

SAFEGUARDING ADULTS AT RISK

(O.LE.01)

POLICY STATEMENT

The Care Act 2014 was implemented in April 2015 and sets out the first ever statutory framework for adult safeguarding.

The aim of this policy is to ensure that throughout the work of the Oaklea Group, we will safeguard and promote the welfare of adults at risk. We aim to do this by ensuring that we comply with statutory and local guidance for safeguarding and by ensuring safeguarding the rights of adults at risk is integral to all we do. Both Oaklea Group safeguarding policies (Safeguarding Adults at Risk O.LE.01) and (Safeguarding Children O.LE.02) are reviewed annually to maintain and prioritise the welfare of our customers.

All employees/volunteers of the Oaklea Group including the Senior Leadership Team, Trustees and Board Members are involved in monitoring that our safeguarding policies and procedures are adhered to in conjunction with the latest legislation. As a Group we have a nominated Board Member/Trustee on each Board dedicated to safeguarding.

This policy addresses the responsibilities of all employees including Trustees/Board Members. All employees/volunteers of the Group are supportive and committed to implement this policy and the practices it sets out.

It is the responsibility of each Manager to brief all employees in their teams on their responsibilities under the policy.

Safeguarding is about protecting people; it is the guards that we put in place to keep people safe; particularly those who are at risk such as children and/or adults at risk, so that people can live a life free from abuse, harm and neglect.

The scope of this policy includes reference to the 'Prevent Agenda'; Prevent is part of the UK's Counter Terrorism Strategy and works to stop individuals from getting involved or supporting terrorism or extremist activity. Radicalisation is a psychological process where vulnerable and/or susceptible individuals are groomed to engage in criminal, terrorist activity.

The definition of a vulnerable adult from Section 42 of the Care Act 2014: -

1. An adult who may be vulnerable to abuse or maltreatment is deemed to be someone aged 18 or over and:
2. Has needs for care and support (whether or not the authority is meeting any of those needs);
3. Is experiencing, or is at risk of, abuse or neglect; and
4. As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

This could include people with learning disabilities, mental health conditions, older people and people with physical disabilities or impairments. This can include people who are themselves at risk as a consequence of their role as a carer.

We believe that all customers, as citizens, have the right to the highest standard of support and care free from any type of abuse or neglect. We recognise that the person responsible for abuse or neglect may be anyone. However, they are most often very well known to the individual concerned.

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Anyone may abuse or neglect and this could include: -

- advocates;
- employees;
- volunteers;
- relatives;
- friends;
- other customers;
- professionals.

All allegations of abuse/harm/neglect will be investigated and, if substantiated, will be acted upon immediately in line with this policy. All employees have a professional duty to report any suspicions or allegations of abuse/harm/neglect.

Decisions by employees regarding whether or not to report concerns of abuse/harm/neglect are not a matter of individual conscience but are considered a professional duty. The Group will not penalise any employee if they report something that they genuinely believe or suspect to be abuse/harm/neglect but later it proves not to be so.

This policy should be read alongside safeguarding adults at risk multi-agency policies and procedures specific to the relevant Oaklea Group Operational Area. This policy gives information on how and to whom matters relating to abuse/harm/neglect must be reported. Employees must ensure that they are familiar with these multi-agency policies (see links below).

For the purposes of this document, an employee is defined as an individual who carries out duties on behalf of Oaklea Group whether paid or unpaid.

The Group operates recruitment and selection practices in line with safer recruitment standards which are designed to satisfy all relevant legislative requirements and are intended to prevent the employing of people who may pose a risk to Oaklea Group customers. Further information on our recruitment and selection process can be found in section 6 below and within policies C.HR.15 Recruitment and Selection & C.HR.04 Disclosure and Barring Service.

PROCEDURE

1. Categories of Abuse

The following categories of abuse are taken directly from the Care Act.

Physical abuse: including assault, hitting, slapping, pushing and misuse of medication, restraint or inappropriate physical sanctions.

Domestic violence and coercive control: 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

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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 and 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, unexplained bruising, level 3+ pressure sores.

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, medication concerns.

It is important to note that any or all of these types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.

Cyber Bullying: Uses online forums with the intention of harming, damaging, humiliating or isolating another person. It can be used to carry out many different types of bullying (such as racist bullying, homophobic bullying, or bullying related to special educational needs and disabilities) but instead of the perpetrator carrying out the bullying face-to-face, they use technology as a means to do it.

Mate Crime: a 'mate crime' as defined by the Safety Net Project as 'when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act but still has a negative effect on the individual.' Mate Crime is carried out by someone the adult knows and often happens in private.

2. The Mental Capacity Act 2005

- 2.1 The underlying philosophy of the Mental Capacity Act 2005 is to ensure that individuals who lack capacity are the focus of any decisions made, or actions taken, on their behalf. The presumption is that adults have the mental capacity to make informed choices about their own safety and how they live their lives. All interventions need to consider the ability of adults to make informed choices about the way they want to live and the risks they want to take. This includes their ability: -

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- To understand the implications of the situation;
- To act themselves to prevent abuse;
- To participate to the fullest extent possible in decision making about interventions to support and protect.

2.2 An individual's capacity to consent to any act or omission is established using the test laid down in the Act. Further information can be found in policy O.LE.06 Mental Capacity.

3. **Other Factors for Consideration**

Safeguarding Children – the safety of others should also be considered. If a child or young person is thought to be at risk or you have concerns you should act immediately in line with the Safeguarding Children Policy (O.LE.02).

Where an allegation relates to historical abuse that happened when the adult at risk was a child, it should also be dealt with under Safeguarding Children Procedures in the same way as a contemporary concern.

4. **What to do if you have concerns about the welfare of an adult at risk** (see Appendix 1)

4.1 **Responding to an adult who tells you about abuse**

Concerns about the wellbeing and safety of an adult at risk must always be taken seriously; this includes situations where the alert remains anonymous.

A concern may be:

- a direct disclosure by the adult at risk and/or
- raised by employees / volunteers, others using the service, a family member/carer, a member of the public and /or
- an observation of the behaviour of the adult, of the behaviour of another person(s) towards the adult with care and support needs or of one customer towards another.

When a adult at risk makes a disclosure, it is important to reassure the individual that the information will be taken seriously.

Employees should not redirect the individual to another employee; this may discourage the individual from discussing their allegations further with the risk that abuse/harm/neglect may potentially continue.

- Listen to the individual, taking care not to ask leading questions.
- Provide information and support in a way that most meets their particular needs.
- Do not be judgmental or jump to conclusions.
- Explain that you have a duty to report the matter and that their concerns may be shared with others who could have a part to play in protecting them.
- Give them information about what steps will be taken also including any emergency action to address their immediate safety or well-being.

If an adult at risk or any other person makes an allegation to you asking that you keep it confidential, you should inform the individual that you will respect their right to confidentiality as far as you are able to, but that you are not able to keep the matter secret and that you must share the

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allegation with the appropriate person or body. The possibility of threat or coercion may need to be discussed.

If it is thought a crime could have been committed, the Police should be contacted immediately. It is important that you do not contact the alleged perpetrator or anyone that might be in touch with them.

It is not your responsibility to investigate any alleged abuse but to refer clear and concise information.

4.2 Links to Local Authority/ Multi-Agency Safeguarding Policies and Procedures

- Within Northumberland please [click here](#) for the multi-agency safeguarding procedures.
- Within Cumbria please click the link [click here](#)
- Within Durham please [click here](#) or the multi-agency safeguarding procedures.
- Within North Yorkshire County Council Safeguarding please [click here](#) or the multi-agency safeguarding procedures.

4.3 Responsibilities of the person raising the Safeguarding concern:

Immediate Action – evaluating the risk:

- Make an immediate evaluation of the risk and take all necessary steps to make sure that the adult at risk is in no immediate danger.
- Where appropriate, dial 999 for an ambulance if there is a need for emergency medical treatment.
- Contact the Police if a crime has been or may have been committed.
- Where appropriate, do not disturb or move articles that could be used in evidence, and secure the scene.
- Contact Children's Safeguarding Team if a child (aged 0-18) is also at risk.
- If possible, make sure that other customers are not at risk.
- The Police are always responsible for the gathering and preservation of evidence where a crime may have been committed.
- Other organisations and individuals can have a role in the preservation of evidence to ensure that important information or forensics are not lost.
- If in doubt about what to do, contact the Police for advice.

Immediate Action – reporting the safeguarding concern:

The employee to whom the disclosure has been made must:

- 4.3 report the disclosure to the Local Authority Safeguarding Team **within 24 hours**. See contact details in the table below. This report should be made via telephone, written reports are not accepted.
- 4.4 report the matter immediately to their line Manager (or in the event this is outside of normal working hours report to EAT)
- 4.5 start to complete an incident report form (OS/104) detailing what they have observed, why they

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think it is abuse/harm/neglect, note any other witnesses, the date, time and location and include the details of whom they have spoken with at the Local Authority and any reference numbers the Local Authority has provided.

- 4.6 Any bruises, marks and/or unexplained injuries observed should be clearly documented on a body map (OS/133)
- 4.7 An employee must not report any allegations to an alleged perpetrator as this will compromise any subsequent investigations and may lead to disciplinary action.

| Contact Numbers | |
|--|----------------|
| Westmorland and Furness Council | 0300 373 3300 |
| Cumberland Council | 0300 373 3730 |
| Durham County Council | 03000 26 79 79 |
| Northumberland County Council | 0345 600 6400 |
| North Yorkshire | 01609 780780 |
| NHS Lancashire ICB | 0300 373 3600 |
| In an emergency if a person is at risk of serious harm or needs immediate medical attention | 999 |
| Oaklea Emergency Advice Team | 07734 971362 |
| Designated Safeguarding Team | See Appendix 2 |

The Line Manager must:

- 4.7.1 report the concern raised to the Registered Manager (Designated Safeguarding Lead) in order that a CQC notification can be made **within 24 hours**.
- 4.7.2 complete the Local Safeguarding Log (OS/062) with initial information available
- 4.7.3 complete the Team Manager Action Form (OS/106) following receipt of the incident form from the employee
- 4.7.4 share if appropriate with other Designated Safeguarding Leads to ensure a point of contact is maintained with the Local Authority.

5. What happens following a safeguarding concern being reported

- 5.1 Following a Safeguarding concern being raised the Local Authority Safeguarding Team will decide whether the Safeguarding Adults at Risk Procedures are to be applied to address the concern.
- 5.2 An internal enquiry will be initiated by a member of the Safeguarding Team and delegated to an appropriately trained and experienced employee, who will use OS/122 (Internal Safeguarding Form) to document all elements of the enquiry. This form brings together a significant amount of detail about the incident, supporting reporting, recording and actions following the incident and must be kept up to date by all involved in managing the incident and supporting the individual

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concerned.

- 5.3 The decision to proceed with an internal enquiry will take account of the views of the Local Authority Safeguarding Team and any Police involvement.
- 5.4 The Internal Safeguarding Form (OS/122) will be saved to the Safeguarding folder of the server.
- 5.5 The Registered Manager and the person delegated to manage our internal enquiry (if different) are expected to attend any safeguarding meeting called by the Local Authority and work with other agencies where appropriate to ensure an approach that meets the needs of the individual holistically
- 5.6 The Registered Manager may, if appropriate, link an individual involved in a safeguarding matter with a buddy (customer or employee to gain support and practical help. This arrangement should not in any way contravene or undermine the safeguarding process
- 5.7 It is recognised that at times there may be professional differences between Oaklea Registered Managers, Designated Safeguarding Leads, Local Authority practitioners and/or the Police. Employees are expected to discuss with the Local Authority / Police if they believe a decision is incorrect and should provide clear evidence-based reasons for their disagreement and follow the appropriate escalation procedure in place.
- 5.8 Should the concern include any allegations involving an employee, agency worker, independent contractor or volunteer they will always be taken seriously and treated in accordance with Local Authority Safeguarding policy and procedures and Person in Position of Trust (PiPoT) guidance see Appendix 3. This includes implementation of the Group's disciplinary procedures (C.HR.05) and possible suspension without prejudice. All allegations should be followed up regardless of whether the person involved resigns her/his post and even if the person refuses to co-operate with the process.
- 5.9 The Registered Manager will arrange a debrief session for all employees concerned in the incident to ensure their full understanding of the incident, follow on actions, changes in support and any lessons learned to be implemented. Any lessons learned will also be shared with / supported by the Group's Safeguarding Team for wider implementation across the organisation as appropriate.

6. Oaklea Group Safeguarding Team

The Oaklea Group has a team of Designated Safeguarding Leads whose purpose is to maintain and expand development in safeguarding practice, provide guidance and support to all employees. Please refer to Appendix 2 for contact details.

The safeguarding team will meet regularly, in line with the current terms of reference, to review the central log of safeguarding concerns, review trends and consider improvements to practise.

7. Recruitment and Selection

The Group has a stand-alone policies on Recruitment and Selection (C.HR.15) and Disclosure and Barring Service (C.HR.04) which sets out in detail our policy and processes to ensure safer recruitment.

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8. Complaints

The Group has a clear well publicised procedure that is capable of dealing with complaints from all customers, families and employees. Please refer to Compliments and Complaints (O.PC.13).

Consideration should always be given to whether a complaint meets the criteria for an adult safeguarding referral or managing allegations procedures.

9. Whistleblowing

The Group recognises the importance of building a culture that allows all employees to feel comfortable about sharing information, maintaining anonymity, regarding concerns they have about a colleague's behaviour. This will also include behaviour that is not linked to safeguarding but that has pushed the boundaries beyond acceptable limits. See Whistleblowing policy (C.HR.26).

10. Training and Development

- 10.1. All employees working for the Group receive Safeguarding Adults training at a minimum of Level 2. As a general principle, relevant employees will receive the following: -

| Role: | Level | Frequency: |
|--|-----------------------------|---|
| Designated Safeguarding Leads (including Senior Leadership Team and Registered Managers) | Level 3 | On induction and every 2 years thereafter |
| Trustees and R2W Non-Exec Directors | Level 2 | On induction and every 2 years thereafter |
| Team Managers | Level 2 | On induction and every 1 years thereafter |
| Right2Work employees | Level 2 | On induction and every 1 years thereafter |
| Care Team Employees | Level 2 – raising a concern | On induction and every 1 years thereafter |
| Central Employees | Level 2 – raising a concern | On induction and every 1 years thereafter |

- 10.2 For Cumbria based employees the Local Authority have introduced a Safeguarding Passport system in line with the National Competence Framework. The framework provides employees and employers with a benchmark for the minimum standard of competence required for those who work to safeguard adults.

The HR team will issue each employee with a Safeguarding Adults Passport. The Passport is intended to complement the Safeguarding training undertaken by the employee. With the guidance, support and sign-off of their line manager all front-line employees who may raise a concern or make a referral must be able to demonstrate their competency to correspond with Levels 1-5 of the Passport.

- 10.3 Designated Safeguarding Leads will also attend annual safeguarding update training provided by the National Care Forum (NCF).

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- 10.4 Communication and updates on best practise will be shared to all employees through our newsletters, team meetings and ad hoc workshops as required.

11. Confidentiality

All written records of alleged reported or suspected abuse/harm/neglect, and verbal communication on such issues, are strictly confidential. These must not be disclosed to any person except on a 'need to know basis'. See Confidentiality and Data Protection (O.LE.03).

12. Prevent

The Prevent Duty is seen as part of Oaklea Group's wider safeguarding obligations. Designated Safeguarding Leads and other senior leaders should familiarise themselves with the revised Prevent Duty Guidance for England and Wales, to assist with managing the risk of radicalisation in a learning setting, www.gov.uk.

The Prevent Programme is designed to safeguard people in a similar way to safeguarding processes to protect people from gang activity, drug abuse and physical and sexual abuse.

The Counter Terrorism and Security Act 2015 Prevent Statutory Duty includes a provision called the Prevent Duty which places a general requirement on specified authorities to "have due regard to the need to prevent people from being drawn into terrorism."

Sub-contractors have to comply with the Prevent Duty, but it is the responsibility of the contracting authority to ensure that they do so. As Right2Work is a sub-contractor of further education colleges this means that compliance with these duties is required and Risk Assessments from the main contractor are obtained and followed.

Employees receiving in-house training will receive information and instruction in order to understand the risk and build the capabilities to deal with and implement the Prevent Duty effectively.

Right2Work teams will work with learners on the duty and how to stay safe, especially on-line which is a key way in which terrorists radicalise vulnerable people.

Right2Work completes an annual review of its Prevent Risk Assessment (OS-221) to assess risk and decide on actions. The Designated Lead for Prevent and Safeguarding rests with the CEO. There is also a Safeguarding Lead on Oaklea Trust and Right2Work Boards.

13. Governance

To ensure good safeguarding governance, Oaklea Group adheres to the guidance of the Charity Commission for England and Wales, in relation to its Safeguarding procedures and practices.

Individual incidents that pose a risk to the organisation are reported to Board via the designated Board Safeguarding Lead.

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RELATED POLICIES

- Disclosure and Barring Service (DBS) (C.HR.04)
- Disciplinary (C.HR.05)
- Whistleblowing (C.HR.26)
- Recruitment and Selection (C.HR.15)
- Emergency Advice Team (O.EM.04)
- Safeguarding Children (O.LE.02)
- Confidentiality and Data Protection (O.LE.03)
- Mental Capacity (O.LE.06)
- Challenging Behaviour and Restrictive Physical Interventions (O.PC.08)
- Compliments and Complaints (O.PC.13)
- Prevent Action Plan R2W (OS-221)
- Safeguarding Adults Threshold Tool
<https://www.cumbria.gov.uk/eLibrary/Content/Internet/537/6683/17937/44112152158.pdf>