

Title: **Safeguarding Adults at Risk policy**

Synopsis: The key objectives of this policy are:

- To explain the responsibilities Freeways and its staff, volunteers and trustees have in respect of the protection of adults at risk.
- To provide a clear procedure that will be implemented where relevant issues arise.

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Diversity Impact Analysis

Freeways wishes to ensure that its policies and procedures do not impact unfairly on employees with protected characteristics. Managers must therefore ensure that the application of this policy and procedure does not have an adverse impact on such individuals or groups. Concerns about any detrimental impact should be immediately raised with the HR manager.

Review

This guidance will be reviewed after 3 years or earlier in line with any legislative requirements.

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Change Record

Version No	Issue Date	Reason for Change
1.0	January 2009	Review and updated guidance
2.0	January 2012	Care Act Introduction and new guidance
3.0	December 2015	
4.0	November 2018	Review and updates
5.0	June 2019	To add links to other policies in line with Charity Commission guidance
6.0	April 2021	Update to sections 11 and 12

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1. Introduction

Freeways and Freeways Trust (Freeways) are committed to safeguarding and promoting the welfare of children and adults at risk.

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

Freeways fundamentally believes all adults have the right to be safe from harm and should be able to live free from fear of abuse, neglect and exploitation.

The key objectives of this policy are:

- To explain the responsibilities Freeways and its staff, volunteers and trustees have in respect of the protection of adults at risk.
- To provide a clear procedure that will be implemented where relevant issues arise.

2. Context

For the purpose of this document 'adult' means a person aged 18 years or over.

Some adults are less able to protect themselves than others, and some have difficulty making their wishes and feelings known. This may lead them to be at greater risk than other members of society. The broad definition of an adult at risk is a person:

“Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

The first priority should always be to ensure the safety and protection of adult at risk. To this end it is the responsibility of all staff to act on any suspicion or evidence of abuse or neglect (see the Public Interest Disclosure Act 1998) and to pass on their concerns to a responsible person/agency.

For purposes of ensuring consistent and widely understood terminology, this policy and procedure with appendices will use the phrase 'Adult at Risk' to identify those eligible for interventions within the procedure.

3. Legal framework

This guidance reflects the principles contained within the Care Act 2014, the Human Rights Act 1998, the Mental Capacity Act 2005 and Public Interest Disclosure Act 1998.

The Care Act 2014 is a wide reaching act which included safeguarding putting safeguarding adults into a statutory framework, stipulating the categories of abuse

and the role of a safeguarding adults board (SAB) as independent from other statutory bodies and dictating its duties.

The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this.

The Human Rights Act 1998 gives legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).

The Public Interest Disclosure Act 1998 (PIDA) created a framework for whistle blowing across the private, public and voluntary sectors. The Act provides almost every individual in the workplace with protection from victimisation where they raise genuine concerns about malpractice in accordance with the Act's provisions.

4. The role of staff, volunteers and trustees

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

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

5. What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons.

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.

The Care 2014 defines the types of abuse as:

- **Physical abuse**- including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.
- **Sexual abuse**- including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting.
- **Psychological abuse**- including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation,

coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

- **Financial or material abuse-** including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Neglect and acts of omission-** including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **Self-Neglect** – by a person with or without capacity refusing or failing to meet their needs or allowing others to meet their needs where they need support or care leading to harm.
- **Discriminatory abuse-** including racist, sexist, that based on a person's disability, age or sexuality and other forms of harassment, slurs or similar treatment.
- **Organisational or Institutional Abuse** – when paid staff do not care or support for an individual properly or ignore their basic rights including lack of choice, ignoring views and wishes, ignoring privacy, untrained staff working, a lack of proper equipment or policies
- **Modern Slavery-** including being forced to work for others for little or no pay, unable to leave or being made to break the law. Modern Slavery can also include human trafficking.
- **Domestic Violence or abuse** – an incident or pattern of incidents of controlling, coercive, threatening, degrading or violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer.

In addition to the Care Act defined types of abuse listed above there are specific areas where we are aware that our clients may be at greater risk than the general population:

- Hate Crime – where an individual is targeted because of their defining characteristic.
- Mate Crime – a type of grooming where a perpetrator pretends to be or acts as a friend in order to gain access or manipulate an individual
- Cuckooing – where a perpetrator grooms an individual with the aim of taking control of their home situation

6. 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 concern that an adult at risk may have been 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 shall be made as soon as possible of the nature of the allegation and any other relevant information on an Occasion Report (H3).

7. Responding to an allegation

The first duty is to find out as much information as is required **only** to know what to do next.

You must ensure the person is safe – this may mean intervening if you are confident and capable or calling others including the emergency services where relevant.

Any suspicion, allegation or incident of abuse must be reported to a member of the management team of the service or an on call manager.

The nominated member of staff (this could be a support worker) shall telephone and report the matter to the appropriate local adult social services or duty social worker. The authority where the abuse happened is the authority to whom it should be reported although the funding authority should also be informed. 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.

8. 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 (see section 16 – Keeping the policy simple)
- 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
- Explain areas of confidentiality; immediately speak to your manager for Support and guidance
- Explain the procedure to the individual making the allegation

- Record the views of the individual making the allegation and any outcome they have communicated
- 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.

9. Confidentiality

Adult 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 vulnerable adults 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 for 50 years as identified in data protection guidelines and by request from our insurers. Records will only record details required within Appendix 1 and Appendix 2.

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.

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 vulnerable 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 taken into account.

This policy needs to be read in conjunction with other policies for Freeways including:

- Confidentiality
- Disciplinary and Grievance
- GDPR
- Recruitment and Selection
- Safeguarding children and young people

10. The role of key individual agencies

Adult Social Services

The Department of Health's 'No secrets' guidance document requires that authorities develop a local framework within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse.

The Care Act stipulates that all local authorities have a statutory Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding vulnerable adults. It must include representation from the local authority, the police and health and have support from partner organisations who have the ability to 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.

Organisation's Safeguarding Lead

Freeways safeguarding lead is the senior manager that is the Quality organisational lead.

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. Although the manager doesn't necessarily have to report the concern themselves

they must ensure that the concern has been raised with the local authority and others where required such as CQC. Managers should ensure that any reports are of good quality and factual.

The Safeguarding Log (Appendix 1) is completed for all reports of concerns to the local authority and stored on the terminal server for the specific service. This is accessible by the senior management team to check processes have been followed and for audit purposes.

The line manager must ensure the Safeguarding Adult Concern form (Appendix 2) is completed to evidence management decisions and the actions that have been taken relating to the safeguarding concern.

The occasion report should be checked by the manager in line with Freeways processes and details of actions taken by the manager should be summarised at the end of this report. This will include if a concern has not lead to a report to the local authority and why.

The line manager should ensure that all staff within their team are familiar with Freeways Adult at Risk procedures and ensure that all staff under-take training, where appropriate.

If the manager or the individual is dissatisfied with the action or inaction of the local authority regarding a safeguarding concern they can refer to the local authority escalation procedure. It is recommended that managers will seek advice from a senior manager when considering this course of action.

Role of the support worker

The support worker must report any concerns with or without evidence. This can be to a member of the management team initially but in certain circumstances it may be appropriate to go directly to the police or local authority. The support worker must record the safeguarding concern in writing, ideally using an occasion report form. The report must be factual and avoid personal opinion or assumptions. In a criminal case these reports could be used as evidence. Please remember to include any known views of the individual or outcomes they have communicated.

Where there is a whistleblowing concern, staff must adhere to the whistleblowing policy (F8)

The role of the support worker is to support service users to understand abuse, that it is wrong, and how they can report any concerns. To aid this, a service user guide has been produced in easy read format - Keeping Safe in Freeways (Appendix C)

The role is to protect adults at risk, informing them of their rights including the right to complain and supporting communication throughout the process and advocating where appropriate.

11. Training

Training will be provided, as appropriate, to ensure that staff are aware of these procedures.

Induction training

All new support staff complete the Care Certificate which includes core modules on safeguarding for adults and children. The Care Certificate requires staff to complete workbooks or online training which require a 100% pass rate and a competency check in service before being signed off by the manager.

Freeways expect new staff to complete the Care Certificate within their probation period.

Internal training

Freeways will ensure that all support staff (including service managers) receive annual safeguarding awareness training (Level 1).

Safeguarding training can be completed via in-house training activities such as e-learning or safeguarding training provided by Freeways.

If a support staff member does not have an update within two years a discussion around their competency in this area will be assessed to ensure they are capable to work with the service user group. This should indicate timescales for completion of training of updates.

Non care and support staff must complete safeguarding awareness training every two years; this includes trustees in line with local safeguarding adult board guidelines.

Senior Managers, Managers and Assistant Managers must complete safeguarding training for responders (Level 2 or Level 3) provided by the local authority every three years. Senior Managers, Managers and Assistant Managers must ensure they have safeguarding as part of their CPD and attend other learning events such as external conferences or training every year.

Managers at all levels are responsible for ensuring the staff they manage remain up to date with their training in this area.

External training

It is good practise for support staff (including managers) to receive updates from the local authority every three years. This can be arranged through the relevant local authorities training department

Further information about training standards in relation to safeguarding can be found following the link below:

https://sites.southglos.gov.uk/safeguarding/wp-content/uploads/sites/221/2015/05/Training-Standards-2018_21-SG.pdf

12. Complaints procedure

Freeways has a grievance procedure available to all staff, volunteers and trustees and a complaints procedure available to service users

[Feedback and Complaints Procedure](#)
[Whistleblowing Policy](#)

13. Duty of candour

The Care Act 2014 has introduced a statutory duty of candour (Regulation 20); as a provider we need to ensure that we are open and transparent with people who use our service in relation to care and treatment. It also sets out specific requirements that providers must follow when things go wrong with care and treatment, including informing people about the incident, providing reasonable support, providing truthful information and an apology.

[**Regulation 20: Duty of candour | Care Quality Commission**](#)

Freeways promotes a culture that encourages candour, openness and honesty at all levels. It is an expectation and should be evidenced on occasion reports and CQC notifications, that if an incident occurs the service user is informed, regardless of the outcome (safeguarding or not) and is supported to make a complaint. Equally, actions to prevent/reduce the risk of the incident occurring again should also be recorded on the forms. Ensure actions are completed and evidenced.

14. Recruitment procedure

Freeways operates procedures that take account of the need to safeguard and promote the welfare of adults at risk, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

The HR manager is responsible for ensuring best practice in this area.

15. Important Telephone numbers:

If you think that an adult at risk is being abused either in Freeways or elsewhere, you should contact:

Council Access Team (Banes).....	01225 396000
Care Connect (North Somerset).....	01275 888 801
Care Direct (Bristol).....	0117 922 2700
Customer Service Officer (South Glos).....	01454 868 007
Emergency Duty Team.....	01454 615165
Avon and Somerset Police.....	101 (non-emergency)
	999 (emergency)

16. Linked policies

The Charity Commission states “Protecting people and safeguarding responsibilities should be a governance priority for all charities. As part of fulfilling your trustee

duties, you must take reasonable steps to protect people who come into contact with your charity from harm. This includes:

- people who benefit from your charity's work
- staff
- volunteers

It may also include other people who come into contact with your charity through its work.”

In line with this guidance, which Freeways recognises is a wider definition of Safeguarding than the Care Act 2014, the following policies should also be noted:

- [Whistleblowing Policy](#)
- [Freeways Staff Code of Conduct](#)
- [Anti- Bullying Guidance](#)
- [Recruitment Policy](#)
- [Performance Management](#)
- [Freeways Disciplinary Procedure](#)
- [Freeways Grievance Procedure](#)

17. Keeping the policy simple:

