



VULNERABLE ADULTS
POLICY & PROCEDURES
of the
UNION OF PRESENTATION SISTERS
OF THE BLESSED VIRGIN MARY
(Ireland)

November 2017

The Presentation Sisters (Ireland) Vulnerable Adults Policy and Procedures document was adopted by the Interprovincial Leadership Team of the Presentation Sisters (Ireland) in November 2017.

All Presentation personnel* are required to accept this document.

Signed on behalf of the Presentation Sisters



Provincial SW Province



Provincial NE Province

**Presentation Sisters, Employees and Volunteers*

VULNERABLE ADULTS POLICY AND PROCEDURES

POLICY STATEMENT

Presentation personnel are committed to practices which promote the protection and the welfare of vulnerable adults and safeguard them from harm. Any form of abuse is a violation of an individual's human and civil rights. Presentation personnel accept and recognise their responsibility to develop awareness of the issues that can harm vulnerable adults. They are committed to establishing and maintaining a safe environment. They recognise that while safeguarding is everyone's responsibility, all involved in working with vulnerable adults have a special duty of care towards them. Sisters who are vulnerable are cared for in the community by agency staff or locally employed staff or in a nursing home. Communities using agencies should refer complaints back to these agencies.

Therefore, as Presentation personnel, we

- Foster best practice in creating a safe environment for vulnerable adults
- Ensure accountability through effective structures
- Follow agreed procedures laid down for the selection of staff and volunteers (see employee handbook)
- Provide effective management for staff and volunteers through supervision, support and training
- Implement a code of behaviour for all involved with Presentation sisters, including visitors and service providers
- Ensure general safety and risk management procedures are adhered to
- Respond effectively to allegations or suspicions of abuse in line with the principles of this policy
- Report allegations where there is reasonable cause for concern and cooperate with the civil authorities
- Take just and appropriate action in relation to personnel who have abused vulnerable adults
- Take effective measures to guard against future risk of abuse
- Promote healing and reconciliation

SCOPE

This policy and procedures apply to all those with responsibility for the provision of health and social care services to vulnerable adults. It applies to all staff, volunteers and sisters.

DEFINITION OF A VULNERABLE ADULT

The **HSE Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures** defines a vulnerable adult as:

‘an adult who may be restricted in capacity to guard himself/herself against harm or exploitation or to report such harm or exploitation. Restriction of capacity may arise as a result of physical or intellectual impairment. Vulnerability to abuse is influenced by both context (e.g.. social or personal circumstances) and individual circumstances.’ (p. 3)

DEFINING ABUSE

Presentation Sisters understand the definition of abuse in accordance with Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures (p. 8), ‘any act, or failure to act, which results in a breach of a vulnerable person’s human rights, civil liberties, physical and mental integrity, dignity or general wellbeing, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative. Abuse may take a variety of forms.’

TYPES OF ABUSE

- Physical abuse includes hitting, slapping, pushing, kicking and misuse of medication, restraint or inappropriate sanctions
- Sexual abuse includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented, or could not consent, or into which he or she was compelled to consent
- Psychological abuse 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
- Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or

the misuse or misappropriation of property, possessions or benefits

- Neglect and acts of omission includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating
- Discriminatory abuse includes ageism, racism, sexism, that based on a person's disability, and other forms of harassments, slurs or similar treatment
- Institutional abuse may occur within residential care and acute settings including nursing homes, acute hospitals and any other in-patient settings, and may involve poor standards of care, rigid routines and inadequate to complex needs.

WHO MAY ABUSE?

Anyone who has contact with vulnerable adults may be abusive, including a member of their own family, community or a friend, healthcare/social care or other worker.

WHEN MIGHT ABUSE OCCUR?

Abuse can happen at any time in any setting.

VULNERABLE ADULTS – SPECIAL CONSIDERATIONS

Abuse of a vulnerable adult may be a single act or repeated over a period of time. It may comprise one form or multiple forms of abuse. The lack of appropriate action can also be a form of abuse. Abuse can occur in a relationship where there is an expectation of trust and can be perpetrated by a person who acts in breach of that trust.

It is critical that the rights of vulnerable adults to lead as normal a life as possible is recognised, in particular deprivation of the following rights may constitute abuse:

- Liberty
- Privacy
- Respect and dignity
- Freedom to choose
- Opportunities to fulfil personal aspirations and release potential in their daily lives
- Opportunity to live safely without fear of abuse in any form
- Respect for possessions

People with disabilities and older people may be particularly vulnerable due to:

- Diminished social skills
- Dependence on others for personal and intimate care
- Capacity to report
- Sensory difficulties
- Isolation
- Power differentials
- Fear of reporting and the consequences of reporting

Adults who become vulnerable have the right:

- To be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs
- To be given access to knowledge and information in a manner which they can understand in order to help them make informed choices
- To be provided with information on, and practical help in, keeping themselves safe and protecting themselves from abuse

- To live safely without fear of violence in any form
- To have their money, goods and possessions treated with respect and to receive equal protection for themselves and their property through the law
- To be given guidance and assistance in seeking help as a consequence of abuse
- To be supported in making their own decisions about how they wish to proceed in the event of abuse and to know that their wishes will be considered paramount unless it is considered necessary for their own safety or the safety of others to take an alternate course, or if required by law to do so
- To be supported in bringing a complaint
- To have alleged, suspected or confirmed cases of abuse investigated promptly and appropriately
- To receive support, education and counselling following abuse
- To seek redress through appropriate agencies

RECOGNISING ABUSE

Abuse can be difficult to identify and may present in many forms. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than abuse. All signs and symptoms must be examined in the context of the person's situation and family circumstances.

All personnel need to be aware of circumstances that may leave a vulnerable adult open to abuse and must be able to recognise the possible early signs of abuse. They need to be alert to the demeanour and behaviour of adults who may become vulnerable and to the changes that may indicate that something is wrong. It must not be assumed that an adult with a disability or an older adult is necessarily vulnerable; however, it is important to identify the added risk factors that may increase vulnerability. People with disabilities and some older people may be in environments or circumstances in which they require safeguards to be in place to mitigate against vulnerability which may arise. As vulnerability increases responsibility to recognise and respond to this increases.

Barriers to disclosure may occur due to some of the following:

- Fear on the part of the vulnerable adult of having to leave their home or service as a result of disclosing abuse
- A lack of awareness that what they are experiencing is abuse
- A lack of clarity as to whom they should talk
- Lack of capacity to understand and report the incident
- Fear of an alleged abuser
- Ambivalence regarding a person who may be abusive
- Limited verbal and other communication skills
- Fear of upsetting relationships
- Shame and/or embarrassment

All staff should be aware that safeguarding vulnerable adults is an essential part of their duty. Staff must be alert to the fact that abuse can occur in a range of settings and therefore must make themselves aware of the signs of abuse and the appropriate procedures to report such concerns or allegations of abuse.

Concerns or allegations of abuse of a vulnerable adult may come to light in a number of ways:

- Direct observation of an incident of abuse
- Disclosure by a vulnerable adult
- Disclosure by a relative/friend of the vulnerable adult
- Observation of signs or symptoms of abuse
- Reported anonymously
- Come to the attention as a complaint through the HSE or agency/organisation complaints process.
- Obvious change in behaviour

The alleged perpetrator may be, for example, a family member, a member of the public, an employee of the HSE or in an organisation providing service. Abuse can take place anywhere. The concern/complaint may also arise in the person's own home or other community setting. If unsure that an incident constitutes abuse or warrants action, the Safeguarding and Protection Team of the HSE (Vulnerable Persons) is available for consultation.

The possibility of abuse should be considered if a vulnerable adult appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the vulnerable adult seems distressed without obvious reason or displays persistent or new behavioural difficulties. The possibility of abuse should also be considered if the vulnerable adult displays unusual or fearful responses to carers. A pattern of ongoing neglect should also be considered even when there are short periods of improvement. Financial abuse can be manifested in a number of ways, for example, in unexplained shortages of money or unusual financial behaviour. A person may form an opinion or may directly observe an incident. A vulnerable adult, relative or friend may disclose an incident. An allegation of abuse may be reported anonymously or come to attention through a complaints process.

All persons should be supported to act according to their own wishes. Only in exceptional circumstances should decisions and actions be taken that conflict with a person's wishes, for example, to meet a legal responsibility to report or to prevent immediate and significant harm. As far as possible, people should be supported to communicate their concerns to relevant agencies. It is necessary to consider if a vulnerable adult gave meaningful consent to an act, relationship or situation which is being considered as possibly representing abuse. For a valid consent to be given, consent must be full, free and informed. It is important that a vulnerable adult is supported in making his/her own decisions about how he/she wishes to deal with concerns or complaints. The vulnerable adult should be assured that his/her wishes concerning a complaint will only be overridden if it is considered essential for his/her own safety or the safety of others or arising from legal responsibilities. In normal circumstances, observing the principle of confidentiality will mean that information is only communicated to others with the consent of the person involved except in situations where legal requirements to report apply. All vulnerable adults and where appropriate, their carers or representatives, need to be made aware that the operation of safeguarding procedures will, on occasion, require the sharing of information with relevant professionals and statutory agencies – in order to protect a

vulnerable adult or others.

COMPLAINTS

The appropriate handling of complaints is an integral part of good governance and risk management. Proper and effective complaint handling procedures should be in place. Good complaint handling procedures should be well-publicised, easy to access, simple to understand, quick, confidential, sensitive to the needs of the complainant and those complained against, effective, provide suitable remedies and be properly resourced.

Complaints procedures provide an opportunity to put things right. They are a useful additional means of monitoring the quality of service provision. Complaints are best dealt with through local resolution where the emphasis should be on achieving quick and effective resolutions to the satisfaction of all concerned. Vulnerable adults may need particular support to use a complaints procedure. Complaints should be dealt with in a positive manner, lessons should be learned and changes made to systems or procedures where this is considered necessary. Particular attention should be paid to complaints which are suggestive of abusive or neglectful practices or which indicate a degree of vulnerability. All cases of alleged or suspected abuse must be taken seriously. All staff must inform the appropriate authority immediately. Effective mechanisms must be in place to ensure a prompt response to concerns and complaints. Ensuring the safety and well-being of the vulnerable adult is the priority consideration.

ANONYMOUS AND HISTORICAL ALLEGATIONS

All concerns or allegations of abuse must be assessed, regardless of the source or date of occurrence. The quality and nature of information available in anonymous referrals may impact on the capacity to assess and respond appropriately. Critical issues for consideration include:

- The significance/seriousness of the concern/complaint
- The potential to obtain independent information
- Potential for ongoing risk

In relation to historical complaints the welfare and wishes of the person and the potential for ongoing risk will guide the intervention.

Any person who is identified in any complaint, whether historic or current, made anonymously or otherwise, has a right to be made aware of the information received.

DESIGNATED LIAISON PERSON

The Designated Liaison Person will be responsible for:

- Receiving concerns or allegations of abuse regarding vulnerable adults
- Collating basic relevant information
- Ensuring the appropriate authority is informed and collaboratively ensuring necessary actions are identified and implemented
- Ensuring all reporting obligations are met
- Supporting the appropriate authority and other personnel in addressing the issues arising
- Maintaining appropriate records
- Other responsibilities as may be assigned

All concerns/reports of abuse must be immediately notified to the Designated Liaison Person and in the event of their unavailability to the Deputy Designated Liaison Person.

:

Designated Liaison Person:

Name: Tel: Mobile: Email:

Deputy Designated Liaison Person:

Name: Tel: Mobile: Email:

CONFIDENTIALITY

All information regarding concern for a vulnerable adult should be shared on a 'need to know' basis in the interests of the person concerned. The provision of information to the statutory agencies for the protection of a vulnerable adult is not a breach of confidentiality or data protection. Employees/volunteers should not give any undertakings regarding confidentiality.

DATA/INFORMATION

All information concerned with the reporting and subsequent assessment of concerns or allegations of alleged abuse is subject to our policy on confidentiality. Information regarding allegations of abuse cannot be received with a promise of secrecy. A legal obligation to report exists (Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012). A person providing such information should, as deemed appropriate, be informed that disclosures of information to appropriate others can occur if:

- A vulnerable adult is the subject of abuse and/or
- The risk of further abuse exists and/or
- There is a risk of abuse to another vulnerable adult(s) and/or
- There is reason to believe that the alleged person causing concern is a risk to themselves.

All personnel must be aware that the failure to record, disclose and share information in accordance with this policy is a failure to discharge a duty of care. In making a report or referral, it is essential to be clear whether the vulnerable adult is at immediate risk of abuse and if this is the case, it is essential to outline the protective measures taken. The report/referral may also contain the views and wishes of the vulnerable adult where these have been, or can be, ascertained. The role of an advocate may be important in this regard.

RECORDS

It is essential to keep detailed and accurate records of concerns or allegations of abuse and of any subsequent actions taken. The appropriate form should be readily available. Failure to adequately record such information and to appropriately share that information in accordance with this policy is a failure to adequately discharge a duty of care.

RESPONDING TO DISCLOSURES

Any person who has a concern in relation to the abuse or neglect of a vulnerable adult should:

- **Take any immediate action** to safeguard anyone at immediate risk of harm including seeking medical assistance or the assistance of An Garda Síochána, as appropriate.
- **Listen, Reassure and Support.** If the vulnerable adult has made a direct disclosure of abuse or is upset and distressed about an abusive incident, listen to what he/she says and ensure he/she is given the support needed. Do not ask intrusive or leading questions. Where there is a concern that a serious criminal offence may have taken place, or a crime may be about to be committed, contact An Garda Síochána immediately.
- **Record and Preserve Evidence.** Preserve evidence through recording and take steps to preserve any physical evidence (if appropriate). As soon as possible on the same day, make a detailed report of what you have seen, been told or have a concern about and who you reported to. Try to make sure anyone else who saw or heard anything relating to the concern of abuse also makes a written report.
- **Report and Inform.** Report to the Designated Liaison Person as soon as possible on the same day as the concern is raised. If it is considered that a criminal act may have occurred, agreement on engagement with the person who is the subject of the complaint should be discussed with An Garda Síochána.

A vulnerable adult may select a person to confide in. That chosen person will be someone they trust and have confidence in. It is important that a vulnerable adult who discloses abuse feels supported and facilitated in what may be a frightening and traumatic process for them. A vulnerable adult may feel perplexed, afraid, angry, despondent and guilty. It is important that any negative feelings they may have are not made worse by the kind of response they receive. A vulnerable adult who

divulges abuse has engaged in an act of trust and their disclosure must be treated with respect, sensitivity, urgency and care. It is of the utmost importance that disclosures are treated in a sensitive and discreet manner. Anyone responding to a vulnerable adult making such a disclosure should take the following steps:

- a) Take what the vulnerable adult says seriously
- b) React calmly, as over-reaction may intimidate the vulnerable adult and increase any feelings of guilt they may have.
- c) Reassure the vulnerable adult that they were correct to tell somebody what happened.
- d) Listen carefully and attentively.
- e) Never ask leading questions.
- f) Use open-ended questions to clarify what is being said and try to avoid having them repeat what they have told you.
- g) Do not promise to keep secrets.
- h) Advise that you will offer support but that you must pass on the information.
- i) Do not express any opinions about the alleged abuser to the person reporting to you.
- j) Explain and make sure that the vulnerable adult understands what will happen next. Do not confront the alleged abuser.

REPORTING PROCEDURES

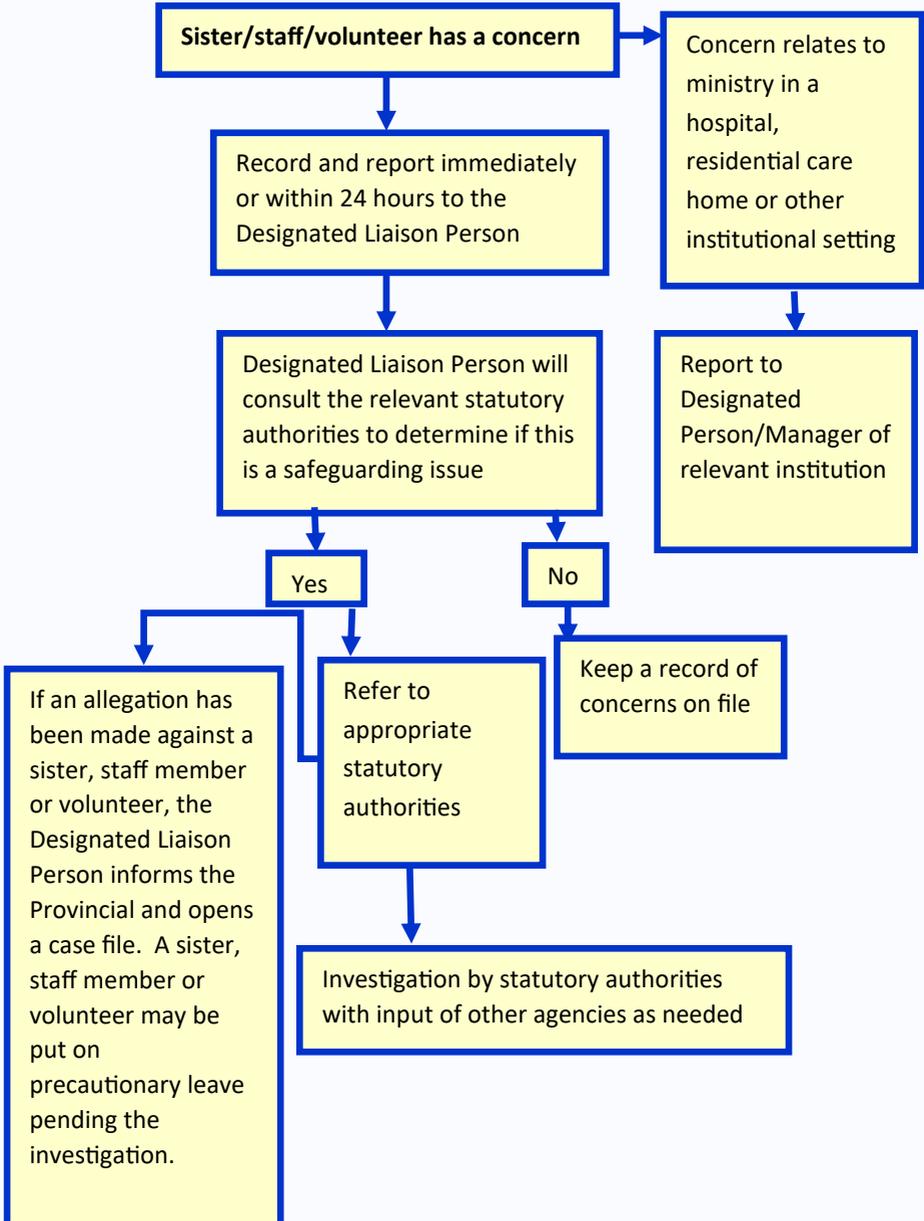
Following a disclosure of abuse, employees/volunteers/sisters should:

- Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed.

- a) Record the event, sign and date all reports and indicate the time the notes were made.
- b) Ensure that the information is treated with the utmost confidence.
- c) Allegations should not be investigated by employees/volunteers.
- d) Pass on that report to the Designated Liaison Person.

Under no circumstances should a vulnerable adult be left in a situation that exposes him or her to harm or to risk of harm. In the event of an emergency where you think a vulnerable adult is in immediate danger you should contact An Garda Síochána in the first instance.

Reporting Procedures Flowchart



Guidance for Presentation Sisters as employers Dealing with an Allegation of Abuse of a Vulnerable Adult

If an allegation is made against an employee/volunteer Presentation Sisters will ensure that everyone involved gets a proper response. This involves making sure that two separate procedures are followed:

- The reporting procedure in respect of the vulnerable adult;
- The procedure for dealing with the employee/volunteer.

The same person will not deal with both of the above. When an allegation of abuse is received against employees/volunteers it will be assessed promptly and carefully. Action taken in reporting an allegation of the abuse of a vulnerable adult against an employee/volunteer should be based on an opinion formed reasonably and in good faith. It will be necessary to decide whether a formal report should be made to the relevant Safeguarding and Protection Team within the HSE. This decision should be based on reasonable grounds for concern. Advice may be sought from An Garda Síochána. The first priority is to ensure that no vulnerable adult is exposed to unnecessary risk. Presentation Sisters, as employers, will, as a matter of urgency, take any necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee/volunteer financially or otherwise, unless necessary to protect any vulnerable adults. Where protective measures penalise the employee/volunteer it is important that early consideration be given to the case. Any action taken should be guided by agreed procedures, the applicable employment contract and the rules of natural justice. The Designated Liaison Person should be informed about the allegation as soon as possible. When Presentation Sisters become aware of abuse of a vulnerable adult by an employee/volunteer during the execution of that person's duties, the local leader will inform the employee/volunteer of the following:

- I. The fact that an allegation has been made against him or her
- II. The nature of the allegation.

The employee/volunteer will be afforded an opportunity to respond. The local leader will note the response and pass on this information if making a formal report to the relevant Safeguarding and Protection Team within the HSE. Everyone will take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by the relevant Safeguarding

and Protection Team within the HSE or An Garda Síochána. The local leader will maintain a close liaison with the statutory authorities to achieve this.

The local leader should be notified of the outcome of an investigation and/or assessment. This will assist her in reaching a decision about the action to be taken in the longer term concerning the employee.

Note: The reporting procedure in respect of the vulnerable adult will be dealt with by the Designated Liaison Person unless there is any reason why this is not possible. In the event that it is not appropriate for the Designated Liaison Person to carry out the responsibilities above, the local leader will designate an appropriate person to do so

RECRUITMENT AND TRAINING

A thorough and clearly defined method of recruiting staff and volunteers is vital. The following elements should be in place:

- An application form that includes past work and volunteering
- A role description and a code of conduct
- Two written references
- A Confidential Declaration Form requesting information on previous convictions and investigations must be completed
- A Verification of Identity Form must be completed
- A Vetting check must be undertaken
- All staff and volunteers must attend an induction session and a safeguarding training session

VETTING

All staff and volunteers shall be Garda vetted prior to commencement of employment/voluntary work.

INTIMATE CARE

All Presentation personnel shall respect the privacy and dignity of all persons, including vulnerable adults. Presentation personnel shall only provide intimate care when it is acceptable to all persons concerned. It is very important for staff to introduce themselves, explain who they are, what they are doing and why they are doing it. Communication is essential so that misinterpretations do not occur. Vulnerable adults should not be uncovered unnecessarily during intimate care. Staff shall knock on toilet and bathroom doors and wait a reasonable time for a response before entering.

NOTIFICATION

- A. **An Garda Síochána** must be informed if it is suspected that the concern or complaint of abuse may be criminal in nature.
- B. **HIQA** In designated centres there is a requirement for the person in charge of a designated centre to report in writing to the Chief Inspector (HIQA) within 3 working days any adverse incident when the injury is deemed to be a consequence of an alleged, suspected or confirmed incident of abuse.
- C. **HSE Good Faith Reporting.** The HSE has a Good Faith Reporting Policy for employees who do not wish to make a protected disclosure. (Good Faith Reporting Policy, 2009)
- D. **Protected Disclosures** Section 103 of the Health Act 2007 and the Protected Disclosures Act 2014 provide for the making of protected disclosures by health service employees. If an employee reports a workplace concern in good faith and on reasonable grounds in accordance with the procedures outlined in the legislation it will be treated as a 'protected disclosure'. This means that if an employee feels that they have been

subjected to detrimental treatment in relation to any aspect of their employment as a result of reporting their concern they may seek redress. In addition, employees are not liable for damages as a consequence of making a protected disclosure. The exception is where an employee has made a report which s/he could reasonably have known to be false. When someone has a safeguarding concern, they may not feel that they can express their concerns because it may be seen as disloyal to individuals they have known for a long time or to colleagues that they work or volunteer with. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Where there is consistent malpractice or failure to take steps to remedy a situation, it may be necessary to avail of the whistleblower policy.

- E. In certain limited circumstances, an employee may make a protected disclosure to a Scheduled body or a professional regulatory body.

National Contacts for Safeguarding and Protection Teams within the HSE – see

http://www.hse.ie/eng/services/list/4/olderperople/elderabuse/Protect_Yourself/Protect.html

Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012

Presentation Sisters understand that failure to record, disclose and share information about alleged abuse is a failure to discharge a duty of care and that it may be an offence under the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 to withhold information in such instances.

