

Regulation which govern the safeguarding of adults essay sample

[Health & Medicine](#), [Disability](#)



The key legislation and regulation which govern the safeguarding of adults In this essay, I will be outlining the key legislation and regulation which govern safeguarding adults in keeping them safe. In health and social there are key acts which are made to ensure the safety of vulnerable adult and this includes the: safeguarding vulnerable group acts, the rehabilitation of offenders act, the police act, sexual offences act, care standards act, the care homes regulation, mental health act, mental capacity act, disability discrimination act, the race relation act, human right act and data protection act. Each health and social professional would need to follow certain rules, laws and acts to ensure the safety of vulnerable adults. Safeguarding vulnerable group act 2006:

The main reason safeguarding vulnerable groups was introduced was the result of a recommendation of the Bichard enquiry following the Soham murders. The Soham murder was of two English girls who were murdered by their caretaker in their school. The service provider who was the care taker was unsuitable to look after the service users. For history not to repeat itself this act was made to ensure vulnerable adults were not in the same position and the same thing wouldn't happen again. For example a person who had been to prison because they had physically abused their five partners which was committed within a five years period, this person shouldn't be allowed to safeguard vulnerable adults due to the fact they are likely to abuse the vulnerable adult. This act protects vulnerable adult from those service provider who are incapable and don't have the skills and the profession of safeguarding them. Those who wants to work for health and social sector would need to go through DBS check to make sure the individual who wants

to work there hasn't committed any crime or to see how serious the crime is and making the judgment to knowing if they are able to work in the health and social care setting. The Mental Health Act 1996:

The Mental Health Act 1996 is legislation for the care and treatment of vulnerable adults with mental illnesses and for the safeguarding their rights. Vulnerable adult with mental illness can seek out for treatment for their condition. The Mental Health Act was also introduced and concerned with the small number of vulnerable adults who cannot or who do not seek out treatment. This legislation applies to Health and Social and safeguarding vulnerable adult as this outlines the importance of maintaining the rights of those suffering from mental health disorder. Those suffering from mental health disorder could suffer from low self-esteem. Those working closely with vulnerable adults who suffer from mental health disorder must ensure that they are not discriminating against vulnerable adult and they must maintain their self-confidence, self-esteem and self-respect. Mental Capacity 2005:

This act was provide a legal framework for acting and making decision on behalf of vulnerable adult who lack the capacity to make particular decision for themselves. The mental capacity act provides framework to empower and protect vulnerable adults that are not able to make decision for themselves and needs help in doing so. In this act it states clearly who can take decision, in which situation and how they should go about this. This act helps vulnerable people to plan ahead of time when they lost their mental capacity. The mental capacity ensure that vulnerable people are able to make decision they are happy with even if they are at the state the lost to

making the decision this act would allow them to make these decisions early. Allowing them to be happy with what they have decided and not what others have decided for them. The sexual offences Act 2003:

The sexual offences act 2003 was introduced with the aims of protecting vulnerable adults from sexual abuse and exploitation. Offenders register to ensure that the locations of people who have committed serious sex-related crimes are known to the police, addressing the fear of sexual crimes. Sexual act specifically recognises that there are some care professions who follow the rules and ensure service users feel safe and they are not taking advantage of their power however, there are some individual health and social providers who take advantage of their position and commit a 'breach of relationship of care' by sexual abuse. It is now an offence for those engaged in providing care for those with learning disability or mental disorder to engage in sexual activity with that vulnerable adult whether or not that person has capacity or consent. However, this doesn't apply to those who are caring for their partners who may suffer from mental disorder or learning disability and this person can continue to have consensual sexual relationship with that person. The Human Rights Act :

The human rights act 1998 came into force in the UK in October 2000.

Those in the public sectors would need to comply with the convention rights such as courts, police, local government, hospitals, publicly funded schools and health and social settings. The human rights act protects individuals from torture (mental, physical or both), inhumane or degrading treatment or punishment and deportation. Public authorities are not allowed to inflict pain

on an individual for example in a care home. Inhuman treatment or punishment includes serious physical assaults, psychological interrogation, and inhumane detention condition or restraints, failing to give medical treatment or taking it away from a service user with a serious illness and threatening to torture someone. Relating this to health and social care setting, is that staff must be aware and must maintain a high standard of care whilst making sure they do not breach any of the legislation within Human Rights Act. This indicates that they must be able to find out if an individual is being abuse within a health and social sector. Disability Discrimination Act 1995:

This act was introduced to end discrimination that disabled vulnerable adults might face. The Act had been significantly extended to the disability discrimination order which gives vulnerable adults with disabilities rights in the areas of employments, education, access to goods, facilities and services including larger private clubs and transport services, buying or renting land or property, including making it easier for people with disabilities to rent property and for tenants to make disability-related adaptations, functions of public bodies, for example issuing of licences etc. This act is used to protect all disabled vulnerable people so they are not discriminated upon by service providers or are abused by service providers. Data protection Act

The data protection act controls how vulnerable adult's person information is used within an health and social care sector or by the government. Those who have access to vulnerable adult data would need to follow strict rules called the ' data protection principles'. Those who are responsible for

vulnerable adult must ensure the vulnerable adults personal information is used fairly and lawfully, used for limited, specifically stated purposes, used in a way that is adequate, relevant and not excessive, accurate, kept for no longer than is absolutely necessary, handled according to people's data protection rights, kept safe and secure and not transferred outside the UK without adequate protection. The main purpose of this act is to protect the rights and privacy of vulnerable adults using the service and to ensure their personal information is protected and save. The rehabilitation of offenders act:

This act is used to help people who have been convicted of a criminal offence and who have not re-offended since. Anyone who has been convicted of a criminal offence and the sentence was less than 2.5 years in prison, benefits from the Act, so long as they are not convicted again during the 'rehabilitation period'. Their conviction then becomes 'spent'. It is the sentence imposed by the courts that counts, even if it is a suspended sentence, not the time actually spent in prison. Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. Once a conviction is 'spent', the convicted person does not have to reveal it or admit its existence in most circumstances. However, there are two main exceptions which relate to people working with vulnerable adults. In these cases someone applying for a role is required to reveal all convictions, both spent and unspent. The police act:

This act ensures that employers have access to certain information about individuals which they would employ to be able to care for vulnerable adults

in a proper way and making sure these individuals do not have a criminal record. The police act also provides information regarding a person's criminal record history to be disclosed to persons registered. The policy act ensures that information is made available only to those who need to have access to it in the course of their duties. This relates to safeguarding vulnerable adults and for social professionals to be able to access information regarding those who might want to look after vulnerable adults. Social professionals being able to check if those individuals wanting to work with vulnerable adults are suitable. It also states in this act that they should securely store information and not to retain the disclosures or a record of disclosure for longer than required. Care standards act:

The care standard act 2000 is a piece of primary legislation, which established an independent regulatory body for England who are also known as the National care standards commission. They are there to cover the social care, private and voluntary healthcare services. The purpose of this act is to provide much needed reform of the care services sector for vulnerable adult within England and Wales. The act protects a different range of care services which include: residential care homes, nursing homes, domiciliary care agencies, voluntary healthcare services overall these are services which are used by vulnerable adults. National minimum standards

The national standards is for care homes for vulnerable adults, which determines whether a care home meets the needs secure and welfare and social inclusion of the vulnerable adult who lives there. The national minimum standards set out the core standards which apply to all care homes

providing accommodation and nursing or personal care for vulnerable adults. The national minimum standard for care homes for vulnerable adult focus on the achievable outcomes for service users. This relates to vulnerable adult because this act looks at the health and personal care of the vulnerable adult, their daily life and social activities, the complaints and protection, environment, staffing and the management and administration. All these is to ensure that vulnerable adults are getting the best treatment and ensured they are kept in a safe environment and making sure the staffs are not abusing them. Race relation Act 1976:

This act was first legislation in the United Kingdom to address racial discrimination. The act outlawed discrimination on the grounds of colour, race or ethnic or national origins. This Race relations Act does not allow discrimination in a health and social setting. For example, if a service provider treats a service user differently due to the service user's race; this would be discrimination on racial ground and it is unlawful. This relates to safeguarding vulnerable adults and protects them; ensuring service providers are not treating service users differently due to their skin colour or their national origins.

POVA

Protection of vulnerable adults (POVA) this was published in order to protect vulnerable adults by the care standard act 2000. Protection of vulnerable adult's scheme: this provide care for any vulnerable adults and to check on against the POVA list of banned professionals. POVA is a register of workers who have hurt and harmed a vulnerable adult or had placed them on a risk.

There are many people who are associated to being vulnerable adult. Older people may be vulnerable; however a vulnerable adult can be anyone over the age of 18 which many have physical sensory disability. If an individual who had harmed or put a vulnerable adult at risk tried working within another health and social sector POVA scheme would be checked to see if this individual name is on it. If that individual name was found they would be arrested because it then meant they were breaking the law.

This applies to: registered service providers of care homes, domiciliary care agencies, adult placement schemes, employment agencies or businesses that supply care workers to the above providers. The main reason POVA is needed is to ensure the safety of all vulnerable adults who are in the care of service providers and ensuring the wrong individual is hired to look after vulnerable adults. The POVA scheme was designed and introduced to ensure that those who are unable to look after vulnerable adults are unable to get access to them. For those who are said to be 'unsuitable' to work with vulnerable adults are prevented from obtaining employment in such positions. POVA has much publicity and many people are aware of vulnerable adults being abused and the increase of the abuse. It was reported on April 1997 to October 2002 that there were 5273 calls of real and suspected abuse.

Those who would be placed on the POVA list are people who have been found guilty of harming or putting a vulnerable adult in danger. Being put on a POVA list is related to being put in a criminal records list. Those who have been caught not following the rules and harmed or abused their power and did a DBS check their name would come up and this individual would not be

given the job and would be arrested for breaking the law. If the individual who had already been put on the POVA list and went to a different health and social sector they would be checked and be prevented from working with vulnerable adults. So, the individual who has been put on the POVA list would be guilty of a criminal offence and if they applied anywhere else for a job working with vulnerable adults they would be denied. Procedures for protecting against abuse:

To prevent health and social service users from danger and in protecting them, health and social professionals would need to ensure that service users are in a safe and secure environment a way in which they can ensure this, is to make sure that there is regular staff training. This is a way to ensure the safety of health and social users by making sure staff are not taking advantage of their power and ensure they know and follow the rules in ensuring they are taking care of service users in the proper way. Staff training would go through discrimination, abuse and safeguarding the vulnerable adult. So staff wouldn't abuse or discriminate against service users. Staff training is also there to ensure that staff have a better understanding of service users problems and needs, in ensuring they are providing the right things and ensuring they have tolerant for those service users who may suffer from a disability. To also make sure that each residents have a key worker in ensuring if they have a problem they are able to go to their key worker and tell them. In also making sure that service users key workers are keeping eyes on their residents in seeing to their personal care.

Key workers would need to ensure service users are comfortable and happy with the services they are getting. To ensure they are caring for service users in the right way there would need to be a complainant procedure in place, to give service users the power to be able to complain in making the services they get better this can improve their health and wellbeing. To make the service users comfortable in trusting the service provide is to make sure the health and safety policy is available for all the residents to read and that its all signed by all the staff in ensuring a safe and secure environment. For health and social profession to ensure that the correct people are being recruited for work each organisation which looks after vulnerable adult should have a clear recruitment policy. The health and social organisation should have a clear policy on how candidates will be shortlisted, interviewed and screen for suitability. This way would ensure the wrong people are not employed to look after vulnerable adult.

By doing a CBR check on the individual who wants a job to ensuring they haven't committed a serious crime. Health and social professional would need to ensure they are advertising in a suitable place to attract the right type of people or the job. Within the health and social care place service providers would need to follow the equal opportunities policy followed to ensuring no service user is being discriminated upon and every one of them have an equal opportunities. Another recruitment procedures that health and social profession would need to take is references and employment history which should state where the individual (who wants to work with the vulnerable adult) have previously worked for the last two years. Individuals

who want to work within health and social care sector for vulnerable adult, their certificates must be checked ensuring it isn't a fake and to make sure it is photocopied. There should be no secrets policy within health and social care settings and ensuring all the rules and policy shouldn't be hidden.

Staff member should know if anything is wrong with service users and should be in the best position to notice if anything is wrong within their organisation. If a service provider thinks something is wrong with a service user they would need to keep this confidential and be investigated carefully in ensuring this accusation are true and doesn't seem like it was made up. If a member of staff had whistle blown another service provider, due to the fact they thought the service provider was abusing the service user. The service provider who had whistle blown should be protected and ensure their identity is protected. Service users may be worried about being disloyal, being victimised or unsure their suspicions are true this is why they wouldn't want their identity to be revealed. There are many reasons a service provider might whistle blow and one of the reasons could that another member of staff might be abusing their position and the other staff might have picked up on this and might have blown the whistle.

A member of staff may have noticed that another staff might have been discriminating, abusing or be putting the vulnerable service user's life in danger. Another reason he whistle might be blow, might be a service provider noticing that the vulnerable adult might be in danger or at risk to health and safety, for example this could be the building the vulnerable adults are placed or or it could be the environment where the

vulnerable adults are living. Another reason the whistle can be blown could be that a member of staff not meeting professional standards by not following an official policy. For example, they are not allowing service users to have their own privacy or not treating the vulnerable adult in a dignified way; these are part of individual rights service provider must follow. Another way vulnerable adult can be safe is to ensure to follow the policy on visitors. If any visitor wants to visit a vulnerable adult there should a sign in book with information that includes the visitor's name, reason for their visit and who are they visiting.

This is necessary to ensure the safety of vulnerable adult and making sure strangers are not just coming in because this could lead to the abuse of vulnerable adult. There is also a visiting room which visitors are allocated to go and service providers must ensure that the visitors go into the visiting room and must not enter the vulnerable adult's rooms. Service providers would need to ensure that visitors are given a badge or wearing a sticker to state that they are a visitor and not one of the service users, so it doesn't create any confusion if any vulnerable adult try leaving the building. There is other procedures health and social professionals would need if a there is a disclosed an abuse. When a vulnerable adult is abuse there are certain actions which needs to be taken there should be a member of staff who is in charge of all incidents of suspected abuse is reported to. All those who are concerned in the disclosure would need to be hidden and kept in confidentiality. This is to protect all those who are involved in the disclosure of the abuse.

Service professionals would need to take all of the reports seriously and need to get a statement from everyone before making any judgements if the report should go forward. Health and social profession would need to be careful of false and malicious allegations and the way this affects service providers and their reputation. If a vulnerable adult had disclosed an abuse actions needs to be taken as soon as possible the staff would need to ensure that the vulnerable adult who had disclosed this abuse to be put in a safe location ensuring no harm can come to them there. The service provider who is in charge of reported abuse would need to assess the situation immediately. If the abuser is still present service provider would need to call the police and if the service user is hurt the service provider would need to give first aid and call the ambulance if it was a really serious injury. Staff should also try to calm the situation down and ensure they are not putting themselves at risk.

If the situation is not an emergency then all those who are involved, suspicions and events should all be recorded and reported. There are certain situations that service users want a disclosure to be forgotten and situations which the service provider would need to respect this. If a service user had disclosed an abuse and do not want the matter taken further service provider must respect this unless the service user is in physical danger and if the service user is incapable of making an informed decision and if the service user isn't the only person at risk or involved. However, health and social profession would need to understand that if matters are not taken the vulnerable adult might be abused by the same person. This is where the

POVA procedure is enforced and this would prevent that individual who had abused or put the vulnerable adult life at risk from working in a health and social setting. If service user gives you the permission to take action on a disclosure the service provider would need to inform the social services and policy straight away and in the cases where the service user has been sexually abused the police would need to begin to gather evidence as soon as possible.

This is why it is important for health and social profession to report the disclosure as soon as possible if they are given the permission to and if the vulnerable adult isn't in any physical harm. The service provider would need to include some information when passing the service users disclosure such as; the service users personal details, the service provider who the service user had disclosed to, the substances of the allegation, details of the alleged abuser, details of specific incidents, events including the dates, times, places, injuries the service user had sustain and whose who might have witness the abuse. There should be a signed consent from the service user for actions to be taken. However if consent wasn't given for service providers not to take actions then internal investigation would need to be taken by the service provider.

Then a disciplinary action would need to take place and this could mean that service providers contacting the POVA by putting who ever may have abuse the service user into the POVA list and if this same person tried working in the health and social care sector then their name would come up in the CRB list and they wouldn't be allowed to work within health and social care

sector. However, if the abuser of the service user were relative or friend then the service provider would need to restrict visits. To also ensure service users are accompanied if any other relative comes to visit to ensure the same thing doesn't happen again. Visits should be taken in the visiting room and not in private to ensure no harm can happen to the vulnerable person or the service user. This means situation can be carefully monitored in ensuring that the abuse doesn't happen again.

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