

Status: Policy - overall statement of the position, intention and direction of the organisation anchored in the values and principles of the organisation	Policy No: SQ 03 Date Approved: Feb '05 Revision No: (1) Feb '06 Review Date: Feb '08
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Adult Protection Policy

1. Policy Statement

Cheshire Ireland believes that abuse, neglect and mistreatment within its services is unacceptable in all circumstances. This policy addresses Cheshire Ireland's commitment to safeguarding the welfare of all people using our services by outlining the right relationship that should exist between people to prevent abuse from taking place within its services.

2. Purpose of this Policy

This policy forms part of the Cheshire Ireland **Adult Protection Framework**. The aim of this policy is to:

- Outline the elements of the **Right Relationship**
- Outline the roles and responsibilities of all people working in Cheshire Ireland in **protecting and maintaining the safety of people** who use Cheshire services.
- Protect people living in and using Cheshire services from abuse, neglect and mistreatment by creating an awareness of who is at risk of abuse, understanding what constitutes abuse and having awareness of signs of abuse. The latter is supported by *the Guidelines for Indicators of Abuse* in Appendix 1.
- Ensure a fair and just response to an allegation or observation of abuse and/or neglect and assist staff to respond appropriately and consistently. This is supported by the *Abuse Reporting and Investigation Procedures* which supports this policy.

3. Scope of this Policy

This policy covers the safeguarding and protection of all people using a Cheshire service. It also addresses the reporting and management of allegations of abuse of people who use Cheshire services that occurs by someone entrusted with the care and support of people in a paid or unpaid capacity. This includes:

- full time, part time and relief staff
- volunteers and local committee members
- people on training or special government work schemes
- students on placements and
- agency staff from outside Cheshire.

This policy also covers abuse by a person using a Cheshire service against another person who uses the service and instances where a person using a Cheshire service may be abusive towards a staff member.

All staff and people using Cheshire services are bound by the policy and supporting procedures and are required to have an awareness and understanding of these documents. **It is the responsibility of all staff to know their responsibilities to recognise abuse and neglect of people using Cheshire services and of their duty to report and raise their concerns at an early stage.**

4. Supporting Documents

This policy forms part of the Adult Protection Framework and should be read and used within this context. The **Adult Protection Framework** outlines the **individual and organisational safeguards** required to protect and promote the safety and rights of people using the service. The policy is also supported by the **Abuse Reporting and Investigation Procedures**, which form part of the approved policy.

5. Right Relationship

Like all of us, how people with disabilities are perceived and valued by others affects their well being and how they are treated. Having the right relationship within services is therefore an essential foundation for ensuring people's safety, protection and welfare. The right relationship is the behaviour or dynamic that should exist between the staff and volunteers in the organisation providing the service and the people who use the service. It involves people using the service being seen and treated with respect, dignity and value so they can determine as much as possible, the support they require and how they are to be supported.

Within Cheshire services, the right relationship is underpinned by our values as outlined in the Strategy Statement Developing Quality, Promoting Choice 2003 – 2006. The **right relationship** is dependent on the following core elements being present for people using Cheshire services:

- Protecting, promoting and upholding the rights of people
- Assisting and empowering people to exercise their rights
- Affording respect and dignity to people
- Promoting a positive image and self esteem of people
- Realising the individual capacities for physical, social, emotional and intellectual development
- Tailoring services to meet individual needs and goals
- Supporting people to attain a quality of life of their choosing
- Assisting people to create and maintain valued roles
- Supporting people in developing and maintaining their relationships with family, friends and the community
- Supporting communities in their efforts to include people
- Developing a culture of innovation, flexibility and continuous improvement

When a right relationship exists, trust naturally follows and it is possible to provide safe and respectful services to people. However when a right relationship does not exist, people using the service are more vulnerable and exposed to abuse, neglect and mistreatment.

6. Definitions of Abuse

Cheshire Ireland recognises that in circumstances where individual and organisational safeguards fail, people who use Cheshire services may be exposed to abuse and neglect. For the purposes of this policy, abuse is defined as:

The harming of another individual by a service, organisation or person who is in a position of power, trust or authority over that person. The harm may be physical, emotional, psychological, sexual, institutional, financial mistreatment, bullying, harassment or neglect of that individual

The abuse may:

- Be a single act or a catalogue of incidents over a period of time.
- Take one form or multiple forms.
- Form a spectrum that ranges from minor breaches of policy or rules to criminal activity.
- Be the omission of action, or withdrawal of a service without just cause
- Occur in relationships where there may be a reasonable expectation of trust e.g with family members, staff, formal or informal carers, other people who use the service. Abuse can also occur outside such relationships.

7. Types of Abuse

For the purpose of this policy, abuse is categorised as physical, emotional, psychological, sexual, institutional, financial, neglect, bullying and harassment. Situations are rarely as straightforward as these categories suggest and many situations may involve a combination of abuse elements. *Table 1* outlines the definitions of the types of abuse listed above. The table is intended as a guide only and does not purport to be a definitive or comprehensive description of abuse.

Table 1: Types of Abuse, Definitions and Examples

Type of Abuse	Definition	Examples
Physical Abuse	<ul style="list-style-type: none"> ▪ Physical abuse is violent behaviour toward another individual, which may result in physical injury, pain or mental distress. 	<ul style="list-style-type: none"> ▪ The invasion of the person's bodily integrity e.g. invasive medical/nursing procedures conducted without consent ▪ Hitting, shaking, slapping, burning, biting, unnecessary restraint ▪ Giving inappropriate medication, or other substances
Emotional and Psychological Abuse	<ul style="list-style-type: none"> ▪ Emotional and psychological abuse is any behaviour carried out with the intention of causing mental distress, or which results in mental distress. It may take many forms and may be overt or subtle as the examples demonstrate 	<ul style="list-style-type: none"> ▪ Persistent criticism, sarcasm, humiliation, hostility, intimidation or blaming, shouting, cursing, invading someone personal space ▪ Unresponsiveness, not responding to calls for assistance or deliberately responding slowly to a call for assistance ▪ Failure to show interest in, or provide opportunities for a person's emotional development or need for social interaction ▪ Disrespect for social, racial, physical, religious, cultural, sexual or other differences ▪ Imposing punishment such as removing someone's wheelchair
Sexual Abuse	<ul style="list-style-type: none"> ▪ Sexual abuse is the involvement of an individual in sexual activities to which they have not consented, or are unable to give informed consent to, constitutes sexual abuse. 	<ul style="list-style-type: none"> ▪ Intentional touching, fondling, molesting, sexual assault, rape ▪ Inappropriate and sexually explicit conversations or remarks ▪ Exposure of the sexual organs or any sexual act intentionally performed in the presence of a person using the service ▪ Exposure to pornography or other sexually explicit and inappropriate material ▪ Sexual exploitation of a vulnerable adult, including any behaviours, gestures or expressions that may be interpreted as being seductive or sexually demeaning to a person using the service ▪ Non-consensual sexual activity between a staff member and a vulnerable adult
Financial Abuse	<ul style="list-style-type: none"> ▪ Unauthorised interference with or theft of personal possessions, money or property belonging to another. 	<ul style="list-style-type: none"> ▪ Taking money without a person's consent ▪ The soliciting of personal or organisational gifts or bequests from people using the service, ▪ Unauthorised charges for services,

Table 1 Continued: Types of Abuse, Definitions and Examples

Type of Abuse	Definition	Examples
Neglect	<ul style="list-style-type: none"> ▪ Negligence or carelessness in attending to the support needs of the person using the service constitutes an abuse. 	<ul style="list-style-type: none"> ▪ Person is routinely deprived of food, clothing, entitlements, warmth, hygiene, intellectual stimulation, supervision, safety, attention from staff or medical care. ▪ Failure to protect a person when threatened by physical danger, ▪ Failure to provide appropriate information
Institutional Abuse	<ul style="list-style-type: none"> ▪ Inappropriate practices or systems employed by or within the organisation which deny people using the service their right to choice, privacy and independence 	<ul style="list-style-type: none"> ▪ Staff become desensitised through lack of management and supervision and accept as reasonable, practices which could be deemed inappropriate outside the organisation. ▪ Staff and management do not listen to, hear and respond appropriately to views of people using the service ▪ The organisation cannot respond within a reasonable timeframe or appropriately to complaints made ▪ People using the service are treated collectively rather than as individuals ▪ The person's right to privacy and choice are not respected e.g. the practice of entering a person's room without knocking and getting a response ▪ Talking about individual's personal or intimate details in a manner that does not respect a person's right to privacy
Bullying	<ul style="list-style-type: none"> ▪ Repeated inappropriate behaviour, direct or indirect conducted by one or more persons against another which could be regarded as undermining an individual's dignity 	<ul style="list-style-type: none"> ▪ Constant humiliation, ridicule, belittling often in front of others ▪ Persistently and inappropriately finding fault with a person ▪ Constantly picking on a person when things go wrong even though the person is not at fault
Harassment	<ul style="list-style-type: none"> ▪ Inappropriate behaviour based on a characteristic of the person such as: marital status, family status, sexual orientation, religious beliefs, age, disability, race, colour, nationality, ethnic or national origin or membership of Traveller community 	<ul style="list-style-type: none"> ▪ Conduct including spoken words, gestures or the production, display or circulation of written materials that could be regarded as offensive, humiliating or intimidating ▪ Verbal harassment eg jokes, derogatory comments, ridicule or song ▪ Written harassment eg. Text messages, emails, notices ▪ Physical harassment eg. gestures or threatening poses

8. Ethical Issues and Confidentiality Around Disclosure of Abuse

Respecting the rights, privacy and autonomy of people using Cheshire services is a fundamental requirement of all Cheshire staff. Acting with a person's consent whilst also respecting their confidentiality and individual identity is a core principle of the adult protection policy. However it must be acknowledged that many people with disabilities who are vulnerable, experience many barriers when it comes to reporting or disclosing abuse or neglect. People may be either unwilling to report abuse or co-operate with investigations due to a number of issues such as:

- A fear of having to leave their home or service because they raised an issue
- A lack of awareness that what they are experiencing is abuse
- A lack of clarity as to who they can talk to
- Lack of capacity to report the incident
- A fear of the alleged abuser
- A fear of other backlash as a result of raising an issues such as being ignored
- Not wanting to 'bite the hand that feeds them'

This can raise some ethical issues for staff in respecting the person's right to self determination and staff exercising their duty of care to protect a person from abuse or neglect and report incidents of abuse. It may be necessary for staff to override the wishes of the person in order to prevent serious harm for example in cases of serious physical or sexual assault.

9. Whistleblowing

Cheshire Ireland recognises that situations may arise where staff become aware of poor practice, abuse and/or neglect which can affect the well being of people using the service. Suspecting or even knowing of such poor practice may cause contradictory feelings for staff such as being worried about raising such issues or wanting to keep concerns to themselves. They may feel that raising the matter would be disloyal to colleagues and peers. They may have decided to say something but find that they have raised the issue with the wrong person and feel that the matter has not been addressed.

This policy has been introduced to enable staff to raise their concerns at an early stage. Any person who raises a genuine concern about abuse or neglect will not be at risk of losing their job or any form of retribution. Harassment or victimisation of whistleblowers will not be tolerated by Cheshire Ireland.

Every effort will be made to ensure that the person identity is kept confidential. However it must be appreciated that an investigation process may reveal the source of information. If it becomes necessary to reveal the person's identify in order to pursue the investigation, this will be discussed with the person at the earliest possible stage. In such circumstances, it may affect the organisations capacity to continue the investigation if the person does not agree to be identified. Cheshire Ireland hopes that all people living and working in the organisation will feel free to be able to put their name to an allegation as concerns expressed anonymously are more difficult to investigate.¹

¹ Leonard Cheshire UK, Whistleblowing Policy, March 1999

10. Schedule of Responsibilities

All people who use and work in Cheshire services have a responsibility to become familiar with the Adult Protection Policy and supporting procedures and raise their concerns at an early stage. Table 2 on the next page outlines the specific responsibility of people in relation to this policy:

11. Implementation and Review

Cheshire Ireland will ensure that all staff will receive information, training and support in exercising their responsibilities and obligations in protecting people who use Cheshire services, preventing, detecting, reporting and responding to allegations, reports or suspicions of abuse and/or neglect of people who use Cheshire services.

This policy and supporting procedures and guidelines will be reviewed within a two year time frame.

12. Monitoring and Evaluation

The impact of this policy and supporting procedures will be monitored on a regular basis to assess the degree of awareness and implementation of the policy and supporting procedures in services.

13. Approval of The Board of Trustees

This policy and supporting operating procedure and guidelines has been approved in principle by the Board of Trustees of the Foundation in February 2005.

Table 2: Schedule of Responsibilities

Person	Area of Responsibility
People who use Cheshire Services	<ul style="list-style-type: none"> ▪ Have information on and understand your rights ▪ Be actively involved in the selection and recruitment of staff.² ▪ Be aware of what constitutes abuse and neglect, and some of the signs and indicators ▪ Raise your concern to the service manager if you suffer abuse, are alerted to or witness abuse rather than keeping these to yourself
Employees and Volunteers	<ul style="list-style-type: none"> ▪ Maintain the safety and well being of people who use Cheshire services at all times ▪ Be aware that you have duty to be aware of abuse as an issue and to alert managers of any concerns, suspicions or allegations of abuse ▪ Support people who use Cheshire services in understanding their rights and of the Adult Protection Policy and what constitutes abuse ▪ Make clear and detailed written records when abuse is disclosed, witnessed or alleged.
Service Managers	<ul style="list-style-type: none"> ▪ Actively promote safeguards to protect users of Cheshire services from abuse and neglect ▪ Identify and address poor practice with staff and make clear to staff what is expected of them ▪ Assess the safety of services by observing and listening to people using the service ▪ Ensure that this policy and supporting procedures and guidelines are distributed and understood by people who use Cheshire services and all staff and volunteers and the appropriate training and support is provided ▪ Conduct preliminary investigation of any allegation or suspicion of abuse ▪ Notifying the Regional Manager or a Central Office Manager of any allegation or suspicion of abuse ▪ Deploying staff in a way that deters collusive relationships and opens up opportunities for disclosure.
Regional Managers	<ul style="list-style-type: none"> ▪ Promote individual and organisation safeguards to protect people ▪ Address gaps in protection safeguards at a regional level ▪ Identify and address poor practice with Service Managers and staff ▪ Deploy staff in a way that deters collusive relationships and opens up opportunities for disclosure. ▪ Undertake an internal investigation into an allegation of abuse if requested to do so
Central Office Managers	<ul style="list-style-type: none"> ▪ Monitor the implementation of this policy and supporting procedures and guidelines ▪ Ensure staff recruitment, selection, supervision, deployment, training and support is in line with good practice and HR policies ▪ Undertake investigations into allegations of abuse ▪ Report allegations or suspicions of abuse to external agencies (Health Board, Gardai where appropriate) ▪ Review the implementation of the Adult Protection Policy and supporting procedures and guidelines in line with good practice ▪ Audit the presence and effectiveness of Individual and Organisational Safeguards and abuse investigations across the range of Cheshire services ▪ Identify and address with Managers and staff poor practices and make clear to staff what is expected
CEO	<ul style="list-style-type: none"> ▪ Ultimate accountability for the implementation of this policy and supporting procedures and guidelines rests with the Chief Executive (CEO) on behalf of the Board of Trustees. The CEO shall be responsible for ensuring that Cheshire Ireland has proactive management and good systems and processes in place to safeguard and protect all people who use Cheshire services. ▪ Inform the Board of Trustees of incidents of abuse
Board of Trustees	<ul style="list-style-type: none"> ▪ To approve this policy and supporting procedures and guidelines

²A panel will be formed of people using the service who are trained in recruitment and selections processes

Guidelines on Indicators of Abuse

1. Introduction

Cheshire Ireland acknowledges that some people with physical disabilities can potentially be more vulnerable than others to abuse. Cheshire Ireland believes that abuse, neglect or mistreatment of people using its services is unacceptable.

Management, staff, volunteers, people with a disability, their families, friends, carers, and advocates can all play a significant role in preventing and detecting the occurrence of abuse. Sometimes it is difficult to determine what constitutes a concern about abuse. These guidelines provide some examples of indicators of abuse of adults.

It is important to remember that the indicators listed below are not the only indicators and that the presence of one or more indicators does not necessarily 'prove' that abuse has occurred. This list of possible examples should not be considered a complete list of possible indicators but used as a way of alerting staff that abuse may be occurring.

Indicators of abuse are the variety of signs (what is seen) and/or symptoms (what is felt) that may indicate that abuse is an issue

2. Indicators of Abuse

Type of Abuse	Indicator	Behavioural Signs
Physical	Unexplained bruises, cuts, scratches, burns, sprains, fractures, dislocations, marks, hair loss, missing teeth,	Avoidance of a particular staff member, fear of a particular person, obvious changes in behaviour, inappropriate or changing explanation of how an injury occurs
Sexual	Trauma to genitals, breast, rectum, mouth, injuries to face, neck, chest, abdomen, thighs, buttocks, STD's and human bite marks	Sleep disturbances, changes to eating patterns, inappropriate or unusual sexual behaviour, anxiety attacks,
Psychological / Emotional	Demoralisation, depression, feeling of helplessness/hopelessness, disrupted appetite/sleeping patterns, suicide attempts	Self abuse or self destructive behaviour, challenging or extreme behaviours, extreme low self esteem, tearfulness, isolating self from others
Financial	No control over personal funds or bank accounts, misappropriation of money, valuables or property, no records or incomplete records of spending, forced changes to wills	Unexplained or sudden inability to pay bills, unexplained disappearance of possessions, refusal to spend money, insufficient money to meet normal budget expenses
Neglect	Dehydration, malnutrition, obesity, poor hygiene, under/over medication, absence of aids eg. glasses, dentures, isolation	Obvious difference in standard of hygiene and/or appearances