Break the silence Wakefield District Limited

Safeguarding Adults and children Policy

1.​Aim

1.1​The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of the organisation in relation to safeguarding adults and children.

1.2​All adults and children have the right to be safe from harm and must be able to live free from fear of abuse and neglect.

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

2.​Objectives

2.1​To explain the responsibilities the organisation and its staff, volunteers and trustees have in respect of adult protection.

2.2​To provide staff with an overview of adult protection.

2.3​To provide a clear procedure that will be implemented where adult protection issues arise.

3.​Context

3.1​For the purpose of this policy 'adult' means a person aged 18 years or over and children aged under 18 years old.

3.2​What do we mean by abuse and neglect?

3.2.1​Abuse of an adult may consist of a single act or repeated acts. It may occur as a result of a failure to undertake action or appropriate care tasks. It may be an act of neglect or an omission to act, or it may occur where a person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the individual.

3.2.2​Concerns about abuse may be raised and reported to the social services agency as a result of a single incident or repeated incidents of abuse. However for some clients the issues of abuse relate to neglect and poor standards of care. They are ongoing and if ignored may result in a severe deterioration in both physical and mental health and even death.

3.2.3​Anyone who has concerns about poor care standards and neglect in a care setting may raise these within the service, with the regulatory body and/or with the social services agency.

3.2.4​Where these concerns relate to an adult living in their own home, with family or with informal carers they must be reported to the social services agency and or Wakefield adult safeguarding domestic abuse bored.. These reports must be addressed through the adult protection process and a risk assessment must be undertaken to determine an appropriate response to reduce or remove the risk.

3.3​Who does safeguarding adults apply to?

3.3.1​The safeguarding duties apply to an adult who:

● has needs for care and support (whether or not the local authority is meeting any of those needs)

● is experiencing, or at risk of, abuse or neglect

● as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

(Care and Support Statutory Guidance, March 2016, Department of Health)

3.3.2​This could include people with learning disabilities, mental health problems, older people and people with a physical disability or impairment. It is important to include people whose condition and subsequent vulnerability fluctuates. It may include an individual who may experience intentional or unintentional harm as a consequence of their role as a carer in relation to any of the above.

3.3.3​It may also include victims of domestic abuse, hate crime and anti-social abuse behaviour. The persons' 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.

3.3.4​Many adults may not realise that they are being abused. For example an adult who has undergoing coercive and control to which they are heavily dependent on an abuser may feel that they must tolerate losing control of their finances or their physical environment and be trauma bonded to there abuser however this is very limited as the spectrum is greater wider to the example given. They may be reluctant to assert themselves for fear of upsetting their abuser or making the situation worse because they are living in fear. There is also the great risk that the abuse at the hands of a perpetrator is played down and the victim defends the abuser in short term example given.

3.3.5 any incidents of on going domestic abuse that involve children where necessary, shall be reported to the local authority. Children who are subjected to domestic abuse long term are placed at significant risk towards mental abuse, physical abuse, neglect and child abuse. Where the victim is no longer with the perpetrator and has shown that they are no longer involved intimately with a perpetrator then maximum care is given to data protection and will be on a case by case basis and not be an instant local authority referral. Where any child/children we come into contact with that show any signs of abuse, neglect, domestic abuse will be instantly referred to the reverent bodies which is not limited to the local authority.

3.3.6It is important to consider the meaning of 'Significant Harm'. (including sexual abuse and forms of ill treatment which are not physical), but also 'the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development'.

4.​Legal Framework

4.1​Human Rights Act 1998, Mental Capacity Act 2005 and Public Interest Disclosure Act 1998.

4.2​Data Protection Act 2018, Freedom of Information Act 2000, Safeguarding Vulnerable Groups Act 2006, Deprivation of Liberty Safeguards, Code of Practice 2008.

4.3​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 must go about this.

4.4​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).

4.5​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.

5.​The Role of Staff, Volunteers and Trustees

5.1​All staff, volunteers and trustees working on behalf of the organisation have a duty to promote the welfare and safety of adults and children.

5.2​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 and child protection issues.

6.​Types of Abuse and Neglect

6.1​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 person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. It is worth noting that domestic abuse is NOT a single act and the term domestic abuse is a pattern of on going and repeated behaviour, how ever care should be sought that should a disclosure of a single incident could lead to further incidents of abuse and therefor care should be taken in respect of this and also physical injury is a crime in its self.

6.2​Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.

6.3​The Department of Health's Care and Support Statutory Guidance March 2016 lists the following as an illustrative guide of the types of abuse and neglect:

6.3.1​Physical abuse – including: assault; hitting; slapping; pushing; misuse of medication; restraint; inappropriate physical sanctions.

6.3.2​Domestic violence – including: psychological; physical; sexual; financial; emotional abuse; so called 'honour' based violence.

6.3.3​Sexual abuse – including: rape; indecent exposure; sexual harassment; inappropriate looking or touching; sexual teasing or innuendo; sexual photography; subjection to pornography or witnessing sexual acts; sexual assault; sexual acts to which the adult has not consented or was pressured into consenting.

6.3.4​Psychological abuse – including: emotional abuse; threats of harm or abandonment; deprivation of contact; humiliation; blaming; controlling; intimidation; coercion; harassment; verbal abuse; cyber bullying; isolation; unreasonable and unjustified withdrawal of services or supportive networks.

6.3.5​Financial or material abuse – including: theft; fraud; internet scamming; coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions; the misuse or misappropriation of property, possessions or benefits.

6.3.6​Modern slavery encompasses – slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

6.3.7​Neglect and acts of omission – including: ignoring medical, emotional or physical care needs; failure to provide access to appropriate health, care and support or educational services; the withholding of the necessities of life, such as medication, adequate nutrition and heating.

6.3.8​Discriminatory abuse – including: harassment; slurs or similar treatment: because of race, gender and gender identity, age, disability, sexual orientation, religion.

6.3.9​Organisational abuse – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

6.3.10​Self-neglect – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

6.3.11​Multiple forms of abuse – Multiple forms of abuse may occur in an ongoing relationship or an abusive service setting to one person, or to more than one person at a time, making it important to look beyond single incidents or breaches in standards, to underlying dynamics and patterns of harm. Any or all of these types of abuse may be perpetrated as the result of deliberate intent and targeting of people, negligence or ignorance.

6.4​Domestic Abuse

6.4.1​The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, 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. The abuse can encompass, but is not limited to: psychological; sexual; financial; emotional.

6.4.2​Women's Aid defines domestic abuse as an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer. It is very common. In the vast majority of cases it is experienced by women and is perpetrated by men.

6.4.3​Most research suggests that domestic violence occurs in all sections of society irrespective of race, culture, nationality, religion, sexuality, disability, age, class or educational level.

6.4.4​Both definitions would therefore also include incidents where extended family members may condone or share in the pattern of abuse e.g. forced marriage, female genital mutilation and crimes rationalized as punishing women for bringing 'dishonour' to the family.

6.4.5​It is important to recognise that adults may be the victims of domestic abuse themselves or be affected by it occurring within their household. This is likely to have a serious effect on their physical and mental wellbeing.

6.4.6​Where adults are victims of domestic abuse, they may need extra support to plan their future. The violence or threat of violence may continue after a victim has separated from the abuser. It is important to ensure that all the people in this situation have appropriate support to enable them to maintain their personal safety break the silence supports victims and survivors of domestic abuse and shall also if necessary provide other local support within the area.

7.​Children

7.1​It is essential that the needs of any children within an abusive or domestic violence situation where there is an adult involved are considered and acted upon. Please contact the Adult Protection Lead or senior manager and/or the local social services Safeguarding Children's team.

8.​Procedure in the Event of a Disclosure

8.1​It is important that adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously.

8.2​This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that an adult has been abused.

8.3​Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of the individual.

8.4​A full record shall be made as soon as possible of the nature of the allegation and any other relevant information.

8.5​This must include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation.

9.​Responding to an Allegation

9.1​Any suspicion, allegation or incident of abuse must be reported to the designated Adult Protection Lead or senior manager on that working day where possible.

9.2​The nominated member of staff shall telephone and report the matter to the appropriate local adult social care duty social worker on 0345 8 503 503. 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 care department within 24 hours.

10.​Responding Appropriately to an Allegation of Abuse

10.1​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

● 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

● Remember the need for ongoing support

Don't

● 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

10.2​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, following a referral from the designated Adult Protection Lead.

11.​Confidentiality

11.1​Adult protection raises issues of confidentiality which must be clearly understood by all.

11.2​Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of adults with other professionals, particularly investigative agencies and adult social care.

11.3​Clear boundaries of confidentiality will be communicated to all.

11.4​All personal information regarding an adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.

11.5​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.

11.6​Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it.

11.7​Where possible, consent must 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 adult is the priority.

11.8​Where a disclosure has been made, staff must let the adult know the position regarding their role and what action they will have to take as a result unless there is significant risk to a child/children which would place a child at significant risk of harm

11.9​Staff must 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 must be fully considered and their wishes and feelings taken into account. However please see clause 11.8 to which where a child is in immediate danger that the adult shall not be notified. This should be discussed with the CEO and trustees.

11.10​This policy needs to be read in conjunction with other policies for the organisation including:

● Child Safeguarding

● Confidentiality

● Disciplinary and Grievance

● General Data Protection Regulation

● Recruitment, Selection and Induction

12.​The Role of Key Individual Agencies

12.1​Adult Social Care

12.1.1​All local authorities are required to develop a local framework within which all responsible agencies work together to ensure a coherent policy for the protection of adults at risk of abuse and neglect.

12.1.2​All local authorities have a Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding adults. It is normal practice for the board to comprise of people from partner organisations who have the ability to influence decision making and resource allocation within their organisation.

12.2​The Police

12.2.1​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.

12.3​Role of Designated Adult Protection Officer

12.3.1​The role of the designated officer is to deal with all instances involving adult protection that arise within the organisation. They will respond to all adult protection concerns and enquiries.

12.3.2​The designated Adult Protection Lead for the organisation is the Chief Executive Officer. Should you have any suspicions or concerns relating to adult protection, contact the Chief Executive Officer immediately.

12.4​ Role of Ceo (Joanna Hinchcliffe)

12.4.1​The role of CEO is to support the member of staff, trustee or volunteer involved with the incident and to ensure the correct procedures are followed.

12.4.2​The CEO could, if agreed with the staff member dealing with the incident, make contact with the designated Adult Protection Lead in the first instance.

12.4.3​The CEO must ensure that all staff within their team are familiar with the organisation's adult protection as children’s procedures and ensure that all staff undertakes training, where appropriate.

12.5​Training

12.5.1​Training will be provided, as appropriate, to ensure that staff are aware of these procedures. Specialist training will be provided for the member of staff with adult protection responsibilities.

12.6​Complaints Procedure

12.6.1​The organisation has a Complaints Procedure available to all staff, volunteers and trustees.

12.7​Recruitment Procedure

12.7.1​The organisation operates procedures that take account of the need to safeguard and promote the welfare of adults and children, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

13.​References, Internet Links and Further Sources of Information

13.1​Section 14, Safeguarding, Care and Support Statutory Guidance

13.1.1​This chapter provides guidance on sections 42-46, Safeguarding adults and children at risk of abuse or neglect, of the Care Act 2014 and replaces the 'No Secrets' guidance.

https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1

13.2​Action on Elder Abuse (AEA) is a charity working to protect and prevent the abuse of older adults.

http://www.elderabuse.org.uk

13.3​The Centre for Policy on Ageing was established in 1947 by the Nuffield Foundation with a remit to focus on the wide-ranging needs of older people.

http://www.cpa.org.uk/index.html

14.​Policy Review

14.1​This policy to be reviewed regularly and at least annually.

Other Relevant Policies:

Child Safeguarding

Code of Conduct

Complaints and Compliments

Confidentiality

Disciplinary Procedure

Document Retention and Destruction of Records

Equality and Diversity

General Data Protection Regulation

Grievance Procedure

Health and Safety

Lone Working

Performance Management

Privacy

Recruitment, Selection and Induction

Staff Training and Development

Whistleblowing

Relevant Legislation:

Data Protection Act 2018

General Data Protection Regulation 2018

Safeguarding Adults Policy

Initial Cause for Concern Form

This form must be discussed with your line manager/Adult Protection Lead or member of the senior management team within 24 to 48 hours.

Date

Time

Name of individual cause for concern is about

Age (if known)

Address (if known)

Describe your concern and action taken

Observations to support cause for concern

Description and location of any visible marks, bruising etc

Name of alleged abuser, relationship with individual (if known)

Name of person completing form: ​

Signature: ​​Date: ​

Name of line manager: ​

Signature: ​​Date: ​

Name of Adult Protection Lead

or senior manager: ​

Signature: ​​Date: ​

Safeguarding Adults Policy adopted September 2014​Page

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