

Safeguarding Adults Policy

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PURPOSE

To set out the approach of Choices to safeguarding adults.

INTRODUCTION

This document contains a Policy Statement (Part 1) and Procedural Guidance (Part 2). The functions of both are set out briefly below.

PART 1

Policy Statement. The policy statement sets out the broad framework of principles in which this particular area of work will be carried out. It sets out the organisation's broad style and approach to this issue, including any aims and guiding principles.

PART 2

Procedural Guidance. The procedural guidance sets out the details that staff will require to carry out their duties in this particular area of work. It also sets out the specific tasks involved in undertaking this area of work and identifies who is responsible for carrying them out.

Safeguarding adults is defined as 'protecting an adult's right to live in safety, free from abuse and neglect whilst strongly promoting an adult's wellbeing'.

An adult is any person aged eighteen years or older.

The terms 'safeguarding adults' and 'adults at risk' are now used where in the past the phrase 'vulnerable adult' abuse was often used.

The term staff/worker includes volunteers, anyone on placement and members of the Board of Trustees.

For the purpose of this document local authority means Kent County Council or Medway Council as they are the authorities responsible for adult safeguarding in the County of Kent.

Related Policies and Procedures:

- Safeguarding Children
- Whistleblowing
- Employment and Recruitment (Staff)
- Code of Conduct (Staff)
- Induction, Training and Development
- Partnership Working
- Volunteers
- Disciplinary Action (Staff)
- Community IDVA Service
- Confidentiality & Access to Information (Hostel & Refuge)
- Data Protection Policy
- Domestic Abuse in the Work Force Policy

PART 1

POLICY STATEMENT

AIMS AND PRINCIPLES

- Choices is committed to safeguarding its service users. It is everyone's responsibility to promote the wellbeing of service users to protect them from harm, as well as recognising the right to live free from abuse in accordance with the principles of respect, dignity, autonomy, privacy and equity. Choices will therefore undertake Enhanced Disclosure & Barring Service checks on all staff, Trustees and volunteers where they come into contact with service users. We will ensure that all staff, Trustees and volunteers, as well as service users, maintain appropriate boundaries at all times.
- Choices believe that priority should be given to the prevention of abuse by raising awareness of adult safeguarding issues and fostering a culture of good practice through support and care provision
- Choices is committed to working in partnership with other organisations and individuals to achieve these aims
- Choices staff will raise a concern to other agencies when they have safeguarding issues with prompt, timely and appropriate actions
- Choices will act as the voice of the service user and act as their advocate to ensure wherever possible that the focus of any work undertaken by us or other agencies is focused on the safety of the service user
- All adults regardless of age, culture, disability, diversity, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of abuse or neglect

All workers should promote well-being in relation to how adults are treated and the following should form part of that:

- a) Personal dignity and respect
- b) Physical and mental health and emotional wellbeing
- c) Protection from abuse and neglect
- d) Autonomy in their day-to-day life (including care and support and how it is provided)
- e) Participation in work, education, training or recreation
- f) Social and economic wellbeing
- g) Domestic, family and personal relationships
- h) Suitability of living accommodation
- i) The individual's contribution to society

When dealing with an adult, the worker should have regard to:

- a) The importance of beginning with the assumption that the adult is best-placed to judge their own wellbeing

- b) The adult's views, wishes, feeling and beliefs
- c) The importance of promoting independence, personal development and the minimisation of current and future needs
- d) The need to ensure that decisions about an adult are made having regard to all of their circumstances and are not based on age, appearance, condition or behaviour which might lead others to make unjustified assumptions about the adult's wellbeing
- e) The importance of the adult participating as fully as possible in decisions and being provided with the information and support to enable this to happen
- f) Achieving a balance between the adult's wellbeing and that of their representative, involved in care
- g) The need to protect people from abuse and neglect
- h) The need to ensure that any restriction on the adult's rights or freedom are proportionate.

In upholding the commitment to an abuse-free environment, Choices will provide training, support and supervision to staff along with clear policies and procedures to which they must work. In turn, staff will provide the necessary support to service users to assist them to uphold an abuse-free environment.

The following key principles underpin all adult safeguarding work

- Empowerment – Personalisation and the presumption of person led decisions and informed consent
- Prevention – It is better to take action before harm occurs
- Proportionality – Proportionate and least intrusive response appropriate to the risk presented
- Protection – Support and advocacy for those in greatest need
- Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- Accountability – Accountability and transparency in delivering safeguarding.

Adults with mental capacity have a right to make their own choices, take risks, be free from coercion, and to be consulted and involved in their own safeguarding plans. Adults without mental capacity have legal safeguards under the Mental Capacity Act 2005.

THE SCOPE OF SAFEGUARDING

Choices staff come into contact with service users in a variety of settings both within Choices accommodation and in the wider community. The focus of this document is the service user as well as other adults that the service user has contact with. Abuse may be caused by anyone including partner, parent, carer, sibling, child, family member, friend, stranger or professional.

Information regarding safeguarding concerns about other individuals e.g. perpetrator's access to adults may also come to the attention of staff, and this policy will also be used in these circumstances.

This document is based on the following legislation and guidance

- No Secrets 2000 (Department of Health)
- Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Care Act 2014
- Department of Health –Statement on Adult Safeguarding 2014
- Multi-agency Safeguarding Adults Policy, Protocols and Guidance for Kent and Medway 2015

The safeguarding duties apply to an adult who:

- Has needs for care and support (whether or not the local authority is meeting any of these needs,) and
- Is experiencing, or at risk of, abuse or neglect and 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

Kent County Council and Medway Council are the responsible local authorities for safeguarding adults. They have agreed a joint policy however they do have different forms for reporting concerns.

PART 2

PROCEDURAL GUIDANCE

Safeguarding and Promoting Adults' Wellbeing

The Care Act 2014 which came into force in April 2015 has for the first time created legal requirements regarding safeguarding adults including a duty for the local authority to make enquiries or cause others to do so, if it believes an adult is experiencing, or is at risk of abuse or neglect. In addition it puts on a legal footing safeguarding adult boards and the local authority must arrange where appropriate for an independent advocate for an adult who is subject of a safeguarding enquiry or review.

Incidents of domestic abuse may also constitute adult safeguarding concerns. It is important that these are recognised and recorded by organisations under both headings. This should ensure that the individual who is subject to the abuse is protected by utilising the policies and procedures for both domestic abuse and adult safeguarding. It is vital that there is good record keeping and communication between professionals and organisations to ensure there is minimal duplication and to prevent a service user slipping through the net or being confused by the professionals.

In the event that a worker believes a case they are dealing with constitutes an adult safeguarding concern, then they must report it to the relevant safeguarding authority. Although Kent County Council and Medway Council have an agreed policy, they have separate reporting processes. If the worker believes that a criminal offence has been committed then they should also report it to the police. This decision will take into account the six principles and be in conjunction with a discussion with your manager. If a worker wishes to seek advice about an adult safeguarding matter then they can contact the relevant social services for a consultation.

Safeguarding Concerns

A safeguarding concern is defined as the first contact between a person concerned about the abuse or neglect and the local authority. Depending upon the circumstances of the concern the local authority will either carry out a Statutory Safeguarding Enquiry in accordance with Section 42 of the Care Act 2014 or a Non-statutory Enquiry.

If any Choices worker believes that a service user maybe suffering abuse then they must raise a safeguarding concern. Early sharing of information is the key to providing effective help where there are emerging concerns. A worker should never assume that someone else will pass on information which they think may be critical to the safety and well-being of an adult at risk of abuse or neglect.

Safeguarding Enquiries and Investigations

A Statutory Safeguarding Enquiry is where an adult is believed:

- to be experiencing, or at risk of, abuse or neglect: AND
- to have needs for care AND support (whether the local authority is meeting any of those needs) AND
- as a result of those care AND support needs is unable to protect themselves from either the risk of, or experience of, abuse or neglect

Where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident) has:

- needs for care and support (whether or not the local 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

then the local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case and if so, what should happen and by whom. This constitutes a formal Section 42 enquiry.

A Non-statutory Safeguarding Enquiry is one where the criteria for a Section 42 Enquiry are not met; however the local authority at its discretion may carry out an enquiry. These enquiries may relate to an adult who;

- is believed to be experiencing, or is at risk of, abuse or neglect
- does not have care AND support needs (but might just have support needs)

The local authority is the lead agency for Section 42 Enquiries. Not all abuse of adults constitute a criminal offence, if it is believed a criminal offence has been committed then the police will lead the criminal investigation, the investigation will be in partnership with and compliment, the Section 42 Enquiry. The local authority is also responsible for deciding when a case can be closed and if the duty under Section 42 is satisfied.

Who may be considered for an adult safeguarding enquiry?

This may include adults with learning disabilities, mental health issues, older people and adults with a physical disability or impairment. It may also include adult victims of abusive care practices, neglect and self-neglect, domestic abuse, child sexual exploitation, hate crime, female genital mutilation, forced marriage, modern slavery, trafficking and anti-social abusive behaviour. An adult's need for additional support to protect themselves may be increased when complicated by additional factors such as physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems, poverty or homelessness, and it is important to note that vulnerability can fluctuate.

Many adults may not realise that they are being abused and/or exploited, particularly where there is an abuse of power, a dependency, a relationship or reluctance to assert themselves for fear of making the situation worse.

Types of abuse

Abuse and neglect can take many forms and every case should be considered on its own merit with due consideration to an individual circumstances. The following categories of abuse are not mutually exclusive and an adult may be subject to more than one type of abuse at the same time, whatever the setting.

Categories of abuse:

- Physical abuse
- Sexual abuse
- Emotional and psychological abuse
- Exploitation
- Financial abuse
- Harassment (sexual, racial or any other)
- Bullying
- Neglect and acts of omission
- Self-neglect or self-injurious behaviour
- Discrimination
- Organisational abuse
- Multiple forms of abuse
- Domestic abuse
- Inappropriate restraint
- Threatening, intimidating or aggressive behaviour or language
- Verbal insults, smacking and other forms of corporal punishment
- Damage or theft of property or any behaviour which could reasonably be expected to cause fear or distress
- Hate crime
- Modern slavery or human trafficking

- Forced marriage
- Female genital mutilation

Some adults may reveal the abuse themselves by talking about or drawing attention to physical signs or displaying certain actions/gestures. This may be their only means of communication, so it is important to be alert to these signs and to consider what they mean.

Abuse or neglect may be deliberate, or the result of negligence or ignorance. Unintentional abuse or neglect may occur owing to life pressures or as a result of challenging behaviour which is not being properly addressed. It is the intent of the abuse or neglect which is therefore likely to inform the type of response.

Abuse can happen anywhere and if someone lives alone or with others. It is important to understand the circumstances of the abuse, including the wider context such as whether others may be at risk of abuse, whether others have witnessed the abuse, the role of family members as well as professionals.

Recording of adult safeguarding concerns

All safeguarding concerns regarding adults will be recorded on 'On Track'. A copy of any referral form/notification email or other documents will be embedded on the service user's 'On Track' record.

Risk Assessment

Choices staff use the Domestic Abuse, Stalking and Harassment Risk Identification Checklist (DASH-RIC) to assess risk to victims of domestic abuse, as well as the S-DASH for victims of stalking. These tools are not designed to assess adult safeguarding and therefore any concerns about safeguarding adults must be addressed by using this policy.

Multi Agency Risk Assessment Conference (MARAC)

In the event of a case that is subject to a safeguarding enquiry is also heard at a MARAC, it is important that the representing worker advocates on behalf of the victim with a particular focus on ensuring the local authority does not replace safeguarding process with the MARAC. Both processes have distinct responsibilities and should complement each other.

Working with Other Agencies

Choices recognises the need to work with other agencies including social services, the police and health, in response to domestic abuse, as well as safeguarding issues. In order to improve the multi-agency response to domestic abuse and safeguarding Choices will:

- attend multi-agency meetings where appropriate
- provide training in domestic abuse to other agencies
- provide feedback on inter-agency working
- participate in a Safeguarding Adult Review if Choices have had contact with the adult

In the event of another agency requesting written reports other than in the MARAC process such as for a case conference or part of court proceedings, advice should be sought from a manager who will approve the report before it is submitted. Legal advice may be sought when appropriate, and it may be decided to only disclose where a court order is made.

Reporting Concerns, Complaints and Whistleblowing

Any concerns about an adult's wellbeing should be reported and responded to. Partners, children, parents, carers, family members and Choices workers should all be encouraged to report these concerns which can be done by any of the following means:

- to a member of staff
- reporting to the police, adults social care or health providers (statutory agencies)

If a worker believes that another member of staff has not responded appropriately to a concern then they should report this to a manager or utilise the Whistleblowing Policy.

If a family member, carer or another person outside of Choices wishes to make a complaint about the manner in which a safeguarding matter was handled then this will be investigated by an appropriate person within Choices appointed by the Chief Executive Officer.

In the event of a worker reporting a concern to another agency and they believe the matter was not dealt with appropriately then they should utilise the Partnership working approach, laid out in the Community IDVA Service Policy.

Allegations Against a Member of Staff, Trustee or Volunteer

In the event of an allegation being made against a member of staff this policy will be utilised in conjunction with the Disciplinary Procedure. The Chief Executive Officer will be informed without delay to enable her/him to oversee the investigation.

Allegations against Visitors

Should a visitor to the supported accommodation be subject to an allegation of abuse, they will be excluded from the supported accommodation until an investigation has been carried out. Choices may involve social services and the police in such an investigation as it deems appropriate.

Allegations against service users or their children

If allegations of abuse are made against another service user or a member of their family (whether an adult or a child), that service user (and their children) may be offered other temporary accommodation until an investigation has been carried out.

In cases of alleged sexual abuse, temporary accommodation will always be used. In other cases, the decision to offer temporary accommodation will depend on the nature of the alleged abuse and its seriousness. If a service user refuses to accept an offer of temporary accommodation in these circumstances, he/she may be evicted from the supported accommodation immediately.

Should the investigation fail to find that there is a case to answer, the service user and his/her children, if any, may return to the supported accommodation or be offered alternative accommodation in line with his/her wishes and the advice of Choices. If they return to the supported accommodation they will be offered additional support.

Should the investigation find that there is a case to answer, Choices may notify social services and/or the police as appropriate. The service user and his/her children will not be allowed back in the supported accommodation but Choices will make reasonable attempts to assist them to find alternative accommodations and support.

Designated Adult Safeguarding Officer

Front line managers are the Designated Adult Safeguarding Officers (DASO). The DASOs are responsible for advising staff on adult safeguarding matters and should always be consulted regarding any cases that are complex.

Further Guidance

The Local Government Association and the Association of Directors of Adult Social Services document 'Adult safeguarding and domestic abuse – A guide to support practitioners and managers' provides more detailed guidance.

ADULTS SAFEGUARDING PROCEDURE

Choices workers should discuss adult safeguarding concerns with their Manager and inform the Safeguarding Lead, Jackie Hyland when a referral is completed.

Kent Safeguarding Procedure

Choices workers can find the Kent Adult Safeguarding Alert Form (KASAF - Stage 1) on 'On Track' and guidance for completing the form on kent.gov.uk.

If you have had a consultation with the Local Authority and they have advised you to raise a safeguarding concern, you must do so within 48 hours of the discussion to avoid any increased risk.

It is expected that professionals who raise a concern will have completed the KASAF Stage 1 as fully as possible using all of the prompts provided within the form, to support the timely evaluation of the risks. Failure to do so may impede the process.

The KASAF should be completed as a word document. There are drop down boxes, with free textboxes which will grow to accommodate information provided. The Local Authority (LA) practitioner receiving the KASAF will identify any additional information that may need to be gathered.

The KASAF is for professionals and members of the public to use. It is preferred that professionals where possible complete the form electronically and email to the Local Authority. However, this may not be possible for members of the public; therefore handwritten versions can be accepted to avoid unnecessary delays.

Choices workers can also contact 03000 41 61 61.

Medway Safeguarding Procedure

Adult social care safeguarding alert form (SAF) can be found on 'On Track' and workers can also contact 01634 334466 Monday – Friday 8.30am-5.00pm. Outside of these hours you can contact: 03000 41 91 91.

APPENDIX 1. Adults Safeguarding Procedure



Contact details for Kent's Central Duty Team:

CentralDutyTeam@kent.gcsx.gov.uk (Secure e-mail*),

Central.duty@kent.gov.uk (Standard e-mail) or phone 03000 41 61 61

Contact details for Medway Council Adult Social Care

During working hours: T: 01634 334466 or Fax: (01634) 334504

Secure Email: ss.accessandinfo@medway.gov.uk.cjism.net

Out of hour's service: T: 03000 41 91 91