Safeguarding vulnerable adults

Policy summary

West Yorkshire Police complies with Authorised Professional Practice (APP) which contains information to assist policing, and has established a local policy procedure to provide clear standards and guidelines on how the Force will identify and protect the most vulnerable in our society and ensure that they are allowed to live free from abuse and neglect.

We need to ensure that we:
• prevent and protect a vulnerable adult from harm or exploitation;
• reduce risks to a vulnerable adult, either to themselves or others;
• empower vulnerable adults to make decisions and enable them to protect themselves; and
• ensure criminal offences are properly investigated and offenders brought to justice.

Failure to deal effectively with vulnerable adult abuse may result in a person(s) being at risk and leave the Force open to legal challenge.

Safeguarding a vulnerable adult is everybody’s business.

Aim

The aims of this policy procedure are to:
• define vulnerable adults, disability and incidents;
• describe the signs and symptoms of the different types of abuse which officers and staff need to look out for;
• state the roles and responsibilities of officers and staff;
• describe the process for dealing with and investigating incidents; and
• explain how we refer incidents to other agencies and organisations.

The priority will always be to ensure the safety of the vulnerable adult, i.e. prevention of further harm rather than detection of crime. The safety of the vulnerable adult is paramount.

Scope

The policy applies to all police officers or police staff who have direct or indirect contact with vulnerable adults.

Compliance

Criminal Justice and Courts Act 2015 s20 to 25 (offences involving ill-treatment or neglect) and schedule 4
Care Act 2014
Equality Act 2010
Forced Marriage (Civil Protection) Act 2007
Safeguarding Vulnerable Groups Act 2006
NOT PROTECTIVELY MARKED

Mental Capacity Act 2005 section 44
Domestic Violence and Crime Act 2004 section 5
Care Standards Act 2000
Youth Justice and Criminal Evidence Act 1999 sections 16 and 17
Public Interest Disclosure Act 1998
ACPO Guidance on Safeguarding and Investigating Abuse
Department of Health – No secrets: Guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse
Home Office Achieving Best Evidence in Criminal Proceedings: Guidance for vulnerable or intimidated witnesses, including children
Home Office Provision of therapy for vulnerable or intimidated adult witnesses prior to a criminal trial – practice guidance
APP Intelligence management
APP Investigation
West Yorkshire Multi-agency safeguarding adults policy and procedures

Related policy procedures
Force policy procedures on:
Autism and Asperger’s Syndrome
Code of Practice for Victims of Crime
Mental ill health or incapacity
Police internal management reviews and serious case reviews
Using intermediaries
Guidance when dealing with individuals with a medical condition, i.e. Autism, Asperger, Dyslexia etc. is available in the Custody – Initial arrest and general custody policy, follow this link.

Chapter 1 Definitions

Abuse
Abuse is a violation of an individual’s human and civil rights by other person(s). It may consist of single or repeated acts of abuse of the following nature:
• physical;
• sexual;
• financial;
• psychological or emotional;
• neglect and acts of omission;
• discrimination; or
• institutional.

Vulnerable adult
A vulnerable adult is defined in the Department of Health’s No Secrets document as:
“A vulnerable person is anyone aged 18 years or over who is or maybe in need of community care by reason of mental or other disabilities, age or illness and who is or maybe unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

Disability

Disability is defined as:

“A physical or mental impairment which has a substantial and long term adverse effect on an individual’s ability to carry out his/her normal day to day activities.”

Incident

An incident (no crime, but assistance maybe required from other agencies) is the passing on of any concerns of suspected abuse against an individual who is deemed as vulnerable. This will also cover incidents of a nature that could cause an individual to suffer harm or hardship if not appropriately addressed.

Chapter 2 Principles

Mental Capacity Act 2005

The Mental Capacity Act 2005 is underpinned by five key principles:

<table>
<thead>
<tr>
<th>No</th>
<th>Principle</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>A presumption of capacity – every adult has the right to make their own decisions and must be assumed to have capacity unless it is proved otherwise.</td>
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<tr>
<td>2</td>
<td>Individuals have the right to make their own decisions – adults must be given all appropriate help before anyone can conclude that they cannot make their own decisions.</td>
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<tr>
<td>3</td>
<td>Individuals have the right to make eccentric or unwise decisions – this does not mean they lack capacity.</td>
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<td>4</td>
<td>Best interests – anything done for or on behalf of people lacking capacity must be done in their best interest</td>
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<td>5</td>
<td>Least restrictive intervention – anything done for or on behalf of people without capacity should be the least restrictive of their basic human rights and freedom.</td>
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Lack of capacity assessment

An assessment that a person lacks capacity to make a decision must never be based simply on age, appearance and assumptions about their condition.
You need to assess if the impairment or disturbance means that the person is unable to make a specific decision when they need to and this can only apply if all practical and appropriate support to help the person make the decision has failed.

A person is only deemed unable to make a decision if they cannot:

- understand information about the decision to be made;
- retain that information in their mind;
- use or weigh that information as part of the decision making process; or
- communicate their decision (by talking, using sign language or any other means).

The requirement for a mental capacity assessment should be agreed as part of a strategy meeting and undertaken by health or social care staff.

Further guidance on this can be found in the policy procedure on Mental ill health or incapacity.

### Identifying a vulnerable adult

Age, illness or disability, including mental health, are all factors to consider when identifying a vulnerable adult and signs to assist include:

NB This list is not exhaustive.

<table>
<thead>
<tr>
<th>Problem</th>
<th>Example</th>
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<tbody>
<tr>
<td>Communication</td>
<td>• difficulty in communicating without assistance/interpretation;</td>
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<td></td>
<td>• difficulty understanding questions and instructions;</td>
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<td></td>
<td>• speech is difficult to understand or the person has limited speech;</td>
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<td></td>
<td>• responding inappropriately or inconsistently to questions;</td>
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<td></td>
<td>• expressing strange ideas; or</td>
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<td></td>
<td>• using signs and gestures to communicate.</td>
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<tr>
<td>Memory</td>
<td>• short attention span;</td>
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<td></td>
<td>• inability to read or write;</td>
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<tr>
<td></td>
<td>• difficulty in telling the time; or</td>
</tr>
<tr>
<td></td>
<td>• difficulty in remembering their date of birth, age, address and phone number.</td>
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<tr>
<td>Behaviour</td>
<td>• an angry or distressed person may appear aggressive;</td>
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<td></td>
<td>• appearing eager to please or to repeat what you say; or</td>
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<td></td>
<td>• physically withdrawn or other isolating behaviours.</td>
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</tbody>
</table>
Increased vulnerability

There are also many situations that may influence vulnerability, e.g. where adults:

- self-abuse;
- abuse alcohol or drugs;
- gradually become vulnerable due to deteriorating mental or physical health, including accidental brain injury; or
- become victims of violence or sexual crime and may be susceptible to repeat victimisation.

Safeguarding adults

Introduction

The government has agreed six fundamental principles for safeguarding activity across all agencies involved:

Empowerment

You should support vulnerable adults to make their own decisions and choices, including those related to risk and their own perceived vulnerability.

You should take their views into account at every stage of the investigation, including obtaining their informed consent as to whether they want to:

- access criminal justice services; and or
- be referred to partner agencies for support.

If you make a decision without taking account of their views, you may infringe their human rights and jeopardise other rights, e.g. their right to remain within a family unit.

Protection

You should not assume, purely based on visual characteristics, e.g. age, frailty or disability, that an adult is unable to protect themselves. Many vulnerable adults can and do safeguard themselves.

You should focus on supporting those who are or may be unable to protect themselves against abuse and are in the greatest need. This includes adults who lack capacity to make decisions which impact on their safety. You must make decisions about the safety of people who lack capacity in accordance with the Mental Capacity Act 2005.

Sections 20 to 25 of the Criminal Justice and Courts Act 2015 provide protection in order to safeguard vulnerable adults who have capacity.

Prevention

Your priority will always be to prevent further harm or abuse of the vulnerable adult. Prevention should be the primary aim of all agencies involved in safeguarding adults.
An effective investigation can assist a vulnerable adult in coming to terms with the abuse but it cannot always reverse the effects that abuse has on their independence, wellbeing and choice. Prevention is linked to empowerment as it means working with the vulnerable adult to develop protection plans aimed at reducing the risk of abuse. This may include using police powers to focus on the perpetrator of the abuse.

Proportionality

The Human Rights Act 1998 provides for all individuals to have the:

- right to life;
- right not to be subjected to torture or to inhuman or degrading treatment;
- right to liberty and security of person; and
- right to respect for private and family life.

Taking positive action to safeguard vulnerable adults from abuse must meet human rights standards, i.e. be proportionate and necessary to the perceived level of risk and its seriousness. Your actions must have a basis in law, e.g. acting:

- with the informed consent of a vulnerable adult;
- in the best interests of an adult lacking capacity;
- under a duty of care; or
- to secure a legitimate aim, i.e. protecting other vulnerable adults from abuse.

Partnership

Agencies such as local authorities, social services, housing and health providers frequently alert the police about safeguarding incidents.

Working in partnership:

- increases public confidence in our ability to deliver appropriate safeguarding responses. In doing so, it is recognised that our involvement is more likely to secure better outcomes for the victims of abuse; and
- ensures that other agencies, with statutory responsibility for providing health and social care services, can act at the same time that a criminal investigation is in progress in order to safeguard one or more vulnerable adults.

Accountability

You must be confident about:

- identifying vulnerable adults from the first point of contact;
- recognising situations and specific risk factors that influence vulnerability; and
- responding appropriately, whether this is to prevent further abuse or investigate an incident.

This includes identifying adults who don’t fit the definition of a
vulnerable adult and fall outside of this procedure, e.g. adults who self neglect.

Chapter 3 Joint partnership working

Once a vulnerable adult is identified, the Force will work in partnership with adult social care services to safeguard them.

There are key processes that underpin joint partnership working, each of which needs to be carried out effectively in order to improve the lives of adults at risk.

A flowchart of the process can be accessed via this link.

Police and adult social care services will:

<table>
<thead>
<tr>
<th>Description</th>
<th>Guidance</th>
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<tbody>
<tr>
<td>Prevention</td>
<td>• be alert when responding to an incident and ensure that there are no obvious signs of adult neglect or abuse, e.g. within a family home, care home, day centre, workplace etc. Refer any concerns refer to your district SGU.</td>
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<tr>
<td>Recognition</td>
<td>• ensure that the appropriate questions are asked to establish if the person is a vulnerable adult.</td>
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<tr>
<td>Assessment</td>
<td>• once a vulnerable adult has been identified, carry out a risk assessment Form 263a to establish the demeanour of the person and the severity of the vulnerability or disability.</td>
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</tbody>
</table>
| Referral / intervention | • if appropriate, ensure the person is taken to a place of safety; and  
  • ensure the relevant partner agencies and your district SGU are aware. |
| Strategy meetings    | • discuss or meet with relevant partner agencies / SGU to ensure that interim protection is in place;  
  • plan the investigation, decide whether it should be a joint one; and  
  • where a person chooses to live with a risk of abuse, a multi-agency protection/care plan should include access to services that help minimise the risk. |
| Investigation        | • carry out a thorough and robust investigation. |
| Adult protection conference | • consider whether allegation is substantiated;  
  • review protection arrangements; and  
  • implement revised arrangements as necessary. |
| Review               | • if necessary, check protection arrangements are working; |
• consider any new information; and
• implement revised arrangements if required.

Capacity assessments

There will be some circumstances where the capacity of the adult is in question and this may have implications for the services which are afforded to them and whether a course of action is taken by the Force and/or adult social care services. For example, they may not have the capacity to understand they have been abused but may have the capacity to remember the incident.

Adults lacking mental capacity maybe unable to make a decision about how to pursue their safety at a time when it is needed. In these cases, agencies must take positive action to ensure that decisions are made in the best interests of the adult, having regard to the principles of the Mental Capacity Act 2005.