

# Policy Circular

Document No 06/06

**Owner:** Corporate affairs

**Subject:** Safeguarding Children and Adults

**Version:** 5 of 5

**Last Amended:** 10 January 2012

**Date Reviewed:** 10 January 2012

**Next Review:** January 2014

## 1.0 Background

THIS POLICY APPLIES TO ALL ILF USERS

- 1.1 There may be situations where ILF staff receives information indicating that an ILF user may be the subject of a safeguarding issue or abuse.
- 1.2 The Department of Health definition of **abuse** is as “**a violation of an individual’s human and civil rights by any other person or persons**”. *No Secrets’ (DH 2000)*
- 1.3 The Government’s policy objective is to prevent and reduce the risk of significant harm to vulnerable adults from abuse or other types of exploitation, whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion.

### Independent Living Fund

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1.4 Abuse, as defined by the Department of Health, may be of a physical, psychological, sexual, financial, neglectful or discriminatory nature. This could be a single act or repetitive acts.

1.5 Examples include:

- Where a physically disabled person is being handled in an unnecessarily uncomfortable way.
- Where a third party is using a vulnerable adult's money for other purposes.
- Where pressure is put on a vulnerable adult for care tasks to be performed by somebody who they do not wish to do so.
- Where a child or vulnerable adult with learning difficulties is being forced to take part in sexual activities they do not have the ability to consent to.

## **2.0 Policy**

2.1 The Local Authorities have statutory responsibility for safeguarding vulnerable adults. The ILF has a duty to act in cases of alleged abuse, ill treatment, or neglect of its users. While accepting that we all have responsibility to ensure we are taking action regarding protection of vulnerable adults, if the ILF becomes aware of such cases, it will act with or without the consent of the ILF user or of the person providing the information by way of referral to the Local Authority.

2.2 If a Personal Assistant is involved in an alleged abuse and is on a barred list, the ILF will not agree to any funding being used to pay the personal assistant.

2.3 The Social Work team will decide if action or further action should be taken to keep someone safe while having regard to the relevant guidance and legislation respecting the protection of vulnerable adults and the Data Protection Act. In addition the Senior Social Work Manager will be responsible for liaising with and informing the relevant Local Authorities.

- 2.4 The Social Work team will record any disclosure of allegations or suspicions of abuse that they make to any third party.
- 2.5 All ILF staff and Assessors have a role to play in safeguarding ILF Users and procedures detailed in appendix 1 should be followed as described

### **3.0 Source**

NA

### **4.0 Cross References**

Capital Conference 26 January 2010 and 23 June 2011  
Criminal Records Bureau Checks (15/08) Policy  
Department of Health guidance-“No secrets” (England)  
Welsh Assembly guidance – “In Safe Hands”  
Safeguarding Vulnerable Groups Act 2006  
Safeguarding Vulnerable Groups (Northern Ireland) Order 2007  
Adult Support and Protection (Scotland) Act 2007 / PUG (Scotland)

### **5.0 History Date Reviewed**

16 December 2010  
09 January 2012

## Appendix

### Procedural guidance for dealing with alleged 'safeguarding adult' issues

#### 7.0 All ILF staff

7.1 This guide provides information to ILF staff and Assessors of the action they should take if abuse is reported to them or if it is suspected.

#### 8.0 Receiving information of an alleged abuse

8.1 Where a member of staff receives information about alleged abuse, the individual should attempt to obtain the name and contact details of the person making the claim. If the information is received by phone, the person reporting the abuse will be informed that the case would be referred to ILF Social Work team who may contact the person for a discussion. At the same time the person reporting the alleged abuse should be encouraged to report the concern to the relevant Local Authority. The staff who took the call should alert his or her line manager of the allegation and referral to the SW team.

8.2 The individual receiving the information should record all details of the conversation and refer the case **immediately** to the Social Work team. Wherever possible, the information received should be verbally discussed with a Senior Social Work Manager.

8.3 If there is no Senior Social Work Manager or Social Work Director available, the case should be referred to a service delivery or team manager who should immediately follow the process described below.

8.4 The manager should:

- Contact the relevant local authority (this may be LA Contact Team or the Duty Social Worker)

- Inform the local authority of the allegation and the name and contact details of the person making the allegation (if available)
- Record details of the discussion with the LA representative. This should include the name and contact details of the LA representative, any action the local authority proposes to take and any additional information they provide or comments made.
- Refer the above information and any outcome to a Senior Social Work Manager or Social Work Director immediately when next available, for further consideration (see 1.5).
- In the event of a Manager (EO level or above) not being available and the information received identifies an immediate risk, contact the Local Authority or the Police as applicable.

## **9.0 Staff's concerns about possible abuse**

9.1 ILF staff who have suspicions or concerns that a client may be suffering abuse should refer the case to the ILF Social Work team **immediately** after alerting their line manager. If no Senior Social Work Manager or Social Work Director is available, or contactable in the office, the case should be referred to a team manager who should immediately follow the process described above.

## **10.0 Recording information on allegation and suspicions of concerns of abuse**

10.1 The staff receiving the information should complete the Safeguarding Concerns Record Sheet. Any information with reference to safeguarding concerns should be logged on a separate case note and be attached to the Concerns Sheet. The completed sheets must be passed to the Social Work team with the user's file.

## **11.0 Barred Personal Assistants**

11.1 Where the ILF receives information that suggests a Personal Assistant may be on a barred list, the file should be referred to the Social Work team to consider any potential impact on the individual or ILF funding.

## **12.0 Local Authority Action**

12.1 If you are aware that a local authority is taking action under any protection legislation the case should be referred on the same working day to the Social Work Team to consider the impact on ILF funding.

## **13.0 Request for information**

13.1 Raising concerns about abuse or neglect nearly always involves sharing information about an individual that is both personal and sensitive (Data Protection Act 1998). Such information about an adult with mental capacity should be shared only with their informed consent, unless there is an overriding duty such as a danger to life or limb, or risk to others. These exceptions are described in the Data Protection Act (1998) and 'Caldicott guidance' (DH 1997), and case law in relation to human rights legislation. Information about an adult who may be at risk of abuse or neglect must be shared only within the framework of an appropriate information sharing protocol.

13.2 All requests relating to written or electronic information regarding safeguarding concerns should in the first instance be passed to a Senior Social Work Manager who will record action taken on the safeguarding file. The Senior Social Work Manager will discuss the request with the Records Manager and agreed action to be taken.

## **14.0 Fraud Team**

14.1 Members of the fraud team should follow the process described throughout this document. Where information is received from an outside source suggesting that there are safeguarding concerns, you should liaise with the Social Work team regarding

action to be taken. The Social Work team will decide if an internal ILF case conference is required.

- 14.2 Fraud team members should keep a log of safeguarding referrals that are made to the Social Work team. This should be reviewed with the Social Work team on a three-monthly basis to ensure that the Social Work team have a record of all safeguarding referrals and the actions taken by the ILF.

## **15.0 Independent Assessors**

- 15.1 If an alleged abuse is reported to an Independent Assessor, or if an Assessor has a suspicion or concern that a child or vulnerable adult is suffering abuse or significant harm, the Assessor should report the matter, as soon as possible, directly to the relevant Local Authority.
- 15.2 The Assessor should discuss the allegation or concern with a Senior Social Work Manager at the ILF. If the situation has already been reported to the Local Authority, the Assessor should confirm to the Senior Social Work Manager that this action had been taken.
- 15.3 The Assessor should only record that there was a safeguarding concern and subsequent action taken to alert the Local Authority. No details of the concern are to be given in the report. Details of the concerns should be recorded on a separate document in consultation with a Senior Social Work Manager. This does not preclude recording concerns relating to possible financial mismanagement relating to ILF. Please record concerns regarding financial mismanagement in the report in the normal way.

## **16.0 Social Work Team**

- 16.1 The Social work team members will complete the safeguarding spreadsheet, reflecting any referral and any action taken.
- 16.2 The Social work team will log in Ici's Notes section that a separate file is held in Social Work team.