



Adult Safeguarding Policy

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1. Introduction

The abuse and mistreatment of vulnerable people is an unfortunate reality of our society. Whether a result of deliberate or unintended acts or omissions the abuse or mistreatment of others is always unacceptable.

This policy statement outlines how Framework Housing Association (FHA) will seek to safeguard the rights of people aged 18 and over using our services and the action we will take if we suspect or discover that abuse or mistreatment is occurring.

At a national level all Safeguarding Procedures follow the same fundamental process:

- Ensuring that the vulnerable person concerned is not in immediate danger and seeking urgent medical treatment if necessary.
- Contacting the police if there is a belief that a crime has been committed or if someone is in immediate danger.
- Raising a 'safeguarding alert' by informing an appropriate manager.
- Accurately recording concerns in writing, detailing anything you have seen including dates, times, people involved and any observed injuries.

Framework's Safeguarding Adult's Policy is based primarily upon the Nottingham and Nottinghamshire 'Safeguarding Adults Policy, Procedure and Guidance', however there are only minor differences between agencies and local authorities.

Given Framework's geographic reach, this policy also reflects the following multi-agency locality policies and procedures:

- ***Derbyshire and Derby City Safeguarding Adults Policy and Procedures***
- ***The Lincolnshire Safeguarding Adults Board Multi-Agency Procedures 2017***
- ***The North Lincolnshire Safeguarding Adults Board – Safeguarding Adults Policy and Procedure (Reviewed 2020/21)***
- ***The South Yorkshire Adult Safeguarding Procedures***

All staff, paid or unpaid must be made aware of this Policy and the associated Adult Safeguarding Procedures by Service Managers; it should form part of staff induction, on-going supervision and team meeting agendas and be referenced annually through the staff appraisal system.

2. Aims of Framework's Safeguarding Adults Policy



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- To ensure staff working with 'Adults at Risk' are suitable to do so
- To safeguard our service users' human, legal and civil rights
- To outline what staff must do if they suspect or discover that abuse is occurring
- To clarify individual staff roles and responsibilities under multi-agency arrangements for the Safeguarding of 'Adults at Risk'.

3. Statement of Commitment

Framework is committed to ensuring that people can use our services without the fear or threat of being abused by our staff or others. We have a commitment to act upon all instances of abuse, mistreatment or exploitation of our service users by other service users, staff, contractors, visitors or volunteers. We believe that people who have a known history of abusing or mistreating others have no place working with vulnerable people and will seek to ensure that they do not work within Framework. Framework operates a policy of **'zero tolerance'** of abuse and neglect within the organisation.

We will always take action to safeguard a person we believe is at risk of harm, mistreatment or exploitation by others and to prevent abuse. This includes having safeguards in place which prevent our staff benefiting from or mistreating vulnerable people. We will support the victim in taking legal or civil action where necessary. We will also support service users who are, or are suspected to be, perpetrators of abuse to make changes to their behaviour where this is possible and safe to do so. We will investigate all allegations or suspicions of abuse or mistreatment and take appropriate action to safeguard our service users. This may include disciplinary action, dismissal, prosecution and/or referral to the Disclosure and Barring Service (DBS) where necessary. Framework will contact the Local Authority and/or other agencies as necessary in respect of safeguarding matters.

As an employer undertaking both 'regulated' and 'controlled' activity Framework is legally required to carry out pre-employment checks for all staff and volunteers who undertake regulated activity/have regular contact with our service users.

DBS checks are renewed every three years and staff are required to declare where they may have a conflict of interest or have an existing relationship with a Service User or Ex Service User.

We are also obliged to refer employees and volunteers to the DBS in the event of being dismissed for acts of alleged abuse. Other pre-employment checks, such as Right to Work and the taking of two references are also applied to maximise the safety of our service users.

We will seek to protect and support our staff, contractors and volunteers from false or malicious accusations by ensuring robust investigation processes, including right of



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representation at any investigation and right of appeal against any decision reached. We will take appropriate action in the event of false or malicious allegations being made and disproved.

All staff and volunteers are provided with access to a range of adult safeguarding training courses via Framework's e-learning portal. All employees are required to complete basic adult safeguarding awareness as a mandatory training package, which includes Professional Boundaries. This is in addition to both internal and externally validated Safeguarding training. Framework has a structure of locality based Safeguarding Champions. This group has developed further, more in depth training on a range of Safeguarding issues.

4. The Care Act 2014

4.1 Key Principles

The Care Act outlines the following six principles which underpins adult safeguarding work across all sectors. These principles should inform the ways in which professionals and other staff work with adults:

1. **Empowerment**
2. **Prevention**
3. **Proportionality**
4. **Protection**
5. **Partnership**
6. **Accountability**

4.2 Definitions

a) Adult at risk

The Care Act 2014 introduced the new terminology of 'Adult at Risk', replacing 'Vulnerable Adult'.

b) Who is an Adult at Risk?

An adult at risk is defined as someone who:



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- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

c) **What is abuse?**

'No Secrets' (DOH – 2000) defines abuse as, 'a violation of an individual's human, civil or legal rights by another person or persons'.

d) **What is significant harm?**

"Ill treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of or an avoidable deterioration in physical or mental health; and the impairment of physical, emotional, social or behavioural development".

e) **Abuse may be:**

- As a result of a single act or may happen over a period of time
- Planned or happen in the heat of the moment
- Intentional or unintentional

The term 'abuse' should not be allowed to mask what is often also a crime, e.g. theft, assault, rape. In such cases a Police investigation should not prevent or delay a referral through the multi-agency protocols, although any Police investigation will always take priority.

f) **Patterns of abuse**

Abuse can take many different forms including:

- Serial, long term and opportunistic abuse
- A direct act by one or more individuals
- A failure to act or provide proper care
- Preventing others from providing proper care
- Failure to refer alerts/disclosures/suspicions

g) **Categories of Abuse**

- Physical abuse
- Sexual abuse



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- Psychological abuse
- Neglect or acts of omission
- Financial or material abuse
- Discriminatory abuse
- Self-neglect
- Domestic abuse
- Modern Slavery
- Organisational abuse

h) Indicators of abuse

Framework will ensure that all staff receive Safeguarding Adults training as part of their induction and regular refresher training thereafter, particularly where there is new legislation or emerging good practice. This will include recognising patterns of abuse and potential indicators that abuse is occurring.

A stand-alone checklist of indicators of abuse is appended to the associated Adult Safeguarding Procedures, informed by the Nottinghamshire and Nottingham City Multi-Agency Safeguarding Adults at Risk Guidance.

In reality, abusive situations are never as straightforward as the categories described above. Throughout this process it is important that staff remember to listen carefully to what they are being told, or act on any concerns they have, and then report these to their line manager. There may be occasions when the line manager is not available; in these circumstances staff should contact the next most senior individual; the Operations Manager, the 'Named Senior Manager for Safeguarding' or any of the individuals listed within the procedures with responsibility for Safeguarding within Framework.

If staff are in any doubt about defining an incident of abuse or whether it needs to be reported through the Multi Agency Procedures, they should discuss this with their line manager immediately.

4.3 Advocates (Making Safeguarding Personal)

Each LA must arrange for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review, where the adult has a substantial difficulty in being involved, and no other suitable person is available.

4.4 Designated Adult Safeguarding Managers



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The LA and each organisation should appoint a Designated Adult Safeguarding Manager to:

- Manage and oversee allegation cases
- Liaise with DASM's in other organisations
- Promote adult safeguarding in their organisation and provide advice and guidance within their organisation
- Ensure appropriate recording systems in place
- Work closely with Local Authority DASM and LADO when necessary

Framework has a 'Named Senior Manager for Safeguarding' who manages these tasks alongside the Head of HR.

4.5 Transitions from Children's Safeguarding

The statutory guidance is very clear on this:

Where someone is 18 and over but is still receiving children's services, and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements

4.6 Domestic Abuse/Violence

Although the definition of domestic violence has been extended to 16 and over, any safeguarding concern for 16 and 17 year olds should be referred to children's safeguarding.

5. Links to other processes, legislation and guidance

There are links between some legislation, procedures and guidance which may mean that more than one process should be followed at the same time. Where an adult at risk is subject to any of the following, safeguarding adults' procedures must be considered in addition to any other work.

- Domestic Violence and Abuse
- Modern Slavery
- Human Trafficking
- Anti-Social Behaviour
- Unlawfully depriving someone of their liberty
- Hate and Mate Crime
- Forced Marriage and Honour Based Violence
- Extreme Radicalisation



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- Violent extremism
- Female genital mutilation
- Pressure ulcer protocols
- Deprivation of Liberty Safeguards

6. Safeguarding Adults and the Law

The general legal framework for the protection of adults at risk from abuse in England and Wales comes from an assortment of legislation and guidance, unlike the structured legal framework in place for vulnerable children.

Listed below are some areas that may be useful to consider in the context of Adult Safeguarding.

The Care Act 2014 - Legal Duties

The Care Act 2014 set out a clear legal framework for how local authorities should protect adults at risk of abuse or neglect. Local Authorities have new safeguarding duties. They **must**:

- Make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom;
- Set up a Safeguarding Adults Board (SAB);
- Arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has 'substantial difficulty' in being involved in the process and where there is no other suitable person to represent and support them;
- Co-operate with each of its relevant partners in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority.

Human Rights and Equality

The Human Rights Act (HRA) 1998 is a key component for safeguarding as it requires respect for human rights and encourages high standards of practice by public bodies.

The Equality Act 2010 is also of particular significance whenever a public body is developing or implementing safeguarding measures. A public authority must, in the exercise of its functions, have due regard to the need to:



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- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Criminal Law - All people are entitled to the protection of the criminal law and, in addition to the general law; there are a number of specific offences that address persons who are particularly vulnerable.

Protection of Freedoms Act 2012 Merged the Independent Safeguarding Authority with the Criminal Records Bureau (CRB) to form a single, new, non-departmental public body called the Disclosure and Barring Service (DBS).

Mental Capacity Act 2005; The Mental Capacity Act 2005 (the Act) provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular decisions for themselves. Section 44 makes it an offence for anyone caring for, or who is an attorney under a lasting power of attorney or enduring power of attorney, or is a deputy for a person who lacks capacity, to ill-treat or wilfully neglect that person. The provision is limited to people who lack capacity.

The introduction of the **Mental Capacity Act Code of Practice** gives the following guidance on who the Code of Practice is for:

- Certain categories of people are legally required to 'have regard to' relevant guidance in the Code of Practice. That means they must be aware of the Code of Practice when acting or making decisions on behalf of someone who lacks capacity to make a decision for themselves and they should be able to explain how they have had regard to the Code when acting or making decisions.'
- The Act applies more generally to everyone who looks after, or cares for, someone who lacks capacity to make particular decisions for themselves. This includes family carers or other carers. Although these carers are not legally required to have regard to the Code of Practice, the guidance given in the Code will help them to understand the Act and apply it.

Deprivation of Liberty Safeguards (DoLS); The Deprivation of Liberty Safeguards (DoLS) apply to people who have a mental disorder or a disability of the mind, such as dementia or a profound learning disability, and who do not have mental capacity to decide whether or not they should be accommodated in the relevant care home or hospital to be given care or treatment, and who need to be cared for in a way which requires significant restriction.

Mental Health Act (MHA) 1983: Section 127 makes it an offence for managers of hospitals or care homes or their staff to ill-treat or wilfully neglect a patient (whether



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detained or not) who is receiving treatment for their mental disorder in that establishment. It is an offence for any individual to ill-treat or wilfully neglect a mentally disordered person who is subject of their guardianship under the MHA 1983. However, it is limited procedurally because proceedings can only be brought with the permission or “leave” of the Director of Public Prosecutions.

Sexual Offences Act 2003; Sections 20-33 create offences that rely on the inability of the person to refuse the sexual activity on account of lack of capacity or where the person is unable to communicate refusal. Sections 34-37 relate to situations where the person suffering from a mental disorder is induced, threatened or deceived into sexual activity where the perpetrator knows or could reasonably be expected to know that the person suffered a mental disorder. Sections 38-41 relate to care workers where the assumption is that the worker must have known or reasonably expected to have known that the person had a mental disorder and do not rely on the inability of the victim to refuse.

Domestic Violence, Crime and Victims Act 2004; Section 5 makes it an offence to cause or allow the death of a child or adult at risk and is designed to address the evidential problem of proving who in that household was actually responsible for causing or allowing the death to occur. In such circumstances a person is guilty of an offence if there was significant risk of serious physical harm, and the person either caused the victim’s death, or was or ought to have been aware of the risk and failed to take steps to protect the victim, and the act occurred in circumstances that the person foresaw or ought to have foreseen. The definition of household includes people who do not live in the property but whose visits are sufficiently frequent for them to be counted as a member of such.

Domestic violence, crime and victims (amendment) Act 2012; The 2012 Act extends the offence of causing or allowing the death of a child or vulnerable adult in section 5 of the 2004 Act (“the causing or allowing death offence”) to cover causing or allowing serious physical harm (equivalent to grievous bodily harm) to a child or vulnerable adult (“the causing or allowing serious physical harm offence”). Sections 5 and 6 of the 2004 Act were enacted to deal with the situation where it was clear that one of a number of adults in a household was responsible for the death of a child or vulnerable adult in that household but it could not be proved which one. The 2012 Act is intended to fill a recognised gap in the law in cases where, although it is clear that serious injuries short of death suffered by a child or adult at risk must have been sustained at the hands of one of a limited number of members of the household, there is insufficient evidence to point to the particular person responsible. Like the causing or allowing death offence and section 6 of the 2004 Act, the causing or allowing serious physical harm offence and new section 6A of the 2004 Act together form a package of measures intended to prevent those accused of causing serious physical harm to a child or adult at risk from escaping justice by remaining silent or blaming someone else.

The Bribery Act 2010; This modernises the law on bribery and is aimed at preventing giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.



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Fraud Act 2006; Section 4 concerns “fraud by abuse of position” and makes it an offence for a person who occupies a position where he or she is required to safeguard (or not act against) the financial interests of another person, to dishonestly abuse that position, with the intent of self-benefit or to benefit others.

Serious Crime Act 2015; created a new offence of coercive and controlling behaviour in intimate and familial relationships. This offence will impose a maximum 5 years imprisonment, a fine or both.

Financial Exploitation; There is an expectation that adults at risk will be protected from financial exploitation. This will require consideration of welfare benefits provision, Court of Protection powers and the misuse of powers of attorney in addition to many aspects of the criminal law.

Civil Law; A range of remedies are available to individuals to seek protection through the courts for themselves and their assets. In some cases the intervention of state agencies with responsibility to act for those who are not competent to protect their own interests and give instructions may be necessary.

Public Law; Local Authorities have an obligation under Section 17 of the Crime and Disorder Act 1998 to carry out their various functions with due regard to the likely effect on, and the need to do all that they reasonably can to prevent crime and disorder in their areas. Community care provisions concerned with the needs of disabled, elderly and infirm persons, environmental health and housing powers and those related to harassment and anti-social conduct will be relevant.

7. Confidentiality

Appropriate, effective information sharing is essential in meeting the safeguarding needs of adults at risk even where some of this information would ordinarily be considered confidential between a worker and a service user.

The principles concerning the protection and disclosure of information are governed by the Data Protection Act 1998 together with application of the HRA 1998 principles. The Act outlines several basic principles for the disclosure of information. Data should be processed fairly, legally, accurately and not be retained any longer than necessary. Information should only be shared on a ‘need to know’ basis and justified, carefully considering the implications and in particular the purpose for which it will be used.

Data protection and human rights legislation has increased the need to be able to justify disclosure. However, neither legislation nor ethical principles are intended to increase the vulnerability of those requiring protective action or make it more difficult to act to give that



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protection. They are concerned with promoting good practice and ensuring that information is shared on a need to know basis and can be justified after carefully considering the implications and in particular the purpose for which it will be used.

It is important that disclosure of information takes place according to principles of good practice and on a need to know basis. Those seeking disclosure should be clear about the reasons information is required and the purposes for which it is likely to be used.

Confidential information can be shared if required in performance of a statutory obligation, necessary to protect from harm or if it is in the public interest to do so. It is clearly in the public interest that the framework of protection required by Government and set out in the guidance operates effectively and that those unable to protect themselves are protected.

Provisions of the Crime and Disorder Act 1998 encourage effective sharing of material in the interests of reducing crime and disorder and complement the public interest obligation for public agencies to cooperate with the detection and prevention of serious crime. Section 115 allows any person, who otherwise would not have the power to disclose information, to do so where this is to Police, Local Authority, Probation or Health Authority, and is necessary or expedient for the purposes of any provision of the Act.

Framework takes data protection and information security very seriously, adhering to the Data Protection Act 1998 and also holds iso27001 in Information Security Management.

The organisations rules, expectations of staff and guidance on confidentiality, data protection and information security management are referenced in the following organisational policies and guides:

- Confidentiality of Client information Policy
- High Level Information Security Policy
- Information Security Management Policy
- Information Classification and Handling Policy
- Whistleblowing Policy
- Code of Conduct
- Employee Handbook

Each Policy, Procedure or Guidance document clearly outlines the responsibilities of staff and the limitations of their authority to disclose confidential information; in what circumstances and to whom.

In delivering a range of different contracts for different commissioning bodies the organisation has to be mindful of those principles enshrined in Information Governance across Health and Social Care.



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Framework adheres to the **Caldicott Principles** – 6 general principles for information governance that should be used by all organisations with access to patient (Service User) information:

1. Justify the purpose(s)
2. Don't use patient identifiable information unless it is absolutely necessary
3. Use the minimum necessary patient-identifiable information
4. Access to patient identifiable information should be on a strict need-to know basis
5. Everyone with access to patient identifiable information should be aware of their responsibilities
6. Understand and comply with the law

We are also required to adhere to the NHS '**Duty of Candour**'. Introduced in November 2014, the statutory duty of candour requires providers of health or social care to be open with patients (Service Users) when they suffer harm related to care or treatment.

Confidential information can be shared if required in performance of a statutory obligation, necessary to protect from harm or if it is in the public interest to do so. It is clearly in the public interest that the framework of protection required by Government and set out in the guidance operates effectively and that those unable to protect themselves are protected.

Where appropriate to our service delivery, Framework is signed up to local Information Sharing Protocols and Service Level Agreements with a range of agencies in the localities we work in.

Framework is compliant with the General Data Protection Regulations; has a Data Controller and an Information Governance lead.

8. Review and Actions

Comprehensive revision of Framework's Safeguarding Policies and Procedures is undertaken by the 'Named Senior Manager for Safeguarding' every 3 years. These revisions will be subject to consultation with key stakeholders including staff and service users, relevant partners such as Adult Social Care personnel and commissioners of services.

Safeguarding Champions meet quarterly and will maintain a record of any significant changes to Multi-Agency processes, key legislation or guidance. The Champions will undertake annual reviews to ensure that the policies and procedures are contemporary and reflect up to date good practice.



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