nature and extent of the alleged abuse
- The vulnerability of the person
- The impact of the alleged abuse on the person
- The length of time it has been occurring and
- The risk of repeated acts

In addition to this, the purpose of the preliminary screening is to:

- Gather all **facts** relating to the incident
- Consider the **likelihood** of the incident actually occurring
- Form an opinion as to whether a full investigation is warranted.

Steps in Preliminary Screening

7.1 Steps in the Preliminary Screening

Service Manager report to Regional Manager within 2 working days

- When an allegation of abuse has been received in writing by the Service Manager, he/she will report this to the Regional Manager (where there is no Regional Manager in place, the alleged abuse should be reported to the Head HR & Service Quality) within two working days of the receipt of Abuse Report Form.
- The Regional Manager, in discussions with the Service Manager will determine the need for a preliminary screening to take place.
- The preliminary screening should commence within five working days of notifying the Regional Manager and be conducted by the Service Manager.
- The Service Manager will notify the person whom the allegation is made against that a complaint has been received and a preliminary screening is being undertaken.

Preliminary screening to commence within 5 working days

Preliminary Report to Head HR & Service Quality

If allegations groundless, all parties will be notified in writing

If sufficient evidence of likelihood of abuse occurring, Investigations Committee to fully investigate

- All information gathered in the course of the preliminary screening will be documented, and held in a Confidential Complaints File.
- All staff are under an obligation to participate in the preliminary screening when requested to do so, and provide information that may help the process.
- A Preliminary Report (see Appendix 2) must be completed by the Service Manager outlining their initial determinations with 7 working days of the commencement of the preliminary screening.
- As a result of the preliminary screening, where the Service Manager is satisfied that an abusive interaction **could not have** occurred and no further action is warranted, the Service Manager should keep a decision on the staff member's personnel file and/or the service users file. The purpose of this is to protect the reputation of the resident and staff member concerned²
- All parties will be advised in writing by the Service Manager of the outcome of the preliminary screening.
- As a result of the preliminary screening, if it is decided that a formal investigation is warranted, the Service Manager will inform all parties of the intention to carry out a formal investigation. At this time, the Service Manager should also inform the Regional Manager and provide the original copy of all documentation and the Preliminary Screening Report (where there is no Regional Manager in place, the Head of HR & Service Quality will be informed).
- The Regional Manager will then inform the Head of HR & Service Quality who will nominate a Committee to fully investigate the allegation of abuse.
- If it is clear from the Preliminary Screening that it is a criminal matter, the Regional Manager should report this to the Gardai at this time.

Steps in Full Investigation Process

Investigation Committee formed

Commence Investigation within 5 working days

Terms of Reference

7.2 Steps in the Full Investigation

- The Investigation Committee will normally comprise the Regional Manager, the HR Manager and the Service Quality Manager. Where any of these Managers are the subject of investigation or unavailable, a Service Manager from another Cheshire service or a Central Manager will take his/her place on the Committee.
- In some situations, an appropriate external person may be asked to sit on the Investigation Committee. This could include a person with relevant expertise in the area being investigated or a person with a disability or independent advocate.
- The full investigation will be carried out as promptly as possible and commence no later than 5 working days following the receipt of the Preliminary Screening Report by the Head of HR & Service Quality.
- A meeting should be arranged to advise the person of the details of the complaint and the intention to carry out a full investigation. The person should be advised at this stage not to make contact with the complainant and should be given details of the complaint and afforded the opportunity to make an initial response if he/she wishes.
- The Investigation will be guided by clear terms of reference in accordance with the HSEA Trust in Care Policy. This will include the timeframe for the duration and completion of the investigation.

² As outlined in the HSE Trust In Care Policy

Meet with all parties

All staff obliged to cooperate with Investigations Committee

All parties informed of outcome

Investigation Report to Head HR & Service Quality with findings and recommendations

- The Investigation Committee will interview all parties who may have information pertaining to the alleged abuse meet with them. The information gathered from these interviews and any follow up or subsequent meeting will be documented.
- All parties meeting with the Investigation Committee will have the right to have representation (e.g. recognised Trade Union official / advocate) and will be provided with all relevant reports / documents to allow him/her to prepare for the meeting.
- All Cheshire staff are obliged to facilitate the Investigation Committee.
- In addition to interviewing relevant parties, the Investigation Committee will review procedures, systems and practices that may have contributed to the matter under investigation.
- A designated member of the Investigation Committee will keep all relevant parties, including the Service Manager, fully informed of the process of the investigation.
- The Investigation Committee will form initial conclusions based on the information gathered and invite all parties adversely affected by these conclusions to provide additional information or challenge any aspect of the evidence.
- All relevant parties will be informed in writing of the outcome of the investigation and be given a copy of the report which will be made available in alternative formats if required.
- A full written report, incorporating detail from the investigation, findings based on the balance of probabilities, recommendations in relation to procedures and systems and recommendations for future actions, will be forwarded to the Head of HR & Service Quality for ratification.

7.4 The outcome of the investigation

Where abuse has not occurred there will be no adverse repercussions

Where abuse by a staff member has occurred, the staff disciplinary procedure will be evoked

In the case of a person using the service has caused the abuse, their service agreement maybe reviewed

- Where the investigation finds that the allegation is unfounded, this will not have adverse repercussions on the individuals involved. Cheshire management will ensure that the reputation and career prospects of the staff member concerned are not adversely affected by reason of the complaint having been brought against him/her.
- Where it is found that the report of abuse was brought maliciously, the staff member who made the complaint will be dealt with under the Staff Disciplinary Procedure.
- Where the investigation finds that abuse has occurred by a staff member, the staff disciplinary procedure will be evoked at this time at the appropriate stage of the procedure relevant to the findings.
- Where the investigation finds that a person using a Cheshire service has abused another person using a Cheshire service or a staff member, the person will be supported to address their actions and behaviours and where necessary external professional support will be engaged eg. clinical psychologist.
- Where the abuse is ongoing or is assessed as having caused significant harm or is of a criminal nature, the person's service may be reviewed in line with the terms set out in *the Service Agreement*. Such a decision will be at the discretion of the Chief Executive Office.

7.5 Informing Third Parties

The person with responsibility for coordinating the investigation should not inform the parent, relative, friend, or advocate of the person using the service unless that person has made it clear that they wish them to know or it is considered to be in the person's best interest to advise a third party. If the relative, friend or advocate is informed, the reason for this must be clearly documented.

Where an allegation has been fully investigated and evidence exists that professional misconduct may have taken place, the employees should be reported to the body or bodies responsible for professional regulation eg An Bord Altranais (in the case of nurses) and other registration bodies when established³

7.6 Procedure for Notifying An Garda Siochana

It is the duty of the Regional Manager to report all criminal allegations to the Gardai

Regardless of whom an allegation is made against, where the alleged abuse could potentially constitute a criminal offence, the matter must be reported to the Gardai as soon as it becomes clear it is a criminal offence. This may be at the preliminary screening stage or following the full investigation. Any reports to the Gardai of an alleged abuse will be made in writing by the Regional Manager.

When the incident is reported to the Gardai and the victim does not want to see or speak to the Gardai, the service will respect their wishes and right not to be interviewed.

The Investigation Committee must ensure that management of the internal investigation does not compromise any investigation by the Gardai. The internal investigation must be brought to a conclusion irrespective of a Garda investigation.

7.7. Internal Review

An internal review request can be made to the Head of HR & Service Quality

If the person making the allegation or reporting the suspicion of abuse is unsatisfied that his/her concerns have not been responded to in a satisfactory manner, they may refer the matter to the Head of HR & Service Quality for an internal review. This request must be made within 7 days of receipt of the investigation report.

8. Providing Follow Up Support

Support will be provided to individuals in dealing with the aftermath of the abuse

Where there is reason to believe that abuse has occurred, the person who was the subject of abuse will be provided with the necessary information and support to deal with the impact of the abuse. For example this support may include referral to a counselor, psychologist, Social Worker, Rape Crisis Centre or other appropriate support agencies, according to their wishes.

³ HSE, Trust in Care

9. Recording, Storing and Monitoring Information from Investigations

*All
information
will be stored
in a
confidential
and secure
manner*

A hard copy and electronic folder will be set up for each investigation. All information relating to investigations will be stored in a confidential and secure manner by the Service Quality Officer in Central Office. Access to the information on file will be strictly limited to the Investigation Committee and other relevant parties for the purpose of carrying out the full investigation.

A register of investigations into allegations of abuse will be maintained by the Service Quality Manager and monitored to identify organisational gaps and changes required in organizational systems and processes as a result of the root cause of the incident.

All decisions relating to investigations of allegations of abuse will be kept on the staff and resident's individual file.

Appendix 1 Abuse Report Form
Abuse Report Form

This form should be completed by the person reporting an incident, concern or allegation of abuse or neglect of a person using a Cheshire service. Only factual information should be recorded.

1.	Details of Person (availing of a Cheshire service)	Cheshire service
	Name Address	What service is the person receiving: Centre Based / Residential Respite Community based accommodation Community Services
2.	Category of alleged abuse	
	Physical Institutional Bullying	Sexual Neglect Harassment
		Financial Psychological/Emotional
3.	Details of the alleged abuser	3(a) Relationship of alleged abuser to person availing of a Cheshire service
	Name Contact Details	Staff Position _____ Partner Friend Advocate Family member (please specify) _____ Other (please specify) _____
4.	Details of the Incident	4 (a) Place of Incident
	Date: Time:	Cheshire Residential Home Cheshire Respite facility Person's own home Other (please specify) _____

	4 (b) Brief description of Incident (include any witnesses, physical injuries)	
5.	Disclosure / Reporting	
	Who was the incident reported to?	
	Name:	_____
	Position:	_____
	Location:	_____
	Contact Number:	_____
6.	Action / Follow Up	
	Who was the information passed on to for action?	What action has been taken to date to support all individuals involved?
7.	Additional Information	
	Please provide or attach additional information which you think is relevant to this incident	
8.	Details of Person completing this Report	
	Name	_____
	Position	_____
	Date report completed	_____
9.	For Central Office Use Only	
	Date Report Received Received from Received by	Initial Action Taken

Preliminary Screening Report

(to be completed by Service Manager or designate)

Background to Incident

(date of incident, who it was reported to, people involved & contact details)

Actions Taken to Date

(discussions with people, facts gathered to be included as part of this report)

Preliminary Findings

(likelihood of alleged incident occurring based on factual information gathered)

- Reason for decision if determined that alleged abusive interaction could not have occurred and no further action required
- Further action required– proceed to full investigation)

Summary of Core Issue To be Investigated

(nature of alleged abuse, organizational issues)

Signature and Date