

## Galway County PPN Vulnerable Adults Policy

Galway County Public Participation Network is committed to safeguarding the well-being of all those who participate in Galway County PPN events in all/any locations and venues these take place.

All Galway County PPN staff and volunteers have a responsibility to adhere to this policy.

### **Safeguarding Vulnerable Adults**

This document sets out the requirements for working with vulnerable adults at Galway County Public Participation Network in accordance with the Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures, published by the Health Service Executive. The Designated Liaison Person, responsible for dealing with any concerns or reports regarding the safeguarding of Galway County PPN participants is the PPN Support Worker.

### **Contents of this Policy are:**

1. Definition of a vulnerable adult
2. Key principles in vulnerable adult protection and welfare
3. Identifying Abuse
4. Responding to and reporting vulnerable adult protection concerns
5. Mandatory Reporting
6. Consent
7. Record Keeping
8. Recruitment and Selection
9. Management and Supervision
10. Galway County PPN Code of Behaviour

## 1. Definition of a vulnerable adult

A vulnerable adult is a person aged 18 years or over who may require assistance to care for themselves or protect themselves from harm or from being exploited. This may be because they have a disability (either intellectual or physical, or relating to mental health), a sensory impairment, are older and frail, or have some other form of illness.<sup>1</sup>

Definition of a vulnerable person for the purposes of Garda vetting: The Garda Vetting Bureau (children and vulnerable persons) Act 2012 defines a vulnerable person as a person, other than a child, who.

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability, which is of such a nature or degree—
  - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Vulnerable persons are protected under law in certain legal acts.

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<sup>1</sup> Important to note: Galway County PPN recognises that no adult is inherently vulnerable. Rather, some groups have been arbitrarily ascribed a special status, by labelling them as vulnerable through external actors. This has had stark consequences in the treatment of people regarded as 'vulnerable' by systems, behaviours and practices that have governed traditional care settings. As a label, the word 'vulnerable' is not unproblematic and is therefore regarded in the disability advocacy movement, amongst other advocate groups, as disempowering. This is because by labelling somebody as 'vulnerable', their agency and decision-making capabilities have traditionally been denied. Moreover, identifying the focus of vulnerability to lie in people, as opposed to external actors or situations, fails to recognise the action needed to be taken to eradicate the harmful situation and thus eliminate the root of danger or insidious circumstances. Galway County PPN believes that every person is able to determine what is right for them and make choices based on their wishes, regardless of the means by which these are communicated.

Incidents of physical and sexual assault, fraud and financial exploitation are crimes and should be reported to the Gardaí and have certain implications where persons labelled 'vulnerable' are involved.

In the case of sexual offences involving people with disabilities, specific provision is contained in Section 5 of the Criminal Law (Sexual Offences) Act 1993. Ireland is also a signatory to the UN Convention on the Rights of Persons with Disabilities (2006) which contains many rights of persons with disabilities and duties upon the Irish State to ensure these rights are respected, fulfilled and protected. This includes the right to be safe and free from harm (Article 14), and the right to have their choices respected (Article 12).

Abuse of vulnerable adults can constitute 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. For more information see the HSE's policy titled: *Safeguarding Vulnerable Persons at Risk of Abuse, National Policy & Procedures (2014)*.

## 2. Key principles in vulnerable adult protection and welfare

**Citizenship\*** confers a status on an individual whereby their fundamental right to dignity and respect and other basic human rights, as well as their rights to participation in society are upheld. This protection and respect for human rights is supported by the Constitution, by Ireland's human rights treaty commitments and by the laws of the State.

**A Person centred approach.** Person centeredness is that principle which places the person at the heart and centre of any exchange regarding the provision or delivery of a service. Services are organised around what is important to the person from their perspective.

**Empowerment** is that principle which recognises the right of the individual to lead an independent life, based on their wishes and choices and that supports the individual in every practical way to realise that right.

**Promoting Self-direction.** This action is based on the recognition of the right of every individual to self-determination, even where this entails risk. Abiding by this principle

means ensuring that risks are recognized, understood and minimised as far as possible, while supporting the person to pursue their wishes and preferences.

\* Citizenship is understood to include all inhabitants of the State.

### 3. Identifying Abuse

Vulnerable adult abuse is any mistreatment that violates a person's human and civil rights. The abuse can vary from treating someone with disrespect in a way which significantly affects the person's quality of life, to causing actual physical suffering.

A vulnerable adult may be subjected to more than one form of abuse simultaneously.

**Physical** abuse may comprise hitting, pushing, pinching, shaking, misusing medication, scalding, restraint, hair pulling.

**Sexual** abuse may include rape, sexual assault, or sexual acts to which the vulnerable adult has not consented, or to which they were coerced into consenting.

**Psychological or emotional** abuse may include threats of harm or abandonment, being deprived of social or any other form of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, being prevented from receiving services or support.

**Financial or material** abuse may include theft, fraud or exploitation, pressure in connection with wills, property, or inheritance, misuse of property, possessions or benefits.

**Neglect** may also constitute a form of abuse and can include ignoring medical or physical care needs and preventing access to health, social care or educational services or withholding the necessities of life such as food, drink and heating.

**Discriminatory** abuse may include such as that based on race or sexuality or a person's disability and other forms of harassment or slurs.

**Institutional** abuse describes systemic and systematic abuse and abusive practices that occur in and through institutions and their staff. This can occur in residential homes, nursing homes, hostels, holiday centres or hospitals when people are

mistreated because of poor or inadequate care, neglect and poor practice that affects the whole of that service.

**Domestic** abuse refers to the use of physical or emotional force or threat of physical force, including sexual violence in close adult relationships. This includes violence perpetrated by a spouse, partner, son or daughter or any other person who has a close or blood relationship with the victim. The term 'domestic violence' goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other potential sources of support; threats to others, including children; stalking; and control over access to money, personal items, food, transportation and the telephone.

**Elder Abuse** is defined as 'A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights'. 65 years of age is taken as the point beyond which abuse may be considered to be elder abuse. Concerns in relation to elder abuse should be reported to the relevant Public Health Nurse or to the HSE Senior Case Worker for the Protection of Older People.

#### **4. Responding to and reporting vulnerable adult protection concerns**

If you are concerned about the protection or welfare of a vulnerable adult, contact the Designated Liaison Person (DLP). Each care, health or public service setting is required to appoint a DLP for this purpose. Each setting is required to make the DLP clearly identifiable.

When the DLP receives a report about alleged abuse, they should consider the wishes of the alleged victim, draw on the facts of the case and judge whether there are reasonable grounds for reporting to the incident to the Statutory Authorities (where Under 18s are concerned there is a statutory obligation to report every incident).

This step includes:

- Clarifying or getting more information about the matter;
- Consulting with the vulnerable adult to hear their wishes etc.;
- Where there is any doubt or uncertainty, consulting with the Statutory Authorities to obtain their advice on the situation;
- Making a formal referral to the Statutory Authorities

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

However, these suspicions will be recorded or noted internally by the Designated Liaison Person, as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for Statutory Authorities.

A full written record of all decisions will be maintained by the Designated Liaison Person. In an emergency, where a person is at immediate risk, you should contact the Garda Síochána or Emergency Services on 999 or 112.

Confidentiality: All information concerned with the identification and reporting of vulnerable adult abuse is subject to best practice guidance on confidentiality. At all times the consent of the victim should be sought prior to disclosing information to another agency / Statutory Authorities, this requirement is moot in cases concerning children.

## **5. Mandatory Reporting**

Beyond the scope of this guidance document, all citizens should be aware that it is a legal requirement throughout Ireland for any person who knows or believes that a serious offence has been committed including an offence relating to Rape, Sexual Assault and False Imprisonment to report such information to An Garda Síochána and it is an offence not to do so where that failure cannot be reasonably excused, (Criminal Justice Act (Withholding Information of Offences against Children and Vulnerable Persons Act), 2012). in developing in detail the implementation process of any guidance adopted.”

## **6. Consent**

The consent of the vulnerable adult should be sought prior to reporting any matter to the civil authorities and onto family and care service providers. Sometimes adults do not want civil authorities to take action to investigate or protect them from harm; People have a right to make such choices about

reporting; however, if a criminal act is suspected, it must be reported to the civil authorities.

If upon receipt of the concern, where the vulnerable adult does not give consent to reporting, and it is not clear that a criminal act has taken place, and where the designated person believes that others may also be at risk of harm, consultation should take place with the civil authorities as to the best course of action, in the absence of consent from the alleged victim. In considering the capacity of the vulnerable adult to give consent, the following factors should be taken into account:

- It has clearly been explained to the victim in a manner which best suits their method of communication, what is being asked of them
- Sufficient information is given, in a way that the person understands, to enable him/her to make an informed decision
- Consent is not received through any form of coercion. If it has not been possible to ascertain what the alleged victim's decision, choice or preference is, discussions should take place with their carer/guardian/close family about reporting concerns/allegations and, where appropriate, discussions should also take place with any medical or social work personnel. In certain instances the adult in question may wish to appoint a person to support them in making their decision.

## **7. Record Keeping**

It is essential the DLP person keep contemporary records of all safeguarding concerns – this will include contacts, consultations and any actions taken.

All records relating to any incidents concerning protected persons, such as records of concerns, allegations or disclosures or reports to statutory authorities should be kept in a safe and confidential manner.

- Paper records should be stored in locked filing cabinets with restricted access.
- Records held on PCs, servers or mobile devices should be encrypted and password protected.

As regards the retention of records normally all protection reporting records are held in perpetuity.

## **8. Recruitment and Selection**

Safe recruitment is an integral part of good safeguarding practice. In addition to standard good HR practice, it should include:

- Seeking Garda vetting, and police clearance for other jurisdictions, and developing criteria on decision making regarding suitability in the event of disclosures
- Specific factors which would exclude applicants from working in the organisation
- Contracts agreed by management and workers with an agreement that that worker will comply with the organisation's protection and welfare policies
- All workers will receive induction in the vulnerable adult safeguarding policy and regular refresher or updating training will be provided as required
- All staff whose roles include or could potentially include contact with a varied group of people will receive appropriate safeguarding training, approved to national standards

## **9. Management and Supervision**

All staff and volunteers whose roles or duties include or may include contact with vulnerable adults will receive appropriate support and supervision from their line manager or other appointed manager.

Allegations against Galway County PPN personnel and volunteers: Should an allegation of abuse or inappropriate conduct in relation to a vulnerable adult be made against a Galway County PPN employee or volunteer, the following procedure will be followed:



1. The standard reporting procedure as above will be initiated on notification of the allegation, by the DLP, or by the Chairperson, as appropriate. The safety and welfare of the vulnerable adult is the foremost consideration and any necessary protective measures, proportionate to the risk will be taken (e.g. staff member removed from duties. All involved, parents / carers (including service providers) will be kept informed of steps taken as above.
2. The PPN Resource Worker (or member of the PPN Secretariat) will be appointed to advise the staff member or volunteer that an allegation has been made against them and the nature of the allegation. The person will be afforded an opportunity to respond.
3. The person will be informed that a report will be made to the statutory authorities and that Galway County PPN will cooperate fully with any assessment or investigation that ensues. This should be undertaken without delay.
4. The Designated Liaison Person/ Rotating Chair will liaise closely with investigating bodies (HSE / An Garda Síochána) to ensure that actions taken by the organisation do not undermine or frustrate any investigations.
5. These steps will be followed with due regard for privacy and fair procedure of the individual involved.

Following advice from the statutory authorities an internal investigation under Galway County PPN's Complaints/Grievance Policies or Galway County Council's disciplinary procedures may be undertaken

## **10. Galway County PPN Code of Behaviour**

The Galway County PPN code of conduct must be adhered to by all staff (whether full-time or part-time) or volunteers (whether full-time or part-time) at all times during events and activities. This can help to minimise the risk of harm or abuse to all and any persons involved and help protect all staff and volunteers from unfounded accusation.

*This code of conduct sets out that:*

- The safety of all participants is paramount and must be our first consideration in any contact with them
- We respect the rights, dignity and worth of every participant, and treat each one equally regardless of age, gender, ability, ethnic origin, cultural background or religion
- Physical or verbal interactions with participants should never be punitive, aggressive, embarrassing or humiliating
- When meeting vulnerable adults for the first time, we introduce ourselves and explain in appropriate language, who we are and what the purpose of the interaction is
- We respect the ethos and practices of any service you visit

*Staff/Volunteers must NOT:*

- Spend excessive amounts of time alone with any one person and should endeavour to avoid situations where this may arise
- Engage in games of a physical nature unless as vital elements of drama/art workshops or structured outdoor activities. In the planning of drama/art workshops and outdoor activities, staff/volunteers should assess the appropriateness of these activities given the composition of the target group
- Engage or allow inappropriate physical contact with, or make sexually suggestive comments to any person involved
- Spend time or meet with persons labelled as 'vulnerable adults' outside of services
- Perform tasks, involving physical contact, for vulnerable adults which they are capable of doing themselves, at all times respecting the dignity of the person
- Take or publish photographs of participants involved in activities without explicit consent (and also in keeping with policies of partner services and organisations)

*Staff/Volunteers must ensure that:*

- Any necessary meetings with anyone should be conducted as openly as possible with the awareness of other staff, volunteers
- Should any meetings be deemed to require privacy, doors to the rooms where the meetings are conducted must remain open

All of the above apply whether activities or events are conducted in any premises or venues both indoor and outdoor, as well as during travel to and from any other premises/venues, as part of Galway County PPN's activities or events.

If you think you may have caused offence, however unintentionally, acknowledge and offer an apology or explanation as soon as possible.

Should you observe or witness any action, behaviour or symptoms that indicate a concern in relation to a vulnerable person's safety or welfare, report the matter, in the first instance to the service manager and advise them of your obligations under this policy. Note the concern and report to the DLP at the first opportunity.

Provided that all Galway County PPN policies and procedures are adhered to, it is the wish of Galway County PPN staff members that staff and volunteers encourage vulnerable adults to participate in activities and encourage all participants to develop their own ideas and skills as well, as experience the many other positive outcomes, both personally and socially, acquired by participation in such activities.

This policy fulfils the requirements of the legislation and embraces the principles of best practice in relation to Vulnerable Adult Policies and procedures in the Republic of Ireland.

***Date approved by Plenary:*** \_\_\_\_\_