

Equality and Human Rights Analysis

Title: Policy For Safeguarding Adults From Abuse(SD17)

Area covered: Trust Wide

What are the intended outcomes of this work?

Safeguarding is everyone's business. Employees need to know the appropriate action to take in order to protect and safeguard adults from abuse. This policy has been developed to describe the responsibilities of employees and organisation for the recognition and prevention of abuse and clarify the actions to take when abuse is suspected or identified. The policy also recognises the risk to Mersey Care NHS Trust if employees do not demonstrate appropriate actions are taken in response to safeguarding.

Who will be affected?

Service Users/Carers/Staff/Volunteers/representatives of agencies undertaking work on behalf or within buildings of Mersey Care NHS Trust.

Evidence

What evidence have you considered?

The policy

Disability inc. learning disability

This policy applies to all vulnerable adults including: where an adult's needs arise from or are related to a physical or mental impairment or illness.

Sex

See cross cutting
Safeguarding concerns re female Genital Mutilation Section 4.37 Page 14 included.

Race

The definition of abuse includes Racial abuse. Section 4.6 page 11.

Age

This policy relates to vulnerable adults over the age of 18.

Trust services which work directly with children and adolescents who require input because of their mental health (e.g. the early interventions in psychosis team) will report all concerns related to this client group through the usual child protection channels in relation to young people under the age of 18 years.

There is a separate Trust policy that has been written with children/younger people.

Gender reassignment (including transgender)

See cross cutting

Sexual orientation

See cross cutting

Religion or belief

See cross cutting

Pregnancy and maternity

See cross cutting

Carers

Incapacity to give consent to share information.

Where appropriate , if an individual is not considered to have the capacity to give consent , those providing a service should take account the views of the person's carer or nominated representative /advocate prior to making a decision as to whether information can be shared in accordance with the best interests of the individual.

There is no legal duty to share information with carers, but carers should wherever possible be listened to and supported.

Staff should always seek the service users consent to share information with his/her carer, if they are able to give it.

Other identified groups

See cross cutting

Cross cutting

This policy applies to all vulnerable adults over the age of 18.

The categories of abuse are defined in "No Secrets" (DoH 2000) and include Discrimination based on :age , gender, race, disability, ethnicity or sexuality Gender identity . Section 4.8 and section 4.16 Page 12.

In dealing with potential adult abuse, practitioners should be aware that some individuals, for example pregnant woman, transgender individuals and gay men and women, may on occasions be subjected to targeted abuse.

Hate crime definition

Hate crimes are any crimes that are targeted at a person because of hostility or prejudice towards that persons

- Disability
- Race or ethnicity
- Religion or belief
- Sexual Orientation
- Transgender identity

Human Rights	Is there an impact? How this right could be protected?
This section must not be left blank. If the Article is not engaged then this must be stated.	
Right to life (Article 2)	Disclosure of information Raising concerns about abuse or neglect nearly always involves sharing information about an individual that is both personal and sensitive. Such information about an adult with mental capacity should be shared only with their informed consent, unless there is an overriding danger to life and limb, or risk to others. These exceptions are described in the Data Protection Act 1998 and Caldicott Guidance (DOH 1977) and Case law in relation to human rights legislation. .

<p>Right of freedom from inhuman and degrading treatment (Article 3)</p>	<p>The definition of abuse is as follows: "Any act , or failure to act, which results in a significant breach of a vulnerable person's human rights, civil liberties, bodily integrity, dignity or general well being: whether intended or inadvertent; including sexual relationships or financial transactions to which a person has not or cannot validly consent , or which are deliberately exploitative. Safeguarding adults and children with disabilities against abuse (Council Of Europe, 2002) Section 4.5 Page 11.</p> <p>Use of restraints within Trust services Considered. Clear guidance in place where physical intervention is used. The Trust has developed the process' No Force First'.</p>
<p>Right to liberty (Article 5)</p>	<p>No issues identified within discussions.</p>
<p>Right to a fair trial (Article 6)</p>	<p>Under PACE The Police and Criminal Evidence Act (1984) Where the police are to interview an abused person , witness or suspect there is an obligation to provide an appropriate adult for any vulnerable or mentally disordered adult. The role of the 'appropriate adult' is a specific responsibility and dedicated function and implies legal responsibilities which cannot be attributed to someone after any such interview.</p> <p><u>Trust staff will not therefore undertake this role unless they have received appropriate training to offer this support and provided it is</u></p>

	<p><u>described as being within their specific job role.</u> <u>Section 6.9 pages 8/9.</u></p>
<p>Right to private and family life (Article 8)</p>	<p>Whistleblowing and organisational abuse</p> <p>All staff have a duty and a personal responsibility to share concerns of a safeguarding nature in relation to the abuse of children and vulnerable adults. The operates a Zero tolerance approach in relation to the abuse of children and adults as such as ding nothing about such concerns is not acceptable. Section 10. Page 18 .</p> <p>Reporting abuse</p> <p>Staff have to report abuse. Where it is disclosed staff need to follow the procedure laid out on page 19 sections 11:9.</p> <p>Tell the adult about any action they intend to make and that information provided will be handled on a strictly confidential basis but that there is a duty to report abuse to a manager and if necessary other relevant services.</p> <p>Confidentiality All staff should be aware of their responsibility to understand and respect confidentiality and comply with the law.</p> <p>Professional Abuse Abuse occurs when a professional takes advantage of their client or</p>

	patients trust, exploits their vulnerability, does not act in their best interest and fails to keep professional boundaries. Section 12.30 Page 18
Right of freedom of religion or belief (Article 9)	No issues identified within discussions.
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	No issues identified within discussions.
Right freedom from discrimination (Article 14)	No issues identified within discussions.

Engagement and involvement

This policy was developed in consultation in three stages.

- A. Trust reference/Safeguarding strategy group.
- B. External stakeholders including local adult safeguarding boards.
- C. Input from the Trust's local and secure divisions.

No 'People Participation' input.

Summary of Analysis

Eliminate discrimination, harassment and victimisation

This is the Trust safeguarding policy.

It is designed to safeguard all vulnerable adults who come into contact

with the Trust. The policy makes explicit reference to equality issues re capacity as well as gender issues and age.
Also references hate crime for all protected groups.

Advance equality of opportunity

N/A

Promote good relations between groups

N/A

What is the overall impact?

This policy intended to have a positive impact on the safeguarding of vulnerable adults.

Addressing the impact on equalities

As part of reporting there should be monitoring in relation to equality issues.

Action planning for improvement

See below in action plan.

For the record

Name of persons who carried out this assessment (Min of 3):

George Sullivan Equality and Human Rights Advisor

Sue Harris Safeguarding Adults Lead

Angela Lacy Named Nurse for Safeguarding Children

Date assessment completed: June/ 02/ 2015.

Name of responsible Director: Executive Director Of Nursing.

Date assessment was signed: May 2015 .

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their Directorate
Involvement and consultation	When the policy is due for review consultation to be made with the People Participation group.	2018	Safeguarding Team
Monitoring	Monitor for equality issues in relation to the Protected characteristics.	Bi - annually	Safeguarding Team Corporate Division
Transparency (including publication)	This policy and the equality and human rights analysis to be placed within the public domain (Via website).	1 st June 2015	Safeguarding Team