



# Adults with Care and Support Needs Protection Policy

To: All Staff  
 From: Mia Wylie  
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## Contents

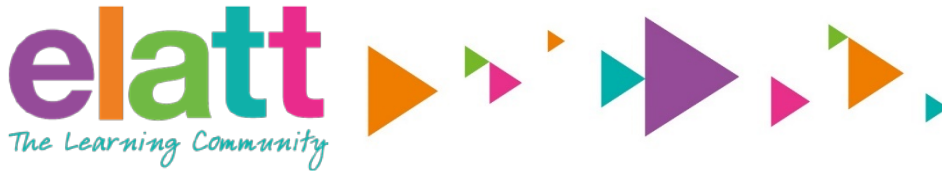
**POLICY AND PROCEDURE** ..... Error! Bookmark not defined.

Related documents: .....	2
Policy: purpose of the procedure ELATT is committed to safeguarding the welfare of adults with care and support needs. ELATT works with adults with care and support needs every year in a variety of ways and has developed this Adults with care and support needs Protection Policy to support staff in putting into practice ELATT's commitment. ....	3
Policy statement.....	4
Principles of Good Practice.....	4
Legal framework and guideline sources.....	5
Related Procedures and other documents.....	6
Definitions .....	6
Safeguarding is: .....	6
Abuse is:.....	6
Physical abuse .....	7
Domestic violence or abuse .....	7
Types of sexual abuse: .....	8
Psychological or emotional abuse.....	8
Cyber bullying .....	9
Financial or material abuse.....	9
Modern slavery .....	10
Discriminatory abuse .....	10
Organisational or institutional abuse.....	10
Neglect and acts of omission .....	11
Self-neglect .....	12
Who may have care and support needs? .....	12
Six safeguarding principles: .....	13
The Safeguarding Adults Board (SAB) must:.....	13
Responding to a safeguarding concern .....	15
Some useful Do's and Don'ts .....	15
Sharing information, confidentiality and mental capacity .....	16
Some basic principles: .....	18
The Mental Capacity Act 2005.....	18
Informing the police.....	19
Raising a safeguarding concern with the local authority.....	19
Regulatory reporting for registered services.....	20
Allegations against staff.....	20
Whistleblowing .....	20
Considering suspension or relocation of a member of staff.....	21
The Disclosure and Barring Service .....	21

Recording an allegation, incident, disclosure or concern .....	22
Support for victims of abuse who use the service .....	22
Prevention of abuse and neglect .....	23
Responsibility for the procedure All managers are responsible for ensuring that the Adults with care and support needs Protection Policy is applied All staff are responsible for ensuring that they understand and engage with the Young Person and Adults with care and support needs Policy and strive to understand how their work role fits with the overall ELATT's responsibility. ....	23
ELATT DBS Responsibilities.....	<b>Error! Bookmark not defined.</b>
Requirements of the procedure.....	24
Recruitment and disclosure .....	24
Staff recruitment.....	24
Training and support.....	25
Monitoring and data collection .....	25
Record keeping.....	25
Confidentiality.....	26

## Related documents

- ELATT Safeguarding Step by Step Guide
- Referral List
- Reported Procedure for Safeguarding
- Safeguarding Training Materials
- ELATT's Confidentiality Policy
- ELATT's Bullying & Harassment Policy
- ELATT's code of conduct
- ELATT's Student Handbook
- Procedure for dealing with allegations of abuse against staff and volunteers
- Whistleblowing Policy
- Use of photographic, video recording, image recording & phone camera use statement
- Health and Safety Policy
- Internet Safety
- Induction documents



## **POLICY: PURPOSE OF THE PROCEDURE**

**ELATT is committed to safeguarding the welfare of adults with care and support needs. ELATT works with adults with care and support needs every year in a variety of ways and has developed this Adults with care and support needs Protection Policy to support staff in putting into practice ELATT's commitment.**

This policy establishes the roles and responsibilities of everyone who works for ELATT in relation to the protection of adults with care and support needs with whom their work brings them into contact.

This policy is based on, and reflects, the principles of both UK legislation and guidance and other relevant ELATT policies and procedures. The approach has been developed in such a way as to be consistent with 'Best Practice' within the field of adults with care and support needs protection.

The **key principles** are:

- The welfare of the adults with care and support needs is the paramount consideration and all staff are on alert to concerns other than protection.
- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately.
- All staff (paid/unpaid) working at ELATT have a responsibility to report concerns to the appropriate officer.
- All adults with care and support needs regardless of age, disability, gender, racial or ethnic origin, pregnancy or maternity, marital or civil partnership, religious belief and sexual identity have a right to protection from harm or abuse.
- Safeguarding remains a paramount importance during leasing premises, enrichment activities like trips, tours and holiday clubs as per Student Handbook, ELATT's risk assessment and Induction.

It is everyone's responsibility to promote the protection of adults with care and support needs. In following the policy staff are always expected to maintain a sense of proportion, apply common sense to situations and protect the adults with care and support needs welfare as priority.

It is also ELATT's duty to ensure that staff are never placed in situations where abuse might be alleged. It is not intended that the policy should restrict staff from normal ways of working, but staff always need to consider how an action or activity may be perceived as opposed to how it is intended.

## **POLICY STATEMENT**

The statutory framework for adult safeguarding in England is set out in the Care Act 2014 and related Statutory Guidance and regulations. This policy is informed by the Act and Making Safeguarding Personal. It reflects the culture shift required in safeguarding practice to ensure that people who are being abused or neglected, or who may be at risk, are supported to make choices and, wherever possible, remain in control of decision making. ELATT will promote empowerment and well-being throughout its safeguarding practice.

ELATT is committed to working with local safeguarding partners, in line with multi-agency policy and procedure, to support the Care Act principle of partnership working.

ELATT is committed to preventing abuse and neglect.

Activities include:

- empowering people who use the service to keep themselves safe
- assessing risk
- raising awareness among staff and people using the service on what abuse is and how to report it
- safeguarding as part of the recruitment process
- safeguarding induction and training for all staff appropriate to their role

Employees and volunteers will be supported through:

- high quality training to enable them to recognise indicators of abuse and neglect and to know how to respond
- support and guidance to enable them to deal with concerns about abuse and neglect in a timely and proportionate way
- support during and following the process of reporting abuse and neglect
- support and advice if they are accused of abuse

ELATT will have systems in place for:

- the recruitment and selection of employees, trustees and volunteers in line with the requirements of the Disclosure and Barring Service
- the mandatory inclusion of safeguarding in induction
- mandatory safeguarding training for employees and volunteers in line with their role.
- the inclusion of safeguarding concerns in supervision
- monitoring of working standards of employees and volunteers
- dealing with allegations or concerns relating to employees and or volunteers
- working in accordance with local, multi-agency safeguarding arrangements
- the provision of clear information for people who use the service on keeping themselves safe and raising safeguarding concerns
- whistleblowing

### **Principles of Good Practice**

ELATT undertakes to:

- Treat adults with care and support needs with care, respect and dignity;  
Recognise that those working for ELATT will be perceived by adults with care and support needs as trusted representatives of ELATT;
- Ensure communication with adults with care and support needs is open and clear;
- Assess the risks to adults with care and support needs of their activities;

- Ensure staff avoid physical contact with adults with care and support needs except for reasons of health and safety, or under supervision.
- Always work in an open environment, avoiding private or unobserved situations and encouraging open communication.
- Treat all adults with care and support needs equally with respect and dignity.
- Always put the welfare of each adult first.
- Maintain a safe and appropriate distance with learners (eg it is not appropriate for staff or volunteers to have an intimate relationship with an adult with support and care needs).
- Be an excellent role model – this includes not smoking or drinking alcohol in the company of young people.
- Develop and then implement procedures for identifying and reporting cases, or suspected cases, of abuse.
- Support adults with care and support needs who have been abused in accordance with his/her agreed protection plan.
- Establish a safe environment in which adults with care and support needs can learn and develop.
- Respect adults with care and support needs /staff privacy as long as it does not compromise risk of harm
- Induct student thoroughly on Internet Safety and remain vigilant that students are not exposed to any harm from Cyber Bullying.

### **Legal framework and guideline sources**

The legislation that is relevant to the protection of adults with care and support needs is as follows:

- The United Nations Convention on the Rights of the
- The Human Rights Act (1998)
- Data Protection Act 1998
- Sexual Offences Act 2003
- The Safeguarding Vulnerable Groups Act 2006
- Care Act 2014

Other Sources include:

- Protection Procedures – Safeguarding Boards (Essex, London, Hertfordshire, Suffolk & Norfolk).
- Multi Agency Public Protection Arrangements (MAPPA)
- Social Services / Protection Team Blue Book
- Supporting People Quality Assessment Framework – Core Objective 3: Protection from Abuse, and associated guidelines.
- “No Secrets” (DOH) – Guidance on developing and implementing multiagency policies and procedures to protect adults with care and support needs from abuse
- Registering Authorities Multi Agency Public Protection Arrangements (MAPPA) “Duty to Co-operate”.
- “Caring for Adults with care and support needs” (HO) – guidance
- Supporting People Quality Assessment Framework – Core Objective 3: Protection from Abuse, and associated guidelines.



## Related Procedures and other documents

Training and Development Policy and Procedure  
Support and Supervision Policy and procedure  
Staff Induction Policy and Procedure  
Key Performance Indicators  
Equality and Diversity Policy  
Health and Safety Policy  
Confidentiality Policy  
ELATT's Online IT Guidelines  
ELATT's Prevent Policy

## DEFINITIONS

### Safeguarding is:

Protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted, including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

### Abuse is:

- a violation of an individual's human and civil rights
- misuse of the power and control that one person has over another

It can be:

- intentional or unintentional
- an act of neglect or a failure to act
- a single or repeated act

Anyone may be an abuser. Statistics show that the abuser is most likely to be a family member. However, an abuser may be a professional (solicitor, doctor, nurse, social worker) any staff member, advocate or volunteer, a friend, neighbour, faith leader or another person using the same care service. Abusers can also be complete strangers, for example, rogue traders or scammers.

The statutory guidance to the Care Act sets out an illustrative guide to the types of abuse:

- Physical abuse
- Domestic violence
- Sexual abuse
- Psychological abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Neglect and acts of omission
- Self-neglect

Evidence of any one indicator from the above lists should not be taken on its own as proof that abuse is occurring. However, it should alert practitioners to make further assessments and to consider other associated factors. The lists of possible indicators and examples of behaviour are not exhaustive and people may be subject to a number of abuse types at the same time. Indicators of abuse are outlined in

the SCIE at a Glance 69 (<http://www.scie.org.uk/publications/ataglance/69-adults-safeguarding-types-and-indicators-of-abuse.asp>).

## **Physical abuse**

Types of physical abuse:

- Assault, hitting, slapping, punching, kicking, hair-pulling, biting, pushing
- Rough handling
- Scalding and burning
- Physical punishments
- Inappropriate or unlawful use of restraint
- Making someone purposefully uncomfortable (e.g. opening a window and removing blankets)
- Involuntary isolation or confinement
- Misuse of medication (e.g. over-sedation)
- Forcible feeding or withholding food
- Unauthorised restraint, restricting movement (e.g. tying someone to a chair)

Possible indicators of physical abuse:

- No explanation for injuries or inconsistency with the account of what happened
- Injuries are inconsistent with the person's lifestyle
- Bruising, cuts, welts, burns and/or marks on the body or loss of hair in clumps
- Frequent injuries
- Unexplained falls
- Subdued or changed behaviour in the presence of a particular person
- Signs of malnutrition
- Failure to seek medical treatment or frequent changes of GP

## **Domestic violence or abuse**

Types of domestic violence or abuse

Domestic violence or abuse can be characterised by any of the indicators of abuse outlined in this briefing relating to:

- psychological
- physical
- sexual
- financial
- emotional

Domestic violence and abuse includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been, intimate partners or family members regardless of gender or sexuality. It also includes so called 'honour' -based violence, female genital mutilation and forced marriage.

Coercive or controlling behaviour is a core part of domestic violence. Coercive behaviour can include:

- acts of assault, threats, humiliation and intimidation
- harming, punishing, or frightening the person
- isolating the person from sources of support
- exploitation of resources or money

- preventing the person from escaping abuse
- regulating everyday behaviour.

Possible indicators of domestic violence or abuse:

- Low self-esteem
- Feeling that the abuse is their fault when it is not
- Physical evidence of violence such as bruising, cuts, broken bones
- Verbal abuse and humiliation in front of others
- Fear of outside intervention
- Damage to home or property
- Isolation – not seeing friends and family
- Limited access to money
- Sexual abuse

#### **Types of sexual abuse:**

- Rape, attempted rape or sexual assault
- Inappropriate touch anywhere
- Non- consensual masturbation of either or both persons
- Non- consensual sexual penetration or attempted penetration of the vagina, anus or mouth
- Any sexual activity that the person lacks the capacity to consent to
- Inappropriate looking, sexual teasing or innuendo or sexual harassment
- Sexual photography or forced use of pornography or witnessing of sexual acts
- Indecent exposure

Possible indicators of sexual abuse:

- Bruising, particularly to the thighs, buttocks and upper arms and marks on the neck
- Torn, stained or bloody underclothing
- Bleeding, pain or itching in the genital area
- Unusual difficulty in walking or sitting
- Foreign bodies in genital or rectal openings
- Infections, unexplained genital discharge, or sexually transmitted diseases
- Pregnancy in a woman who is unable to consent to sexual intercourse
- The uncharacteristic use of explicit sexual language or significant changes in sexual behaviour or attitude
- Incontinence not related to any medical diagnosis
- Self-harming
- Poor concentration, withdrawal, sleep disturbance
- Excessive fear/apprehension of, or withdrawal from, relationships
- Fear of receiving help with personal care
- Reluctance to be alone with a particular person

#### **Psychological or emotional abuse**

Types of psychological or emotional abuse:

- Enforced social isolation – preventing someone accessing services, educational and social opportunities and seeing friends
- Removing mobility or communication aids or intentionally leaving someone unattended when they need assistance
- Preventing someone from meeting their religious and cultural needs





- Preventing the expression of choice and opinion
- Failure to respect privacy
- Preventing stimulation, meaningful occupation or activities
- Intimidation, coercion, harassment, use of threats, humiliation, bullying, swearing or verbal abuse
- Addressing a person in a patronising or infantilising way
- Threats of harm or abandonment

### **Cyber bullying**

Possible indicators of psychological or emotional abuse:

- An air of silence when a particular person is present
- Withdrawal or change in the psychological state of the person
- Insomnia
- Low self-esteem
- Uncooperative and aggressive behaviour
- A change of appetite, weight loss/gain
- Signs of distress: tearfulness, anger
- Apparent false claims, by someone involved with the person, to attract unnecessary treatment

### **Financial or material abuse**

- Types of financial or material abuse:
- Theft of money or possessions
- Fraud, scamming
- Preventing a person from accessing their own money, benefits or assets
- Employees taking a loan from a person using the service
- Undue pressure, duress, threat or undue influence put on the person in connection with loans, wills, property, inheritance or financial transactions
- Arranging less care than is needed to save money to maximise inheritance
- Denying assistance to manage/monitor financial affairs
- Denying assistance to access benefits
- Misuse of personal allowance in a care home
- Misuse of benefits or direct payments in a family home
- Someone moving into a person's home and living rent free without agreement or under duress
- False representation, using another person's bank account, cards or documents
- Exploitation of a person's money or assets, e.g. unauthorised use of a car
- Misuse of a power of attorney, deputy, appointeeship or other legal authority
- Rogue trading – eg. unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship

Possible indicators of financial or material abuse:

- Missing personal possessions
- Unexplained lack of money or inability to maintain lifestyle
- Unexplained withdrawal of funds from accounts
- Power of attorney or lasting power of attorney (LPA) being obtained after the person has ceased to have mental capacity
- Failure to register an LPA after the person has ceased to have mental capacity to manage their finances, so that it appears that they are continuing to do so
- The person allocated to manage financial affairs is evasive or uncooperative
- The family or others show unusual interest in the assets of the person
- Signs of financial hardship in cases where the person's financial affairs are being managed by a court appointed deputy, attorney or LPA
- Recent changes in deeds or title to property

- Rent arrears and eviction notices
- A lack of clear financial accounts held by a care home or service
- Failure to provide receipts for shopping or other financial transactions carried out on behalf of the person
- Disparity between the person's living conditions and their financial resources, e.g. insufficient food in the house
- Unnecessary property repairs

### **Modern slavery**

- Types of modern slavery:
- Human trafficking
- Forced labour
- Domestic servitude
- Sexual exploitation, such as escort work, prostitution and pornography
- Debt bondage – being forced to work to pay off debts that realistically they never will be able to

Possible indicators of modern slavery:

- Signs of physical or emotional abuse
- Appearing to be malnourished, unkempt or withdrawn
- Isolation from the community, seeming under the control or influence of others
- Living in dirty, cramped or overcrowded accommodation and or living and working at the same address
- Lack of personal effects or identification documents
- Always wearing the same clothes
- Avoidance of eye contact, appearing frightened or hesitant to talk to strangers
- Fear of law enforcers

### **Discriminatory abuse**

Types of discriminatory abuse:

- Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (known as 'protected characteristics' under the Equality Act 2010)
- Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
- Denying access to communication aids, not allowing access to an interpreter, signer or lip-reader
- Harassment or deliberate exclusion on the grounds of a protected characteristic
- Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic
- Substandard service provision relating to a protected characteristic

Possible indicators of discriminatory abuse:

- The person appears withdrawn and isolated
- Expressions of anger, frustration, fear or anxiety
- The support on offer does not take account of the person's individual needs in terms of a protected characteristic

### **Organisational or institutional abuse**

Types of organisational or institutional abuse:

- Discouraging visits or the involvement of relatives or friends
- Run-down or overcrowded establishment
- Authoritarian management or rigid regimes
- Lack of leadership and supervision
- Insufficient staff or high turnover resulting in poor quality care
- Abusive and disrespectful attitudes towards people using the service
- Inappropriate use of restraints
- Lack of respect for dignity and privacy
- Failure to manage residents with abusive behaviour
- Not providing adequate food and drink, or assistance with eating
- Not offering choice or promoting independence
- Misuse of medication
- Failure to provide care with dentures, spectacles or hearing aids
- Not taking account of individuals' cultural, religious or ethnic needs
- Failure to respond to abuse appropriately
- Interference with personal correspondence or communication
- Failure to respond to complaints

Possible indicators of organisational or institutional abuse:

- Lack of flexibility and choice for people using the service
- Inadequate staffing levels
- People being hungry or dehydrated
- Poor standards of care
- Lack of personal clothing and possessions and communal use of personal items
- Lack of adequate procedures
- Poor record-keeping and missing documents
- Absence of visitors
- Few social, recreational and educational activities
- Public discussion of personal matters
- Unnecessary exposure during bathing or using the toilet
- Absence of individual care plans
- Lack of management overview and support

### **Neglect and acts of omission**

Types of neglect and acts of omission:

- Failure to provide or allow access to food, shelter, clothing, heating, stimulation and activity, personal or medical care
- Providing care in a way that the person dislikes
- Failure to administer medication as prescribed
- Refusal of access to visitors
- Not taking account of individuals' cultural, religious or ethnic needs
- Not taking account of educational, social and recreational needs
- Ignoring or isolating the person
- Preventing the person from making their own decisions
- Preventing access to glasses, hearing aids, dentures, etc.
- Failure to ensure privacy and dignity

Possible indicators of neglect and acts of omission;

- Poor environment – dirty or unhygienic

- Poor physical condition and/or personal hygiene
- Pressure sores or ulcers
- Malnutrition or unexplained weight loss
- Untreated injuries and medical problems
- Inconsistent or reluctant contact with medical and social care organisations
- Accumulation of untaken medication
- Uncharacteristic failure to engage in social interaction
- Inappropriate or inadequate clothing

## **Self-neglect**

Types of self-neglect:

- Lack of self-care to an extent that it threatens personal health and safety
- Neglecting to care for one's personal hygiene, health or surroundings
- Inability to avoid self-harm
- Failure to seek help or access services to meet health and social care needs
- Inability or unwillingness to manage one's personal affairs

Indicators of self-neglect:

- Very poor personal hygiene
- Unkempt appearance
- Lack of essential food, clothing or shelter
- Malnutrition and/or dehydration
- Living in squalid or unsanitary conditions
- Neglecting household maintenance
- Hoarding
- Collecting a large number of animals in inappropriate conditions
- Non-compliance with health or care services
- Inability or unwillingness to take medication or treat illness or injury

## **Who may have care and support needs?**

An adult with 'care and support needs' may:

- have a learning disability
- have a physical disability and/or a sensory impairment
- have mental health needs including dementia or a personality disorder
- have a long-term illness/condition
- misuse substances or alcohol (to a point where it interferes with daily living)



## THE CARE ACT

All safeguarding practice at ELATT will be underpinned by the six safeguarding principles.

### SIX SAFEGUARDING PRINCIPLES:

1. Empowerment - people being supported and encouraged to make their own decisions and informed consent.
2. Prevention- it is better to take action before harm occurs.
3. Proportionality - the least intrusive response appropriate to the risk presented.
4. Protection - support and representation for those in greatest need.
5. Partnership - local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
6. Accountability - accountability and transparency in safeguarding practice.

Chapter 14 of the Care and support statutory guidance (Department of Health, 2014) sets out in detail the duties and responsibilities of the local authority and its partners.

The local authority has lead responsibility for adult safeguarding. Local authorities must:

- consider the physical, mental and emotional wellbeing of individuals
- set up Safeguarding Adults Boards
- make or arrange for safeguarding enquiries
- carry out Safeguarding Adults Reviews
- arrange for independent advocacy when it is needed
- cooperate with each of its relevant partners

#### The Safeguarding Adults Board (SAB) must:

- include members from the local authority, health (CCGs) and the police (other members may include housing, service provider representatives or any other partner as appropriate).
- coordinate and ensure the effectiveness of its members
- produce a Strategic Plan
- produce an Annual Report
- carry out Safeguarding Adults Reviews

The Care Act gives a range of responsibilities to other partner organisations. ELATT should work with the local authority and other partners to safeguard adults.

Strategic Responsibilities (for Trustees, Directors and Senior Executives):

- Ensure service quality
- Ensuring staff training in safeguarding, information sharing and MCA
- SAB (or sub-group) membership
- Joint working - development of policies and procedures with partners
- Cooperation and partnership
- Ensure clarity and process on information-sharing
- Appointment of Safeguarding Lead
- Collect safeguarding data for learning and development

Management responsibilities

- Clear operational policies and procedures including when to report outside the organisation
- Develop and support the workforce
- train staff in line with their role
- Supervision and support
- Ensure staff are able to identify and respond to allegations of abuse and substandard practice
- Emphasis on prevention, early intervention and information, advice and advocacy
- Clarity and understanding of the law relating to information sharing, confidentiality, data protection and human rights
- Ensure personalisation in safeguarding
- Be prepared to carry out or participate in enquiries

### **Staff responsibilities (employees and volunteers)**

Front-line workers need to:

- support people to keep safe
- be vigilant about adult safeguarding concerns
- understand who might be vulnerable to abuse
- know about different types of abuse and neglect and their signs
- read and understand the organisation's safeguarding adults policy and procedure
- know how to respond and where to go for advice and assistance
- know who to tell about suspected abuse or neglect
- always report concerns
- work in line with the six safeguarding principles
- balance choice and control with safety

### **Procedures**

Responsibilities for all employees and volunteers:

- respond appropriately to emergency situations
- report any allegation of suspected abuse or neglect to the line manager (or other nominated manager) as soon as is possible
- make an accurate record of any safeguarding activity
- read and be familiar with this policy on safeguarding adults
- work in accordance with multi-agency safeguarding agreements in the area
- know how to respond to concerns and where to go for advice and assistance
- understand the importance of balancing choice and control with safety
- know about different types of abuse and neglect
- support people to keep themselves safe
- support people to think about risk when exercising choice and control
- take all concerns and allegations seriously
- know how to contact the local authority regarding a safeguarding concern
- undertake safeguarding training in line with level of responsibility
- be familiar with the ELATT's whistleblowing policy

Responsibilities of managers

In addition to the roles and responsibilities for all employees and volunteers, managers must:

- comply with the safeguarding aspects of the recruitment policy
- ensure staff are trained and supported to enable them to identify and respond to allegations of abuse, neglect and substandard practice

- have a good understanding of local, multi-agency safeguarding agreements and ensure this policy fits with those agreements
- understand when it is appropriate to raise a safeguarding concern
- understand the legal framework regarding sharing safeguarding information, including an adequate understanding of the Mental Capacity Act 2005.
- try to access multi-agency safeguarding training provided by, or on behalf of, the local authority for [the organisation's] staff
- report all concerns to the line manager and, where required, to the appropriate regulatory bodies
- work with senior management to deal with allegations or concerns relating to any employee or volunteer and inform the HR Advisor (or Volunteer Manager for volunteers) immediately
- comply with the requirements of the Disclosure and Barring Service
- seek to make links (through sub-groups or forums) with the local Safeguarding Adults Board
- be able to carry out or participate in enquiries

### **Responding to a safeguarding concern**

Employees and volunteers may have concerns as a result of:

- a direct disclosure from a person using the service
- an allegation, concern or complaint reported by another person
- an observation
- an incident

If the situation is an emergency the employee or volunteer must:

- call 999 immediately and ask for the appropriate service
- try to keep them self and others safe
- ensure any evidence is preserved
- contact their line manager
- make a record of what has occurred

The organisation's registered first aiders may be able to provide some help in an emergency situation.

If the person is not in immediate danger the employee or volunteer must report the concern to their line manager. If the line manager is unavailable, another nominated manager must be contacted for advice and guidance.

### **Some useful Do's and Don'ts**

**Do:**

- act on any concerns, suspicions or doubts
- try to ensure the immediate safety of the individual
- remain calm and listen very carefully
- summarise what you have heard back to the person for clarification
- be non-judgemental
- assure the person that the matter will be taken seriously
- explain the process for reporting the allegation
- seek consent to report the concern or share information
- report the allegation to your manager in line with these and local multi-agency procedures
- contact children's services in the local authority if a child is, or may be, at risk
- arrange support for the alleged victim



**Don't:**

- show shock or disbelief
- rush the person
- probe or question - just record the facts and seek clarification where necessary
- contaminate or disturb any evidence
- jump to conclusions
- promise confidentiality – explain how and why the information might need to be shared with those who need to know
- interview witnesses - but do record any information volunteered by them
- approach the alleged abuser (unless they are also a person with care and support needs in your care)

**Sharing information, confidentiality and mental capacity**

It is important that managers who refer safeguarding concerns to partner organisations understand the legal parameters of sharing personal information set out in:

- local authority responsibilities for sharing information (under the Care Act 2014 in England)
- the common law duty of confidentiality
- the Human Rights Act 1998, Article 8 (the right to respect for private life)
- the Data Protection Act 1998
- the Crime and Disorder Act 1998
- the Mental Capacity Act 2005

Many local areas will have a multi-agency information sharing agreement to support decision making.

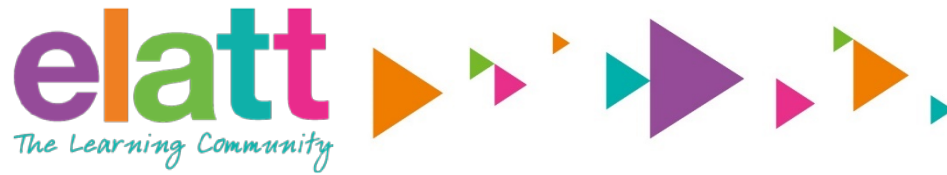
The SCIE guide, Adult safeguarding: sharing information, outlines the key parts of legislation relevant to adult safeguarding.

“If a person refuses intervention to support them with a safeguarding concern, or requests that information about them is not shared with other safeguarding partners, their wishes should be respected. However, there are a number of circumstances where the practitioner can reasonably override such a decision, including:

- the person lacks the mental capacity to make that decision – this must be properly explored and recorded in line with the Mental Capacity Act
- other people are, or may be, at risk, including children
- sharing the information could prevent a crime
- the alleged abuser has care and support needs and may also be at risk
- a serious crime has been committed
- staff are implicated
- the person has the mental capacity to make that decision but they may be under duress or being coerced
- the risk is unreasonably high and meets the criteria for a multi-agency risk assessment conference referral
- a court order or other legal authority has requested the information
- there is a ‘vital interest’ (a risk to life and limb)

(Social Care Institute for Excellence, 2015)





Employees and volunteers should always seek consent to share information unless this would increase the risk. Where consent is not given but there is a need to override this the person should be informed of the reasons.

## SOME BASIC PRINCIPLES

- Don't give assurances about absolute confidentiality.
- Try to gain consent to share information as necessary.
- Consider the person's mental capacity to consent to information being shared and seek assistance if you are uncertain.
- Make sure that others are not put at risk by information being kept confidential:
- Does the public interest served by disclosure of personal information outweigh the public interest served by protecting confidentiality?
- Could your action prevent a serious crime?
- Don't put management or organisational interests before safety.
- Share information on a 'need-to-know' basis and do not share more information than necessary.
- Record decisions and reasoning about information that is shared.
- Carefully consider the risks of sharing information in relation to domestic violence or hate crime.

### The Mental Capacity Act 2005

Staff must always work in line with the Mental Capacity Act. They should understand the principles of the Act, the two stage test and how to assess whether someone is able to make the decision in hand at the time.

#### The five principles of the MCA

- Assume capacity: a person must be assumed to have capacity unless it is established that they lack capacity
- Maximise capacity: a person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success
- Unwise decisions: a person is not to be treated as unable to make a decision merely because s/he makes an unwise decision
- Best interests: an act done, or decision made, under the Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests
- Least restrictive option: regard to whether the purpose can be as effectively achieved in a way that is less restrictive of the person's rights and freedom

#### The two-stage functional test of capacity

- Stage 1. Is there an impairment of or disturbance in the functioning of a person's mind or brain? If so,
- Stage 2. Is the impairment or disturbance sufficient that the person lacks the capacity to make a particular decision? (The inability to make the decision must be as a result of the mental impairment or disturbance)

The MCA says that a person is unable to make their own decision if they cannot do one or more of the following four things:

1. understand information relating to the decision
2. retain that information long enough to be able to make the decision
3. weigh up the information available to make the decision
4. communicate their decision – this could be by talking, using sign language or even simple muscle movements such as blinking an eye or squeezing a hand.



## **Informing the police**

Incidents of abuse or neglect may also be criminal offences. The police should always be informed in an emergency. In non-emergency situations it is important to inform the police of criminal activity however it is also important to carefully consider the circumstances. In cases of domestic violence it is possible that informing the police can increase the risk to the individual concerned. The 'victim' should be encouraged to report crime themselves where appropriate and offered support if they wish to do so.

Those considering whether to report minor offences to the police should apply the principle of proportionality and, where appropriate, seek the views and wishes of the individual concerned before making contact. For example, if an older person has a son with substance misuse problems and is aware that he has stolen money from her it may be best to work towards the desired outcomes of the older person, such as help and support for her son, rather than involving the police.

Decisions on whether or not to report should be made promptly. Managers should always make decisions on such matters with other management colleagues and not in isolation. If there is uncertainty about whether the police should be involved then advice can be sought from them in the first instance without disclosing the person's identity. In most non-urgent cases the local authority will decide, with the individual, whether or not the police should be informed. All internal decisions on whether or not to involve the police should be clearly recorded with reasoning.

Consideration of whether to involve the police should include:

- the seriousness of the crime
- the level of risk
- risk to others
- what the individual wants, taking into account issues of coercion or duress and potential damage to relationships
- whether the situation would best be resolved through police intervention – taking into account the principle of proportionality.

## **Raising a safeguarding concern with the local authority**

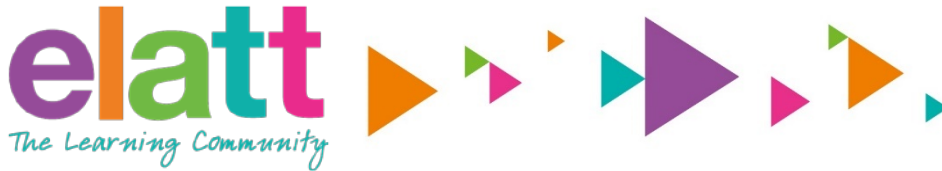
Managers are responsible for raising safeguarding concerns with the local authority. It is important that managers are clear about expectations, which should be outlined in local multi-agency agreements.

If the manager is unsure of whether a situation warrants raising a safeguarding concern they should consult with their [insert senior staff roles] and any decision not to raise a concern should be recorded with the reasons. Advice can be sought from the appropriate local authority manager or safeguarding lead.

The manager must complete the appropriate form or documentation as determined by the local, multi-agency agreement; copies must be retained.

Local authorities should work in partnership to ensure the safety and well-being of people with care and support needs in their area. They should respond to any safeguarding concern brought to them.

Where there is reluctance to respond to a concern the manager should contact the appropriate manager in the local authority to discuss the case. Where there is a continued dispute the matter should be escalated in line with the local, multi-agency safeguarding agreement. In the absence of a local escalation agreement the line manager should contact the local authority safeguarding lead and if that fails, the chair of the Safeguarding Adults Board.



Arrangements for feedback on the outcome of a concern raised should be set out in local, multi-agency agreements. If feedback is not given, the line manager must follow up with the local authority.

Line managers should always keep their manager informed of the progress of a safeguarding concern or subsequent enquiry.

### **Regulatory reporting for registered services**

Health and care services that provide 'regulated activity' must be registered with the Care Quality Commission. If your service is registered there is a requirement to make a statutory notification to the CQC of any safeguarding incident in your service. Consult the CQC website for further information

### **Allegations against staff**

It is extremely important that any allegations of abuse against a teacher, any other member of staff, or volunteer at ELATT is dealt with thoroughly and efficiently, maintaining the highest level of protection for the victim whilst also giving support to the person who is the subject of the allegation in accordance with ELATT's Procedure for dealing with allegations of abuse against staff and volunteers.

All concerns of poor practice or possible abuse by staff and volunteers should be reported immediately to the Chief Executive.

Complaints about the Chief Executive should be reported to the Chair of governors who will then contact the local authority designated officer (LADO) - Details are: [lado@hackney.gov.uk](mailto:lado@hackney.gov.uk) / 0208 356 4569

If an allegation is made against a member of staff it must be taken seriously and risks to those using the service should be assessed. The rules of natural justice must be applied. The member of staff should receive support from the employer and should be given a fair hearing.

ELATT's HR procedures should be followed

If an employee or volunteer has a concern about another employee or a volunteer they must discuss their concerns with their line manager or another nominated senior manager. They must not discuss their concerns with the employee or volunteer in question.

If the manager is the subject of concern, another nominated senior manager should be informed.

Any internal investigation of employees or volunteers should be carried out with the agreement of the local authority and/or the police to ensure that any criminal investigation or protection plan is not compromised.

### **Whistleblowing**

If an employee or volunteer genuinely believes that a concern cannot be reported to any manager, or if they have reported it and think that the response is inadequate or inappropriate, they should consult ELATT's whistleblowing policy for guidance.

Public Concern at Work offer free, confidential advice to employees on whistleblowing.

Any activity to protect management or organisational interests should never compromise the safety or welfare of an adult.

## **Considering suspension or relocation of a member of staff**

Following an allegation against a member of staff it is important for the employer to consider whether or not to relocate or suspend the staff member, without prejudice. Consideration should be given to both ensuring the safety of those using the service and protecting the employee. Suspension may be necessary to allow the enquiry to proceed unimpeded or where people may be at risk of further abuse or neglect. ELATT's disciplinary procedures must be followed.

The suspension of an employee may be a traumatic experience for them. For this reason, despite the need to act quickly, it is essential that the facts of a case are considered carefully in deciding whether to suspend. If suspension is considered an appropriate course of action, communication must clearly indicate that this is intended as a neutral act to safeguard the interests of all concerned and does not imply either blame or punishment. This should be communicated in writing at the point of suspension and reiterated throughout the process until such time as a decision is made otherwise.

The employer, and not the local authority, makes the decision to suspend a member of staff, however they must work in partnership with the local authority and the police so as not to impede any parallel investigations.

The employee has the right to representation during proceedings. In most cases, alternative options such as supervised practice or temporary redeployment should be considered.

For details, please see ELATT's HR policies.

## **The Disclosure and Barring Service**

It is a legal duty for ELATT to refer to the Disclosure and Barring Service if:

- someone is removed by being either dismissed or redeployed to a non-regulated activity, from their role providing regulated activity following a safeguarding incident,
- a person leaves their role to avoid a disciplinary hearing following a safeguarding incident and the employer/volunteer organisation feels they would have dismissed the person based on the information they hold allegations against a person using the service

There may be many reasons why a person with care and support needs or a carer may abuse or neglect others. Abusive behaviour could be related to cognitive impairment and could be a result of frustration or anger. In the case of carers it could be a result of their inability to cope with their caring role.

Employees and volunteers must:

- carry out a risk assessment and monitor the situation
- take steps to ensure the safety of those who may be at risk of abuse (including employees and volunteers)
- respond proportionately taking any victim's views into account
- seek guidance from adult social care or health services on supporting the person to try to reduce abusive behaviour

In extreme circumstances it may be necessary to suspend the service provided to the individual, but this should be part of a wider plan in partnership with the local authority that ensures alternative support is in place. The local authority will be responsible for sharing information with any other services accessed by the individual. Employees and volunteers who are aware that the person attends other services should include this information when raising a concern.

## **Recording an allegation, incident, disclosure or concern**

Good quality written notes are essential as they may support any legal action required at a later date. All safeguarding issues or concerns must be recorded as soon as possible by the member of staff who observes or receives the concern. The ELATT should have in place documents for recording safeguarding concerns that are co-ordinated with local authority processes for raising a safeguarding concern. They should include:

- the date, time and place of the event or when the concern was raised
- names of:
  - the person raising the concern
  - the person/s at risk
  - the alleged abuser/s
  - any witnesses
- exactly what each person says, specifying the words they used
- the views and wishes of the (alleged) victim
- observations on a factual basis, for example the appearance and behaviour of the alleged victim (opinion should be clearly specified as such)
- any reported or apparent injury
- any action taken including allocated responsibilities and who has been informed.

## **Support for victims of abuse who use the service**

If a person using the service is the victim of abuse or neglect, the employees and volunteers working with that individual should work with safeguarding partner agencies to ensure the person receives the appropriate support. This may include additional care or protection measures, healthcare or Victim Support

### Assisting with safeguarding enquiries

The Care Act requires local authorities to make enquiries (known as a Section 42 enquiry) or ask others to make them when an adult in their area:

- has needs for care and support
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves

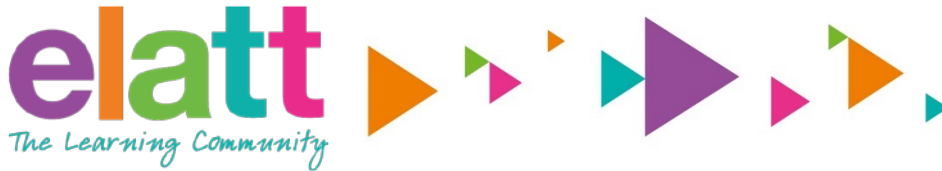
This applies whether or not the authority is actually providing any care and support services to that adult.

Safeguarding also applies to carers. Where the carer is the subject of abuse or neglect, either intentional or unintentional, then a safeguarding response is required.

Once a safeguarding concern has been raised with the local authority the local authority will lead and co-ordinate the enquiry. ELATT may be asked to carry out or assist with enquiries, for example, where it relates directly to a person using the service, an employee or volunteer. The person appointed to work with the local authority on the enquiry must have the requisite skills, knowledge and experience to carry out the tasks required.

ELATT may also be invited to:

- attend a safeguarding adults meeting
- submit a written report
- attend or supply information to a Safeguarding Adults Review



## **Prevention of abuse and neglect**

Taking steps to prevent abuse from happening in the first place is an important part of good safeguarding practice. Measures that the ELATT includes:

- having enough employees or volunteers to support people using the service safely
- ensuring the workforce is well trained and supported
- good recruitment practice that tests values and attitudes and makes the necessary checks in line with the requirements of the Disclosure and Barring Service
- good quality leadership, management and supervision
- educating people who use the service and carers on how to protect themselves from abuse
- providing good advice and information on safeguarding for people who use the service and carers
- promoting a proactive safeguarding culture - identifying risks, tackling institutionalised practice
- good inter-agency working, information sharing - discussing concerns with safeguarding partners
- forging community links – reducing isolation for services and individuals
- a robust Whistleblowing policy

## **RESPONSIBILITY FOR THE PROCEDURE**

**All managers are responsible for ensuring that the Adults with care and support needs Protection Policy is applied**

**All staff are responsible for ensuring that they understand and engage with the Young Person and Adults with care and support needs Policy and strive to understand how their work role fits with the overall ELATT's responsibility.**

## **ELATT DBS RESPONSIBILITIES**

### **Contact details**

#### **Designated Safeguarding Lead (DSL)**

**Name: Mia Wylie**

**Phone: 020 7275 6753/email: mia@elatt.org.uk**

#### **Deputy DSL(s)**

**Name(s) Nafisah Graham-Brown**

**Phone: 020 7275 6761/email: nafisah@elatt.org.uk**

#### **Trustee lead for safeguarding**

**Name Natalie Stockmann**

**Phone/email: nataliestockmann@elatt.org.uk**

**We are committed to reviewing our policy and good practice annually.**

**This policy was completed on 04/04/2017 and will be reviewed by 04/04/2019**

Mia Wylie (02072756750, mia@elatt.org.uk) has been nominated Safeguarding champion by the ELATT Chief Executive to have special responsibility for the Young Person and Adults with care and support needs Protection Policy within ELATT. She will initiate Enhanced DBS disclosure for all staff and volunteers and be the focal point for all young people and vulnerable adult protection questions and will have responsibility to provide advice and guidance to staff who:

- During the course of their work, believe that a young person or adult with care and support needs may be at risk of harm, and/ or

- Are told by a learner of a welfare issue.

### **The role of the Safeguarding Lead**

- Raise awareness on safeguarding with staff and people using the service
- Oversee all safeguarding activity in the organisation
- Develop and keep updated the organisation's safeguarding policy and procedures
- Ensure staff induction and training is adequate and up to date
- Collect data on safeguarding concerns within the organisation and utilise learning for improved practice
- Work in partnership with the local authority on adult safeguarding
- Advise and support staff on safeguarding activity
- Participate in or carry out, in partnership with the local authority, Section 42 enquiries and Participate in Safeguarding Adult's Reviews as requested

## **REQUIREMENTS OF THE PROCEDURE**

### **Recruitment and disclosure**

#### **New appointments**

- As part of all ELATT recruitment and selection process, offers of employment to positions will be subject to DBS certificate clearance and City & Hackney Safeguarding Children's Board's minimum expectations.

#### **Current staff**

- All ELATT staff engaged will be required to complete an ELATT Enhanced Protection Personal Disclosure Form. Staff who disclose that they have been convicted of any offence relating to children, young people or adults with care and support needs; and/ or subject to any disciplinary action or sanction relating to children, will not be permitted to work at ELATT.

**A disclosure from the DBS will be required before any role at ELATT may be undertaken.**

#### **Staff recruitment**

At the recruitment stage it is important to:

- check the values and attitudes of potential new staff
- robustly check references
- provide safeguarding training as part of induction
- ensure appropriate DBS checks are carried out

The recruitment and selection process must include an assessment of the individual's suitability for working with adults with care and support needs and carers. The Disclosure and Barring Service (DBS) will carry out criminal record checks for those positions where a Disclosure is required.

The DBS offer Guidance for employers



## **Training and support**

All employees and volunteers will have safeguarding included in their induction and they will subsequently attend safeguarding training and regular refreshers as appropriate to their role. In addition, managers will receive an enhanced level of safeguarding training. Where possible, to support a multi-agency approach to safeguarding, managers should try to access multi-agency training provided by, or on behalf of, the local authority.

Training outcome measures should ensure that all employees and volunteers can demonstrate that they:

- can identify types and indicators of abuse and neglect
- understand the importance of balancing choice and control for individuals with keeping them safe
- understand how to raise and respond to safeguarding concerns
- know when, where and how to report safeguarding concerns
- know when it is appropriate to ask for advice and assistance on safeguarding issues and where to find it
- can assess risk in relation to safeguarding concerns and respond proportionately
- can record all safeguarding activity accurately
- can advise and support people who use the service to keep themselves safe
- In addition, training outcome measures for managers should ensure that they can demonstrate that they:
  - understand local multi-agency safeguarding agreements including when and how to make a safeguarding referral
  - understand the importance of partnership and multi-agency working
  - understand the principles of 'making safeguarding personal'
  - understand the legal framework for sharing safeguarding information
  - understand the relevance of the Mental Capacity Act to information sharing
  - can provide appropriate supervision and support to staff dealing with safeguarding concerns
  - appreciate the potential emotional impact on employees and volunteers of dealing with safeguarding concerns
  - understand the ELATT's disciplinary procedures in relation to dealing with employees or volunteers suspected or accused of abuse or neglect

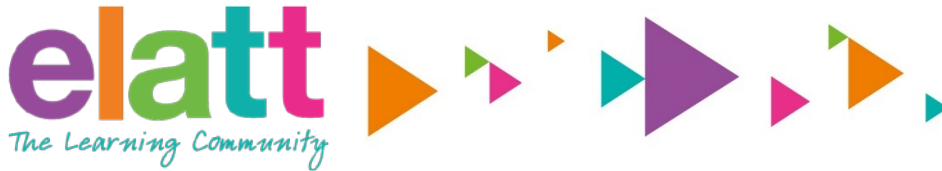
## **Monitoring and data collection**

### **Record keeping**

Detailed records of all allegations made, investigations and outcomes should be kept in the personal file of the person who has been under investigation. This person should be given a copy of the same information. This will enable ELATT to:

- provide all the necessary information for future employments if they require a reference. Where DBS checks highlight incidents of allegations that did not result in any criminal charges, records will need to show exactly what happened, what points of action were taken during and after the investigation, and how the result of the investigation was reached
- prevent unnecessary re-investigation in the future if an allegation re-surfaces.

The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.



Allegations that are proven to be malicious will not be kept on employment records or used in employee references.

The records will be kept by ELATT.

Details of any allegation made by a pupil will be kept in the confidential section of their record.

### **Confidentiality**

Confidentiality is an important principle that enables people to feel safe in sharing their concerns and to ask for help. However, the right to confidentiality is not absolute. Sharing relevant information with the right people at the right time is vital to good safeguarding practice.

ELATT will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact for all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation. It is a criminal offence to publish information that could lead to the identification of someone who is the subject of an allegation before they are charged or summonsed.

### **References:**

All SCIE's adult safeguarding products  
<https://scie.org.uk/adults/safeguarding/>

SCIE Care Act safeguarding resources  
<https://scie.org.uk/care-act-2014/safeguarding-adults/>

Sharing information  
<https://scie.org.uk/care-act-2014/safeguarding-adults/sharing-information/>

Safeguarding Adults: Mediation and family group conferences  
<http://www.scie.org.uk/publications/mediation/>

Gaining Access  
<http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-suspected-at-risk-of-neglect-abuse/law/index.asp>

Department of Health: Care and support statutory guidance  
<https://www.gov.uk/guidance/care-and-support-statutory-guidance>

Making Safeguarding Personal  
<http://www.local.gov.uk/documents/10180/5854661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>