

West Limerick Independent Living Ltd

Policy on Safety & Protection of Service Users



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Section 1

1.0 Policy Statement

Dignity, respect and safety are essential components of the quality of life for everyone and are integral to the provision of services by West Limerick Independent Living. West Limerick Independent Living recognises that all its Service Users have a number of rights that need to be protected, such as bodily integrity, non-discrimination, protection of the person, personal liberty and privacy. West Limerick Independent Living will endeavour to take all reasonable steps within its control to ensure that these rights are protected and any abuse brought to its attention which violates these rights is dealt with appropriately.

2.0 Policy Scope

This policy should be read by all Service Users, family members of Service Users and employees or others as may be identified who provide services on behalf of West Limerick Independent Living.

This policy has the dual purpose of informing Service Users of their rights and how to report alleged abuse/misconduct as well as informing employees of West Limerick Independent Living and other relevant parties about their role in reporting suspected abuse/misconduct. In addition, it outlines to employees that their individual behaviour must not breach the policy.

3.0 Definitions of Abuse & Inappropriate Behaviours

There are a range of behaviours that may be considered to constitute abuse under this policy. Abuse may be physical, sexual, psychological, emotional or it may occur through neglect. The following are examples of behaviours that may be classified as abuse under this policy. These are not a definitive list and other behaviours may fall under the scope of this policy.

Abuse may take the form of regular inappropriate behaviour over a period of time or it may consist of a single incident.

Abuse may be perpetrated by employees, other carers, family members or other people that Service Users come into contact with.

3.1 Neglect

Neglect may be defined in terms of an act or omission, where a Service User is routinely deprived of food, clothing, entitlements, warmth, hygiene, intellectual stimulation, supervision and safety or attention.

3.2 Physical Abuse

Physical abuse is any form of non-accidental injury that causes harm or could cause harm to a Service User.

Examples include

- Hitting, shaking, slapping, burning or biting;
- Deliberate poisoning;
- Giving inappropriate medication, alcohol or illegal substances;
- Suffocation;
- The use of excessive force when dressing, bathing, toileting, nappy changing or feeding;
- Unnecessary restraint.

3.3 Sexual Abuse

Sexual abuse occurs when a Service User is used by another person for their sexual gratification or sexual arousal. Examples include:

- Intentional touching, fondling or molesting;
- Inappropriate and sexually explicit conversations or remarks;
- Exposure of the sexual organs or any sexual act intentionally performed in the presence of the Service User;
- Exposure to pornography or other sexually explicit and inappropriate behaviour;
- Sexual assault;
- Sexual exploitation of a child or vulnerable adult, including any behaviours, gestures or expressions that may be interpreted as being seductive or sexually demeaning;
- Consensual sexual activity with a child under 17 years or with a vulnerable adult.

3.4 Emotional & Psychological Abuse

Emotional and psychological abuse may arise due to the Service Users need for affection, approval, consistency or security not being met. Examples include:

- Persistent criticism, sarcasm, hostility or blaming;
- Unresponsiveness
- Failure to show interest in or to provide appropriate opportunities for a Service User's cognitive and emotional development or need for social interaction;
- Being unreasonable or unduly harsh.

The above are examples of types of behaviour that may infringe a Service User's right to enjoy basic rights that contribute to quality of life. It is not an exhaustive list and is intended to give an indication of what may constitute abuse under this policy. If there any other types of behaviour that are considered inappropriate, they may also be reported under this policy.

3.5 Discrimination

In addition, all Service Users are entitled not to be discriminated against or treated unfairly on any of the following nine grounds as outlined in equality legislation.

- Gender
- Age
- Race
- Sexual Orientation
- Marital Status
- With/Without Dependants
- Religion
- Disability
- Membership of the Travelling Community

4.0 Employee Responsibilities

All employees of West Limerick Independent Living have important obligations under this policy. All employees have a responsibility to ensure that their behaviour does not in any way infringe the rights of Service Users or could not be deemed inappropriate under any of the definitions set out above in Section 3.0 – 3.5. Employees against whom abuse/inappropriate behaviour is reported will be dealt with as per the procedure outlined in section 11.0 of this policy.

In addition, employees have a responsibility to report abuse that they are told about or that they suspect is taking place. Employees should refer to Section 5.2 for further information.

If an employee is unclear at all about any aspect of this policy, they should refer their queries to the Manager, West Limerick Independent Living.

Section 2 – Procedures For Reporting & Managing Allegations/Suspicious of Abuse

5.0 Reporting Abuse

The following procedures should be used in cases of suspected abuse. It should be noted that West Limerick Independent Living may be obliged to and will report situations where abuse has occurred/is occurring or where it is suspected, directly to the Garda Siochana and the local Health Manager, HSE.

5.1 Service Users

Any Service User who feels that they are being subjected to any form of abuse or inappropriate behaviour as defined in Section 3 of this policy or that they feel uncomfortable with, may raise the matter with their **Personal Assistant**, a **PSS Co-ordinator** or the **Manager West Limerick Independent Living**. Alternatively, Service Users may prefer to raise matters with a **family member** or other carer. In this case, it is important that they also read this policy and understand what they need to do.

Alleged abuse should where possible be reported in writing but may be raised verbally initially. However as matters are investigated it will be necessary to formalise them in writing. Support will be offered if required with this aspect of making a complaint.

Once abuse is reported or if reasonably suspected, employees of West Limerick Independent Living are obliged to deal with it further. It will not be kept secret.

5.2 Employees

All employees with whom allegations of abuse are raised or who suspect that there is inappropriate behaviour taking place are obliged to report the matter to the Manager West Limerick Independent Living. Therefore, employees are obliged to report suspected misconduct even if Service Users have not brought it to their attention.

If a matter is brought to an employee's attention, they must remain calm and listen carefully to what they are being told. It may be appropriate to ask questions to ensure that the matter being reported is understood, but it is not the role of the employee to investigate the matter in detail. All matters brought to their attention must be treated seriously and employees should inform the Service User that they are going to bring it to the attention of the Manager who will follow up with the Service User. A written record of the conversation should be taken at the time or as soon as possible afterwards.

An employee must not agree to keep the matter secret. They are obliged to bring it to the Manager's attention who will follow up. Employees should not discuss the matter with their colleagues or anyone else except the Manager. **It is critical that any alleged abuse is dealt with appropriately and confidentially. Failure to maintain confidentiality by an employee will**

be considered misconduct and will be dealt with under the disciplinary policy.

5.3 Other Carers/Family Members/Other Persons

Carers, family members or other relevant persons should contact the Manager, West Limerick Independent Living if they suspect abuse is taking place or if alleged abuse has been reported to them by the Service User.

5.4 General Duties of Persons To Whom Abuse is reported

Any person that has abuse reported to them, whether an employee or other person should adhere to these guidelines in dealing with the situation:

- Listen carefully to the allegation;
- Show concern and take the matter seriously;
- Reassure the Service User that they are right to talk to you;
- Ask questions for clarification purposes only;
- Do not ask leading questions;
- Check back that you have heard correctly and understood the allegation;
- Do not express personal opinions or judge the situation;
- Do not make commitments as to how it will be dealt with;
- Do not agree to keep the matter secret;
- Keep the matter confidential; and
- Explain that you will be referring the matter to the Manager, West Limerick Independent Living who will be in touch.

All reported allegations or suspected abuse must be reported to the Manager, West Limerick Independent Living. If the Manager is on leave or unavailable, matters may be reported to the Chairperson, Board of Directors, West Limerick Independent Living.

6.0 Managing Reported/Suspected Abuse

Once abuse has been reported, the Manager will be responsible for ensuring that this is followed through appropriately. It may be necessary for the manager to seek further information from the Service Users or the person that reported the abuse. This will normally involve taking a detailed statement and getting it signed. It may also involve talking to family members or other employees.

7.0 Reporting Abuse to Garda Siochana & HSE

Alleged abuse may be reported to both the Garda Siochana and local HSE Health Manager for review, assessment and appropriate further action by relevant bodies, if deemed appropriate. This is to ensure that all necessary steps are taken to protect the Service User.

8.0 Emergency Situations

Sometimes, alleged abuse may be in respect of conduct that has very recently taken place, that may require an immediate response. In these instances it may be necessary to seek immediate medical treatment.

9.0 Confidentiality

All matters reported will be dealt with in a strictly confidential manner. However, by the serious nature of abuse being reported, it will be necessary to inform relevant parties who can assist or need to be involved. This will be determined according to the circumstances of the case.

All parties to an allegation, whether the person to whom the abuse has been reported to or a person with responsibility for dealing with an allegation, are reminded of the utmost importance of dealing with the matter in a confidential manner that protects all parties to the allegation.

10.0 Support

During the investigation of any alleged abuse, the provision of appropriate support and counselling will be reviewed with relevant HSE personnel/other bodies as appropriate.

11.0 Dealing With Allegations of Abuse Against Employees

Where abuse is alleged against any employee of West West Limerick Independent Living, it will be brought to their attention and dealt with as per the guidelines set out in Chapter 3 and Chapter 4 of the HSE Trust in Care Guidelines. The nature of the alleged abuse will determine whether it may be suitably investigated by the Manager and Board of Directors, West Limerick Independent Living or whether it needs to be referred to the HSE to be dealt with. Investigations into alleged abuse/misconduct by employees may therefore be conducted by appropriate third parties.

In all cases where abuse is alleged, an employee is entitled to avail of the following principles of natural justice:

- The right to have the allegation put fully to them in writing;
- The right to respond fully to any allegation;
- The right to have a full and fair hearing;
- The right to be represented at all hearings; and
- The right to appeal any decisions or outcomes.

West Limerick Independent Living reserves the right to suspend an employee on pay or to transfer to alternative duties, pending the outcome of an investigation.

Allegations of abuse that are upheld following the appropriate investigation will be dealt with under the disciplinary policy and may result in action up to and including dismissal.

Appendix 1 – Contact Details

Gerard O Connor, Manager, West Limerick Independent Living
Telephone – (069) 77320
Email – info@limerickcil.com

Chairperson – Board of Directors

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| 1. Ms. Ann Shine | Director |
| 2. Ms. David Noonan | Chairman |
| 3. Mr. Timothy Corbett | Director |
| 4. Mr. Kevin Flynn | Director |
| 5. Ms. Leigh Gath | Director and Company Secretary |
| 6. Ms. Lynn Buffington | Director |