

The Catholic Institute for Deaf People

Protection of Vulnerable Adults Policy

September 2008

1 Policy Statement

The Catholic Institute for Deaf People (CIDP) believes that abuse, neglect and mistreatment within its services are unacceptable in all circumstances. This policy addresses CIDP's commitment to safeguarding the welfare of all people using its services by outlining the right relationship that should exist between people to prevent abuse from taking place within its services.

2 Underpinning Values

All our work with vulnerable adults is underpinned by a set of values, which supports all individuals. These are:

- To live in safety without fear of violence or abuse of any form
- To be treated with respect and to receive the same protection for themselves and their property as any citizen
- To be supported in making decisions about how they would like an alleged incident of abuse to be managed
- To have alleged, or suspected or confirmed cases of abuse investigated urgently
- The provision of counseling, therapy and treatment following abuse
- Reporting the circumstances of any abuse to the Gardai

3 Definitions

A 'Vulnerable Adult' is a person aged 18 or older who, by reason of mental or other disability, age or illness is, or may be unable to take care of him or herself, or unable to protect him or herself against 'significant harm' or 'exploitation'.

Abuse is defined as:

The physical, psychological, emotional, financial or sexual maltreatment or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time, it may take one form or a multiple of forms. 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/persons, in breach of that trust who have an influence over the life of a dependant, whether they be formal or informal carers, staff or family members or others. It can also occur outside such a relationship.

4 Purpose of this Policy

This policy forms part of CIDP's Framework for the Protection of Children and Vulnerable Adults. The aim of the policy is to:

- Outline the elements of the relationship between CIDP and service users
- Outline the roles and responsibilities of all people working in CIDP services in protecting and maintaining the safety of people who use these services
- Protect people living in and using CIDP 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

5 Scope of this Policy

This policy covers the safeguarding and protection of all people using CIDP services for adults. It also addresses the reporting and management of allegations of abuse of people who use CIDP services which 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
- Agency staff from outside CIDP
- Contractors

This policy also covers abuse by a person using a CIDP service against another person who uses the service and instances where a person using a CIDP service may be abusive towards a staff member. All staff and people using CIDP 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 and to recognise abuse and neglect of people using CIDP services and of their duty to report and raise their concerns at an early stage.

6 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.

7 Right Relationship

Like all of us, how people with disabilities are perceived, valued and treated by others affects their well being. 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 CIDP services, the right relationship is underpinned by our values as outlined above. The right relationship is dependent on the following core elements being present for people using CIDP services:

- Protecting, protecting 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 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 services are more vulnerable and exposed to abuse, neglect and mistreatment.

8 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. Appendix 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.

9 Duty of Care

The CIDP's duty of care is based on legislation and in particular on the Irish Constitution (1937). The sections most relevant are:

40.3.1 The State guarantees in its laws to respect, and as far as practicable by its laws to defend and vindicate the personal rights of the citizens

40.3.2 The State shall, in particular, by its laws protect as best it may from unjust attack, and in the case of injustice done, vindicate the life, person, good name and property rights of every citizen

40.4.1 No citizen shall be deprived of his personal liberty save in accordance with the law

45.4.1 The State pledges itself to safeguard with especial care the economic interests of the weaker sections of the community, and where necessary, to contribute to the support of the infirm, the widow, the orphan and the aged. (Directive Principles of Social Policy)

In addition to the Constitutional requirements the National Quality Standards for Residential Care Settings for Older People in Ireland published by the Health Information and Quality Authority contain a section on Protection which states that each resident is protected from all forms of abuse and that each resident's finances are safeguarded.

The protection of vulnerable adults is everybody's business. Employees of the CIDP are required to promote the highest attainable levels of care for all persons in receipt of services.

10 Barriers to Detection

Respecting the rights, privacy and autonomy of people using CIDP services is a fundamental requirement of all CIDP staff. Acting with a person's consent whilst also respecting their confidentiality and individual identity is a core principle of the protection of vulnerable adults 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 lack of capacity to report
- A fear of the abuser
- A fear of having to leave their home
- A lack of awareness that what they are experiencing is abuse
- A lack of awareness of help available or how to access this help
- A lack of financial resources

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.

11 Ethical Issues

Service user autonomy is central to the code of practice for all care professionals i.e. professionals can only act with consent and must also respect confidentiality. When a vulnerable adult refuses services, it is recognised that there is a potential conflict between ending the harm and respecting the right to self determination and this can be difficult to resolve.

The decision making process which culminates in an intervention is complex.

The duty of care professionals may require them to report incidents of abuse to the relevant authorities. In some circumstances, it may be necessary for professionals to override the wishes of the vulnerable adult in order to prevent serious harm or injury. Where criminal behaviour is suspected and where there is reasonable evidence that a client is being abused, consideration will be given to reporting the matter to An Garda Síochána and to provide the Gardai with all of the information available relating to such allegations. Reasonable evidence must be produced to support any such referrals and no one will act arbitrarily, unreasonably or without due cause. Where possible the need for Garda involvement will be explained to the service user and consent obtained. Counselling and support will be provided to the service user where necessary. Whatever decision is made the service user must feel supported.

12 Whistleblowing

The CIDP 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 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 CIDP. (See CIDP Whistleblowing Policy)

Every effort will be made to ensure that the identity of the Whistleblower is kept confidential. However, it must be appreciated that an investigation process may reveal the source of the information. If it becomes necessary to reveal the person's identity 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. CIDP 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.

13 Schedule of Responsibilities

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

14 Implementation and Review

CIDP will ensure that all staff will receive information, training and support in exercising their responsibilities and obligations in protecting people who use CIDP services, to enable the prevention, detection, reporting and responding to allegations, reports or suspicions of abuse and/or neglect of people who use CIDP services.

This policy and supporting procedures and guidelines will be reviewed every two years.

15 Monitoring and Evaluation

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

16 Approval of The Board of Directors

This policy and supporting operating procedure and guidelines has been approved in principle by the Board of Directors in May 2008.

Appendix 1 Types of Abuse, Definitions and Indicators

Introduction

CIDP acknowledges that some people with physical disabilities can potentially be more vulnerable than others to abuse. CIDP 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 alert people to possible abuse.

Physical Abuse

Definition: Physical abuse is the control by violence or battery of another person or threat to use such means. It includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

Indicators

These include:

- Bruises
- Lacerations
- Abrasions
- Scratches
- Burns
- Sprains
- Dislocations
- Marks left by a gag
- Hair loss
- Missing teeth
- Eye injuries
- Fractures

Sexual Abuse

Definition: Sexual abuse is the domination and control of the body of the victim. It includes rape and sexual assault, or sexual acts to which the vulnerable adult has not consented, or could not consent to, or where he/she was compelled to consent.

Indicators include:

Sexually transmitted infections and human bite marks

Non physical indicators include:

- Noticeable and uncharacteristic change in behaviour
- Hints about sexual activity
- Inappropriate seductive behaviour
- Sexually aggressive towards others
- Unusual reluctance to join in activities involving undressing
- Clinging
- Isolation
- Nightmares
- Phobias
- Depression
- Eating and sleeping disorders
- Fear of being left alone with a particular person (family, staff, others)

Psychological Abuse (including emotional abuse)

Definition: This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling intimidation, coercion, harassment, verbal abuse, isolation or withdrawal of services or supportive networks.

Indicators include:

- Demoralisation
- Depression
- Feelings of helplessness/hopelessness
- Disrupted appetite/sleeping patterns
- Tearfulness
- Excessive fears
- Agitation
- Resignation
- Confusion
- Unexplained paranoia
- Strong ambivalent feelings towards someone

Financial or Material Abuse

Definition: This includes theft, fraud, exploitation, pressures in connection with wills, property, inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits.

Indicators include:

- Unexplained or sudden inability to pay bills
- Unexplained or sudden withdrawal of money from accounts
- Funds diverted to someone else's use
- Damage to property
- Unexplained disappearance of possessions
- No funds for food, clothes or services
- Refusal to spend money
- Disparity between living conditions and assets
- Extraordinary interest by family member in older person's assets
- Making dramatic financial decisions

Neglect and Acts of Omission

Definiton: This includes ignoring medical or physical needs, failure to provide access to appropriate health, social care or educational services, or withholding the necessities of life, such as medication, adequate nutrition and heating.

Indicators include:

- Dehydration
- Malnutrition
- Inappropriate clothing
- Poor hygiene
- Unkempt appearance
- Under or over medicated
- Unattended medical needs

- Exposure to danger and/or lack of supervision
- Absence of required aids e.g. glasses or dentures
- Pressure sores

Institutional Abuse

Definition: Inappropriate practices or systems employed by or within the organisation which deny people using the service, their right to choice, privacy and independence.

Indicators

These include:

- 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

These also include:

- Poor record keeping i.e. reports /records unavailable
- Failure to account for incidents/accidents and falls etc
- Unsatisfactory response to complaints
- Service users appearing frightened/depressed/ anxious
- Staff ordering people around or shouting at them
- Poor moving and handling practices
- Lack of stimulation in daily activity
- Service users reluctant to talk about their care, visitors/visiting professionals made to feel uncomfortable and unwelcome and lack of opportunity to see service user alone
- Locks/ties on the outside doors, ties on chairs
- Furniture in rooms positioned to restrict movement
- Clothing dirty
- Poor drug administration systems

Appendix 2 Schedule of Responsibilities

Person

People who use services

Area of Responsibility

- Have information on and understand your rights
- Be actively involved in appraising the quality of services provided
- 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

Person

Employees and Volunteers

Area of Responsibility

- Maintain the safety and well being of people who use CIDP services at all times
- Be aware that you have a 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 CIDP services in understanding their rights and of the Protection of Vulnerable Adults Policy and what constitutes abuse
- Make clear and detailed written records when abuse is disclosed, witnessed or alleged

Person

Service Managers

Area of Responsibility

- Actively promote safeguards to protect users of CIDP 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 CIDP services and all staff and volunteers and that the appropriate training and support is provided
- Conduct preliminary investigation of any allegation or suspicion of abuse
- Deploying staff in a way that deters collusive relationships and opens up opportunities for disclosure
- Notifying the Chief Executive Officer of CIDP of any allegation or suspicion of abuse

Person

Chief Executive Officer

Area of Responsibility

- Promote individual and organisation safeguards to protect people
- Address gaps in protection safeguards across all services
- 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
- Monitor the implementation of this policy and supporting procedures and guidelines
- Ensure staff recruitment, selection, deployment, training and support is in line with good practice and HR policies
- Undertake investigations into allegations of abuse
- Report allegations of abuse to external agencies (Health Board, Gardai where appropriate)
- Review the implementation of the Protection of Vulnerable Adults 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 CIDP services
- Identify and address with Managers and staff poor practices and make clear to staff what is expected

- Ultimate accountability for the implementation of this policy and supporting procedures and guidelines rests with the Chief Executive Officer on behalf of the Board of Directors. The Chief Executive Officer shall be responsible for ensuring that CIDP has proactive management and good systems and processes in place to safeguard and protect all people who use CIDP services.
- Inform the Board of Directors of incidents of abuse

Person

Board of Directors

Area of Responsibility

To approve this policy and resource the implementation of supporting procedures and guidelines. The Chairperson of the Human Resources Committee of the Board of Directors (currently Mr. Aidan O'Mara) has the responsibility to deal with any concerns or complaints about the actions of the Chief Executive Officer.