

North Kent Mind

Abuse & Harassment Policy & Procedures

1. Scope of this Policy

This document covers the policy and procedure relevant to the prevention of the abuse and harassment of people who use the services of the organisation. The expectations of North Kent Mind that people who work within its services will not themselves abuse or harass fellow-workers or service-users are contained within the Conditions of Service as defined in Policy No 12: Employment Policy (Employees Handbook), and in the Policy No 8 Volunteering Policy

2. Definitions

2.1 Abuse

As defined by Department of Health's "No Secrets" report 2000 this is 'The violation of an individual's human and/or civil rights by any other person or persons'

Abuse may consist of a single act or repeated act. Abuse can be physical, verbal, institutional, psychological or emotional. It can be an act of neglect or an omission to act. It can occur when a service user is persuaded to enter into a financial arrangement or sexual relationship to which they have not, or could not, have consented. Any or all of these categories of abuse may be perpetrated as a result of deliberate intent, negligence or ignorance.

2.2 Harassment

For the purposes of this policy harassment is defined as anything done to make someone else feel unsafe, under threat, intimidated or generally ill at ease. Examples of harassment include oral, written or physical abuse, violence, damage to property and threats.

2.3 Service User

For the purposes of this policy, a "service user" includes anyone who make use of the services of North Kent Mind, whether they are a tenant, participant at community services, counsellor, PCPT client or other beneficiary.

3. The Commitment of North Kent Mind

North Kent Mind is committed to preventing, identifying, investigating and responding to the abuse of service users. North Kent Mind recognises that it works with service users who may be at particular risk of mistreatment, abuse and harassment and that they may be more at risk of exploitation and less able to defend their rights themselves than others are. North Kent Mind's policy on protecting service users' from abuse and harassment is intended to ensure that all of its service users' rights are recognised and respected.

North Kent Mind is committed to:

- Maintaining communication at all levels to identify risks and ensure effective action to prevent abuse/harassment.
- Developing a common understanding within the organisation of abuse/harassment and those vulnerable to abuse/harassment.
- Ensuring staff are familiar with the terms of this policy.
- Working with other agencies to ensure systems to prevent and deal with adult abuse are effective and fit for purpose.
- Monitoring and evaluating the operation of this policy.

4. Prevention of Abuse & Harassment

North Kent Mind will take all necessary steps to protect the service users it works with from abuse or harassment. This includes:

- Minimising the likelihood of abuse or harassment from volunteers and staff by:
 - Subjecting all staff/volunteers/students on placement to DBS (Disclosure and Barring Service) check where they will be working in direct contact with service-users
 - Resubmitting all staff/volunteers to DBS checks at intervals as set within the DBS statement (see Appendix 1).
 - Demanding and checking the validity of at least 2 references for employment or volunteering
 - Having clear relevant policies which are referred to in volunteer screening, staff interviews and induction training
- Minimising the likelihood of abuse or harassment from other service users by:
 - In Community Services, having a clear Code of Conduct, formulated by the Service-User panel, which refers to issues of abusive behaviour.
 - Responding to breaches of this code, and temporarily barring people from services when this is an appropriate measure.
 - Checking on issues of potential risk to others via the Community Services registration process.
 - In Supported Housing Services, having a clear Tenants' Agreement which specifies that Abuse and Harassment of others is prohibited.
 - Setting ground rules which include issues of offensive and abusive behaviour in the various groups that we run.
- Minimising the likelihood of abuse or harassment from others by:
 - Ensuring staff and volunteers are competent in the identification and prevention of abuse and harassment through training. All receive instruction and/or training on issues involved in protecting service users/tenants from abuse/harassment and the need to be vigilant around the signs and potential for abuse and harassment.

- Sharing issues of abuse/ harassment (suitably anonymised) within the multi-agency forums within which it operates (eg Mental Health Action Group, Providers' Forums, Ethnic Minority Forum, Executive Board of Providers (Housing): looking at communalities and where joint action might be advisable
- Enabling Service Users to be empowered, self confident and supported enough to stand up to those who might otherwise choose them as victims of abuse or harassment.
- Providing Mental Health Awareness Training and Campaigns to work against the stigma that can be a factor in cases of abuse and harassment in the general population.
- Risk assessments for all tenants include issues of risk of abuse, harassment or bullying

5. The process of dealing with suspected Abuse or Harassment

5. 1. Identification

Identification refers to the responsibility of any worker to be aware of the possibility that abuse or harassment of a service user may have taken place – or is likely to take place – and to take action.

A concern that a service user is, or could be, being abused or harassed may have arisen from:

- A **direct disclosure** by the service user
- An **expression of concern** by a worker, service user, member of the public, carer or other professional. This could also be part of another process – eg complaints system, grievance system, whistleblowing system.
- An **observation** of the behaviour of the service user by a worker.

5.2 Initial Action

If a North Kent Mind worker suspects or receives a report of actual or potential abuse or harassment, they will:

A. Deal with immediate needs

- Take reasonable steps to ensure that the service user is in no immediate danger. This may include involving the Police if there is real and immediate risk to the person: this may also involve enabling the person to seek medical intervention if deemed necessary.

B. Listen

- Assure the person making the allegation that they will be taken seriously.
- Be non- judgemental, but clarify the facts of the situation as they are perceived by the informant.
- Explain to the informant the duty to report to the manager (or their manager if they are implicated in the abuse) and that the concerns raised will have to be shared. Where the

informant is the victim and does not wish the matter to be taken further, refer to the Confidentiality Policy (North KentMind Policy No 9) which specifies sharing of this type information internally is permitted.

- Do NOT discuss the allegation of abuse or harassment with the alleged perpetrator or anyone other than the relevant manager.

C. Inform the relevant manager

- The manager of the service which is used by the service-user (or another manager in their absence) must be alerted to the concerns immediately.
- Where this manager is implicated in the incident refer to the Whistleblowing Policy (North KentMind Policy No 10) to inform a person other than this manager.

D. Record

- The worker must record the issue and what they have done about it in the incident file, unless this is part of a whistle blowing process where disclosure would be detrimental to any future investigation, in these cases, the worker must keep their own written record.

5.3 Action to be taken by receiving manager

It is the duty of the manager receiving the information to:

A. Deal with immediate needs

- Ensure that the victim of the alleged abuse/harassment is safe.
- Ensure that any emergency medical treatment has been arranged as appropriate.
- If the alleged perpetrator is also a service user, ensure that a worker is allocated to attend to their needs.
- Ensure that other service users are not put at risk.

B. Discuss

- A discussion must be held with the CEO or, in their absence, other senior staff, to decide the way forward
- This discussion should include:
 - Seriousness of situation
 - Likelihood of repetition
 - Consent and confidentiality
 - Alleged victim's views of how the situation should be dealt with
 - Appropriate contact with statutory agencies, for example Social Services, the Police, Mental Health Teams
 - Appropriate contact with support agencies, for example Victim Support, Citizen Advice Bureau, Family Matters or Solicitors
 - Need for further investigation

- Appropriateness of referral under Adult Protection Guidelines (See Adult Protection and Safeguarding Children Policy: North Kent Mind Policy No 16)
- This discussion should result in:
 - A clear strategic plan of the way forward
 - A decision on whether referral under Adult Protection Guidelines should take place at this time
 - Information to the alleged victim on what the organisation intends to do, and securing the alleged victim's permission on this where appropriate

C: Record

Following the above discussion, an entry should be placed in the Protection and Safeguarding Book, and used to track developments and actions taken. This will be signed off by the CEO when all actions points have been completed.

5.4 Notes on Further Investigations and Actions

5.4.1 If the alleged perpetrator is also a service user

The steps set out above should be followed as a matter of course but, additionally, managers receiving reports where the alleged perpetrator is also a service user/tenant should:

- Consider if the alleged perpetrator needs to be represented during investigations to avoid a potential conflict of interest.
- Consider if there is an ongoing risk of further abuse or of pressure being brought to bear on the person making the allegation. If it is thought that this is possible, arrangements should be made to manage this risk.

5.4.2 If the alleged perpetrator is a North Kent Mind worker

The steps set out above should be followed as a matter of course. Additionally, for paid staff, any investigation and action taken must be compatible with the organisation's Staff Disciplinary Policy (this is contained in the Policy No 12 Employment Policy (Staff Handbook), and for volunteers, investigation and any action must be compatible with the organisation's Disciplinary Policy for Volunteers contained in Policy No 11 Volunteering Policy

Where suspension of paid staff or volunteers is to take place during investigation, a sensitive statement for other workers, stakeholders and service users/tenants should be drawn up, regarding the absence of the worker under investigation.

5.4.3 Autonomy of Alleged Victim of Abuse

It is a characteristic of North Kent Mind that we support the autonomy of Service-Users. (See Service User Involvement Policy - North Kent Mind Policy No 5). Where an alleged victim does not wish for an investigation to proceed, or does not wish for a referral to Adult Protection, or contact with outside agencies, then only in the most extreme cases would we wish to work contrary to this request, under the Confidentiality Policy (North Kent Mind Policy No 9)

6. Staff Support

It is recognised that working with situations that may involve the abuse/harassment of a service user can be stressful for workers particularly those who may have had personal experience of similar issues. In relation to this North Kent Mind ensure that workers involved in reporting, witnessing or investigating cases of service user abuse will be supported appropriately. This will include:

- Access to a confidential counselling service.
- Space to debrief and discuss the issues within the line management structure.
- Support and protection in the event of any retaliatory or aggressive action from an abuser or harasser as a result of their abuse being uncovered.

7. Monitoring and Evaluation

All reports from the Protection and Safeguarding Book will be monitored by the Quality Committee and a discussion of these and a review of the effectiveness of this policy will be undertaken by the SMT annually, as part of the work schedule of that meeting. There will be a consideration of additional actions which could be taken at an organisational level to prevent such incidents happening again.

APPENDIX ONE

North Kent Mind

Policy on DBS checks

It is the Policy of North Kent Mind to carry out an DBS Check, on all its staff and volunteers, where their work will place them in direct contact with service users.

As North Kent Mind works with vulnerable adults, applications for employment or volunteering are exempt under the Rehabilitation of Offenders Act 1974 and therefore spent convictions must be declared.

North Kent Mind will treat any information received confidentially as it is subject to the provisions of the Data Protection Act 1988 and the Police Act 1997.

If a prospective staff member or volunteer has a previous conviction, North Kent Mind would not necessarily discount them from joining the organisation and will take each case on its own merit, mindful of the duty to protect the people who use its services.

Procedure for Police Checking

1. Every staff member and volunteer who works for North Kent Mind will be DBS Checked where they perform a regulated activity as defined by the Department of Health. North Kent Mind uses Bromley and Lewisham Mind as its umbrella body. They are registered with the DBS).
2. Once the checks have been made, the resultant DBS form is sent to the person in question, and North Kent mind must obtain a copy from the person
3. The above process can take some time to complete. North Kent Mind will deploy staff and volunteers in the period before the results of the DBS check are received, but only on the following conditions:
 - The staff or volunteer will not engage in any lone working with a service user during this interim period, nor will they be in any situation with a service-user where they are not visible to others at all times.
 - Prospective staff and volunteers are required to state past convictions on application forms. They will be further asked at interview whether there is anything else to declare, including other police information that will be revealed by the DBS check process, and the interview will explore the nature of any such events.
 - Where any such convictions/events are revealed, and North Kent Mind still wishes to accept the person as a staff member/volunteer, then the manager, in consultation with the interviewers, will make a decision about whether deployment can take place before the result of the DBS check is received. Such a decision, and the reasons for it, shall be noted on the individual's file.

4. When the result of DBS Check is first returned to North Kent Mind, it will be kept confidentially in a locked drawer and may only be seen by specified people:

Volunteers & Staff	Business Manager & CEO
Business manager	CEO & Chair
CEO	Business Manager & Chair
Trustees	Business Manager & Chair
Deputy Chair	Business Manager & Chair
Chair	CEO & Deputy Chair

Should a check bring up any past conviction, whether already known to the organisation or not, then the 2 people specified above would meet with that person, to formally decide the outcome. They will be guided in this by:

- The person's own attitude to the details of the DBS check, as given in this meeting, and in a short written response they will be asked to compile.
- Feedback from the supervisor in cases where the person has been deployed in the interim period.

Brief reasons for the decision will be noted and held on file, together with the person's written response. A past conviction does not necessarily mean that a person would be excluded from working for North Kent Mind

5. Where a DBS Check reveals no records, then the check reference number will be noted and the record shredded. Where a check reveals a criminal record or other event, the check reference number shall be noted, but shredding shall not take place until the matter has been dealt with in accordance with this procedure.
6. In accordance with the rules of North Kent Mind Insurers, all staff and volunteers to whom this applies will be re-checked every three years. Only records dating from after the last check shall be subject to the procedure detailed above.