

SAFEGUARDING ADULTS POLICY AND PROCEDURE

INTRODUCTION

Safeguarding is 'everyone's business'

The Care Act 2014 requires that Safeguarding Adults Boards assure themselves that local safeguarding arrangements are in place across their locality and that their partners act appropriately to help and protect adults from abuse and neglect.

LEGAL FRAMEWORK

This policy has been developed within the context of the law and guidance that seeks to protect adults including:

- The Care Act 2014 <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- Care Act: Care and Support Statutory Guidance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23_902777_Care_Act_Book.pdf
- The Mental Capacity Act 2005 (including Deprivation of Liberty Safeguards)
- The Human Rights Act 1998
- The Equality Act 2010
- Mental Health Act 1983 and the New Code of Practice 2015

PART ONE: POLICY

Policy Statement

NONDeT L is committed to safeguarding and promoting the welfare of children, young people and adults at risk, engaged in the breadth of its activities.

The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of NONDeT in relation to the protection of adults at risk from abuse.

NONDeT has a separate policy for safeguarding children and young people.

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

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The aims of adult safeguarding are to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and
- address what has caused the abuse or neglect.

Scope

This policy should be followed by all members of staff from NONDeT, including Executive Management Committee and volunteers.

The role of staff, volunteers and trustees

All staff, volunteers and trustees working on behalf of NONDeT have a duty to promote the welfare and safety of adults at risk.

Staff, volunteers and trustees may receive disclosures of abuse and observe adults at risk who are at risk. This policy will enable staff/volunteers to make informed and confident responses to specific adult protection issues.

Adults at risk and abuse

Description of an adult at risk

An adult (aged 18 years or more) who:

- has needs for care and support
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against abuse or neglect or the risk of it.

Within this policy, an adult at risk is someone who falls within this description. An adult at risk may therefore be a person who, for example:

- is an older person who is frail due to ill health, physical disability or cognitive impairment
- has a learning disability
- has a physical disability and/or a sensory impairment

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- has mental health needs including dementia or a personality disorder
- has a long-term illness/condition
- misuses substances or alcohol
- is an unpaid carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
- lacks mental capacity to make decisions and needs care and support This list will not be exhaustive.

Aims of safeguarding adults

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- safeguard adults in a way that supports them in making choices and having control about how they want to live
- promote an approach that concentrates on improving life for the adults concerned
- raise public awareness so that communities, alongside professionals play their part in preventing, identifying and responding to abuse and neglect
- providing information and support in accessible ways to help people understand the different types of abuse, how to stay safe and how to raise a concern about the safety and wellbeing of an adult; and
- address what caused the abuse or neglect.

Types of abuse and neglect

Physical Abuse and Financial or Material Abuse

Including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

Including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Sexual Abuse and Psychological Abuse

Including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

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Modern Slavery and Discriminatory Abuse

Encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

Including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.

Organisational Abuse and Neglect and Acts of Omission

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating

Self-neglect and Domestic Violence

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

Including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.

Patterns of abuse

Abuse can take place in any context. It may occur when an adult at risk lives alone or with a relative; it may also occur within nursing, residential or day care settings, within hospitals or other places previously assumed safe, or in public places.

Patterns of abuse may reflect very different dynamics, such as:

- serial abuse in which the someone seeks out and 'grooms' individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse.
- long term abuse – may occur in the context of an ongoing relationship such as domestic violence between partners or generations or persistent psychological abuse
- opportunistic abuse - such as theft occurring because money or jewellery has been left lying around
- self-neglect – where a person declines support and assistance with their care and support needs impacting on their individual wellbeing.

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Abuse may consist of:

- a single or repeated acts
- an act of commission or omission
- multiple acts, for example, an adult at risk may be neglected and also being financially abused

Abuse may be intentional or unintentional. A number of abusive acts are crimes and informing the police must be a key consideration.

Who might commit abuse?

This procedure is relevant to all incidents of abuse, regardless of who has committed them. Anyone might be responsible for abuse, including:

- a member of staff, a proprietor or service manager
- a member of a recognised professional group
- a service user, or other adult at risk
- a volunteer
- a member of a community group such as place of worship or social club
- a spouse, relative, member of the person's social network or an unpaid carer
- a child, including the person's own son or daughter
- a neighbour, member of the public or stranger; or
- a person who deliberately targets adults at risk in order to exploit them

Abuse by another adult at risk

It is the nature of the incident and its impact, rather than the nature of the relationship between those concerned that are the important factors in determining the need for the safeguarding adults procedure to be followed. Where such an incident occurs within a service, for example where both people are living in a care setting, the risk of harm may be compounded by the emotional distress of living with an abusive person.

The safety of the adult at risk will be of primary importance. However, where the person causing harm is also an adult with care and support needs, there may also be ongoing responsibilities for their welfare. Consideration may be required as to how their care and support needs are being provided for, and whether the incident reveals unmet needs. Such an assessment should be undertaken separately from the person experiencing abuse.

It will be necessary for such an assessment to consider:

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- whether the person causing the harm can understand his/her actions
- whether actions reflects unmet needs of the person causing the harm
- the risk that the person causing the harm will further abuse the adult at risk or others
- the support/care needs of that individual

Abuse by and of unpaid carers

A response within this Safeguarding Adults Policy and Procedure may be required in the following circumstances:

- An unpaid carer may experience intentional or unintentional harm from the adult they are trying to support or from professionals and organisations they are in contact with.
- An unpaid carer may intentionally or intentionally harm or neglect the adult they support on their own or with others.

When a safeguarding concern is raised regarding a relative or unpaid carer, consideration should be given to the specific circumstances, the nature of the issues and the appropriate proportionate response.

The decision should consider an outcome which supports or offers the opportunity to develop, or maintain, a private life which includes those people with whom the adult at risk wishes to establish, develop or continue a relationship. Responses should ordinarily seek to support the continuation of family and caring relationships where this is consistent with the wishes and desired outcomes of those concerned.

Abuse by 'persons in positions of trust'

The term 'persons in positions of trust' refers to an employee, volunteer, or student (paid or unpaid) who works with adults with care and support needs.

In the event a 'person in position of trust' is alleged to have abused an adult with care and support needs, or may pose a risk of abuse to an adult with care and support needs, it is essential that the concerns are appropriately reported and responded to within this Safeguarding Adults Policy and Procedure.

The following concerns must be reported to the local authority:

- A 'person in a position of trust' has or is alleged to have abused an adult with care and support needs
- A 'person in a position of trust' has behaved (or is alleged to have behaved) towards another adult in a way that indicates that they may pose a risk of harm to an adult with care and support needs. This could include situations involving an investigation into a criminal offence, even if the victim is not a person with care and support needs
- A 'person in a position of trust' has behaved (or is alleged to have behaved) towards children in a way which means they may pose a risk of harm to adults with care and support needs.

These concerns could emerge from the persons home and personal life or circumstances, as well as within their work.

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Abuse by children

If an adult at risk is being abused by a child (including their own child), the response should involve the local authority children's services and domestic violence and abuse services as appropriate, in order to respond to the risks of harm.

PRINCIPLES

Six key principles underpin all safeguarding adult work:

The Department of Health Care and Support Statutory Guidance issued under the Care Act 2014, describes six principles that underpin all safeguarding adult work which applies to all sectors and settings including care and support services, further education colleges, commissioning, regulation and provision of health and care services, social work, healthcare, welfare benefits, housing, wider local authority functions and the criminal justice system. These principles should always inform the ways in which professionals and other staff work with adults.

Empowerment People being supported and encouraged to make their own decisions and informed consent. "I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."

Prevention It is better to take action before harm occurs. "I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."

Proportionality The least intrusive response appropriate to the risk presented. "I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."

Protection Support and representation for those in greatest need. "I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."

Partnership Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. "I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."

Accountability Accountability and transparency in delivering safeguarding. "I understand the role of everyone involved in my life and so do they."

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PART TWO: PROCEDURE

Safeguarding Adults Procedure

Procedure in the event of a disclosure

It is important that adults at risk are protected from abuse. All complaints, allegations or suspicions must be taken seriously.

This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that an adult is being or is at risk of being abused.

Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of the individual.

A full record must be made as soon as possible of the nature of the allegation and any other relevant information.

This should include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation.

Responding to an allegation

Any suspicion, allegation or incident of abuse must be reported to the Designated Adult Protection Officer on that working day or at least within 24 hours.

The nominated member of staff must telephone and report the matter to the appropriate local adult social services duty social worker. A written record of the date and time of the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority adult social services department within 24 hours.

Responding appropriately to an allegation of abuse

In the event of an incident or disclosure:

DO

- Make sure the individual is safe
- Assess whether emergency services are required and if needed call them
- Listen
- Offer support and reassurance
- Ascertain and establish the basic facts
- Make careful notes and obtain agreement on them
- Ensure notation of dates, time and persons present are correct and agreed
- Take all necessary precautions to preserve forensic evidence
- Follow correct procedure

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- Explain areas of confidentiality; immediately speak to your manager for support and guidance
- Explain the procedure to the individual making the allegation
- Remember the need for ongoing support.

DO NOT

- Confront the alleged abuser
- Be judgmental or voice your own opinion
- Be dismissive of the concern
- Investigate or interview beyond that which is necessary to establish the basic facts
- Disturb or destroy possible forensic evidence
- Consult with persons not directly involved with the situation
- Ask leading questions
- Assume Information
- Make promises
- Ignore the allegation
- Elaborate in your notes
- Panic

It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies, following a referral from the Designated Adult Protection Officer.

Confidentiality

Adult at risk protection raises issues of confidentiality which should be clearly understood by all.

Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of adults at risk with other professionals, particularly investigative agencies and adult social services.

Clear boundaries of confidentiality will be communicated to all.

All personal information regarding an adult at risk will be kept confidential. All written records will be kept in a secure area (state where kept) for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.

If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies.

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Within that context, the adult should, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent should be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the adult is the priority.

Where a disclosure has been made, staff should let the adult know the position regarding their role and what action they will have to take as a result.

Staff should assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information should be fully considered and their wishes and feelings considered.

This policy needs to be read in conjunction with other policies for (Name of group) including:

- Confidentiality
- Disciplinary and Grievance
- Data Protection
- Recruitment and Selection
- Safeguarding children and young people

The role of key individual agencies

Adult Social Services

All local authorities have a Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding adults. It is normal practice for the board to comprise of people from partner organisations who can influence decision making and resource allocation within their organisation.

The Police

The Police play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

Role of the Designated Adult Protection Officer

The role of the designated officer is to deal with all situations involving adult protection that arise within (Name of group) 's work. They will respond to all adult at risk protection concerns and enquiries. The Designated Adult Protection Officer for NONDeT is David Judge (to be reviewed annually).

Should you have any concerns relating to Adult Safeguarding, contact Middlesbrough Safeguarding Team on 01642 065070.

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Role of line manager

The role of the line manager is to support the member of staff, trustee or volunteer involved with the incident and to ensure the correct procedures are followed.

The line manager could, if agreed with the staff member dealing with the incident, make contact with the designated Adult Protection Officer in the first instance.

The line manager should ensure that all staff within their team are familiar with NONDeT safeguarding adults protection procedures and ensure that all staff undertake training, where appropriate.

Training

Training will be provided, as appropriate, to ensure that staff are aware of these procedures. Specialist training will be provided for the member of staff with safeguarding adult protection responsibilities.

Complaints procedure

NONDeT has a complaints procedure available to all staff, volunteers and trustees.

Recruitment procedure

NONDeT operates procedures that take account of the need to safeguard and promote the welfare of vulnerable adults, including arrangements for appropriate checks on new staff, volunteers and trustees, as part of our recruitment and induction procedures, where applicable.