

LONDON HOUSING TRUST

Staff Guidelines for Recognising Abuse and Understanding Consent

Abuse of people who are vulnerable can take many forms, be it; sexual, physical, psychological, financial, social; intentional, unintentional, or the result of neglect; causing significant harm to the vulnerable person either temporarily or over a period of time. In some instances the abuse may have happened a long time ago and may have been only recently disclosed.

These guidelines are associated with abuse that takes place in a variety of domestic and institutional settings and is perpetrated by someone who knows and / or has a relationship with the vulnerable person. Where there is an imbalance of power and usually by the dependence of the vulnerable person on the perpetrator of the abuse, who may be a care giver / partner, relative, friend, volunteer, or someone employed to care. In some cases the alleged perpetrator may be another vulnerable adult himself. Although these guidelines recognise that abuse by strangers, can of course be very damaging too, and when it happens the vulnerable adult may require considerable support.

Abuse in residential settings often occurs in the context of long-standing poor relationships and / or carer stress. In some cases the perpetrator may her/himself be being mistreated by the person for which he/she is caring.

The seriousness of the abuse varies and can range from behaviour that is violent / pathological and criminal to passive abuse which is neglectful, unintentional and less exploitative in character.

The following tables provide a guide to the various types of abuse, giving examples and possible indicators. The presence of any of these signs does not establish the abuse or the neglect, but should alert people to the possibilities that it may exist; for example, it is important to remember that some of the signs of the ageing process can cause changes resulting in signs familiar to those which would be present after a physical assault. It should also be acknowledged that abuse may be occurring even if none of these signs or possible indicators are present.

a) PHYSICAL ABUSE Is the use of force which results in pain or injury or a change in the persons natural physical state.	Examples :- Punching, Slapping, Hitting, Shaking, Pinching, Burning, Scalding, Enforced Sedation, Forced Feeding, The use of excessive Restraint.
Possible Indicators :- <i>Fractures, Pressure Sores, Sprains, Bruises (especially in well protected areas), Dislocations, Drowsiness, Confusion, Lacerations, Delays in seeking medical attention, Black Eyes, Unexplained or inexplicable injuries, Scalds / cigarette burns, Welt Marks, Anxiety or fear that is more evident in the presence of the abuser.</i>	
b) SEXUAL ABUSE Is the involvement of a vulnerable adult in sexual activities or relationships. (i) They do not want and have not consented to; (ii) They cannot understand and are not able to consent to.	Examples :- Masturbation, Indecent Exposure, Penetration or attempted penetration of anus, with penis fingers, or other objects. Harassment, Pornographic Photography, Enforced Witnessing of sexual acts or sexual media. Serious teasing or innuendos.
Possible Indicators :- <i>Changes in behaviour, (e.g. more withdrawn, depressed, confused, tearful, agitated). Difficulty in walking or sitting; torn bloody or stained underclothes. Pain or itching in the genital area. Bruising or bleeding in external genitalia or anal areas. Venereal Disease, Sexualised Behaviour.</i>	
c) PSYCHOLOGICAL ABUSE Is behaviour that has a harmful effect on a vulnerable adult's emotional health and development.	Examples :- Shouting, Swearing, Insulting, Humiliation, Threats, Intimidation, Ignoring, Lack of stimulation, Depriving an individual a right to choice, information and privacy.
Possible Indicators :- <i>Fear, Confusion, Low Self – Esteem, Depression, Running Away, Withdrawal, Disturbed Sleep Pattern, Passivity, Unusual Weight Loss,</i>	
d) FINANCIAL ABUSE. Is the use of a vulnerable person's property, assets, income without their informed consent or making financial transactions which they do not comprehend unless this is legally sanctioned.	Examples :- Taking possessions, Stealing or misappropriating money, Using pressure to obtain rights to property, Pressure to give money away.
Possible Indicators :- <i>Inadequate money to pay bills etc. Insufficient money to purchase basic necessities, Legal documents requiring signature, Sudden and / or large withdrawal from bank etc. A 'disappearing pension'. Inadequate clothing.</i>	

e) NEGLECT Is behaviour which results in the vulnerable person's basic needs not being met.	Examples :- Failure to provide adequate food / drink. Failure to provide safe and adequately heated environment. Failure to assist with appropriate levels of hygiene.
Possible Indicators :- <i>Dehydration, Malnutrition, Hypothermia, Inadequate Clothing, Infections, Pressure Sores, Unexplained failure to respond to prescribed medication.</i>	

f) SOCIAL ABUSE including SPIRITUAL abuse. (as defined in the 'Incitement to Religious Hatred'). Is the deprivation or the rights of a vulnerable person to engage in activities or to see friends and relatives and have other social contacts, or abuse related to someone's religion and/or the religious practices that they follow.	Examples :- Confining or locking someone in their room / one room, Denying access to transport, Preventing access of other people to the home, Isolation from the religious or cultural activities or antipathy to a religion or cultural activity, racial harassment.
Possible Indicators :- <i>A lock on the outside of the room, A physical environment that does not allow access to other parts of the home, Loss of independence.</i>	

The following should afford some guidance on the issues of consent in sexual activity involving people who are vulnerable.

Consent is the crucial issue in determining whether a particular act, relationship or situation is abusive or someone is vulnerable. The 2 pertinent questions are :-

Whether the vulnerable person did give consent,
Whether the person is capable of giving consent.

Abuse occurs when :-

- The vulnerable person withholds their consent.
- The person is unable to give his consent because of the severity of his mental illness significantly undermines his understanding of the basic elements of sexual behaviour.
- Some other barrier to consent exists in the particular relationship or situation which means that he is subject to undue pressure, or is not in a right state of mind. E.g. seduced through alcohol.

If the person is unable to think 'about' or 'through' sexual behaviour in any of the following ways, then he is not in a position to consent to sexual activity, namely:-

- Making sense of what has been done to him and construing the behaviours as a sexual act
- Appreciating the inappropriateness of a particular behaviour.
- Appreciating the value accorded to sexual acts.
- Appreciating the possible consequences of such acts.

Even when a person is able to make such judgements, there may be other factors which mitigate against freely given consent. They are :-

- The presence of a caretaking relationship between the persons involved. Sexual activity between employed care staff and vulnerable adults should always be viewed as abusive.
- The use of a weapon, threats of injury or force.
- The presence of a power imbalance between them that precludes consent by the weaker person.

The criminal law is obviously applicable in some of these situations. Where there are concerns about the mutuality of the relationship and / or consent of one of the individuals the same process of determining whether there is consent should be worked through.

Factors which are indicative of mutuality are :-

- Both parties seeking each other out.
- Spending more time together than with others / more spare time together.
- Sharing leisure activities.
- Sharing resources equally.
- Restricting activities with other potential partners.