

Independence Project Safeguarding Adults Policy

To be read and used in conjunction with the *Southend, Essex & Thurrock (SET) Safeguarding Adults Guidelines - Version 5 (April 2019)*

Independence Project Safeguarding Statement

Independence Project is committed to safeguarding and promoting the welfare of Children, Young People and Adults, and expects all staff, volunteers and partners to share this commitment. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service disclosure.

Staff are also required to register with the DBS Update Service to enable regular follow-up checks.

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Aims

Independence Project is committed to:

- Ensuring that the welfare of adults who are under our care and support is paramount at all times
- Maximising people's choice, control and inclusion and protecting their human rights
- Working in partnership with others in order to safeguard vulnerable adults
- Ensuring safe and effective working practices are in place.
- Supporting staff and volunteers within the organisation.

Introduction

This policy sets out the roles and responsibilities of Independence Project in working together with other professionals and agencies in promoting adults' welfare and safeguarding them from abuse and neglect. Whilst the policy & procedures differs from those for children & young people, Independence Project has the same commitment to safeguarding the welfare of the adults who use our services.

This policy is intended to support staff and volunteers working within Independence Project. Independence Project policy is supplementary to the ESAB ***Southend, Essex, Thurrock (SET) Safeguarding Adults Guidelines (Version 5 - April 2019)***, downloadable at:

<http://www.essexsab.org.uk/professionals/guidance-policies-protocols/>

A file copy of these Guidelines is also held at Independence Project main office.

For a summary of safeguarding definitions and the local procedures for reporting concerns about abuse or neglect, and preserving and recording evidence, please also refer to the **SET Safeguarding Handbook: Safeguarding Adults from Abuse and Neglect**, which can be downloaded from the same page on the ESAB website, along with other useful safeguarding documents, including the **SET Easy Read Safeguarding Guide: Understanding and Reporting Abuse Easy Read Guide**. The SET Safeguarding Handbook should be read and used to provide clarity alongside the *Independence Project Safeguarding Adults Policy*.

This Policy should be read alongside the following Independence Project policies, procedures and guidelines: Comment, Compliments and Complaints Policy / Confidentiality Policy / Disciplinary Procedure / E Safety Policy / Employment of Ex-offenders Policy / Equality and Diversity Policy / Grievance Procedure / Prevent Duty Statement / Privacy Policy /



Safeguarding Children and Young People Policy / Social Media Policy / Whistleblowing Policy / Professional Boundaries and Relationships Policy / Code of Conduct

This policy and those which are underlined above can be downloaded from:
<https://www.independenceproject.co.uk/policies>

Scope

This policy applies to all Independence Project staff (permanent, seconded or temporary), and volunteers, as well as all people who work on behalf of Independence Project.

Definitions

The purpose of adult safeguarding is to prevent harm and reduce the risk of abuse or neglect to adults with care and support needs. The statutory framework introduced under the Care Act (2014) applies to any person aged 18 or above who:

- Has needs for care and support (regardless of the level of need and whether or not the local 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 themselves against the abuse or neglect or the risk of it.

They may include:

- People with a mental health problem or mental illness (including dementia)
- People with a physical or learning disability
- People with a sensory impairment
- People who are frail and/or experiencing a temporary illness
- People with alcohol or substance dependency.

Definitions/descriptions of the types of abuse and adult safeguarding principles are identified and explained in greater detail below and within the *Southend, Essex, Thurrock (SET) Safeguarding Adults Guidelines* (Version 5, April 2019), and within the *SET Safeguarding Handbook: Safeguarding Adults from Abuse and Neglect*.

What is Abuse/Neglect?

Abuse is a violation of an individual's human and civil rights by any other person or persons. Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. *No Secrets (2000)* – Department of Health



Abuse can take place in any setting - an individual's private home, care home, hospital, day service, public transport, police station, college. This list is endless.

Abuse and neglect can take many forms. It may be an isolated incident, a series of incidents or a long term pattern of behaviour and could affect one person or more, whether in someone's home, in public or in an institutional setting.

It may be deliberate or the result of negligence or ignorance. Sometimes it happens when people are trying to do their best but do not know the right thing to do. Sometimes the person who causes harm does so because of frustration even in a caring context. The degree or lack of intent will inform the response.

Many people find it hard to understand why another person (or persons) would want to abuse and cause harm to another person. However some people can often be the perfect target.

Why? Because often:

- They can't defend themselves
- They may not be able to get away
- Even if they can tell, often they are not believed
- Sometimes our staff and organisation do not believe that it can happen
- It may be forgotten that everybody has a human right to be safe (as we do)

Section 4.2 of the *Southend, Essex and Thurrock (SET) Safeguarding Adults Guidelines* (p48-49) lists ten different categories of abuse, defined within the *Care and Support Statutory Guidance*, as follows:

- **Physical abuse:** may include assault, hitting, slapping, pushing, misuse of medication, restraint, inappropriate physical sanctions.
- **Domestic violence (Domestic abuse):** may include psychological, physical, sexual, financial, emotional abuse; coercive control; so-called "honour" based violence (abuse) and forced marriage.
- **Sexual abuse:** may include rape, sexual assault, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, sexual acts to which the adult has not consented or was pressured into consenting
- **Psychological abuse:** may include 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.
- **Financial or Material abuse:** may include 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, sex work, forced labour and domestic servitude.
- **Discriminatory abuse:** may include harassment, slurs or similar treatment because of age, race, gender and gender identity, disability, sex, sexual orientation or religion.
- **Organisational abuse:** neglect and poor care practice within an institution or specific care setting, such as a hospital or care home, or in relation to care provided in someone's own home.
- **Neglect & acts of omission:** may include ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **Self-neglect** includes a wide range of behaviour; neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

It may be that abuse encountered does not fit neatly into any one category, and this list is by no means exhaustive. Please refer to the *SET Safeguarding Adults Guidelines* for further detail (Sections 4.3-4.10 give more information on some specific types of harm).

Ignoring abuse or neglect is not an option - Any person or organisation with knowledge of, or suspicion that, an adult may be at risk of abuse or is being abused must report their concerns.

The Mental Capacity Act 2005 - Capacity, Consent and Decision Making

The *Mental Capacity Act 2005* provides a statutory framework to empower and protect those who may lack mental capacity to make decisions for themselves; and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the adult safeguarding process must comply with the Act.

When working with vulnerable adults, and considering any potential abuse, staff and volunteers should be mindful of Mental Capacity, and an individual's capability to give or withhold consent. *The Mental Capacity Act 2005 - Code of Practice* states: "Mental Capacity is the ability to make a decision":

- This includes the ability to make a decision that affects daily life – such as when to get up, what to wear or whether to go to the doctor when feeling ill – as well as more serious or significant decisions
- It also refers to a person's ability to make a decision that may have legal consequences – for themselves or others. Examples include agreeing to have medical treatment, buying goods or making a will.

The *Mental Capacity Act 2005* outlines five statutory principles that underpin the work with adults who may lack mental capacity:



1. A person must be assumed to have capacity unless it is established that he/she lacks capacity.
2. 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.
3. A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
4. 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 his best interests.
5. 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.

Section 2 of *The Mental Capacity Act 2005* states:

1. For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.'
2. It does not matter whether the impairment or disturbance is permanent or temporary.
3. A lack of capacity cannot be established merely by reference to –
 - (a) a person's age or appearance, or
 - (b) a condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity.

The *Mental Capacity Act 2005* (MCA) applies to anyone over 16 who is unable to make all or some decisions for themselves. Adults (over 18) can appoint people to make decisions on their behalf in the event that they become unable to make their own decisions under a Lasting Power of Attorney. Alternatively, if the person does not have capacity to do this, the Court of Protection may appoint a Deputy to make decisions on their behalf.

If an adult is believed to lack the capacity to engage in decisions about how their needs will be met, the *Mental Capacity Act Guidance* must be followed:

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

There are some decisions which cannot be made on behalf of someone who lacks capacity to make the decision themselves.

The Mental Capacity Act (2005) (s.27) excludes:

- consenting to marriage or a civil partnership
- consenting to have sexual relations
- consenting to a decree of divorce on the basis of two years' separation
- consenting to the dissolution of a civil partnership
- consenting to a child being placed for adoption or the making of an adoption order
- discharging parental responsibility for a child in matters not relating to the child's property



- giving consent under the Human Fertilisation and Embryology Act 1990.

There is no requirement to assess mental capacity unless there are doubts about the individual's mental capacity to make a specific decision at the time it needs to be made.

The starting point must always be to assume that a person has the capacity to make a specific decision. Some people may need help to be able to make or communicate a decision but this does not necessarily mean that they lack capacity to do so. What matters is their ability to carry out the processes involved in making the decision – and not the outcome.

The expressed wishes of vulnerable adults should, where possible, be paramount in the decision making process. However, there remains a fundamental duty to balance the person's right to autonomy with their, or the public need for protection.

The principles of the Mental Capacity Act should be followed at all times where lack of capacity of an individual is assessed.

Deprivation of Liberty Safeguards (DoLS)

If arrangements proposed for the care or treatment of someone who lacks capacity would amount to a **deprivation of liberty**, this must be authorised in accordance with Mental Capacity Act or Mental Health Act requirements.

A deprivation of liberty arises if the person will be under continuous supervision and control, is not free to leave and lacks capacity to consent to these arrangements.

This includes domestic settings, such as a supported living placement, if the local authority has imposed the arrangement. The purpose of the placement or the person's compliance or lack of objection to it are not relevant to whether there is a deprivation of liberty requiring authorisation.

A potential safeguarding issue arises when a potential deprivation of liberty is identified and not acted upon through raising an appropriate authorisation.

<https://www.gov.uk/government/collections/dh-mental-capacity-act-2005-deprivation-of-liberty-safeguards>

Safeguarding Adults - Responsibilities of Independence Project

Independence Project supports the principles in the SET Safeguarding Adults Guidelines (p57):

All Organisations including Voluntary and Community Sector:

- Train staff in safeguarding procedures and ensure they are effectively implemented
- Be champions in their organisations
- Report incidents of abuse, neglect or undignified treatment
- Having a clear system of reporting concerns as soon as abuse is identified or suspected
- Respond to abuse appropriately respecting confidentiality
- Prevent harm and abuse through rigorous recruitment and interview processes



Designated Lead – Safeguarding: Andrew Denny	07880645273
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Responsibilities of staff

- Follow the safeguarding policies and procedures at all times, particularly if concerns arise about the safety or welfare of a vulnerable adult
- Participate in safeguarding adults training, as appropriate to role, and maintain current working knowledge
- Become familiar with the *SET Safeguarding Adults Guidelines* and with the Handbook for practitioners working in Southend, Essex and Thurrock: *Safeguarding Adults from Abuse and Neglect*
- Discuss any concerns about the welfare of a vulnerable adult with their line manager
- Contribute to actions required including information sharing and attending meetings
- Work collaboratively with other agencies to safeguard and protect the welfare of people who use services
- Remain alert at all times to the possibility of abuse
- Recognise the impact that diversity, beliefs and values of people who use services can have
- Support and supervise volunteers in following the safeguarding policies and procedures

Training

All staff working with vulnerable adults will receive safeguarding adults awareness training at a level appropriate to their role, and as stated within the Essex Safeguarding Adults Board Training Strategy, and training on Radicalisation and the Prevent Duty. This will be refreshed as a minimum every two years.

Reporting Abuse

In responding to concerns/disclosures it is expected that all staff will follow the *SET Safeguarding Adults Guidelines*, and the timescales which apply for this:

See <http://www.essexsab.org.uk/professionals/guidance-policies-protocols/>

- The safeguarding procedures have been structured within a four-stage process:
Concerns => Enquiry => Safeguarding adult management => Closing the plan review enquiry
- The procedures which are to be followed are summarised in the Handbook *Safeguarding Adults from Abuse and Neglect*. Clear guidance on responding to a disclosure, and on preserving and recording evidence, is given on page 9 onwards. **Staff should familiarise themselves with the procedures and guidance, and should save copies of the SET**



***Safeguarding Adults Guidelines* and the Handbook (and/or the link to the policies and resources on the website), for their reference**

All service users need to be safe. Throughout the process the service users needs remain paramount. This process is about protecting the adult and prevention of abuse.

The Designated Lead Safeguarding will provide advice and support on completion of the Adult Alert form (SET SAF) where required, and any processes which follow, as set out in the *SET Safeguarding Adults Guidelines*.

Please see <http://www.essexsab.org.uk/professionals/reporting-concerns-setsaf-forms/> for further details about reporting concerns and to download the SET SAF form.

Alleged abuser and victims who are both service users

It is important that consideration be given to a co-ordinated approach and partnership working, where it is identified that both the alleged abuser and alleged victim are service users.

Where both parties are receiving a service, staff should discuss cases and work together, however meetings with both the alleged abuser and alleged victim in attendance, are not considered appropriate.

Allegation of abuse by staff member or volunteer

Employees and volunteers should be aware that abuse is a serious matter that can lead to a criminal conviction. Where applicable the organisation's disciplinary policies should be implemented, alongside any investigation by the Police and/or Social Care.

If any member of staff or volunteer has concerns, or if Independence Project receives a complaint or allegation that a worker/volunteer has:

- behaved in a way that has harmed, or may have harmed, a young person or adult
- possibly committed a criminal offence against, or related to young person or adult
- behaved in a way that indicates s/he may be unsuitable to work with young people or adults

The Designated Lead - Safeguarding **must be notified immediately**, who will consider the nature of the concern, and whether it is appropriate to contact the Police or Social Care, and any other action required.

If it then proves necessary to suspend the staff member or volunteer from any further contact with clients, whilst any further action is taken. Independence Project will offer support during this time, without prejudice to the investigation, to the volunteer or staff member.

A referral may need to be made to the DBS, and careful consideration should be given to the type of information required. This is particularly pertinent for people in a position of trust (see *SET Safeguarding Adults Guidelines*, Sections 2.17-18, p27-28).

Where there is an ongoing risk of that person in a position of trust causing harm to other



adults or children, consideration should be given to contacting the Local Authority Designated Officer (LADO - children or adult) for advice, and/or so that they can assess the need for further action (*SET Safeguarding Adults Guidelines*, Section 2.19, p28).

Information sharing (from *SET Safeguarding Adults Guidelines*, Section 3.2, p34)

Information sharing should be timely. Co-operation between organisations to achieve outcomes is essential and action co-ordinated keeping the safety of the adult as paramount. Where one organisation is unable to progress matters further, for example a criminal investigation may be completed but not necessarily achieve desired outcomes (e.g. criminal conviction), the local authority in consultation with the adult at risk and others should decide if and what further action is needed. Sharing the appropriate information, at the right time with the right people, is fundamental to good safeguarding practice. Partner organisations may be asked to share information through agreed information sharing protocols and in line with all legislative requirements including General Data Protection Regulations (GDPR).

‘Vital interest’ is a term used in the Data Protection Act to permit sharing of information where it is critical to prevent serious harm or distress, or in life-threatening situations. If the only person that would suffer if the information is not shared is the subject of that information, and they have mental capacity to make a decision about it, then sharing it may not be justified.

Confidentiality and consent

Whilst every effort will be made to ensure that confidentiality is preserved, this will be governed by what may be an overriding need to protect a person who has been or is at risk of abuse.

All those working with adults must be clear that it is not possible to keep information about suspected or actual abuse confidential.

The needs of the person and the potential risk to others, requires you to share the information with your manager. (From the Handbook *Safeguarding Adults from Abuse and Neglect*, p13)

In the *SET Safeguarding Adults Guidelines* Section 3.4 (p34-37), ‘Consent in relation to safeguarding’, sets out in detail the questions to be considered when deciding what information should be shared with others, in relation to any safeguarding concern.

Code of Conduct

You must:

- treat all children, young people and adults with respect
- provide an example of good conduct you wish others to follow
- ensure that, whenever possible, there is more than one adult and/or peer volunteer present, or at least that you are within sight or hearing of others



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- respect each person's right to personal privacy/encourage young people & adults to feel comfortable & caring enough to point out attitudes or behaviour they do not like
 - remember that someone else might misinterpret your actions, no matter how well-intentioned
 - be aware that any physical contact may be misinterpreted
 - recognise that special caution is required when you are discussing sensitive issues
 - operate within Independence Project principles, guidance and Safeguarding Adults Procedures
 - operate within Independence Project e-Safety Policy, always using ICT, the internet, mobile phones and other electronic communication devices appropriately
 - challenge unacceptable behaviour and report all allegations/suspensions of abuse

You should also:

- give guidance and support to less experienced staff and volunteers

Incidents that must be reported/recorded:

If any of the following occur you should report this immediately to another colleague and record the incident. You should also ensure that family or carers are informed:

- If you accidentally hurt a person
- If he/she seems distressed in any manner
- If a person appears to be sexually aroused by your actions
- If a person misunderstands or misinterprets something you have done

You must not:

- have inappropriate physical, verbal, phone, text or online contact with anyone who uses Independence Project services
- allow yourself to be drawn into inappropriate attention-seeking behaviour
- make suggestive, inappropriate or derogatory remarks or gestures
- jump to conclusions about others without checking facts
- show favouritism to any individual
- either exaggerate or trivialise abuse issues
- rely on your good name or that of Independence Project to protect you
- believe "it could never happen to me"
- take a chance when common sense, policy or practice suggests another more prudent approach

Whistleblowing

It is good practice & you have a duty of care to draw attention to poor practice in the workplace. This includes practice that may be abusive or neglectful. **Failure to report amounts to collusion with the person alleged to have caused harm/abuse.**



Staff and volunteers have an individual responsibility to raise concerns with someone who has the responsibility to take action. Sometimes it may be necessary to go outside the immediate work environment or the immediate organisation.

A whistleblower is a person who reveals information with the intention of calling attention to bad practice, which may include abuse or negligence, in the workplace. Staff who work with vulnerable adults have an individual responsibility to raise concerns about bad practice and a right to know that they will be supported by their employer when they are acting in good faith.

Independence Project and The Essex Safeguarding Adults Board will support staff and volunteers who raise concerns about practices that may be abusive. It is the responsibility of all organisations to promote a culture which values good practice and encourages whistleblowing. Please refer to the *Independence Project Whistleblowing Policy* for further details.

Useful contact details (for referrals and/or telephone enquiries)

Essex County Council

0345 603 7630 (Social Care Direct)
0345 606 1212 (Out of hours)

Police

999 (Emergency)
0300 333 4444 (Non emergency number)

Essex Social Care Direct, Essex House, 200 The Crescent, Colchester, Essex, CO4 9YQ
Fax - 0300 123 0779 Email: Socialcaredirect@essex.gov.uk

Essex Safeguarding Adults Board (ESAB) Support Team

Email: ESAB@essex.gov.uk (NOT FOR SAFEGUARDING CONCERNS)
Website: www.essexsab.org.uk Telephone: 03330 131019 (general)

SET Safeguarding Adult Guidelines, other documents, and SET SAF forms

The full SET Safeguarding Adult Guidelines, Handbook, the MCA/DoLS Policy & Procedures, guidance notes, and other information can all be downloaded from the Guidance, Policies & Protocol Documents page on the ESAB website:
<http://www.essexsab.org.uk/professionals/guidance-policies-protocols/>

SET SAF forms can be downloaded from the Reporting Concerns page:
<http://www.essexsab.org.uk/professionals/reporting-concerns-setsaf-forms/>

Monitoring and Review of Policy

The Designated Lead for Safeguarding will be responsible for monitoring and reviewing this policy.

This policy is reviewed annually, or following any significant changes in local or national guidance.

Reviewed Jan 2020



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