

## Policy: Vulnerable People

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## **1. Purpose**

The document describes how Broxtowe Borough Council will facilitate effective multi-agency working with vulnerable adults who are deemed to have mental capacity and who are at risk of serious harm or death through the actions of others, self-neglect, risk taking behaviour or refusal of services.

## **2. Scope**

This policy will only consider risk outside of existing processes, Mental Capacity Act, Safeguarding Adults, Multi Agency Risk Assessment Conference (MARAC), Multi Agency Public Protection Arrangements (MAPPA). These processes will be seen as having primacy and the vulnerable adult will only be referred where they do not fall within these processes and if it is felt that a Complex Case Panel (CCP) will reduce the risk of serious harm or death.

## **3. Policy**

### **3.1 Principles**

In cases where there is mental capacity and no abuse perpetrated by a third party referrals do not meet the threshold for the Safeguarding Adults process, however they do need to be considered and risk managed via another process.

The process should not be seen as a substitute to existing processes, including the Mental Health Act, Mental Capacity Act, Safeguarding Adults, MAPPA and MARAC. These processes will be seen as having primacy and the vulnerable adult will only be referred where they do not fall within these processes or if it is felt that a CCP will reduce the risk of serious harm or death.

The vulnerable adults risk management process is a multi-agency procedure delivered through the CCP who meet monthly to discuss, identify and document risk, and formulate actions identifying appropriate agency responsibility. It also provides a mechanism for review and re-evaluation of the case.

Appropriate agencies including non-statutory, and voluntary sector groups are invited to panel meetings to facilitate the best opportunity to consider what options are available produce positive outcomes. The CCP will encourage engagement and which professional is best placed to successfully engage with the person.

Agencies only have their core resources to deliver this work and can't be compelled to attend so the CCP is reliant on the good relationships fostered between agencies and the Borough Council to deliver this service.

Cases are reviewed at each meeting and changes of approach considered however due to the nature of the clients referred most will remain vulnerable and at risk as this can never be reduced completely. The panel is convened to reduce the risk as far as possible.

Cases remain open to the CCP whilst risk remains high and where there are ongoing actions however where all identified actions are completed, risk is reduced or there is refusal to engage with all agencies and support offered the panel have no choice but to close the case due to capacity.

Interagency information sharing agreements are in place to protect individuals against experiencing serious harm and Caldicott principals exist to protect agencies sharing information on a need to know basis in order to prevent harm. Each agency needs to be aware of the principals of sharing information and be aware of the threshold of sharing information on a “need to know basis”.

The CCP shares information securely between agencies using the Empowering Communities Integrated Network (ECINs) multi-agency secure information sharing system. Cases are also recorded and managed and meeting facilitated through the system.

In order to consider a person for a CCP referral all the following criteria should apply:

- A person must have capacity to make decisions and choices regarding their life
- There is a risk of serious harm or death by
  - self-neglect
  - fire
  - deteriorating health condition
  - non-engagement with services
  - the repeat victim of Hate Crime
  - the repeat victim of Anti-Social Behaviour where they have a condition which prevents them from protecting themselves
- There is a public safety interest
- There are a high level of concerns from partner agencies

Serious harm means death or injury (either physical or psychological) which is life threatening and/or traumatic and which is viewed to be imminent or very likely to occur.

Understanding a person’s capacity to make a decision is a vital element in care planning with and for, vulnerable adults. Where it has been assessed that a person does not have capacity to exert a choice over a decision with regard to their safety a Multi Agency Safeguarding Hub (MASH) referral will be made.

In assessing a person’s capacity to make a decision, the principles of the Mental Capacity Act 2005 are followed. A person lacks capacity if at a specific time, they are unable to make a specific decision because of an impairment of, or disturbance in, the functioning of the mind or brain. A person is deemed as unable to make a decision if they are unable to understand information relating to the decision, or unable to retain the information or use the information as part of the process of making the decision, or unable to communicate the decision.

It is an essential part of the process that people have a right to make unwise decisions if they have capacity to do so however the Human Rights Act gives primacy to the Right to Life (HRA 1998 article 2). and a decision may sometimes be overridden due

to public safety concerns. The CCP meeting is an opportunity to ensure that all agencies have offered support and options to individuals whose life is at serious risk or harm.

Any agency can initiate a referral and the expectation is that the agency will exercise professional judgement when referring a case to this process. They **MUST** attend the meeting to provide agencies with information they require to identify possible interventions and make decisions and they will remain lead worker in the case and provide communication between the Panel and the individual.

Consent for referral should be obtained wherever possible, however, a lack of consent would not prevent a referral from being made. Under common law a person may act to prevent serious harm from occurring if there is a necessity to do so. Where cases are referred without consent a form is completed recording the justification in the case for overriding of the Data Protection Act. The form is considered against the legal framework and signed by the Chair where this is considered appropriate to safeguard the client.

Consideration must by law be given to the views of the vulnerable adult and these are recorded in the referral form and included in discussions.

### **3.2 Risk**

Not all risk can be reduced due to an individual's circumstances however it is hoped that interventions can reduce risk to manageable and acceptable levels or to levels which are normal for the individual.

| <b>Risk</b>  | <b>Mitigation</b>   |
|--|---|
| None engagement with agencies or support by a vulnerable person                                  | Cases are reviewed at each meeting and changes to approach considered.  |
| Despite interventions risk can't be reduced due to other factors outside the control of agencies | Cases remain open for all avenues to be explored and interventions implemented  |
| Clients may move out of District however their risk may not be reduced or it may even increase   | The ECINs system allows for cases to be securely moved between officers in different Districts or Counties seamlessly |

Cases are reviewed at each meeting and changes of approach considered however due to the nature of the clients referred most will remain vulnerable as risk can never be reduced completely and the panel is convened to reduce the risk as far as possible.

The Case remains open to the CCP whilst risk remains high and where there are ongoing actions however where all identified actions are completed, risk is reduced or there is refusal to engage with all agencies and support offered the panel have no choice but to close the case due to capacity.



### 3.3 Assertions

Regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio-economic background, all Vulnerable Adults in Broxtowe have the right to live in a safe and supportive environment in safety, free from abuse and neglect.

### 3.4 Responsibilities

- The Safeguarding Lead will chair Complex Case Panel meetings.
- All partner agencies should ensure appropriate staff are allocated with the required seniority to make decisions on behalf of their organisation.
- Where there are children who are part of the household or who are linked to the individual who is being referred the referring agency will make a Safeguarding Children Referral in line with their statutory responsibilities.
- Each agency is expected to manage, record and hold their own records where an adult is considered under the Complex Case Panel.
- Actions agreed at the Complex Case Panel should be initiated immediately by partner agencies.
- The Referral agency remains the lead agency in the case and is responsible for communications between the individual and the panel.

## 4. Related Policies, Standards and Guidelines

- Safeguarding Adults Policy 2022
- ASB Policy 2021
- Hate Crime Policy 2023
- Mental Health Capacity Act 2005
- Mental Health Act 2007

## 5. Terms and Definitions

**CCP** – Complex Case Panel

**MARAC** – Multi Agency Risk Assessment Conference – High Risk Domestic Violence Case Conferences

**MAPPA** – Multi Agency Public Protection Arrangements – Management of Violent and Sexual Offenders

**ASB** – Anti Social Behaviour

**ECINs** – Empowering Communities Information Network – Nottinghamshire's Multi Agency Secure Information Sharing and Case Management System

**Safeguarding** - protecting an adult's right to live in safety, free from abuse and neglect. Safeguarding duties apply where a local authority has reasonable cause to suspect that an adult in its area;

(a) Has needs for care and support

(b) Is experiencing, or is at risk of, abuse or neglect,

**and** (c) As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. The adult's care and support needs should arise from, or be related to a physical or mental impairment

## 6. Enforcement

Any **user** or **administrator** found deliberately contravening this policy **may** be subject to disciplinary action and, where appropriate, legal action.

## 7. Review

This document will be reviewed on a 4 yearly cycle or wherever there may be a change of influencing circumstances.

## 8. Appendix

### BROXTOWE COMPLEX CASE PANEL REFERRAL FORM

#### Agencies with access to ECINs

1. Upload the completed referral form to a **Report** entitled **CCP REFERRAL** ensuring that the **ECINs consent form** **OR** the **CCP Data Sharing Form** sections are **completed and signed**.
2. Link the **Report** to the individuals **Case** and **Profile**
3. For referrals where they are a **victim of ASB** the **ASB Risk Assessment** (found in the Profile Assessments tab) **MUST** also be completed
4. Give **access** to both the **CASE** and **REPORT** to “**Broxtowe CCP Group**” in the team access section
5. Send a message through ECINs or an email including the **CASE NUMBER** to **Marice Hawley** and **Debbie Griffiths** to inform them a case has been referred

#### Agencies without access to ECINs

6. EMAIL the completed form ensuring that the **ECINs consent form** **OR** the **CCP Data Sharing Form** sections are **completed and signed** to **spc@broxtowe.gov.uk** and **marice.hawley@broxtowe.gov.uk**

**please note: referrals and updates from agencies with access to ECINs can only be accepted through the ECINs system**

**\*ALL SECTIONS ARE MANDATORY \***

|                      |  |
|----------------------|--|
| Date                 | BBC Case number                                  |
| Name                 | ECINs Profile Number<br>ECINs Case Number        |
| DOB /approx. age     |  |
| Address              | SIGNED CONSENT                                   |
| Tenancy Type         | YES  |
| Name of RSL/Landlord | NO (CCP Data Sharing section has been completed) |
| Phone Number         |  |
| ASB Victim    YES/NO | ASB Risk Assessment completed    YES/NO          |



|   |                 |        |
|---|-----------------|--------|
| Referred by Officer/ Agency   | Repeat Referral | Yes/No |
| Risk Factors to Officers  |                 |        |
| <p><b>NATURE OF VULNERABILITY –</b><br/> <b>FULL INFORMATION OF PRE EXISTING VULNERABILITY AND WHAT HAS HAPPENED RECENTLY TO INCREASE VULNERABILITY <u>MUST</u> BE PROVIDED</b></p> |                 |        |
| What does the person want to happen?  |                 |        |
| <b>Agency Involvement</b> (please add any agencies involved in the case and their contact details)  | <b>Contact</b>  |        |
|   |                 |        |

**Tell Us About You (individual being referred)**

We want to make sure that our services are provided fairly and to those who need them. The information collected helps us get a picture of who contacts us, uses or does not access our services, so will help us improve what we provide and reduce potential barriers to access.



**Gender**

How would you best describe your gender?

- Male
- Female
- Another way
- Prefer not to say

**Age**

Which of the following age groups do you belong to?

- 18-24
- 25-29
- 30-44
- 45-59
- 60-64
- 65+

**Ethnicity**

White

- English/Welsh/Scottish/Northern Irish/British
- Irish
- Gypsy or Irish Traveller
- Any other White background

Mixed/multiple ethnic groups

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed/multiple ethnic background

Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background

Black/African/Caribbean/Black British

- African
- Caribbean
- Any other Black/African/Caribbean background

Other ethnic groups

- Arab
- Any other ethnic group

Are your day to day activities limited because of a health problem which has lasted or is expected to last at least 12 months?

- Yes, limited a lot
- Yes, limited a little
- No



## CONSENT TO SHARE WITH PARTNER AGENCIES

Any information disclosed and recorded within the context of this contact will be held in accordance with the Data Protection Act 1998.

This consent is to share with partner agencies for the purpose of keeping you and other people safe, supporting victims of crime, protecting your well-being, taking action against perpetrators and preventing further victimisation and offending.

**Where there is a legal safeguarding duty towards children and vulnerable adults, appropriate referrals will be made regardless of consent.**

The types of organisations that we will share information with are victims' services, relevant specialist crime services and support groups (e.g. hate crime support), local authorities, housing providers, social care providers, health services (including mental health services), criminal justice agencies including the Police and Prison services, restorative justice services, domestic abuse services, statutory public bodies such as the Fire Service, anti-social behaviour and community protection services and education providers (this is not an exhaustive list).

Consent from the person believed to be at risk or their parent/guardian should always be sought and recorded.

Consent can be withdrawn at any time and the process for doing so.

**Is consent given for information to be shared with partner agencies?**

Consent given Yes  No

Unable to consent  **COMPLETE CCP DATA SHARING FORM**

|   |                     |
|---|---------------------|
| <b>Signature of person at risk</b><br><br>----- | <b>Date</b><br><br> |
|---|---------------------|

## SENSITIVE PERSONAL DATA SHARING WITHOUT CONSENT APPLICATION

**This form is to be completed prior to the sharing or disclosure of any personal data to third party agencies/organisations.**

| 1. Information to be Shared |  |
|-----------------------------|--|
| 1.1                         | Who and why do we think we need to share this information with? <ol style="list-style-type: none"> <li>1. General Practitioner <input type="checkbox"/></li> <li>2. Signatories to the Data Sharing Protocol <input type="checkbox"/></li> </ol> |
| 1.2                         | What information is to be shared?  |
| 1.3                         | Is the information sensitive personal data?    Yes <input type="checkbox"/> No <input type="checkbox"/>  |

| 2. Legal Basis for Data Sharing Without Consent   |  |   |                          |  |                          |  |                          |
|---|--|---|--------------------------|--|--------------------------|--|--------------------------|
| 2.1   | <b>Schedule 2:</b><br>Which condition/s in Schedule 2 is met (please tick at least one)?   |   |                          |  |                          |  |                          |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">(3) - The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.</td> <td style="width: 20%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>(4) - The processing is necessary in order to protect the vital interests of the data subject.</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>(5) - The processing is necessary—<br/>(b) for the exercise of any functions conferred on any person by or under any enactment,</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> | (3) - The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract. | <input type="checkbox"/> | (4) - The processing is necessary in order to protect the vital interests of the data subject. | <input type="checkbox"/> | (5) - The processing is necessary—<br>(b) for the exercise of any functions conferred on any person by or under any enactment, | <input type="checkbox"/> |
| (3) - The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract. | <input type="checkbox"/>   |   |                          |  |                          |  |                          |
| (4) - The processing is necessary in order to protect the vital interests of the data subject.  | <input type="checkbox"/>   |   |                          |  |                          |  |                          |
| (5) - The processing is necessary—<br>(b) for the exercise of any functions conferred on any person by or under any enactment,                                    | <input type="checkbox"/>   |   |                          |  |                          |  |                          |
|   | Explain how the selected condition is met:   |   |                          |  |                          |  |                          |
| 2.1a  | <b>Schedule 3:</b><br>Which condition/s in Schedule 3 is met (please tick at least one)?   |   |                          |  |                          |  |                          |

|            |  |   |
|------------|--|---|
| <p>2.2</p> | <p>3 - The processing is necessary</p> <p>(a) in order to protect the vital interests of the data subject or another person, in a case where</p> <p style="padding-left: 40px;">(i) consent cannot be given by or on behalf of the data subject, or</p> <p style="padding-left: 40px;">(ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or</p> <p>(b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.</p>  | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>   |
|            | <p>7 (1) - The processing is necessary—</p> <p>(b) for the exercise of any functions conferred on any person by or under an enactment, or</p>  |   |
|            | <p>10 - The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph. – <b>see Data Protection – Processing of Sensitive Personal Data Order 2000, para 4 below</b></p> <p>(4) The processing—</p> <p style="padding-left: 40px;">(a) is in the substantial public interest;</p> <p style="padding-left: 40px;">(b) is necessary for the discharge of any function which is designed for the provision of confidential counselling, advice, support or any other service; and</p> <p style="padding-left: 40px;">(c) is carried out without the explicit consent of the data subject because the processing—</p> <p style="padding-left: 80px;">(i) is necessary in a case where consent cannot be given by the data subject,</p> <p style="padding-left: 80px;">(ii) is necessary in a case where the data controller cannot reasonably be expected to obtain the explicit consent of the data subject, or</p> <p style="padding-left: 40px;">(iii) must necessarily be carried out without the explicit consent of the data subject being sought so as not to prejudice the provision of that counselling, advice, support or other service.</p> | <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> |



|      |  |
|------|--|
| 2.2a | Explain how the selected condition is met: |
|------|--|

**3. Decision**

Having carefully considered the available evidence the decision is taken to:-

|     |   |                          |
|-----|---|--------------------------|
| 3.1 | Disclose the sensitive personal data        | <input type="checkbox"/> |
| 3.2 | Not to disclose the sensitive personal data | <input type="checkbox"/> |

**4. Officer Details**

|     |   |  |
|-----|---|--|
| 4.1 | Form completed by: -<br>Print name:<br><br>Job Title<br><br>Signature:<br><br>Date: | Chief Communities Officer<br>Approval: -<br>Print name:<br><br>Signature:<br><br>Date: |
|-----|---|--|

**5. Post Disclosure Information**

|     |  |
|-----|--|
| 5.1 | Name of Meeting:                                 |
| 5.2 | Date(s) of Meeting                               |
| 5.3 | Location:  |
| 5.4 | Which agencies was the information disclosed to? |

## 9. Document Attributes

### Document Information

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|------------------|--|
| Title            | Vulnerable Person Policy   |
| Identifier       | Vulnerable Person 2023 Media Policy                                |
| File Location    | Y:/drive/Public Protection/Communities/ADMIN/POLICIES & STRATEGIES |
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| Owner            | Chief Communities Officer  |
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### Document Approval

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| XXXXXX | Chief Executive                 | 1       |

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### Distribution

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