SD-POL-03 Safeguarding Adults Policy

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1. Policy Statement

1.1 The abuse and mistreatment of adults at risk is an unfortunate reality of our society. Whether a result of deliberate acts or unintended acts or omissions, the abuse or mistreatment of others is always unacceptable.

1.2 Safeguarding is about ensuring the safety of people who have care and support needs that may make them more vulnerable to abuse or neglect. People may be vulnerable to abuse or neglect because of issues such as mental ill-health, substance misuse, learning disability or dementia.

1.3 This policy statement outlines how Framework will seek to safeguard the rights of people aged 18 and over who use our services, and the action we will take if we suspect or discover that abuse or mistreatment is occurring.

1.4 All staff and volunteers must be made aware of this Policy and the associated Adult Safeguarding Procedures by their Manager. Safeguarding and compliance with this policy will form part of staff induction, on-going supervision and team meeting agendas, and will be considered annually through the staff appraisal system.

1.5 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.

1.6 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 adults at risk. We will support the victim to access advice and support from the police, local authorities and the legal system.

1.7 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 and we can meet our aim of keeping all our service users safe.

1.8 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, referral to the police and/or referral to the Disclosure and Barring Service (DBS) where necessary. Framework will contact and co-operate with the Local Authority and/or other agencies as necessary in respect of safeguarding matters.

1.9 Framework is committed to equality, diversity, inclusion and anti-discriminatory practice. Every effort will be made to challenge prejudice both externally and within Framework itself.

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1.10   All services must ensure equality of opportunity, sensitivity, understanding of diversity and challenging of stereotypes or assumptions. Issues of race, culture, language, gender, gender identity, religion, sexuality, age and disability are integral to appropriate service provision for all. Services should be mindful of any previous experiences of prejudice or discrimination in service delivery that the service user may have experienced.

2.   Key Principles

2.1   The fundamental principles of immediate safeguarding action are that staff and volunteers must:

-    Ensure that an adult at risk is not in immediate danger and seek urgent medical treatment for them if necessary.
-    Contact the police if there is a belief that a crime has been committed or if someone is in immediate danger.
-    Raise a 'safeguarding alert' by informing an appropriate manager.
-    Accurately record concerns in writing, detailing anything you have seen including dates, times, people involved and any observed injuries.

2.2   Key Principles of Framework's Safeguarding Adults Policy

-    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'.

2.3   We are committed to making safeguarding personal by seeking the views, feelings and beliefs of an individual throughout the safeguarding process. We will treat every individual with dignity and respect and ensure that individuals feel empowered to make choices and decisions about their life.

2.4   Detailed guidance about what to do when a safeguarding concern arises are contained within the Safeguarding Adults Procedure.

2.5   Where the term 'staff' is used, it is assumed to include all staff, students, volunteers, Board members and any other person acting on behalf of Framework.

3.   Responsibilities

3.1   Overall accountability for ensuring that Framework complies with Safeguarding law and good practice lies with the Board.

3.2   The Chief Executive is responsible for ensuring that our safeguarding policies, procedures and practices are suitable and appropriate to meet our legal and regulatory duties. In practice, the Chief Executive's responsibility is delegated to the Deputy Chief Executive, who assumes a strategic and professional lead on all aspects of the organisation's contribution to Safeguarding.

3.3   The Named Senior Manager For Safeguarding (NSMS) is the Assistant Director of Safety, Health, Environment & Quality, who:

-    Develops and maintains appropriate safeguarding systems, policies and procedures.

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- Manages and oversees allegation cases.
- Liaises with NSMS's in other organisations.
- Promotes adult safeguarding in their organisation and provides advice and guidance to staff and volunteers.
- Ensures appropriate recording systems are in place.
- Works closely with Local Authority and Local Authority Designated Officer (LADO) when necessary.

3.4   Operations Managers are responsible for ensuring that all services in their service group have implemented and maintain safeguarding systems that are appropriate to their field of delivery, comply with this policy and associated procedure and are compliant with any additional regulatory duties that are required by the Care Quality Commission and Ofsted.

3.5   Service Managers and Team Leaders have a responsibility to:

- Be the first point of contact for all members of staff in their service/team who raise a safeguarding concern, and provide continuous support to their team through supervision, coaching and instruction.
- Ensure that all safeguarding referrals are made appropriately to the local authority and/or police.
- Maintain oversight of safeguarding cases to ensure that information is shared appropriately and promptly with other involved parties.
- Ensure that all safeguarding concerns are reported effectively:
  o to other agencies involved in the persons support and/or care (where appropriate)
  o via the organisation's designated recording systems (e.g. Datix, Inform, CarePath).
- Ensure all current safeguarding concerns are discussed regularly, as appropriate, at team meetings and handovers.

3.6   All staff who become aware of abuse or are suspicious that abuse is occurring **must** alert their line manager immediately. The first priority in any situation is to ensure the immediate safety and welfare of the person at risk. This may mean getting immediate medical attention for the person or contacting the Police.   The second priority is to share the information with their line manager immediately. If their own line manager is not available, the staff member must contact a more senior member of their management team.

3.7   The Strategic Safeguarding Group is made up of senior managers who hold key safeguarding responsibilities within Framework. Its responsibilities are to:

- Review Safeguarding policies & procedures.
- Collate learning from safeguarding incidents, Safeguarding Adult Reviews and Domestic Homicide Reviews DHR's and disseminate it across the organisation.
- Review current safeguarding incidents of significant concern.
- Review safeguarding incident data for trends/patterns.
- Review safeguarding training requirements for the organisation.

3.8   Safeguarding Champions are staff who are fully trained in safeguarding, who may have an interest in developing expertise and are willing to support their colleagues with safeguarding issues. They:

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- Are a point of contact for teams/service groups for safeguarding issues and/or advice.
- Promote relevant information to staff and service users.
- Are encouraged to have a regular slot at team meetings/development days to highlight information and guidance around safeguarding.
- Are encouraged to contribute to the service's development plan around safeguarding.
- Are asked to provide feedback to the Strategic Safeguarding Group (SSG) on any live cases and areas of concern.

4.   Definitions

4.1   **Safeguarding** is defined as 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 of 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.

4.2   **Adult at risk**

The Care Act 2014 introduced the term 'Adult at Risk', replacing 'Vulnerable Adult.'

An adult at risk is defined as someone who:

– 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 and is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

4.3   **What is abuse?**

Abuse is 'a violation of an individual's human, civil or legal rights by another person or persons'.

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. Police investigations should never delay or prevent the appropriate safeguarding referrals.

4.4   **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.

4.5   **Categories of Abuse:**

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

4.6   **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 and/or mental health;
– and the impairment of physical, emotional, social or behavioural development.

5.   Staff (including volunteers) & Training

5.1   As an employer undertaking 'regulated' activity, Framework is legally required to carry out pre-employment checks for all staff and volunteers who undertake regulated activity and/or have regular contact with our service users. These include Disclosure and Barring Service (DBS) checks, which are renewed every three years. Other pre-employment checks, such as Right to Work and the verification of two references enhance the safety of our services.

5.2   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, at the point in time that the conflict is identified.

5.3   We are obliged to refer staff and volunteers to the DBS in the event of being dismissed for acts of alleged abuse.

5.4   All reports or allegations of abuse by Framework staff and volunteers will be documented and reported to the NSMS, who will ensure an appropriate investigation is carried out. The NSMS will ensure that the safety of the adult at risk is prioritised and that appropriate notifications are made to the Police, local authority, any professional bodies and Safeguarding Adults Board. The NSMS is authorised to suspend a member of staff against whom an allegation is made (suspension is a neutral act which does not pre-suppose wrongdoing) whilst an investigation is being carried out.

5.5   We will seek to protect and support our staff, contractors and volunteers from false or malicious accusations by ensuring robust investigation processes in full compliance with our Human Resources policies and procedures. In the event of malicious allegations being made and disproved, the NSMS will consider whether an organisational response is required.

5.6   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

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includes professional boundaries. Framework's training programme lists the training and courses (the learning set) that staff are expected to complete, dependent on role and length of service. Staff are expected to be working towards completion of all mandatory learning within specified time periods. Line managers are responsible for ensuring that all mandatory learning is completed by their team, including ensuring that adequate time is allocated to training, learning and development activity.

5.7   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 Nottingham City Safeguarding Adults Board.

5.8   Where the use of agency staff is necessary, line managers must follow the Use of Agency and Concierge Workers Policy & Procedure.

6.   Safeguarding In Practice

6.1   Abusive situations are never as straightforward as the categories described in Section 4 - Definitions. Throughout any potential safeguarding scenario, it is important that staff remember to listen carefully to what they are being told and act on any concerns they have, reporting 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, their Operations Manager or the Named Senior Manager for Safeguarding for advice on how to proceed and follow up actions.

6.2   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. If doubt remains after the discussion, the line manager should make the referral and take advice from Adult Social Care.

6.3   **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.

6.4   **Domestic Abuse/Violence**: Where an adult is experiencing domestic abuse (from an intimate partner, parent, child or other relative), staff should also refer to the Domestic Abuse Policy, which details how to make appropriate referrals to specialist services. Both domestic abuse and safeguarding procedures must be followed if the adult is an adult at risk.

Where under-18s are experiencing intimate partner violence or abuse (domestic violence or abuse) they are always to be treated as children for the purposes of safeguarding, and referrals must be made in line with children's safeguarding procedures.

6.5   There are other areas of safeguarding in which more than one process should be followed at the same time. Where an adult at risk is also subject to any of the following, both adult safeguarding and the relevant specialist procedures should be followed at the same time:

-   **Modern Slavery**

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Modern slavery is when an individual is exploited by others, for personal or commercial gain. It includes human trafficking, forced labour, debt bondage and more.

− **Human Trafficking**
The unlawful act of transporting or coercing people in order to benefit from their work or service, typically in the form of forced labour or sexual exploitation.

− **Anti-Social Behaviour**
In general, antisocial behaviour refers to actions or habits that are detrimental to society. For example, behaviours like vandalism, violence, or consistently disregarding social norms can be considered antisocial.

− **Unlawfully depriving someone of their liberty**

Unlawfully confining another person in any place against their will.

− **Hate and Mate Crime**
Hate crime occurs when someone intentionally harms another person because of their identity or characteristics. Mate crime is a form of hate crime committed by people who pretend to be friends with the victim.

− **Forced Marriage and Honour Based Violence**
Honour-based violence (HBV) is serious. It is based upon cultural perceptions of individuals bringing 'shame' or 'dishonour' on individuals, a family or the wider community. Forced marriage or domestic abuse are forms of honour-based violence.

− **Extreme Radicalisation**
Radicalisation is the process by which an individual moves from mainstream political, religious, or social beliefs to a more extreme and intolerant belief system.

− **Violent extremism**
Beliefs and actions of people who support or use violence to achieve ideological, religious, or political goals.

− **Female genital mutilation**
Female genital mutilation (FGM) refers to all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons.

− **Pressure ulcer protocols**
Pressure ulcers can be a sign of elder abuse or neglect, but they do not automatically mean the service user or nursing home resident is suffering from elder abuse. Neglect is more common than physical abuse.

− **Deprivation of Liberty Safeguards**
Deprivation of Liberty Safeguards (DoLS) are designed to protect the rights of individuals who lack mental capacity and are deprived of their liberty due to care arrangements in a hospital or care home.

− **County Lines**
County lines are a network between an urban centre and county location where drugs are sold often over a mobile phone. Children and vulnerable people are used to transport drugs, cash or even weapons.

− **Cuckooing**
Where people take over a person's home and use it for some form of exploitation, usually for drug dealing or sex work.

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6.6   **Whistleblowing**

Framework has a Whistleblowing Policy that supports staff and volunteers to report safeguarding and poor organisational and/or team cultures that do not put service users first or where staff or volunteers are abusing the power that they hold. All staff and volunteers must be made aware of the Whistleblowing Policy, how to use it and the rights and protections that it ensures.

7   Confidentiality

7.1   Framework adheres to the Caldicott Principles – 6 general principles for information governance that should be used by all organisations with access to service User information:

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

7.2   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.

7.3   The principles concerning the protection and disclosure of information are governed by the Data Protection Act 2018 together with application of the Human Rights Act 2018 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.

7.4   Data protection and human rights legislation has increased the need to be able to justify disclosure. These pieces of legislation, and the principles underlying them, are not intended to increase the vulnerability of those requiring protective action or make it more difficult to act to give that protection. They are concerned with promoting good practice and ensuring that information is shared on a need-to-know basis, and that sharing can be justified after carefully considering the implications and in particular the purpose for which it will be used.

7.5   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.

7.6   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 the law operates effectively and that those unable to protect themselves are protected. In short, data protection is not an excuse for failure to act.

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7.7 Provisions of the Crime and Disorder Act 2018 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 information sharing is necessary or expedient for the purposes of any provision of the Act.

7.8 The organisation's 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

7.9 Taken together, the documents listed at 7.8 outline the responsibilities of staff and the limitations of their authority to disclose confidential information; in what circumstances and to whom.

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

7.11 We are also required to adhere to the 'Duty of Candour.' Introduced in November 2014, the statutory Duty of Candour requires providers of health or social care services to be open with service users (Service Users) when they suffer harm related to care or treatment. Framework complies with this duty in our health and social care services (those regulated by the Care Quality Commission).

7.12 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.

8. Capacity & Consent

8.1 The Mental Capacity Act 2005 provides the statutory framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular, time-specific, decisions for themselves.

8.2 The Mental Capacity Act Code of Practice gives guidance to people who work with people who can't make decisions for themselves or care for people who can't make decisions for themselves.

9. The Deprivation of Liberty Safeguards (DoLS).

9.1 The Deprivation of Liberty Safeguards (DoLS) apply to people who have a lack of capacity in specific areas and have been deemed incapable by a Mental Capacity assessment to decide whether or not they should be accommodated in the relevant

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care home or hospital to be given care or treatment, and who need to be cared for in a way which requires significant restriction.

10. Local Authority Duties

10.1 A local authority must act when it has 'reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

− has needs for care and support (whether or not the authority is meeting any of those needs),
− 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 the abuse or neglect or the risk of it.' (Care Act 2014, section 42)

10.2 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.