



Safeguarding Vulnerable Adults Policy

Aspire- The Asperger Syndrome Association of Ireland

<i>Developed by: Aspire</i>	<i>Date:</i>
<i>Approved by: Board of Directors</i>	<i>Date:</i>
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1. Introduction

Aspire is fully committed to safeguarding the well-being of adults by protecting them from physical, sexual, psychological, financial, discriminatory abuse and neglect. Aspire accepts that in all matters concerning vulnerable adults, the welfare and protection of such adults is paramount. We as an organisation come into contact with vulnerable adults using our facilities and so it is considered important that we are fully compliant with all relevant safeguarding guidance and legislation.

We work with vulnerable adults through the following services;

- Residential unit
- Accelerate Career Programme
- Catalyst Career Guidance Programme
- Aspire Productions- Social Enterprise
- Educational Drama (in conjunction with Trinity College Dublin)
- Cara Connect
- Workshops and training

This policy will be amended should any other services be developed.

2. Safeguarding Vulnerable Adults Statement

Aspire aims to adhere to the HSE Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures and to minimise the negative impacts of risk, while respecting and upholding the human rights and inherent dignity of all people involved with Aspire.

3. A Vulnerable Person

A vulnerable person is defined in the HSE Safeguarding Vulnerable Persons at Risk of Abuse Policy and Procedures (p.3) as: 'an adult who may be restricted in capacity to guard himself / herself against harm or exploitation or to report such harm or exploitation'.

4. Defining Abuse

Aspire understands 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 2 person does not or cannot validly consent, or which are deliberately exploitative. Abuse may take a variety of forms'.

5. 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.
- Discriminatory abuse - includes ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatment.
- 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.
- 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 responses to complex needs.

6. Barriers for Vulnerable Persons Disclosing Abuse

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

- Fear on the part of the service user 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.

7. Reporting Procedures for Management of Allegations of Abuse

Aspire personnel concerned in abuse allegation:

1. Alerted person
2. Key worker
3. Designated liaison person
4. Local manager
5. Nominated provider
6. Investigation team
7. External Expertise (if required)

Information about suspected or actual abusive behaviour may be brought to light in a number of ways, including but not limited to:

- Through direct observation of an episode of abuse by any person
- A statement directly from a vulnerable adult alleging abuse
- The designated Liaison Person
- A report of alleged abuse from a third party i.e. a carer of other service user or family member
- From generalised or specific concerns on the part of a service user, carer, staff member or family member
- From an anonymous source.

Any person working within Aspire who has knowledge or a reasonable suspicion that a person who is vulnerable is being abused or at risk of being abused must report it to their manager. There is a clear obligation to appropriately report this knowledge/suspicion at the earliest possible time to your manager, or designate, so that it can be responded to appropriately, efficiently and effectively. Aspire endeavours to create an environment and support system in which staff feels comfortable and safe to do this at all times.

Staff member, key worker, family member or other (referred to as The Alerted Person) has reasonable suspicion that a person is vulnerable to/at risk of/being abused:

- The Alerted Person informs the manager to whom they report of their suspicion and completes the Allegation of Abuse Report Form (ideally immediately, or at least within 24 hours)

Person in charge of area/Manager:

- Ensures safety of service user(s) (in association with Designated Liaison Person if necessary)
- Informs Designated Liaison Person and forwards Allegation of Abuse Report Form to them

The Designated liaison Person

- Informs the Provider Nominee of the allegation (who in turn informs HIQA within 72 hours)
- Carries out preliminary screening
- Preserves any evidence if necessary
- Assesses the need for medical intervention
- Reviews safety with person in charge of area
- Informs HSE and provides them with a copy of the allegation of abuse report form and other relevant documentation
- Determines if the Gardai should be informed at this point
- Determines, in consultation with the service user if the family should be informed at this point.

If No concerns that abuse may have taken place:

- Case Closed

Concern that abuse may have taken place:

- Investigation team established (ideally within 72 hours)-
- Relevant individuals informed
- External support brought in, if necessary, as part of team
- Record completed
- Investigation takes place

Investigation team:

- Investigates the alleged abuse and feeds back the results of this the Designated Liaison Person in a signed written report

The Designated Liaison Person will then review the findings of the investigation team report with the Provider Nominee and then determine appropriate action to be taken. This may include drawing up a care or support plan for the victim and or others; informing the Gardai; the matter proceeding to the disciplinary procedure. It may include informing the family, informing the relevant Senior Manager in the HSE Disability Services of the outcome. It will involve informing HIQA of the outcome in line with the requirements of the regulations. Records will be maintained of this in the confidential file.

8. How to respond to a disclosure of abuse

The member of staff who has an allegation reported to them or witnesses an abusive situation or has a suspicion that an abusive act may have occurred has an obligation to ensure that the safety of the vulnerable adult is secured.

If the member of staff feels unable to secure the safety of the vulnerable adult without assistance, they should seek assistance immediately. In some instances this may involve contact with the Gardai.

A verbal report should be submitted to the person in charge/Manager immediately or as soon as it is safe to do so. This should be followed up with a written report as soon as possible, but no more than 24 hours after the event.

When a person is alerted to an alleged incident of abuse, their first concern must be for the alleged victim. The alerted person should:

- Take the report seriously
- Stay calm
- Listen patiently
- Reassure the person that they are doing the right thing in telling
- Explain what is going to happen next.
- Call for emergency treatment, if necessary
- Report to his /her Manager (if your Manager is the alleged perpetrator then the concern should be reported to senior management).
- Take steps with the Manager to protect the individual.
- Write a factual account of the concern reported to them as soon as possible. The person completing the report should insofar as possible write down the person's own words and give the report to their Manager. The report may later be used as part of a legal action.
- Ensure that any evidence available is preserved.

The alerted person should not:

- Appear shocked, horrified, disgusted or angry.
- Press the individual for details (it is not your job to carry out an investigation).
- Make comments or judgements, other than show empathy or concern.

- Contaminate or remove forensic evidence. If the reported incident has happened very recently it may be possible for the Gardai to obtain forensic evidence. Do not give the person a wash, a bath, food or drink until the medical examination (in the case of alleged physical and sexual abuse only).
- Promise to keep secrets- you have a duty to pass on the information to the appropriate person.
- Give sweeping reassurances, such as 'now you have told someone this will never happen again', no one can give such a guarantee.
- Confront the alleged abuser
- Discuss the situation with anybody else other than their immediate superior, and /or the Designated Person.

The Manager/Person in Charge has a responsibility to ensure that the appropriate measures have been in place to ensure the safety of the vulnerable adult and must:

- Report the allegation of abuse to the Designated Liaison Person.
- Obtain a written report/statement of the alleged incident from the alerted person (Allegation of abuse report form) and forward this to the Designated Liaison Person.
- Provide an advice and guidance to the alerted person on the preservation of any evidence (where necessary).
- Advice, guide and support the alerted person as necessary.

*The Manager cannot speak on behalf of a staff member in the course of an investigation or when evidence is being gathered

- The Manager /Person in Charge will have a central role in cooperating with any investigation and in supporting the alleged/actual victim of abuse and has responsibility for implementing the decisions pertaining to them following screening or investigation. It may include their involvement in drawing up a support plan for alleged/actual perpetrators and others, where necessary.
- The Manager/Person in Charge will ensure that principles of confidentiality are respected at all times in relation to written or verbal information. Information should only be shared with those who need to know (this will be determined in consultation with the Designated Liaison Person and higher management). It should be noted that confidential information can be shared between the Provider nominee and the Gardai, when that information is shared in accordance with the policy.

All allegations of abuse of a vulnerable adult will be reported to the **Aspire Designated Liaison Person**.

- The Designated Liaison Person for the purpose of this document is the person in Aspire who is tasked with the responsibility of receiving allegations of abuse of vulnerable adults and leading the response to allegations of abuse in the service. This is the Provider Nominee.
- After receiving a referral the Designated Liaison Person will inform higher management and will carry out a preliminary screening assessment. The purpose of the preliminary assessment is to determine if there are reasonable grounds that abuse may have taken place.
- If there are no reasonable grounds, then the case may be closed and a relevant record of this will be made in the confidential file and all relevant parties will be informed.
- If the Designated Liaison Person is of the view that reasonable grounds exist, then s/he will in conjunction with higher management and commission an investigation into the allegation. This will ideally commence within 72 hours.
- At this point the Designated Liaison Person and higher management will also determine who else needs to be informed (HIQA and the HSE will be informed in all instances. The Gardai will be informed in general, except when a service user has capacity and requests that they not wish them to be informed, and /or where the allegation is against a family member and informing them may be counterproductive at this point).
- The principles adopted in any investigation will reflect best practice and due process. In the event that the allegation is against a staff member, then the 'Trust in Care' Process will be followed.
- The Designated Liaison Person will not be a member of an investigation team, in any circumstances (to maintain impartiality and clear division of roles).
- The Designated Liaison Person will ensure that secure confidential files are established with regard to all allegations of abuse and that full and complete records are made with regard to all stages of the process. Good practice would dictate that double staff signatures are maintained in relation to records made.
- The Designated Liaison Person is responsible for ensuring that confidential files are stored securely, maintained up to date and are in compliance with 'The Care and Support of residents in Designated Centres with Disabilities Regulations (2013)'

The Provider Nominee will ensure that HIQA are notified, in accordance with part 9 of 'The Care and Support of Residents in Designated Centres for Persons with Disabilities Regulations (2013)'. They will:

- Work in close conjunction with the Designated Liaison Person in monitoring the progress and outcomes of preliminary screening, investigation and management of abuse allegations.
- Provide necessary resources required to investigate allegations (including sourcing external expertise/support for investigations where necessary).
- Lead the development of a support plan for relevant individuals following receipt of the investigation team (including the victim, where necessary and where appropriate are others involved).
- In conjunction with the Designated Liaison Person, monitor the management of allegations of abuse within the service. This will include auditing confidential files to ensure that the process is being followed in accordance with this policy; monitoring trends to establish relevant learning and practice improvement in this area and providing regular summary information to the Council of Aspire to ensure effective oversight and governance in this area.

As highlighted by the process above, for each allegation or suspicion of abuse received, an initial screening will take place, and from this decision will be taken whether or not formal investigation needs to take place. If the decision is to proceed with a formal investigation, **an investigation team** will be put in place by the Designated Liaison Person, in conjunction with the Provider Nominee. This team will have a clear, written term of reference.

- Once selected, the team will meet, a chairperson of the team will be appointed, and the team will be provided with all the facts of the allegation, as presented to date.
- The most experienced person on the investigation team will be, in the main, appointed the Chairperson of the investigation team.
- At their first meeting the team will agree a process and timeframe for their investigation, in line with the investigatory procedure.
- The Chairperson of the team will be the lead communicator for the investigation team e.g. with local management, the senior manager and the Designated Liaison Person. The Chair will also be the key liaison with the parties involved in the investigation i.e. staff, service user, witnesses etc.
- The Chairperson is responsible for ensuring all records of the investigation team's actions are kept within the confidential file.

- The team will complete the investigation and provide a written report, signed by all team members, with findings, to the Designated Liaison Person.

If necessary, input will be sought from **external experts in this area**. The Organisation and/or the investigation team may wish to involve appropriate external personnel to be part of or to conduct the investigation, where this is necessary to avoid any suggestion or perception of bias on the part of ASPIRE. In addition the investigation team may have access to legal advice as appropriate.

9. Designated Officer(s)

- Aspire deems that the overall responsibility for the implementation of these guidelines shall be borne by the Provider Nominee.
- The Provider Nominee in conjunction the CEO and Manager of the residential unit shall be responsible for ensuring that all employees are aware of these guidelines and are provided with the appropriate training and assistance.
- All staff induction programmes within Aspire will state that this policy must be read by the prospective employee which includes full-time, part-time and seasonal positions.
- Newly recruited employees must sign off on having read, understood and accepted the policy as part of their induction with Aspire.
- It is the responsibility of the Manager of the residential unit to ensure that all staff working in the unit have read and signed-off on having read, understood and accepted this policy.
- It is the responsibility of Manager of the residential unit to ensure that all staff have received training on the identification of abuse, prevention of abuse and the implementation of this policy.
- To support the delivery of effective and efficient investigations, Aspire management will provide support and training in carrying out an investigation, for all appropriate staff.
- Aspire will ensure that supervision and support is provided to all staff, and that any concerns can be raised with a senior colleague.

In accordance with Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures (p. 41)

Designated Officers

<p>Designated Liaison Officer (1)</p> <p>Areas of Responsibilities:</p> <ul style="list-style-type: none"> • Aspire Productions- Social Enterprise • Educational Drama (in conjunction with Trinity College Dublin) • Cara Connect • Workshops and training • Any other vulnerable adult engaged with Aspire services (excluding the Residential Unit) 	<p>Aileen Cruise Aspire CEO aileen@aspireireland.ie The Carmichael Centre, Coleraine House Coleraine Street, Dublin 7 01 8780027</p>
<p>Designated Liaison Officer (2)</p> <p>Areas of Responsibilities:</p> <ul style="list-style-type: none"> • Residential Unit 	<p>Linda Blake Social Care Manager residential@aspireireland.ie 30 Ballinteer Ave, Ballinteer, Dublin 16. 01 2968728</p>
<p>Provider Nominee</p>	<p>Patricia Carroll Director patriciatcarroll13@gmail.com</p>

10. 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 secrecy.

11. Guidance for Aspire as an employer dealing with an Allegation of Abuse of a Vulnerable Adult

If an allegation is made against an employee /volunteer within Aspire, we 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 by Aspire. 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 & Protection Team within the HSE. This decision should be based on reasonable grounds for concern, as outlined in earlier in this policy document.

The first priority is to ensure that no vulnerable adult is exposed to unnecessary risk. Aspire, as an employer, 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 CEO of Aspire, should be informed about the allegation as soon as possible. When Aspire becomes aware of an allegation of abuse of a vulnerable adult by an employee/volunteer during the execution of that person's duties, The CEO of Aspire 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 CEO of Aspire will note the response and pass on this information if making a formal report to the relevant Safeguarding & Protection Team within the HSE. Everyone in Aspire will take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by the relevant Safeguarding & Protection Team within the HSE or An Garda Síochána. The CEO of Aspire will maintain a close liaison with the statutory authorities to achieve this. Aspire should be notified of the outcome of an investigation and/or assessment. This will assist them 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 child will be dealt with by the Aspire Designated Person(s) unless there is any reason why this is not possible. In the event

that it is not appropriate for the CEO to carry out the responsibilities above, the Chairperson of Aspire will do so.

12. National Contacts For Safeguarding & Protection Teams within the HSE

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

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

Aspire understands 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 8 Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons Act 2012 to withhold information in such instances.

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