

## POVA ORCHID'S POLICY & PROCEDURE

Definition: The violation of an individuals Human and Civil Rights by any other person or persons.

### **'No Secrets' Guidance**

### **THE REPORTING PROCEDURE**

1. In most cases report your causes for concern in the Care Plan provided by the Service User.
2. Any cause for concern should be reported to 'Orchids' Nurse or Manager.
3. You are not in a position to take a decision about what is and what is not 'serious'.
4. Your report should include:-
  - a) What happened to make you concerned
  - b) Who are you concerned about
  - c) Whether this links to anything you have noted previously
5. Use your 'Feedback' sheet to write down your concerns
6. Discuss your report and your concerns with 'Orchid Nurse or Manager
7. 'Orchid' Nurse or Manager will initially confidentially investigate your concerns.
8. 'Orchid' will not at this time involve you in the investigation.
9. If concerns are found to be correct and further investigation is required, 'Orchid' will then, according to guidelines issue a Complaints Procedure.
10. You will be protected as far as possible and will be asked before any disclosure is necessary.

### **The Laws involved include:-**

- **The Government White Paper published in 2001 makes it clear that people with Learning Disabilities are entitled to full protection of the law.**
- **The Children's Act 1989 requires that Local Authority Social Services department's provide protection from Abuse for children in their area.**
- **POVA Policy provides for the Protection of Vulnerable Adults along with the National Assistance Act 1948 and The NHS and Community Care Act 1990.**
- **CSCI Residential and Nursing Homes must be registered with the Commission of Social Care and Inspection.**
- **The Mental Health Act 1983 (new draft 2002) forms the framework for Mental Health problems.**
- **The Chronically Sick and Disabled Persons Act 1986 and the Disability Discrimination Act 1995. Provide Rights, Services and the Protection from Discrimination.**

**Here is a summary of the laws you work with**

<b>Service User Group</b>	<b>Laws which govern their care</b>	<b>Protection from Abuse</b>
Children	Childrens Act 1989	Yes
People with Mental Health Problems	Mental Health Act 1983 ( including a New Bill 2002)	No
Adults with Learning Disabilities	Mental Health Act 1983	No
Adults with Disabilities	Chronically Sick and Disabled Persons Act 1986	No
Older People	Disability Discrimination Act 1995	No
	National Assistance Act 1948	No
All Service User Groups	NHS and Community Care Act 1990	Yes
	Care Standards Act 2000	(Through raising standards)

**What does the law say about protecting Vulnerable Adults**

The Acts of Parliament which are mainly concerned with provisions for vulnerable adults are the National Assistance Act 1948 and the NHS and Community Care Act 1990.

If a vulnerable adult is abused and that abuse is considered to be a criminal offence, then the Police will act. All vulnerable adults will have the full protection of the law if any criminal offences are committed.

Vulnerable Adults who suffer abuse in residential or hospital settings are ultimately controlled by legislation. There are Complaints Procedures and arrangements for allowing 'Whistleblowers' who have concerns to come forward.

'Orchid' have a Complaints Procedure and any concerns of this nature should be confidentially translated back to 'Orchids' Nurse or Manager who will, in turn, also confidentially deal with the matter according to guidelines.

'Orchid' reiterate – always report and record information clearly and accurately