

Dealing with Allegations or Suspicion of Abuse of an Adult at Risk

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08	Review and update	01.05.12
09	Review and update to reflect new definition	07.10.13
10	Reviewed and updated	07.10.14
11	Reviewed, changes to staff title	17.12.15
12	Added definition of Adult as described in Section 42 of the Care Act 2014. Added reference to The Lord Chancellor's Department core definition of "vulnerable adult. Removed reference to 'responsible person' role.	02.12.16
13	Title change. Additional safeguarding staff contact details added. Further advice for recording concerns and information about deprivation of liberty. Added new referral. form, reference to restraining students and intimate care.	01.02.17
14	Page 6 – title changed to 'designated safeguarding officer', name of service changed to 'Adult Social Care Direct', removed reference to 'Community Care Services', removed reference to 'designated care manager', added a reference to discussing safeguarding matters with a deputy safeguarding officer in the absence of the Designated safeguarding officer. Page 7 – Updated section 3.4 Written reports and evidencing decisions, added hyperlink to safeguarding referral system.	21.05.18
15	Added Executive Team PA email address to section 3.1. Updated hyperlinks to Adult Social Care Direct, Gateshead web page. Updated link to Safeguarding Referral form. Updated copy of referral form – Annexe 1	10.06.19
16	Added details of escalation in respect of a staff concern that child safeguarding is not being addressed correctly within the college or by other agencies.	26.11.19

17	Reference made to the Safeguarding adults at risk addendum – Covid-19 which offers further advice for staff during the pandemic. Removed reference to staff members who have left the college and added new staff member titles. Updated annexe 1 paper safeguarding referral form and added the safeguarding team email address.	27.08.20
21	Removal of references to Director Student Experience role	02.11.21

Key search words for this document

Allegations, suspicion, mistreatment, abuse, adults at risk

01. Aims and Objectives

Aims and Objectives

The main priority for all is to ensure the safety and protection of adults at risk.

This procedure sets out the actions to take when dealing with allegations, suspicion or concern(s) of mistreatment and/or abuse of an adult at risk.

All concerns must be reported as outlined in this procedure.

To ensure use of the most up to date version of the procedure, staff should access an electronic copy via the Document Management section on Digital dash.

02. Scope

Scope

It is the responsibility of all Gateshead College staff and those working on its behalf to be **alert** and report any allegation(s), suspicion or concern(s) of mistreatment and/or abuse of an adult at risk and to address any immediate protection issue.

This responsibility extends to all staff and volunteers not just those specifically working with adults at risk.

Definition of Adult in Section 42 the Care Act 2014:

An adult who may be vulnerable to abuse or maltreatment is deemed to be someone aged 18 or over, who is in an area and:

- i. Has needs for care and support (whether or not the authority is meeting any of those needs);
- ii. Is experiencing, or is at risk of, abuse or neglect; and
- iii. As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Abuse is defined widely and includes domestic and financial abuse. The duties apply regardless of whether the adult lacks mental capacity.

The Care Act 2014 states; Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This

must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

The Lord Chancellor's Department core definition of "vulnerable adult" is a person aged 18 years or over 'who is or may be in need of community care services by reason of disability, age or illness; and is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'.

This does not mean that just because a person is old or frail or has a disability they are inevitably 'at risk'. For example, a person with a disability who has mental capacity to make decisions about their own safety could be perfectly able to make informed choices and protect themselves from harm. In the context of Safeguarding Adults, the vulnerability of the Adult at Risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort, and to protect themselves from abuse, neglect and exploitation. It is important to note that people with capacity can also be vulnerable.

An Adult at Risk's vulnerability is determined by a range of interconnected factors including personal characteristics, factors associated with their situation or environment and social factors. Some of these are described in the table below.

An Adult at Risk may therefore be a person who:

- is elderly and frail due to ill health, physical disability or cognitive impairment
- has a learning disability
- has a physical disability and/or a sensory impairment
- has mental health needs including dementia or a personality disorder
- has a long-term illness/condition
- misuses substances or alcohol
- is a carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
- is unable to look after their own wellbeing, property, rights or other interests
- is in need of care and support but is unable to demonstrate the capacity to make an informed decision about themselves

(This list is not exhaustive.)

Regulated activity for adults is divided into six categories, each with detailed sub-categories and a definition of who is to be treated as a vulnerable adult recipient in each case.

1. Providing health care
2. Providing personal care
3. Providing social work
4. Assistance with general household activities
5. Assistance with conduct of a person's own affairs
6. Conveying (transporting from one place to another)

Regulated activity includes the supervision of any person carrying out regulated activity.

The definition of regulated activity does not include such activities carried out in the course of family relationships, and personal, non-commercial relationships.

Gateshead Council has replaced the term 'Vulnerable Adult' to that of 'Adult at Risk'. Description of an 'Adult at Risk' matches that of the definition above.

Restraining students

Using force to restrain or physically direct a learner should be regarded as a last resort. There are situations in which there is no safer alternative, but individual members of staff can minimise the chances of these arising by following the approved guidelines, please see 'The Use of Force to Control or Restrain Students Policy Statement and Procedure' - STM-PRO-018.

Intimate Care

The College takes seriously its responsibility to safeguard and promote the welfare of the young people and adults at risk in its care. Meeting a student's intimate care needs is one aspect of safeguarding. Please see 'Intimate Care' guidelines – CLS-GDE-008-01.

03. Procedure

Procedure

The overriding priority in following this procedure is to ensure the safety and protection of the vulnerable adult(s).

3.1 Roles within the procedure

Within the procedure there are **two roles**: Alerter and Designated Safeguarding officer.

The Alerter: where there is a **suspicion, allegation or any concern** that an adult has been or is at risk of abuse, or harm, this should be reported immediately and accurately to Darren Heathcote, the Head of Student Services, who can be contacted on Tel 0191 490 4611 or 07736364425 or Darren.heathcote@gateshead.ac.uk

Staff working outside of the Gateshead area should contact their direct line manager about any concern and he/she will contact the Head of Student Services.

If he cannot be contacted, report the matter to either of the deputy safeguarding officers: Chris Toon, Deputy Principal: Curriculum and Quality Ext 2202, or Helen Keene, Student Health and Wellbeing Co-ordinator Ext. 2339 helen.keene@gateshead.ac.uk. If these staff are unavailable please contact either a Reception point or the Executive Team's Personal Assistant on Ext. 2202/2201 who will advise on other contacts or email debra.murphy@gateshead.ac.uk

You must not try to investigate the matter on your own.

The Head of Student Services is the DSLO (Designated Safeguarding Lead Officer). This requires the DSLO or one of the deputy safeguarding officers to coordinate action within the institution and liaise with other agencies.

3.2 Responding to a disclosure of abuse

If an adult discloses to you details of apparent abuse, you should listen carefully to him/her, and follow the guidelines below:

- try to remain calm, listen patiently, and treat the information seriously;
- reassure the person who is telling you their concerns or showing you an injury that they are doing the right thing;
- only clarify the bare facts of the reported abuse or grounds for suspicion, do not ask leading questions e.g. suggesting names of who may have perpetrated the abuse if the person does not disclose it;
- advise them what to do next, as appropriate and what we will do;
- remember to consider your own safety as well as that of others;
- **on occasions of serious crime and/or immediate threat of harm, you should contact the emergency 999 services;**
- if you suspect a crime has been committed then preserve evidence. Do not touch or clean up. Do not wash clothing, floor coverings or dispose of anything. Support the adult but discourage them from getting washed until after they have been seen by an appropriate Police doctor or the Police have given alternative advice.

NB: The first 72 hours are particularly important to the Police for collecting forensic evidence;

- remember your Duty of Care. Reporting suspicions of mistreatment or abuse is not telling tales;
- make a prompt legible record of what you saw or were told using the adult's actual words. Read back to the person what you have recorded to clarify or

confirm what they have said. Note the names of any witnesses, accurate times and the reasons for the actions you took. Make sure you distinguish between fact and opinion; sometimes the use of body diagrams can be useful.

You should not:

- put yourself at risk;
- appear shocked, disgusted or angry;
- make judgemental comments;
- begin to investigate the situation or try to prove the information is true;
- carry out intimate care or examinations;
- make false allegations;
- speak about the situation with the alleged abuser or take any action which might alert the alleged perpetrator;
- discuss the incident with anyone without agreeing this with the Head of Student Services or one of the deputy safeguarding officers.
- promise to keep secrets or guarantee confidentiality. If an adult makes an allegation and asks that you keep it confidential, you should inform the person that you will respect their right to confidentiality as far as you are able to, but that you are not able to keep the matter secret.

3.3 What happens following the reporting of an allegation, suspicion or concern

Following a report, an immediate decision i.e. within hours, will be made to make a referral to the relevant external duty point, or if not what the appropriate action may be.

Taking into account all the information available, the Head of Student Services (or a deputy safeguarding officer) will decide on the next steps, which may include taking no further action. Where the Head of Student Services decides that further action is necessary, this may be to:

- seek further advice from Adult Social Care Direct
Phone: 0191 433 7033
Web: <https://www.gateshead.gov.uk/article/9972/Contact-Adult-Social-Care>
(24 hours a day, 7 days a week)
- report the matter to the Police if a crime is suspected
Phone: 101 or 999 to be connected to your local Police force.

If the Head of Student Services, or in his absence a deputy safeguarding officer or a manager to whom the report is made, is satisfied there is an element of substance to an allegation an external duty point will be advised within hours.

The referrer will follow the instructions provided by the duty point (Local Authority or Police) in relation to how the duty point wishes the referral to be made.

The Head of Student Services will, where appropriate/possible, keep the member(s) of staff who raised the concern(s) informed about the progress/outcome of the case. The actions undertaken by the Head of Student Services with respect to this will be influenced by any multi agency agreement. Other staff will be kept informed of the progress of the case on a 'need to know' basis.

Any detailed information about a case will be confined to the Head of Student Services (and if not involved in the allegations and with the consent of the adult at risk as appropriate with the parents/guardians/carers).

3.4 Written reports and evidencing decisions

Staff will be required to complete an electronic referral form as soon as possible and within 24 hours of the incident. This will provide information supporting the DSLO or deputy to determine if the referral will be addressed as a safeguarding concern or if another service/team will be asked to address the matter.

Staff can access the Incident/Concern/Suspicion form here: <http://gc-websvr-01/SafeguardingMVC/Home/CreateCase> or download from Document Management via Digital Dashboard. The following information is required:

- student name;
- student ID no.;
- student D.O.B.;
- gender;
- details of the incident, concern or suspicion, including any alleged abuse;
- highlight if the student is in immediate danger;
- place where the incident happened;
- date and time;
- your name and the names of others present;
- a description of any injuries observed;
- the account which has been given of the allegation, (as verbatim as possible);
- any other relevant information
- Is there any local knowledge which might impact on the safeguarding arrangements of the student

All records will be kept secure in the college electronic safeguarding system, which is accessible to the safeguarding team. Records/notes must not be kept in student records held by course teams or in notes/emails the On-Track system. Some adults

with learning difficulties and/or disabilities and/or impairment may need special consideration since possible abuse may be masked.

Please be aware that any written account may be required later as part of an investigation, legal action or disciplinary procedure. The record should be factual and should not include opinions or personal interpretations of the facts presented. The record should contain as much detail as possible, including for example, any apparent physical signs of abuse or other circumstances which led to the suspicion, any witness(es) to the alleged abuse/mistreatment, a record of the account given to you of abuse by the adult concerned, as accurately as you are able to record it and where possible using their words. The record should be signed, dated and a copy stored in a secure place in line with data protection requirements.

If writing by hand, make sure that the record is legible.

For further advice, please contact the Head of Student Services.

If a decision is made not to make a referral, this will be clearly recorded, including who authorized the decision and on what grounds the decision was made.

3.5 Capacity and Consent

Mental capacity is a legal concept. It is the ability at that point in time to understand, retain and use the information required to make an informed decision on a specific issue and understand the consequences. It is also necessary to be able to communicate this decision.

Adults are presumed to have capacity until it is professionally assessed they do not.

All reasonable steps must be taken to help an adult make those decisions which they are able to. This includes being creative in the way in which information is given to the adult in an accessible form.

An adult must not be treated as being unable to make a decision just because they make an unwise choice.

Lack of capacity will be decided on the balance of probabilities. Thorough multi-disciplinary assessments should set out the reasons upon which their judgement is based. They should address carer's views of the adult's capacity.

Deprivation of liberty - In certain cases, the restrictions placed upon an individual who lacks capacity to consent to the arrangements of their care may amount to "deprivation of liberty". This must be judged on a case-by-case basis. Where it appears a deprivation of liberty might occur, the provider of care (usually a hospital or a care home) has to apply to their local authority, who will then arrange an assessment of the individual's care and treatment to decide if the deprivation of liberty is in the best interests of the individual concerned.

3.6 Confidentiality and Information Sharing

Staff should ensure they discuss issues of confidentiality with the Head of Student Services, especially if there is not the adult's informed consent.

Duty of Care – staff and volunteers have a duty of care towards learners. This means they have a responsibility to act whenever there is a concern of possible mistreatment or abuse to an adult at risk.

A failure to report concerns may be seen as agreeing with the abuse, or as being negligent which in some cases may lead to disciplinary or other action.

The adult at risk should be informed at the earliest possible stage of a disclosure that the information will be passed on.

All conversation regarding and with an adult at risk should always be held in private even if this is not requested and the adult at risk should be given the opportunity to have another person with them for support e.g. friend, staff member.

Whatever happens, there should always be openness and honesty with the adult at risk if it is intended to take the case further.

'Taking the right action' will be a balance between responding to the adult's wishes and his/her best interests; judgement of their capacity; whether the alleged abuser was in position of trust and the duty of care to protect other adults at risk or children who may be at risk.

Public interest issues and duty of care may require us to overrule an adult's wishes for confidentiality.

Remember adults are presumed to have the right to make their own decisions, and be involved in decisions made on their behalf unless there are clear grounds to overrule this:

- as a result of their lack of mental capacity;
- a wider public interest issue is involved e.g. the alleged abuser is in a position of trust;
- there are concerns about the welfare or protection of other vulnerable adults or children.

Where staff have concerns that a safeguarding referral they have made is not being addressed correctly within the organisation or by other agencies these concerns can be raised with the Head of Student Services who operates as Designated Safeguarding Lead Officer. If there are circumstances where the member of staff believes that the DLSO is not addressing these concerns correctly

the Head of People and Organisational Development will respond to these concerns.

3.7 Allegations Against Staff or Volunteers

In the event that there is a suspicion by a staff member that another member of staff or volunteer is mistreating or abusing an adult at risk, it is their responsibility to bring this concern to the Head of Student Services.

If the allegation concerns the Head of Student Services, the matter should be discussed with the Head of People and Organisational Development.

If a complaint has been made against the Principal, the person dealing with this complaint should be of sufficient seniority to deal with it. In the event of allegations of abuse being made against the Principal or a member of the governing body, a member of the governing body, usually the Chair will liaise directly with the Local Authority and/or partner agencies.

Any such allegation will be responded to immediately, with the involvement of relevant external agencies, as appropriate. A referral to the Disclosure and Barring Service will be made where the College believes that an individual has harmed or poses a threat to an adult at risk.

04. Related Documents

STM-POL-005	Safeguarding and Protecting Vulnerable Adults Policy
GC-PRO-001	Public Interest Disclosure Procedure – Procedure for raising concern at work
HR-PRO-017	Dealing with allegations of abuse against staff or volunteers
STM-PRO-007	Concern procedure for students on care placements

