Kent and Medway Multi-Agency Safeguarding Vulnerable Adults

Additional Guidance to Support Agencies and Services to Respond to Abuse of Vulnerable Adults by Other Vulnerable Adults

For staff in all agencies and services working with Kent and Medway Social Services to protect vulnerable adults

updated January 2012
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Any issues arising from the contents of this document may be addressed to:

**Safeguarding Adults at:**

Kent County Council  
Social Services Directorate,  
Sessions House,  
County Hall,  
Maidstone, ME14 1XQ  
Tel: 01622 671411  

Medway Council  
Gun Wharf,  
Dock Road,  
Chatham, ME4 4TR  
Tel: 01634 306000
WHAT SHOULD WE DO IF A VULNERABLE ADULT ABUSES ANOTHER VULNERABLE ADULT?

1. PREFACE

The contents of this document have been agreed through the Kent and Medway Multi Agency Adult Protection arrangements. It is intended to provide additional guidance to agencies and service providers who work with vulnerable adults. It should be read in conjunction with the Kent and Medway Multi Agency Adult Protection Policy and Protocols and Guidance.

The Department of Health published a document entitled 'No Secrets' in March 2000 this provided definitions of what constitutes abuse and these definitions are included in the Multi Agency Adult Protection Policy for Kent and Medway. The Multi Agency Protocols, section 4.5 provide detailed guidance about the steps that should be taken when reports, concerns or disclosures of abuse are made. All agencies and organisations that contract with Kent, Medway or Kent Health Services must comply with the policy and protocols and have an internal policy and procedures which relate directly to the multi agency documents.

This document should also be read in conjunction with Untoward Incident Reporting Procedures, Care Programme Approach/Risk Assessment Procedures and the model for investigation that is contained within the Department of Health document ‘Building a Safer NHS’.

2. WHAT DOES THIS GUIDANCE COVER?

This document provides guidance to agencies and managers who have to address adult protection concerns raised when one vulnerable adult abuses another. It aims to provide advice about:

a) Reporting concerns outside your service i.e. To social services or to the police.

b) When it is appropriate to address the concerns within the organisation.

c) Sharing information in the best interests of the victim(s), confidentiality not secrecy.

d) The decision making process regarding the actions to be taken to support and protect both the victim and the alleged perpetrator
3. WHAT DO WE KNOW ABOUT THIS TYPE OF ABUSE?

This guidance takes as its starting point an agreement that all abuse is serious and needs to be recognised. This will mean addressing what may have become culturally acceptable behaviour; this could be an acceptance that vulnerable adults abuse each other, or come from settings where behaviour and/or attitudes, which we now agree to be abusive, were accepted and condoned by staff and/or vulnerable adults. When vulnerable adults are subject to sections of the Mental Health Act 1983 or to the Mental Capacity Act 2005 or to the criminal justice system, they are still entitled to be both protected from abuse and prevented from abusing other vulnerable adults.

Research has shown that where this kind of abuse is ignored or not addressed appropriately, the victims may suffer mental health problems, low self esteem and may also become perpetrators of abuse against others.

4. WHAT ARE MY RESPONSIBILITIES?

Agencies and services who provide support to vulnerable adults who present a wide range of challenging behaviours have a responsibility to protect them from abuse as well as preventing them from abusing other vulnerable adults.

Many provider organisations have become accustomed to responding to incidents of vulnerable service users who abuse other service users, internally. This has meant that regulatory, contract and commissioning agencies for both the victim and the perpetrator may not have not been informed of the concerns, or been given an opportunity to engage in decision making around the issues. It has also resulted in the multi agency adult protection protocols being ignored and abuse that may also constitute a criminal offence not being addressed.

When a vulnerable adult has been placed with a service, that service has an obligation to ensure that they are provided with support appropriate to their needs.

Organisations that aim to provide support to service users who have challenging behaviour need to have an understanding of the history and needs of the user to ensure that they are able to both protect them from abuse and prevent them from abusing other vulnerable adults within the service. The organisation must carry out a pre-placement assessment to ensure that they are able to meet the needs of the service user and develop a care plan to meet those needs.

Zero tolerance. An acceptance by the service of low level abuse/bullying from whatever source will ultimately, if allowed to continue lead to a culture that is damaging to all vulnerable adults and to staff.

It is important therefore that all instances of abuse are recognised and addressed in the most appropriate manner.
Clearly it is not necessary or desirable for every instance of abuse to be reported through formal adult protection processes. It is however important that they are recognised as abuse and dealt with appropriately.

5. HOW SHOULD WE SHARE CONFIDENTIAL INFORMATION?

Service providers hold information about service users, which would normally be regarded, as confidential. The organisation should have policies and safeguards about sharing this. Most information will also be subject to the Data Protection Act 1998. However, concern about the abuse of the vulnerable adults provides sufficient grounds to share information on a ‘need to know’ basis and/or if it is in the public interest. Unnecessary delays in sharing information should be avoided. Principles governing the sharing of information are discussed in section 6.1 of the Multi Agency Protocols and include:

- Sharing information on a ‘need to know’ basis when it is in the best interests of the service user(s).
- Not confusing confidentiality with secrecy.
- It is inappropriate to give assurances of absolute confidentiality where there are concerns about abuse, particularly in those situations when other vulnerable adults may be at risk.
- The purpose of adult protection is to secure or return the vulnerable adult’s autonomy. If the adult has capacity and they are not being unduly pressurised or intimidated they may ask you not to intervene. Their wishes should be respected but this does not remove your responsibility to report any concerns, and where appropriate, for an investigation to be carried out in any situations where other vulnerable adults may be at risk. In order to be sure that the vulnerable adult is deciding for himself/herself it may be necessary to create a safe place to consult the person about their wishes.

6. WHAT FACTORS SHOULD WE CONSIDER?

In deciding who should address each incident, consideration should be given to the following:

- The extent of the abusive act(s).
- Whether the abuse was a one-off event or part of a long-standing relationship or pattern.
- The impact of the abuse on the adult client who has been victimised.
- The impact of the abuse on others.
- The intent of the alleged person responsible for the abuse.
- The illegality of the alleged perpetrator’s action.
- The risk of the abuse being repeated against this adult client.
- The risk of the abuse being repeated against other vulnerable adults.
If you are unsure of the appropriate action please see section 4 of the protocols, which advises you to contact the local social service office for a consultation.

This consultative process is there to support you in your decision making. Additional support for the decision making process is provided in section 4.5 of the Protocols.

The following guidance outlines what may be appropriately dealt with in-house, what needs referring to Kent or Medway Social Services for investigation/assessment and what should immediately be reported to the police.

7.1 Internal
There are some adult protection concerns that are raised and acknowledged as such by the management of the organisation, which may be appropriately dealt with internally. This may include a disagreement between two service users, where neither is deemed to be particularly vulnerable to the other. This may be verbal, pushing or shoving, but where there is deemed to be an equal power relationship. However it is important to recognise that any kind of bullying may be considered by the victim as abusive and therefore should be recognised as such.

Any abusive incident must be fully recorded so that it is acknowledged that this has happened. Following internal discussion or consultation with social services, you may decide that you do not need to make a referral at this stage. You should record the outcome of these discussions together with a note of any advice provided. This incident must be reported to the relevant care manager/funding authority immediately, with acknowledgement that you consider this warrants an internal response. If they disagree with this decision then alternative action may be indicated, e.g. Referral to Kent or Medway Social Service Directorate’s local office under the adult protection protocols or intervention by the funding/commissioning agency.

Following an internal investigation/assessment of the case, records must show what actions were taken and by whom, and the outcome. Specific reference must be made to risk assessment and any additional protective responses necessary for both the victim and the perpetrator. Records should be available to the Regulatory Authority, Contract and Commissioning staff.

7.2 Referral to Social Services Department
Where the adult protection concern was immediately considered to be serious or following consultation with the local social services office, internal processes were not considered appropriate, a formal referral under the Adult Protection Protocols should be made to Social Services in Kent or Medway. If it is possible that the abuse might also constitute a criminal offence, social services will contact the police. You should inform the regulatory authority and the service users’ funding authority(s) of your actions. See section 4.5 of the Multi Agency Protocols, which provides some additional support for this process.
7.3 Referral to Police
Where initial reports of abuse immediately indicate that a criminal offence has been committed, you should contact the police direct. If immediate assistance is required dial 999 or contact the police force control centre on 01622 690690 or you may dial 101 and you will be connected to Kent Police control Centre. You should also contact the local social service office and the service user(s) funding authority and well as the regulatory authority as a matter of urgency.

8. HOW SHOULD VULNERABLE ADULTS BE SUPPORTED?

Adult protection alerts can result in a variety of actions that affect victim, alleged perpetrator, service or setting, families and/or carers. However the adult protection process was managed, if post abuse issues are not considered much of the effectiveness of the work will be jeopardised. Any post abuse care plan may have cost implications, these need to be discussed and agreed by funding agencies. It is important that the people/agencies responsible for any part of the care plan are clearly identified. The following points might assist in considering a post abuse care plan for actions/support work that may be required:

8.1 For the Victim

- **Practical**: domiciliary support, closer oversight/monitoring, alternative accommodation, day care, respite care, residential/nursing care, adaptations or aids, advocacy, medical treatment.
- **Emotional**: victim support, psychology, counselling, therapy, psychiatric assessment/treatment.
- **Legal/Financial**: money advice, legal advice re criminal/civil injury compensation, preparation for court.
- **Educational**: assertiveness training, sexuality and relationship training, social skills training, understanding what is abuse and protective measures for the future, to understand the implications of making unfounded accusations.

8.2 For the Perpetrator

- **Practical**: domiciliary, respite or day care, longer term residential care, additional/closer monitoring and or supervision, alternative accommodation, adaptations/aids, help with housing.
- **Emotional**: group support, counselling, advocacy, psychiatric/psychological input. Special support if they have been wrongly accused of abuse.
- **Legal/Financial**: legal advice, money advice/debt counselling.
- **Educational**: sexuality and relationships training, understanding about issues of abuse, support to develop social skills.
Other steps may be taken against a perpetrator who is also vulnerable and may be a service user. These include prosecution or action under the Mental Health Act or the Mental Capacity Act. These actions may require input from mental health services and or psychological services to determine an appropriate course of action.

9. WHAT CAN WE LEARN FROM ADDRESSING ALLEGATIONS OF ABUSE?

- Could this incident have been avoided?
- Have we reviewed management and practice to protect vulnerable people in the future?
- Were other vulnerable service users or staff at risk?
- Did we take the appropriate action at the right time?
- Did we receive the support we needed?
- Have risk assessments been undertaken?
- Did we consider the needs/rights of both victim and perpetrator?
- Have we recorded the actions taken appropriately?
- Have we revised care plans and set reviews?
- What have we learnt and what would we do differently next time?