



# Safeguarding Policy and Procedure

## 1 Purpose

This policy is designed to ensure that all staff know how to recognise safeguarding issues and what to do when they occur.

There are links with the following related policies and procedures:

- Employee Handbook
- Equality and Diversity Policy
- Training Policy
- Health and Safety Policy

## 2 Scope

This Safeguarding Policy and Procedure is an over-arching policy, applying across our business. It is important that all staff, managers, directors, board members and involved tenants are aware that safeguarding is 'everyone's responsibility' and that we all have a responsibility to act on concerns of abuse or neglect. Safeguarding is not restricted to staff working directly with tenants.

This policy applies:

- to the protection of adults at risk of abuse
- across all properties owned or managed by Reside
- to staff, contractors, sub-contractors and agents working for Reside.

## 3 Definitions

We adopt the following definitions and examples from the Care Act Statutory Guidance documents, which has replaced the previous No Secrets guidance.

### 3.1 What is safeguarding?

Safeguarding means protecting a person'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. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

### 3.2 Who will safeguarding apply to?

Safeguarding duties under this policy apply to an adult who:

- has needs for care and support and;
- is experiencing, or at risk of, abuse or neglect; and

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

Safeguarding duties under this framework also applies where someone is 18 or over but is still receiving children's services and a safeguarding issue is raised. For example, this could occur when a young person with substantial and complex needs continues to be supported in a residential educational setting until the age of 25. The matter should be then dealt with through adult safeguarding arrangements, and where appropriate, involve the local authority's children's safeguarding team.

### 3.3 What is abuse?

Abuse is the violation of a person's human and/or civil rights by any other person or persons. It may be a single act or repeated acts that may be physical, verbal or psychological and can occur in any relationship. It may be an act or failure to act, or may occur when a person is persuaded to do something that he/she has not consented to or cannot consent to.

The Care Act 2014 Statutory Guidance identifies the following main categories of safeguarding related abuse.

- **Physical abuse** – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- **Domestic violence** – including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.
- **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, indecent exposure and sexual assault or sexual acts to which the adult has not consented 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, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- **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, or the misuse or misappropriation of property, possessions or benefits.
- **Modern slavery** – encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- **Discriminatory abuse** – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
- **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.
- **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
- **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.

It is important to note that these categories should not limit our view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered. Exploitation, in particular, is a common theme across the types of abuse and neglect listed above.

## 4 Policy Statement

Reside considers the abuse of anyone to be wholly unacceptable and fully recognises the harmful effect that abuse has, not just on the victim but also their families and the wider community.

- We believe that the welfare of adults is paramount and that everyone has the right to protection from abuse regardless of age, culture, disability, gender, racial origin language, religious belief or sexual orientation.
- We acknowledge that every person who lives in one of our properties, who receives care and support from our services or who participates in activities organised by Reside should be able to enjoy a safe environment and be protected from poor practice and abuse.
- We view abuse or suspected abuse as extremely serious and are committed to identifying, responding to and addressing issues of suspected abuse and will work towards minimising the potential for abuse to occur.
- We will seek to offer the victim the safest and most supportive environment throughout the investigation process.
- We recognise that abuse may occur both outside of the organisation and within the organisation, and by anyone who has any contact with adults at risk.
- We recognise that we provide services to people who have both been victims of abuse and to perpetrators. We will therefore work in partnership with other agencies to support victims of abuse and address the risks presented by perpetrators where appropriate. In cases where a perpetrator is a Reside customer, we will work with relevant agencies to provide appropriate support as needed.
- In the case of a suspected abuse by an employee, we will address any suspected abuse through formal statutory investigation procedures and our own internal disciplinary procedures. Employees should be aware that abuse is a serious matter that can lead to dismissal and criminal prosecution.
- We recognise that abuse or suspected abuse is a sensitive issue and acknowledges the need for incidents to be addressed in a way that ensures allegations are dealt with in confidence, in a manner which best respects people's dignity and those that investigations are carried out impartially.
- We fully support the Making Safeguarding Personal agenda led by the Local Government Association (LGA), as evidenced by the following statements:
  - All tenants in our communities:
    - Deserve to be treated with dignity and respect and to have their individual needs taken into account.
    - have a right to live in safe and secure surroundings without fear or harassment or injury
    - have a right to live as independently as they are able and wish
    - Have a right to make choices about their lifestyle which can involve risky behaviours

## 5 Duties

5.1 Safeguarding is everyone's responsibility. **All staff** must:

- ensure they maintain clear professional boundaries at all times.
- be vigilant as to what is happening around them – with both tenants and colleagues – and be aware of the different types and indicators of abuse.
- be familiar with this Safeguarding Policy and Procedure

- undertake safeguarding awareness training as appropriate to their role
- raise any concerns they may have
- keep factual records of any incident / concern.

5.2 Additionally, **all managers** must ensure that:

- they contribute to developing a culture that does not tolerate abuse and which encourages people to raise concerns
- they listen to and support staff raising concerns
- their staff are familiar with Reside's agreed Safeguarding Policy and supporting processes and that they undertake necessary training
- no unsanctioned investigations are conducted.

5.3 **Specific responsibilities**

Reside's designated Lead Officer for Safeguarding is Carly Robinson, Head of Tenant Support. This role has the following responsibilities:

- owner of the Safeguarding Policy and Procedure
- embedding safeguarding practice across the organisation
- overseeing training on safeguarding
- ensuring concerns of abuse / neglect within supported housing are reported to the relevant Safeguarding Team, whilst working with partners' safeguarding processes
- providing regular supervision and ensuring supported decision making
- providing management oversight and ensuring high standards of practice
- authorising and raising alerts to local Safeguarding Teams following consultation with the Director of Housing Operations
- supporting and advising on information-sharing practice
- ensuring that adequate records are kept monitoring all open safeguarding cases and authorising closure of cases
- advising the Executive Team of all safeguarding cases
- overall monitoring of Safeguarding concerns, with a view to identifying trends and lessons to be learnt for the future, including recommendations for changes to policy, procedure or service delivery
- reviewing individual safeguarding cases, at least annually, to identify any learning for the organisation.

5.4 Each **Tenant Support Officer** is responsible for:

- familiarising themselves with the procedures and protocols used by the local Safeguarding Teams in the areas where they work
- receiving safeguarding concerns in relation to the well-being of tenants, including concerns of abuse or neglect, raised by staff, contractors, neighbours or other organisations
- agreeing, together with their manager, an appropriate course of action, accessing expert advice where necessary

- co-operating with social services and/or the police in any enquiry or investigation
- keeping adequate records, including via the Duty of Care system.

5.5 Each **Maintenance Operative** is responsible for:

- receiving safeguarding concerns in relation to the well-being of tenants, including concerns of abuse or neglect, raised by staff, contractors, neighbours or other organisations
- reporting to the Head of Maintenance any safeguarding concerns, which they have either received or witnessed when on site.

5.6 The **Head of Maintenance** and **Head of Compliance** have responsibility for ensuring Reside maintenance operatives, our contractors and subcontractors are aware of their responsibility, and the agreed process, to raise any concerns to Reside.

5.6 The **Governance and Executive Support Officer** has specific responsibility for ensuring Enhanced DBS (Disclosure and Barring Service) Checks are undertaken for staff who have unaccompanied access to tenants.

5.7 **All line managers** are responsible for ensuring that their front line staff (including maintenance operatives and tenants support officers), have had an enhanced DBS check undertaken before they are permitted to have unaccompanied access to tenants.

## 6 Process – Reporting a safeguarding concern

### 6.1 When a concern is disclosed to a member of staff

- All staff, regardless of role or level, will report any concerns regarding safeguarding as soon as they are notified of them. Reside will fully support staff who report valid concerns and make every effort to ensure their concerns are taken seriously by the organisation and the relevant local authority.
- Follow this procedure and obtain specific advice from the Head of Tenant Support. All staff also need to follow their local authority Safeguarding Adults Board recommendations when reporting safeguarding matters to external services.

### 6.2 When a concern is brought to Reside attention from local authorities

- Reside responds to all local authority requests regarding safeguarding, sometimes known as Section 42 requests, in a timely manner, and ensures that any staff member asked to undertake an enquiry has the relevant training. The internal reporting procedure will always be followed to ensure accountability.

### 6.3 Record keeping

- Whenever a complaint or allegation of abuse is made, we will keep clear and accurate records through all steps of our investigation. When we receive a request from a local authority, we will incorporate all relevant records into a dedicated file to demonstrate all action taken.
- Our record systems will include measures to indicate customer vulnerabilities to help providing appropriate support and prevent abuse.

- Records will state what the facts are and what are the known opinions of professionals and others and differentiate between fact and opinion. As far as is reasonably possible, the views of the adult customer will be sought and recorded. These will include the outcomes that the customer wants, such as feeling safe at home, access to community facilities, restricted or no contact with certain individuals or pursuing the matter through the criminal justice system.
- When abuse or neglect is raised managers will look for past incidents, concerns, risks and patterns. In many situations, abuse and neglect arise from a range of incidents over a period of time.

## **7 Confidentiality and disclosure of information**

- Responsible information sharing plays a key role in safeguarding adults and the Care Act is founded on the belief that it is better to openly share information to prevent abuse. We will work in partnership with support providers whilst upholding the principles of both confidentiality and the need to share information.
- Working in partnership we will normally notify partners about any concerns as well as, where appropriate, escalating concerns within their frameworks for safeguarding.

## **8 Consent and capacity**

8.1 We will always assume that a customer has the capacity to make decisions about their personal safety unless we have been advised otherwise. We will apply the five statutory key principles set out in the Mental Capacity Act 2005 when supporting someone who may lack capacity to make decisions.

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

8.2 Consent from the individual to share information with other agencies and professionals must be freely given, informed and not inferred or provided under duress. If consent is refused information will only be shared in the following circumstances:

- If there is a need to safeguard other adults or children that are at risk
- If the person doesn't have mental capacity to make an informed choice
- If there is significant risk of harm to self or others
- If there is a suspicion of criminal offence

## 9 Working in Partnership

- Responsibility for safeguarding adults is shared amongst a number of agencies. We recognise the role we have to play in taking all reports of abuse and neglect seriously and that many organisations share in our desire to tackle and eradicate abuse. To this end we have a duty to and will work with other organisations to achieve our aims and recognise our legal requirements. However staff must be vigilant that partnership concerns do not take priority over our duty of care. Wherever staff feel concerned they must report this internally whether or not other agencies concerned share their views.
- Local authorities have a number of specific duties to organise and plan services and safeguard and promote the welfare of adults at risk. They will also have expertise in handling cases of abuse, providing support and counselling to victims and assisting the police with any criminal investigations.
- It is the responsibility of local authorities to arrange advocates for any adults who would be deemed in need of this, in line with section 68 of the Care Act 2014. .Reside staff members would usually not be expected to perform this function

## 10 Monitoring

Implementation of this policy and procedure shall be monitored through performance reporting to the Business Management Team and Board.

## 11 Recruitment and Training

- 11.1 We follow a rigorous staff selection, appointment and pre-employment procedure. We use the Disclosure and Barring Service (DBS) to assess the suitability of applicants for positions of trust and fully comply with the DBS guidance. Enhanced DBS checks are always carried out prior to starting employment with Reside where the role involves unsupervised contact with vulnerable people. The Disclosure and Barring Service clearly identifies the 'regulated activity' in relation to adults at risk as defined in Safeguarding Vulnerable Groups Act 2006 and amended by Protection of Freedoms Act 2012. We will observe the 'regulated activities' to determine the level of DBS check required for each role.
- 11.2 All staff are offered the appropriate training as needed and required by their job role, and mandatory, refresher and awareness training is delivered to colleagues across the Reside as appropriate. Policy and procedure information will form part of new staff members' inductions and where appropriate will be provided to partners, managing agents and voluntary groups etc.
- 11.3 Safeguarding will be a regular agenda item in staff supervision sessions for front line staff/appropriate roles, team meetings and through regular champions forums to enable staff to share and learn from experiences.

## 12 Legal Requirements

- 12.1 The following legislation and guidance applies:

**Public Interest Disclosure Act (1998)** – places a duty on everyone to report something that leaves someone at risk.

**Mental Capacity Act (2005)** – the Mental Capacity Act (2005), and supporting Code of Practice (2016), provide a framework to empower and protect people who may lack capacity to make decisions for themselves.

**Protection of Freedoms Act (2012)** – this Act established the Disclosure and Barring Service (DBS) by merging the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The primary aim of the DBS is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. Further guidance is available at: <https://www.gov.uk/disclosure-barring-service-check>

**Data Protection Act (1998, as amended)** – governs the protection of personal data. It is not a barrier to sharing information but provides a framework to ensure that personal information about a person is shared appropriately.

**Human Rights Act (1998)** - includes a duty on public bodies to intervene proportionately to protect the rights of citizens.

**The Care Act 2014** – introduces a legal framework for adult safeguarding for the first time. Since April 2015, each local authority has been required to:

- make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if so, by whom
- set up a Safeguarding Adults Board with core membership from the local authority, the Police and the NHS and the power to include other relevant bodies
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review where the adult has ‘substantial difficulty’ in being involved in the process and where there is no other appropriate adult to help them
- co-operate with each of its relevant partners in order to protect adults experiencing or at risk of abuse or neglect, including the provision of preventative services.

**Care & Support Statutory Guidance (updated 2016)** – sets out how the provisions of the Care Act should be implemented. It replaces ‘No Secrets’, the previous point of reference for adult safeguarding practice. The Guidance is clear that a wide range of organisations, including housing organisations, should:

- have clear operational policies and procedures in place for adult safeguarding
- ensure their staff:
  - are familiar with the six principles underpinning adult safeguarding
  - are trained in recognising the symptoms of abuse / neglect
  - are vigilant and able to respond to adult safeguarding concerns, including where to go locally to get help and advice
  - understand the need for clear and accurate record keeping
- stress the need for preventing abuse and neglect wherever possible
- support the local authority in its responsibility to carry out enquiries e.g. by providing relevant information. Although the local authority is the lead agency for making enquiries, it may also require other organisations to undertake them
- have a senior manager taking a lead role in organisational and inter-agency safeguarding arrangements.

### **Multi-Agency Policies and Procedures**

Each Safeguarding Board is required to develop a multi-agency policy and procedure, providing the local framework for partner organisations to work together, enabling a consistent approach when responding to safeguarding concerns. Procedures and terminology may vary between local authority areas, and staff must familiarise themselves with the policy and processes in place in their particular area.

## 13 Glossary of terms

### Abuse

Abuse is the violation of an individual's human and civil rights by any other person or persons. Abuse can occur in any relationship and may result in significant harm to the person subjected to it. Abuse may consist of a single act or repeated acts, and it can be intentional or unintentional. There are many types of abuse – the categories generally recognised in Safeguarding Adults and in the Safeguarding of Children & Young People are listed below.

Exploitation, in particular, is a common theme. Abuse is often a crime e.g. assault, rape, theft, fraud, domestic abuse, harassment / discrimination, ASB, hate crime, wilful neglect or mistreatment.

### Adult

Anyone over the age of 18

### Adult at risk

This term is increasingly replacing the term 'vulnerable adult'. The provisions for safeguarding adults at risk of abuse or neglect contained within the Care Act 2014, apply to an adult who meets the following three-part 'test':

- has care and support needs (whether or not the authority is meeting any of those needs)
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs, is unable to protect himself or herself against the abuse or neglect or the risk of it.

The Care Act 2014 also recognises informal carers as people with support needs and the safeguarding framework applies to them.

An adult at risk *may* be someone who:

- has a physical disability and/or sensory impairment
- has a learning disability
- has mental health needs, including dementia or a personality disorder
- is dependent on others to maintain their quality of life
- has a long term illness or condition
- lacks the mental capacity to make particular decisions and is in need of care and support.

It is important to be clear that just because a person has a disability or is old or frail, they are not automatically 'at risk'. The extent to which someone is at risk will be determined by a range of factors including personal characteristics (e.g. mental capacity, ability to communicate, degree of physical dependency) and factors associated with their situation (e.g. extent of support network, access to information).

### Adults - types of abuse

The Care Act 2014 encourages local authorities not to limit their view of what constitutes abuse or neglect, and to consider each case individually. The Act lists the following types of abuse but this is not intended to be an exhaustive list:

- Physical abuse

- Psychological / emotional abuse
- Financial or material abuse
- Sexual abuse
- Modern slavery
- Domestic abuse
- Discriminatory abuse
- Institutional / organisational abuse
- Neglect and acts of omission
- Self-neglect

Radicalisation / Extremism – increasingly radicalisation and extremism are being included within multi-agency policy and procedures, with the aim of early identification and early intervention to divert people away from being drawn into terrorist activity.

A further type of abuse is known as Mate crime – where someone befriends a vulnerable person deliberately to take advantage of them.

### **Alerting**

This is the process of reporting concerns of actual or suspected abuse or neglect to the local authority. The local authority has a duty to receive the alert and to decide whether a safeguarding enquiry / investigation is necessary or not. Any immediate protection needs will be identified and addressed.

### **Capacity**

This is the ability to make a decision about a particular matter at the time the decision needs to be made. There is a presumption that adults have mental capacity to make informed decisions about their lives. If someone has been assessed as not having mental capacity, decisions will be made in their best interests as set out in the Mental Capacity Act 2005 and Mental Capacity Act Code of Practice.

### **Children and young people**

These terms are generally used interchangeably and refer to children who have not yet reached their 18th birthday. Where someone is 18 or over, but is still receiving children's services, and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements.

### **Disclosure**

This is when a person tells someone else of abuse that has happened to them.

### **Enquiry & Section 42 Enquiry**

In adult safeguarding, the local authority will apply the three part 'test' as to whether safeguarding duties apply (see Adult at Risk above). Where the three part test has been met, a Section 42 enquiry is triggered and the local authority must make enquiries, or cause others to do so, in order to establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom.

### **Investigation**

In adult safeguarding, there is a move away from safeguarding investigations and this term has been replaced by Enquiry and Section 42 Enquiry (see above), except in relation to criminal investigations by the police and where disciplinary investigations are undertaken by employers. In children's safeguarding, the term investigation is still used and refers to the collection of information / evidence about the abuse / neglect that has or might occur. It may also include a criminal or disciplinary investigation.

### **Multi-agency Policies and Procedures**

Each Safeguarding Board is required to develop a multi-agency policy and procedure, providing the local framework for partner organisations to work together, enabling a consistent approach when responding to safeguarding concerns.

### **Multi-agency Public Protection Arrangement (MAPPA)**

A mechanism through which statutory agencies aim to manage, in a co-ordinated way, risks posed by sexual and violent offenders, in order to protect the public.

### **Multi agency Risk Assessment Conference (MARAC)**

A multi-agency forum for the purpose of managing high risk cases of Domestic Abuse, stalking and so called honour-based violence.

### **Multi-agency Safeguarding Hub (MASH)**

A model adopted by some Safeguarding Boards which brings together key partners (e.g. local authority, police, health authority) to work as a team, to share information and decision making and to improve the initial response to safety concerns.

### **Protection**

This is a statutory responsibility (resting with social services) to stop or limit abuse once it has already taken place.

### **Safeguarding Adults**

This means 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 well-being is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

This definition recognises that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

### **Safeguarding Adults Review (SAR):**

This term replaces Serious Case Review in Adult Safeguarding. Safeguarding Adult Boards (SABs) must arrange a SAR when an adult in its area dies as a result of, or has experienced, serious abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively together. The aim of the SAR is to identify learning and improvement action.

### **Thresholds of intervention**

These are used by Safeguarding Teams to support decision making and to determine the level of response to an incident (e.g. to invoke safeguarding procedures or to refer back to the service provider). An incident falling below a threshold does not mean it is not serious or can be ignored. Instead, it may mean that the most effective intervention will be via a different service / agency or through an internal investigation / action by the service provider. Thresholds can also be used by service providers to help in the decision whether to raise an alert in the first instance.

### **Young people and children**

These terms are generally used interchangeably and refer to children who have not yet reached their 18th birthday. Where someone is 18 or over, but is still receiving children's services, and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements.

