

**REPORT OF THE SERVICE DIRECTOR ACCESS AND PUBLIC PROTECTION**

**VULNERABLE ADULTS INTIMATE PERSONAL RELATIONSHIPS POLICY**

**Purpose of the Report**

1. This report asks Committee to approve the revised staff guidance on sex and sexuality, now called the Vulnerable Adults Intimate Personal Relationships Policy, and associated staff guidance. The policy was supported by the Adult Social Care and Health Committee on 9<sup>th</sup> June 2014, subject to the name being changed to make it clear that the policy is about relationships between service users and not between staff.

**Information and Advice**

2. The Adult Social Care, Health and Public Protection Department currently has staff guidance on sex and sexuality, which was approved by Delegated Decision on 16<sup>th</sup> November 2007.
3. Work to update the guidance was initiated last year by Community Learning Disability Team (CLDT). The purpose of the update was to take account of new legislation and new case law, and to change the emphasis of the guidance from sexuality to intimate personal relationships. This was to ensure that staff are aware that an assessment under the Mental Capacity must be completed by a competent practitioner if doubts are raised by anyone, including family or friends, about a person's ability to make decisions about an intimate personal relationship, including a marriage or civil partnership.
4. The main difference between the new staff guidance and the old is that the sections dealing with consent have been covered in more detail. The old guidance focussed on consent to a sexual relationship. The new guidance covers this, but also includes information on consent for the use of contraception and consent to marry or form a civil partnership. It also gives more detail about the need to provide accessible information to service users before their capacity to consent is established. Details of case law and links to relevant web-sites have also been added to allow staff to keep up to date with changes to case law.
5. The new documents are applicable to all vulnerable adults in all areas of the county. If approved, the staff guidance and policy will be published in the Policy

Library on the Intranet and the policy will be available to the general public on the Internet.

### **Other Options Considered**

6. No other options were considered.

### **Reason/s for Recommendation/s**

7. The policy and staff guidance are important in ensuring that staff act within the law and that vulnerable adults are protected.

### **Statutory and Policy Implications**

8. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Safeguarding of Children and Vulnerable Adults Implications**

9. The law relating intimate personal relationships involving vulnerable adults is complex. It is essential that a test for capacity is undertaken in all situations where there are doubts about a vulnerable adult's ability to consent to sexual activity, marriage or civil partnership. The revised policy and staff guidance gives protection to vulnerable adults, and to County Council staff in carrying out their duties.

### **RECOMMENDATION/S**

10. The Policy Committee are asked to:
  - 1) Approve the Vulnerable Adults Intimate Personal Relationships Policy and associated staff guidance, taking account of the change recommended by the Adult Social Care and Health Committee on the 9<sup>th</sup> June 2014.
  - 2) Approve the new policy for publication in the Policy Library on the public web-site.

**Paul McKay**  
**Service Director Access and Public Protection**

**For any enquiries about this report please contact Sarah Hampton,  
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**Constitutional Comments (LM 10/06/14)**

11. The Policy Committee has delegated authority within the Constitution to approve the recommendations in the report.

**Financial Comments (KAS 20/05/14)**

12. There are no financial implications contained within this report.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the local Government Act 1972.

- Vulnerable Adults Intimate Personal Relationships Policy – final draft
- Vulnerable Adults Intimate Personal Relationships Staff Guidance – final draft

**Electoral Division(s) and Member(s) Affected**

All