



SAFEGUARDING ADULTS POLICY

Last reviewed: Feb 2022

To be reviewed annual basis

1. AIMS

- 1.1. The Clare Project is committed to creating and maintaining a safe and positive environment and accepts our responsibility to safeguard the welfare of all adults in accordance with the Care Act 2014.
- 1.2. The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of the Clare Project in relation to safeguarding adults.
- 1.3. All adults have the right to be safe from harm and must be able to live free from fear of abuse, neglect and exploitation.

2. PRINCIPLES

2.1. The guidance given in the policy and procedures is based on the following six principles of adult safeguarding set out in the Care Act 2014:

2.1.1. Empowerment - People being supported and encouraged to make their own decisions and informed consent. *"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."*

2.1.2. Prevention – It is better to take action before harm occurs. *"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."*

2.1.3. Proportionality – The least intrusive response appropriate to the risk presented. *"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."*

2.1.4. Protection – Support and representation for those in greatest need. *"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."*

2.1.5. Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. *"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."*

2.1.6. Accountability – Accountability and transparency in delivering safeguarding. *"I understand the role of everyone involved in my life and so do they."*

2.2. All adults, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation have the right to be protected from abuse and poor practice and to participate in an enjoyable and safe environment.

2.3. The Clare Project will seek to ensure that our organisation is inclusive and make reasonable adjustments for any ability, disability or impairment, we will also commit to continuous development, monitoring and review.

2.4. The rights, dignity and worth of all adults will always be respected.

2.5. We recognise that ability and disability can change over time, such that some adults may be additionally vulnerable to abuse, for example those who have a dependency on others or have different communication needs.

2.6. We recognise that a disabled adult may or may not identify themselves or be identified as an adult 'at risk'.

2.7. We all have a shared responsibility to ensure the safety and well-being of all adults and will act appropriately and report concerns whether these concerns arise at Clare Project events, or in the wider community.

2.8. All allegations will be taken seriously and responded to quickly in line with the Clare Project Safeguarding Adults Policy and Procedures.

2.9. The Clare Project recognises the role and responsibilities of the statutory agencies in safeguarding adults and is committed to complying with the procedures of the Local Safeguarding Adults Boards.

3. LEGAL FRAMEWORK

3.1. This Safeguarding Policy has been written on the basis of law and guidance that seeks to protect adults at risk, including the following:

The Care Act 2014

This Act legislates the provision of Safeguarding Adults Boards in each local authority. Safeguarding concerns within health and social care organisations can be reported to the Board, and the Board must work in partnership with these organisations to protect adults at risk. The main principle of the Act are: to empower the adult at risk in their choices, prevent harm from happening where possible, only do what is necessary to protect, yet offer protection when it is needed, work alongside other people and agencies, and be accountable and transparent in your decisions.

The Safeguarding Vulnerable Groups Act 2006

This Act introduced the Vetting and Barring Scheme and the role of the Independent Safeguarding Authority. The Act places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for noncompliance. This Act was reformed in part under the Protection of Freedoms Act 2012 (see below).

The Protection of Freedoms Act 2011

Under this Act, the powers of the Independent Safeguarding Authority were transferred to a purposely created Disclosure and Barring Service. The vetting system has been amended.

The Mental Capacity Act 2005

This Act sets out that adults have the right to make their own decisions. Only in extreme situations where an individual is considered to lack capacity will the law intervene to protect

them. The guiding principles of the Mental Capacity Act are that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, that people have the right to make unwise decisions, that anything done for or on behalf of people without capacity must be in their best interests and that any decision made on people's behalf should be the least restrictive intervention.

The Equality Act 2010

Under the Equality Act, there are nine protected characteristics. These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When assessing whether a person is at risk, it is important that there is no discrimination based around these characteristics.

Domestic Violence, Crime and Victims (Amendment) Act 2012

The Domestic Violence, Crime and Victims Act 2004 states that legal protection and assistance be provided to victims of crime, particularly domestic violence. This was amended in 2012 to further support children or vulnerable adults at risk of, or victims of, serious harm.

Sexual Offences Act 2003

The Sexual Offences Act introduced a number of new offences concerning vulnerable adults and children.

The Human Rights Act 1998

This law has 13 articles outlining people's basic legal rights. These include Article 2, the right to life, Article 3, freedom from degrading and inhumane treatment, Article 5, the right to liberty and security, and Article 8, the right to a private life, family life and home life. A person is able to use the law to protect them if these rights are violated.

Public Interest Disclosure Act 1998

Workers in the public and private sector can disclose usually private information to protect the public interest – this is known as “whistleblowing” and anyone who does this is protected from victimisation and discrimination in their workplace. This allows people who work with adults at risk to inform the relevant authorities if people are not being safeguarded properly.

The Data Protection Act 2018

The Data Protection Act (DPA) was introduced in 1998 but it has since been superseded by the 2018 Act, which outlines how and when you are allowed to process, or use, data you hold about a person. There are also rules about when you can share data. With regard to adults at risk, there may be times that you need to withhold that you have information to be able to protect a person. Similarly, you may have to share information with other agencies so you can seek protection for an adult at risk. The law allows for this if your actions will prevent harm, allow for an effective response, or is in the public interest, among other

reasons.

4. CONTEXT AND DEFINITIONS

4.1. What do we mean by 'adult'?

4.1.1. For the purpose of this policy 'adult' means a person aged 18 years or over.

4.2. What do we mean by 'adult at risk'?

4.2.1. An 'adult at risk' is a person aged 18 or over who is in need of care and support, regardless of whether they are receiving them, and who because of those needs is unable to protect themselves against abuse or neglect.

4.3. What do we mean by abuse?

4.3.1. Abuse is a violation of an individual's human and civil rights by another person or persons.

4.3.2. 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 they have not consented, or cannot consent.

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

4.4 .Types of Abuse and Neglect - Definitions from the Care Act 2014.

This is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour or issue which could give rise to a safeguarding concern.

4.4.1. Self-neglect – this covers a wide range of behaviour: neglecting to care for one's personal hygiene, health or surroundings.

4.4.2. 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.

4.4.3. Domestic abuse – including psychological, physical, sexual, financial and emotional abuse. It also includes so called 'honour' based violence.

4.4.4. Discriminatory abuse – discrimination is abuse which centres on a difference or perceived difference particularly with respect to race, gender or disability or any of the protected characteristics of the Equality Act.

4.4.5. 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.

4.4.6. Physical Abuse – includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

4.4.7. 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.

4.4.8. 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.

4.4.9. Neglect – including ignoring medical or physical care needs, failure to provide access to appropriate health social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

4.4.10. Emotional or Psychological Abuse – this includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

4.5. Not included in the Care Act 2014 but also relevant:

4.5.1. Cyber Bullying - cyber bullying occurs when someone repeatedly makes fun of another person online or repeatedly picks on another person through emails or text messages, or 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.

5. THE ROLE OF STAFF, VOLUNTEERS AND TRUSTEES

5.1. The Clare Project is committed to having the following in place:

5.1.1. A Safeguarding/Welfare Officer to produce and disseminate guidance and resources to support the policy and procedures.

5.1.2. A clear line of accountability within the organisation for work on promoting the welfare of all adults.

5.1.3. Procedures for dealing with allegations of abuse or poor practice against members of staff and volunteers.

5.1.4. Arrangements are in place to work effectively with other organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.

5.1.5. Appropriate whistle blowing procedures and an open and inclusive culture that enables safeguarding and equality and diversity issues to be addressed.

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 protection issues.

5.3. What to do if you have a concern or someone raises concerns with you.

5.3.1. You may become aware that abuse or poor practice is taking place, suspect abuse or poor practice may be occurring or be told about something that may be abuse or poor practice and you must report this to the Safeguarding Officer (Gray Hutchins g.hutchins@clareproject.org.uk) within 48 hours. If the Safeguarding Officer is implicated or absent, inform Luka luka.white@Clareproject.org.uk or Kim kim@clareproject.org.uk

5.3.2. If you are concerned someone is in immediate danger, contact 999 immediately.

5.3.3. It is important when considering your concern that you also consider the needs and wishes of the person at risk, taking into account the nature of the alert.

5.4. How to Record a Disclosure

5.4.1. Make a note of what the person has said using their own words as soon as practicable. Complete an incident form and submit to the Safeguarding Officer.

5.4.2. As long as it does not increase the risk to the individual, you should explain to them that it is your duty to share your concern with your Safeguarding Officer.

5.4.3. Describe the circumstances in which the disclosure came about.

5.4.4. Take care to distinguish between fact, observation, allegation and opinion. It is important that the information you have is accurate.

5.4.5. Be mindful of the need to be confidential at all times, this information must only be shared with your Safeguarding Officer and others on a need to know basis.

5.4.6. If the matter is urgent and relates to the immediate safety of an adult at risk then contact emergency services immediately.

6. ROLE OF DESIGNATED SAFEGUARDING OFFICER

6.1. The role of the designated Safeguarding Officer is to deal with all instances involving adult safeguarding that arise within the organisation. They will respond to all adult at risk protection concerns and enquiries.

6.2. The designated Safeguarding Officer for the Clare Project is Gray Hutchins g.hutchins@clareproject.org.uk or if absent Luka White luka.white@clareproject.org.uk .

6.3. When responding to an incident, it is up to the Safeguarding Officer to determine if professional adult protection services need to be contacted.

7. RESPONDING APPROPRIATELY TO AN ALLEGATION OF ABUSE

7.1. 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
- Explain the procedure to the individual making the allegation
- Provide your written notes to the Safeguarding Officer or (xxxxx) to take appropriate action.
[Luka, Gray, Kim]
- 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 to keep the incident entirely confidential
- Ignore the allegation
- Elaborate in your notes
- Panic

7.2. 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 Safeguarding Officer.