

Protection of Vulnerable Adults Scheme

NAS Response

The National Autistic Society (NAS) is the leading charity for people with autistic spectrum disorders (ASD) in the UK. It has a membership of over 12,000, a network of 60 branches, and 80 partner organisations in the autism field. The NAS exists to champion the rights and interests of all people with autism and to ensure that they and their families receive quality services, appropriate to their needs. There are approximately 500,000 people with autism spectrum disorders in the UK. The NAS welcomes this opportunity to comment on the Protection of Vulnerable Adults Scheme (POVA) consultation document.

NAS Overview

The NAS provides a wide range of residential and day services for adults with autistic spectrum disorders. This range includes residential and day provision in urban and rural settings offering flexible, specialised support to individuals with varying needs. The NAS has 18 adolescent and adult services throughout England and Wales.

Phased Implementation

The NAS welcomes the introduction of POVA and whilst having some concerns with phased implementation would not like to see the June implementation date postponed. Adults with autistic spectrum disorders can be extremely vulnerable both within a service setting and in everyday life. An autistic spectrum disorder is a lifelong developmental disability that affects the way a person communicates and relates to people around them. People with an ASD often misinterpret other people's intentions and take written and spoken words as the truth because of their difficulties with communication.

The inability to distinguish between lies and the truth, being unable to ascertain when others are insincere and the willingness to do favours for people in order to try and become their friends often leads to adults with an ASD being extremely vulnerable.

Direct Payments

Many adults with autistic spectrum disorders are not receiving appropriate support from local authorities for a number of reasons:

- Lack of knowledge of autistic spectrum disorders
- Lack of resources
- Lack of flexibility in providing support and services
- People with autistic spectrum disorders with an IQ over 70 are sometimes, wrongly, ignored by adult learning disability teams

Therefore, many adults with an ASD are now seeking support and services through Direct Payments to combat the lack of services available. As POVA will be phased implementation and will not initially cover “*individuals who are directly ‘employed’ by service users living in the community through direct payments*” this could lead to some carers deliberately providing care through Direct Payments to avoid the POVA list. This scenario coupled with the vulnerability of adults with an ASD could lead to the exploitation of a section of society that is already excluded.

Recommendation: As well as the delay in phased implementation individuals will not be able to access the POVA checklist. The NAS would welcome the opportunity for persons employing carers and/or services through direct payments to permit the local authority to check the POVA list as a third party.

The NAS recognises that “*there is strong evidence that most abuse of vulnerable adults occurs in care homes or people’s own homes*” (Paragraph 13) but the Department of Health must also recognise that Direct Payments have only been in circulation since 1997 and only since April 2003 have they been made more widely available. If, as expected, the use of Direct Payments will increase there is the potential for carers who have harmed vulnerable adults to operate under the Direct Payments scheme in order to avoid the POVA checklist.

Draft Mental Incapacity Bill

Phased implementation of the POVA scheme also places adults without capacity in a more vulnerable position. The *draft Mental Incapacity Bill* (Department of Constitutional Affairs) proposes that substitute decision makers such as Deputies will be appointed by the Court of Protection would also be exempt from the POVA list in June 2004. The NAS urges the Department of Health to include substitute decision makers as soon as possible onto the POVA list.

Day Settings

As a service provider the NAS has residential settings but also has “*workers in day settings*” who would be outside the scope of POVA. The NAS also provides volunteers (“befrienders”) to adults with an ASD who would also be outside the scope of POVA as well as employment consultants. Within NAS day care settings a day care support worker care worker could work side by side with residential staff – one having had a POVA check whilst the other day care member of staff is exempt. The NAS is pleased to see the guidelines for inclusion on the POVA checklist for “other” staff in residential care settings eg. Admin staff, cleaners, drivers etc. However, it seems an anomaly to have staff that will be working together not having had the same background checks ie when residential staff attend the day centre with a service user.

Specific Points

The NAS is pleased to see the provision in Paragraph 19 “*where an individual is registered with more than one agency/business, it should be noted that a POVA check carried out by one agency/business is not ‘transferable’ in relation to a supply of the worker by another agency/business*”.

The NAS would like clarification around Standard and Enhanced Disclosures. Presumably the Standard Disclosure would be a cheaper and quicker option and service providers may unwittingly choose this option and miss “*relevant information held by local police forces*” (Paragraph 27) that would have been included in the Enhanced Disclosure.

The NAS feels that if a relief support worker for a care agency can be checked on the POVA list when working in various care settings then junior doctors or health care trainees can also be checked.

Questionnaire

Name: Gavin Owen

Organisation: National Autistic Society

Type of Organisation: a

Q1 – 4

Q2 – 2

Q3 – 3

Q4 – 2

Q5 – 3

Q6 – 3

Q7 – 1

Q8 – 1

Q9 – 1 The NAS would urge that costs be managed very tightly in this area.

Q10 – 3

Q11 – 4

Q12 – 2

Q13 – 4

Q14 – 3

Q15 – 3

Q16 – 1

Q17 – 4

Q18 – 4

Q19 – 1

Q20 – 2 It would be useful to refer to this in paragraph 2

Q21 – 2

Q22 – 3

Q23 – 3

Q24 – 4

Q25 – 3

Q26 – 1

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