



Adult Protection

Policy Number	16
Policy Owner	Head of Crime
Version	1.6
Last Review Date	October 2019
Next Review Date	October 2021
Date of SDG approval	August 2011
Protective Marking	Official

This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

Adult Protection

1. Policy statement

Cleveland Police will provide a standard and coherent response to all allegations of abuse against vulnerable adults, in a manner, which ensures the best possible protection, is afforded to the victims and witnesses.

The procedures set out in this document apply to all Police Officers, Police Staff; including those employed by the Police and Crime Commissioner and partner agencies where appropriate, Special Constables and Volunteers.

This policy must be applied fairly, equally, and consistently by and to all Police Officers and employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose

The purpose of this policy is to provide guidance to police personnel who as an agency have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse.

3. Underpinning procedures

Cleveland Police committed partners under 'The Care Act 2014'

The Care Act 2014 first came into effect from 1st April 2015, represents the most significant reform of care and support and puts people and their carers in control of their care and support. The Care Act sets out the safeguarding adult duties for local councils and partner agencies.

Teeswide Safeguarding Adults Board (TSAB) have implemented Inter-Agency Safeguarding Adults Policy and Procedure documents, these can be located on the TSAB website <https://www.tsab.org.uk/> . Local Authorities work closely with their relevant/statutory partners to which Cleveland Police being one of them.

The Care Act document can be accessed via the internet and a copy of Document is held within the Child Abuse/Vulnerable Adults Department (CAVA).

As per the Care Act 2014 the following are the appropriate definitions:-

Vulnerable Adult

Any person aged 18 and over 'who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to

take care of him/herself or unable to protect him/herself from significant harm or serious exploitation.

Significant Harm

Harm is defined as:

“ ill treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of , or an avoidable deterioration in, physical or mental health, and the impairment of physical, emotional, social or behavioral development”

Significant means;

Considerable, Noteworthy, Important, and this can refer to the seriousness of the actual harm or can be in the implication of it. Significance must be demonstrated by comparison to what could be reasonably expected of a similar Vulnerable Adult. The meaning of similar will need to take account of environmental, social and cultural characteristics of the vulnerable adult.

Categories of Abuse as per the Care Act

Physical Abuse

Physical abuse may involve hitting, slapping, misuse of medication, misuse of restraint, burning or scalding, inappropriate sanctions or otherwise causing physical harm to a vulnerable adult.

Sexual Abuse

Including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting.

Psychological Abuse

Including emotional abuse, threats of harm, deprivation of contact, humiliation, blaming. Controlling, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks.

Financial or Material Abuse

Including theft, fraud, exploitation, pressure in connection with wills property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Neglect and Acts of omission

Including medical or physical care needs, failure to provide access to appropriate health care, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Discriminatory Abuse

Including racist, sexist, that based on a persons disability, and other forms of harassment, slurs, or similar treatment.

Mental Capacity (Mental Capacity Act 2005)

Mental capacity refers to the ability to understand an act, decision or transaction. The Mental Capacity Act sets out a framework for assessing capacity, it is decision specific, it includes a function test, there will be no discrimination based on age, condition, behavior etc. It integrates current common law into statute. The lack of capacity may be temporary or permanent and will include people with dementia, with brain injury, with learning disability and mental health needs.

It also creates a specific **Criminal Offence** for a person (as defined by the act) to ill treat or willfully neglect a person who lacks mental capacity (section 44 mental capacity act 2005).

SEC 44 MCA 2005 - Principle 1: A presumption of capacity – every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise. This means that you cannot assume that someone cannot make a decision for themselves just because they have a particular medical condition or disability.

Cleveland Police’s Role and Responsibility as a Statutory Agency in Safeguarding Vulnerable Adults.

The Vulnerable Adults department is part of a combined unit CAVA (Child Abuse/Vulnerable Adults) The Safeguarding Team is part of a wider Protecting Vulnerable People platform. The officers within the department are specialist detectives and qualified as national investigators.

The CAVA department is an excellent source for information/support and guidance when dealing with enquiries into alleged abuse of Vulnerable Victims of crime.

CAVA is situated at Middlesbrough Police office and is part of the PVP department. CAVA covers all four districts of Cleveland Police and is split into North and South to cover geographical areas.

Each local authority (Adult Services) has a Vulnerable Adult Safeguarding Committee where representatives of the agencies involved in Adult Protection discuss current issues and decide on policy. There is also a Tees-Wide Adult Safeguarding Board where the four unitary authorities and partner agencies meet to drive change within Safeguarding Adults locally.

The CAVA department will deal with allegations of abuse where the abuser has a **DUTY OF CARE** towards the victim (i.e. carer/power of attorney/medical professional/family when acting in the role of a carer etc.) **AND** has **CUSTODY CARE OR CONTROL** over the vulnerable person.

A Carer includes:

1. A person who is employed in a caring role, such as a domiciliary carer who may visit a vulnerable adult at home to clean and make meals.

2. Any person in a position of trust involved with the Vulnerable Adult, such as Health professionals, managers /carers at residential homes.

For example a neighbour who steals from a Vulnerable Adult is not a carer (and therefore classed as a stranger), but a person employed to provide care services in their home and steals would be a carer.

The Vulnerable Adults unit does **NOT** deal with stranger abuse; any abuse falling outside of this definition should be considered as stranger abuse for the purposes of this guidance and dealt with by district staff.

Local Area Adult Protection Procedures need not be invoked when it is evident that the vulnerable adult does not know the abuser. Such cases often require immediate Police action to safeguard, secure and preserve evidence to which the CAVA department may not initially be involved in. However consider submitting a public protection notice report for Adult Concern to the PVP Support Hub inbox for review and risk assessment.

If during the investigation of stranger abuse, it is discovered the abuser was known by the victim (i.e. someone who had custody, care or control over that person), consultation must take place with the CAVA department, who will liaise with Adult Social Services Department (SSD) or advice re the appropriate pathway.

The PVP CAVA department are the Single Point of Contact (SPOC) for all Adult Social Services Department (Safeguarding Adults) contacts

The Detective Sergeant(s) for CAVA are currently responsible for the monitoring and providing feedback on the quality of referrals received. This will ensure the accuracy of the information held; any discrepancies will be brought to the attention of the originator for discussion and resolution. The Detective Sergeant(s) in the CAVA department are additionally responsible for monitoring and reviewing the quality of information held on the Niche system.

The PVP Support Hub will take over the role of monitoring referrals and become the SPOC in the coming months (late 2019).

The CAVA department will investigate referrals that fall within the above remit, although it does have in the main an investigative role it also has a responsibility within the multi- agency setting to ensure the best interest and welfare of the vulnerable adult are maintained at all times.

Initial Police Response to Concerns / Allegation of Vulnerable Adult abuse

Where it is believed that there are concerns for an adult, but no specific allegation of abuse (see above for definitions of abuse) the attending officer must;

Ensure the immediate wellbeing/safeguarding of the vulnerable adult, this will include speaking with the Vulnerable Adult where they have the necessary capacity to do so (see mental capacity above)

Submit a comprehensive report on the public protection notice report for Adult Concern and submit to PVP Support Hub. The report must include full details of the

incident/concern, names, DOB, and addresses of all people involved. The report MUST be submitted before retirement from duty.

The Vulnerable Adult/Victim should be informed that the CAVA department may share their information with other agencies such as the Social Services Department, Health etc. This is to allow for a holistic approach on the individual. This will allow for an informed decision to be made about the individual and their needs.

Where it is stated or believed that a vulnerable adult is suffering or likely to suffer significant harm (see above for definition) the police officers attending must:

- Ensure the immediate protection of the Vulnerable Adult (after close liaison with Social Services Department).
- Secure and Preserve evidence/consider has a crime occurred.
- Obtain details of witnesses and suspects/commence the investigation.
- If out of hours inform SSD Emergency Duty Team (EDT).
- Ensure that an up to date record is kept on the Niche OEL of any strategy discussion or meeting that takes place with other agencies and immediately notify the Vulnerable Adults Unit.
- Consider arresting the alleged offender where it is necessary to protect the Vulnerable Adult and safeguard any other potential victims. Secure/preserve evidence of the offence. If an arrest is made liaise with CAVA and if a handover is agreed then a full handover package will have to be completed.

If the incident falls within the guidance definition (see appendix 1) the PVP Support Hub support staff will be responsible for:

- Assessing the information contained within the public protection notice report and any risks associated with it.
- Record the information on NICHE
- Provide feedback/guidance on the quality of the information provided where appropriate.
- Update the Detective Sergeant for allocation to a Detective Constable if required to conduct a criminal investigation

At this current time (October 2019) the Hub do not complete the above – public protection notices are completed by Detectives from CAVA)

Unclear Situations (Suspicious or Concerns)

In all cases of suspected abuse, or where a police officer has a concern as to whether a vulnerable adult is in need of protection, the officers must:

- Gather all relevant information;
- Discuss the incident with their Sergeant/Inspector
- Liaise with CAVA for support/guidance/handover
- Make an accurate record of all actions and discussions on Niche.
- Fully complete and submit public protection notice report.

Positive Action to Ensure the Safeguarding of Vulnerable Adults

Whenever concern has been expressed about a Vulnerable Adult, officers should take positive steps to see the adult to ensure they are safeguarded and what can they tell us. This concern may come from an incident that Police are dealing with or it may be a request from one of our partner agencies. It is important to note that there are a number of agencies who work in partnership with the police to safeguard adults e.g. Adult Social Services Departments and Mental Health teams. These are professional individuals who will seek Police assistance when absolutely necessary. Calls for such assistance should be dealt with positively/efficiently remembering that these professionals do not have the same warranted powers of entry that Police Officers do.

If an offence is reasonably suspected or there is a reasonable suspicion of harm an officer should be acting legally in obtaining entry with or without consent. Refusal to allow entry by any person to premises may arouse suspicion that an adult has been harmed and indicates an intention to conceal that harm.

Domestic Violence

All officers should be aware that a Vulnerable Adult in a domestic abuse environment is at significantly greater risk. Attending officers should ensure the Vulnerable Adult is safeguarded and complete a public protection notice report showing both Adult Concern and Domestic Abuse on the same report.

Where the following criteria is met and it is believed a Vulnerable Adult is suffering, or is likely to suffer, significant harm, the CAVA department will refer the matter to Adult Social Services in accordance with the Safeguarding Vulnerable Adults Committee arrangements.

The criteria for referral are:

- Someone who has custody, care or control of the vulnerable adult
- Service user offends against service user
- Where vulnerable adults are known to be the subject of current vulnerable adult protection investigations;
- Where vulnerable adults are physically involved in a domestic violence incident;
- Where vulnerable adults witness domestic violence and display behaviour indicative of being affected by the incident(s);
- Where, having attended any incident involving a vulnerable adult, the officer expresses concern over the living conditions affecting the welfare, safety etc., possible financial/ sexual abuse of that person.

In urgent cases attending officers should contact the Social Services Department (or EDT if out of hours) Adult Social Care are a significant source of information when dealing with Vulnerable Adults and should be considered in the early stages to see if services are involved. All PPN's will be reviewed and forwarded to Social Service if appropriate.

Other Vulnerable Persons at Risk

Where a suspected abuser is identified as being responsible for, or has access to other vulnerable persons, this information and full details of all those at risk must be forwarded without delay to the Vulnerable Adults Unit on the public protection notice report. The Vulnerable Adults Unit will, in turn, make a referral to Social Services

Department concerning the persons at risk from abuse. If in doubt contact the Vulnerable Adult Unit for advice on Tel Ext: 6792, 6794, 2147, 2146

Suspected Abuse by a Vulnerable Adult

Where a Vulnerable Adult is suspected of being an abuser, a referral about this person will be made to the Social Services Department. This can be made directly by the officer concerned or, if there is no immediate risk of harm to other persons, this information should be passed to the Vulnerable Adults Unit to make the appropriate referrals.

Vulnerable Adults in Residential and Nursing Homes

Where a Vulnerable Adult is looked after in a residential or nursing home, and there are concerns that that person is suspected of being abused by a carer, it is important that the Social Services Department are contacted at an early stage to ensure the alleged 'suspect' is dealt with appropriately, such as a suspension from work in order to safeguard other Vulnerable victims (contact EDT if out of hours).

Social Services contact details (adult services)

Middleborough Customer Advisor Team, Tel 01642 726004
Hartlepool Duty Team, Tel 01429 523390
Redcar & Cleveland Access Team, Tel 01642 771500
Stockton first contact unit, Tel 01642 527764
EDT Tel 08702 402994

Police Powers

The exercise of powers of entry in order to protect adults and respond to suspicions of adult abuse should generally be considered reasonable within the Human Rights Act 1998. Officers should record in their notebook their reasons for taking action.

Where speed is essential to protect the vulnerable adult at risk, the Police can enter premises without warrant, by force if necessary, under section 17(1) Police and Criminal Evidence Act 1984.

Under Section 17(1) (b) of the Police and Criminal Evidence Act (PACE) 1984, a constable may enter and search any premises for the purpose of arresting a person for an indictable offence.

Under Section 17(1) (e) PACE, a constable may enter and search premises for the purpose of saving life and limb or preventing **serious** harm to property. A **concern** for the welfare of someone within the premises is not sufficient to justify an entry within the terms of Sc 17(1) (e). It is important to bear in mind that Parliament have set the level high as it was a very serious matter for a citizen to have their house entered against their will and by force by police officers without a warrant. Where appropriate a warrant should be obtained.

Under Common Law a constable has the power to enter premises to prevent or deal with a Breach of the Peace.

A record of all searches should be made in accordance with PACE.

Information Sharing with other Agencies and Professionals

Officers attending Adult Protection strategy meetings will share all **RELEVANT** information with other professionals in a manner that ensures the welfare/protection of the adult. The Police have a duty of confidentiality, and disclosure by officers attending Adult Protection strategies/conferences should be limited to factual information about previous convictions, pending cases and other appropriate non conviction data.

Officers must give careful consideration to what is disclosed when other service users (i.e. carers) are present at the conference.

Where other service users have been excluded from a Conference, the Police should request that any information disclosed by them is excluded from the minutes.

Only in very exceptional circumstances, e.g. where a criminal investigation would be compromised, would information be withheld from a conference. It is imperative that in order to fully protect vulnerable adults from abuse, relevant information should be shared with other agencies/professionals at the earliest opportunity.

Personal data that the Force holds, must be processed within the terms of the Data Protection Act (1998) and is confidential to serving police officers and police staff whose duties require them to officially obtain and be in possession of such information. However, officers are entitled to disclose information to other agencies where it is necessary or expedient to do so, to achieve the policing purpose of the prevention and detection of crime, the apprehension and prosecution of offenders and in order to protect an adult from significant harm.

It must be acknowledged that the officers do not have a power to disclose information under all circumstances and each disclosure must be made on a case by case basis. Disclosure of personal data must be relevant and only the minimum amount required for the purpose.

Cleveland Police are a board member of the TEESWIDE SAFEGUARDING ADULTS BOARD (TSAB) and are signed up to the information sharing agreement put in place by the board. This ensures that all partner agencies signed up to this agreement share all relevant information if it is necessary to safeguard a vulnerable adult.

Making Referrals to Social Services Departments

Initial referrals will be made to the appropriate Social Services Department by a Detective Sergeant from CAVA, or by the Duty Inspector (if outside of the CAVA normal working hours).

The officer making the referral to the Social Services Department should be in receipt of as much information as possible regarding the reason for the referral, names, ages/dates of birth, addresses, etc. and be in a position to share this information with the other agency. The officer must clearly state to the Social Services Department whether or not they believe there are safeguarding issues and or a potential crime, they must document this on Niche occurrence including what has been said and agreed (the OEL should be used to record any investigation carried out). At the end of the conversation both the officer and the Social Services Department should be clear

about the outcome and responsibilities for agencies additionally whether a joint investigation should proceed.

In the case of all referrals made by the CAVA department, a Detective Sergeant will be involved in the decision to make a referral, to ensure effective supervision, decision making and investigation. A record will be made on PPN, of the supervisor's involvement and any decisions made – OEL entry endorsed if appropriate.

Following these enquiries and further inter-agency liaison, if it is considered that an adult is at risk of continuing significant harm, a multi-agency adult protection meeting will be held. If, through this meeting, the adult is deemed to be in need of protection then a multi-agency protection plan will be put in place and an adult protection review meeting will be held. A member of the CAVA department will attend Strategy Meetings to which here is Care/Control, strategies outside of this area will be discussed with internal partners to ensure the appropriate representation is made. The meetings are held in accordance with local Safeguarding Vulnerable Adults Committees (SVAC) procedures.

A member of CAVA, or a nominated officer, will attend local Area Adult Protection Review meetings only if they have relevant information to share and it is deemed appropriate by the Detective Sergeant within CAVA.

In dealing with offences involving an adult victim, the police normally work in partnership with social services and other caring agencies. Whilst the responsibility to instigate criminal proceedings rests with the police, the investigating officer should always consider the views expressed by the individual/other partners about what is in the individual's best interests. Social Care are the lead in 'safeguarding' and police the lead in 'criminal' cases. (Make safeguarding person)

Since the implementation of The Care Act there is now a legal footing placed onto Local authorities to make their own enquiries into reports – as below:

Changes from The Care Act 2014 – Responsibilities of Local Authorities

Adult safeguarding is the process of protecting adults with care and support needs from abuse or neglect (hereafter referred to as "adults"). It is an important part of what many public services do, but the key responsibility is with local authorities in partnership with the police and the NHS. The Care Act 2014 puts adult safeguarding on a legal footing and from April 2015 each local authority must:

- 1. Make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if so, by whom*
- 2. set up a Safeguarding Adults Board (SAB) with core membership from the local authority, the Police and the NHS (specifically the local Clinical Commissioning Group/s) and the power to include other relevant bodies*
- 3. arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has 'substantial difficulty' in being involved in the process and where there is no other appropriate adult to help them*

4. Co-operate with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect.

It is the responsibility of the Crown Prosecution Service (CPS) to review the evidence presented and, where appropriate, commence criminal proceedings. In some cases, advice from the CPS will be sought prior to an investigation being initiated.

The decision whether criminal proceedings will be instigated will be based on three main factors:

- Whether or not there is sufficient evidence to prosecute; will it pass the evidential test?
 - Whether it is in the public interest that proceedings should be instigated against a particular offender;
- and
- Whether or not a criminal prosecution is in the best interests of the vulnerable adult.

Protocol for undertaking Joint Investigations between Adult Services and the Police Vulnerable Adults unit.

A Joint Investigation will always involve joint planning between officers from the Vulnerable Adults unit and the Social Services Department. This requires early and precise communication between all agencies at the Referral and Strategy stage with a complete sharing of information. However in urgent cases police may need to take single agency action to secure or preserve evidence.

Although most activities, for example video interviews, will be conducted jointly there will be tasks agreed at the Planning stage that will be conducted separately. This is due to the different remit of the Police and the Adult social services department in the investigation. The remit of the Police is to prevent and investigate crime, gather evidence and the submission of cases for criminal prosecution. The remit of the adult social services department is to assess the needs of the Vulnerable Adult, including the likelihood of significant harm and the need for protection, ensuring that all appropriate steps are taken for the protection of Vulnerable Adult. Their purpose is to prevent Vulnerable Adults in their area suffering ill-treatment or neglect.

Throughout the investigation when different tasks are being undertaken there will be continual liaison between the police and the Social Services Department.

Review Processes

Inter Agency Reviews

Under Section 42 of the Care Act, Local Authorities have a duty to make enquiries itself or ask others to make enquiries where it has reasonable cause to suspect that an adult:

- Has needs for care and support (whether or not the local authority is meeting any of those needs) AND
- Is experiencing or at risk of abuse or neglect AND

- As a result of those care and support needs is unable to protect themselves from either the risk of or the experience of abuse or neglect

This decision to carry out a safeguarding enquiry does not depend on the person's eligibility for social care needs.

The purpose of a safeguarding enquiry is for the LA to clarify matters and then decide on what course of action (if any) is required to protect the adult in question from abuse or neglect. Other agencies and professionals have a duty to co-operate (Care Act Section 6 and 7).

Safeguarding Adults Boards (SAB) must arrange a Safeguarding Adults Review (SAR) when an adult in its area dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.

SABs must also arrange a SAR if an adult in its area has not died, but the SAB knows or suspects that the adult has experienced serious abuse or neglect and there is concern that partner agencies could have worked more effectively to protect the adult.

A Serious Case Review's aim is to improve interagency working and improve the process of safeguarding vulnerable adults. A reviewing officer/single agency author will be appointed by the DCI (Public Protection). The officer selected will be a supervising officer who has not been involved in the investigation. The review will consider all interactions between Cleveland Police and the Vulnerable Adult during the review period and will consider if there are any lessons to be learned.

Cleveland Police Review Procedures

The Detective Inspector for CAVA will review Vulnerable Adult investigations ensuring adherence to multi-agency protocols, appropriate information recording, storage and sharing and sound decision making is evidenced. NCRS and VCOP compliance will also be reviewed.

The CAVA Detective Sergeants will review investigations on a regular basis.

4. Appendices

Appendix	Description
1.	Flowchart for Officers Dealing with Incidents Involving Vulnerable Adults

5. Compliance and monitoring

The Head of Crime is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Crime will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every two years by the owner, and more frequently if necessary.

The Performance Quality and Review Team will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	Nov 2010	Policy Review	████████
0.2	June 2011	Reformatted	████████
0.3	July 2011	Amended following consultation	████████
0.4	July 2011	Further amend following consultation	████████
1.0	Aug 11	Agreed by SDG members to go live	████████
1.1	Nov 12	Policy amended to reflect introduction of PCC, statement only	████████
1.2	March 14	Amendments to reflect new PVP structure	████████
1.3	Aug 2016	Amendments to reflect new PVP structure and introduction of the Care Act 2014	████████
1.4	May 2018	Amendments for public protection notices replacing G02.51 form	████████
1.5	Feb 2019	Amendments to reflect 'current' PVP structure	████████
1.6	October 2019	Policy Review following Merge to CAVA	████████

FLOWCHART FOR OFFICERS

DEALING WITH INCIDENTS

INVOLVING VULNERABLE ADULTS

