

## 4. PREVENTION OF ABUSE - DEVELOPING POSITIVE SERVICE CULTURES:

4.1 Wherever possible, abuse must be prevented. Creating 'safe care' or support for vulnerable people involves a holistic approach, which is centred upon the needs of the cared-for/supported person. It also recognises that this will only be achieved through effective recruitment, induction, support, training and management of staff.

### 4.2 **Pre-employment Processes**

4.3 The Protection of Vulnerable Adults (POVA) scheme (as set out in the Care Standards Act 2000 and implemented on a phased basis from 26th July 2004) introduces the POVA list. The scheme acts as a workforce ban on those professionals who have harmed vulnerable adults in their care. Its aim is to add an additional layer of protection to the pre-employment processes, including Criminal Records Bureau checks, which already take place and stop known abusers from entering the care workforce.

4.4 Along with the *In Safe Hands* guidance and other specific measures to prevent and tackle abuse, the POVA scheme is designed to contribute positively to the fundamental need to raise standards across health and social care.

#### **POVA scheme – summary of key elements:**

In summarising the key elements of the initial phase of the POVA scheme care workers who have harmed vulnerable adults in their care should be referred to the list and the list should be checked when care providers wish to appoint individuals to care positions working with vulnerable adults.

Following the implementation of this scheme, there is a statutory requirement on care providers to check if workers they wish to appoint to a 'care position' are included on the POVA list.

This requirement also applies when these individuals move, or are transferred from non-care positions to care positions within their current employment.

It should be noted that the definition of employment is wide and includes individuals supplied by employment agencies and businesses (including nursing agencies) to providers of care to fill such care positions – it also includes both paid and unpaid work.

From July 2004, registered providers must request a check against the POVA list when considering a person for a care position and applying for a disclosure. It is important to note that

POVA checks are not required for individuals already working in these care positions before 26.7.04 and who remain in these jobs thereafter. It should also be noted that owners or managers of services, such as day care, are not covered by this initial phase and should not apply for a POVA check when appointing staff.

The POVA scheme is also designed to work in the NHS and other parts of the healthcare sector – however, as a result of the Department of Health’s phased implementation, those who work with vulnerable adults in such health settings are specifically excluded from the POVA scheme for the time being.

Specific guidance on ‘**Referring persons for inclusion on the POVA list**’ can be found in the Department of Health’s Practical Guidance document – paragraphs 48-72.

Copies of ‘A Practical Guide’ outlining the POVA Scheme can be accessed on the internet at [www.dh.gov.uk](http://www.dh.gov.uk) – for a quick find, type ‘Vulnerable Adults’ into the search box. A hard copy of the guidance can also be obtained from the Department of Health, PO Box 777, London SE1 6XH; telephone no. 0870 155 5455, fax: 01623 724 524 or [Mailto:doh@prolog.uk.com](mailto:doh@prolog.uk.com)

#### 4.5 **Maintaining High Standards of Care**

4.6 Monitoring standards of care is also essential and all staff should be aware of their right, and duty, to raise concerns about the treatment and well being of vulnerable service users. While this should normally be dealt with through established lines of management and control, staff should be made aware of what steps to take if this proves to be ineffective. The Public Interest Disclosure Act creates a framework for making confidential disclosures (‘whistle-blowing’) across the private, public and voluntary sectors – further details on this can be found in Section 14: Legal Context, paragraph 14.77 and supplementary guidance outlined in Appendix ‘B’).

4.7 There are a number of steps which agencies can take to reduce the likelihood of abuse occurring and in this regard, Area Adult Protection Committees should regularly review adherence to the preventative agenda in their respective areas by monitoring and evaluating inter-agency practices. (See Section 12: Monitoring and Evaluation)

#### 4.8 **Other Preventative Measures**

4.9 This preventative approach relies on all agencies and organisations involved in the care, support and protection of vulnerable adults to actively:

- (a) Recognise the importance of working with vulnerable adults in an empowering way that respects their autonomy and civil rights to self-determination.
- (b) Discourage abuse by encouraging all staff to be alert and to feel confident about reporting concerns and to support and protect staff who make confidential disclosures or 'whistle-blow' (See supplementary guidance on Public Interest Disclosure – Appendix 'B')
- (c) Take steps to ensure all staff are knowledgeable about signs and causes of abuse in both community and service settings. This starts with a detailed knowledge and understanding of these procedures underpinned by appropriate and ongoing training and support.
- (d) Operate an open door policy where contact with relatives and significant others is positively encouraged and valued.
- (e) Take opportunities to see carers and dependants separately on a regular basis.
- (f) Publicise to all those who have contact with group care - settings what care standards are expected by the agency/organisation.
- (g) Have systems in place which ensure such standards are regularly reviewed with service users and representative groups fully involved.
- (h) Have safe recruitment procedures, including the careful checking of references, making police checks according to current practice, asking for declarations regarding any prior relevant offences etc. For both paid staff (permanent and temporary) and volunteers. (See summary of guidance relating to POVA scheme paragraph 4.3)
- (i) Provide thorough induction and training that can indicate problems that need to be addressed, as well as developing awareness and skills. (See Section 13: Improvement and Training)
- (j) Ensure regular staff supervision and monitoring of performance, using this as an opportunity to identify problems in work practice that need to be addressed. All agencies need to acknowledge that this is a particularly difficult area of work and that staff can be subject to a number of undue pressures. All staff need to be assured of agency and management support while following these procedures in good faith.
- (k) Set up and maintain thorough and credible record keeping and ensuring that this is regularly checked.

- (l) Achieve clarity about who is responsible for making decisions about care and how much of this authority is delegated on a day to day basis. (See guidance relating to making 'unilateral decisions' – Section 9, paragraphs 9.16 and 9.54)
- (m) Make sure that service users and carers have easy access to the complaints-procedures. Complaints-procedures are viewed as positive, offering an opportunity to respond to concerns and improve services. Agencies should ensure that these complaints-procedures are in a format and language that is understandable to all.
- (n) Make sure that both disciplinary and grievance procedures are thorough, fair and scrupulously followed.
- (o) Support and develop advocacy schemes for service users.
- (p) Support carers and provide services that help them to avoid undue stress or breaking point.
- (q) Ensure that families understand the needs of vulnerable adults and are aware of support organisations/self-help and advocacy groups that may be helpful to vulnerable adults and/or carers.
- (r) Maintain a careful balance between confidentiality and positive information sharing.
- (s) Establish within group care settings easy access to a private telephone.
- (t) Seek whenever vulnerable adults are found to have special support needs or to present particular challenges in providing care or support to them and expert help.
- (u) Ensure that care standards are continuously monitored in relation to all staff.
- (v) Ensure that service planning and development activity is sensitive to the identification of unmet need through good reporting mechanisms.
- (w) Ensure that services that are provided and purchased meet the highest standard and these are monitored and supported to maintain such standards.
- (x) Ensure that service providers have developed clear policies promoting good working practices e.g. safeguards when providing personal care to vulnerable adults.
- (y) To deter abuse by ensuring that allegations of abuse are investigated and dealt with in a professional, effective manner and by supporting prosecution of criminal acts as a deterrent to potential abusers

4.10 **Other Related Policies and Procedures:**

4.11 Agencies must ensure that all staff are made aware of the wider policy and procedural context. Seeking to prevent and respond to the abuse of vulnerable people relies on the inter-relationship of these policies and procedures and staff need to have a clear understanding of and access to their specific agency's policies that govern and direct individual staff behaviour and reinforce the organisations agreed responsibilities.

4.12 Such policies include the following:

- National minimum standards for regulated care services.
- Complaints procedures
- Disciplinary and Grievance
- Public Interest Disclosure (Whistle-blowers)
- Confidentiality and information sharing
- Responding to domestic abuse
- Record keeping
- Financial management
- Dealing with challenging behaviour
- Restraint
- Violence at work
- Manual handling
- Access to records
- Equal opportunities

4.13 **Agencies must also ensure that existing policies and procedures relating to the above topics are reviewed periodically and where appropriate, revised and/or re-drafted in the light of the contribution they make to the prevention and appropriate response to vulnerable adult abuse issues.**

4.14 **Commissioners must also clearly identify the issue of the Protection of Vulnerable Adults in any contracts made with providers.**

4.15 Whilst all agencies involved in the care, support and protection of vulnerable adults **must** ensure that their multi-agency policies and procedures to protect vulnerable adults from abuse should

continue to provide the bedrock of local approaches to adult abuse, they should always compliment this by:

- Contributing to the work of their Area Adult Protection Committees – with a view to reviewing and strengthening local implementation of policy and practice;
- Ensuring through local programmes for learning and development that staff who manage, develop or provide services for vulnerable adults are aware of local multi-agency policies and procedures; and
- Reviewing and helping to raise levels of awareness about abuse, and what to do if abuse is experienced or observed, among service users and the general public.