

Title:	SAFEGUARDING: PART 2 – SAFEGUARDING VULNERABLE ADULTS
Type:	POLICY
Policy Group:	SAFEGUARDING
For:	CHAILEY HERITAGE FOUNDATION

Leads:	Denise Banks Claire Bailey Simon Yates Richard Green Mandy Mason	Role:	Director of Social Care Social Care Quality Assurance Manager Headteacher Deputy Head Staff and Pupil Support Manager
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Agreed by:	Safeguarding & Wellbeing Committee	Signature:	Agreement Minuted
Date:	24 th November 2016	Name:	Peter Griffiths
Agreed by:	Board of Governors	Signature:	Signed on original document
Date:	5 th December 2016	Name:	Dr Elizabeth Green

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This document will remain valid during the review process.	

VERSION CONTROL:			
Date	Version No	Reasons for revision	Agreed by
Autumn 2016	2.0	Reviewed and updated	Governors
Autumn 2017	2.1	Reviewed – no changes made	OM3 (DB)

LINKED DOCUMENTS:

Key documents including related policies:

External

- **Sussex Safeguarding Adults Policy and Procedures**
- **No Secrets (Adult Protection)**
- **Mental Health Act 1983**
- **Human Rights Act 1998**
- **Equality Act 2010**
- **Mental Capacity Act 2005 Code of Practice**
- **Mental Capacity Act 2005: Deprivation of liberty safeguards - Code of Practice to supplement the main Mental Capacity Act 2005 Code of Practice**
- **Care Act 2014**

Chailey Heritage Foundation link documents include:

- **E-Safety Policy** (*Chailey Heritage Foundation*)
- **Whistleblowing Procedure** (*Chailey Heritage Foundation*)
- **Mobile Phone and Smart Device Policy** (*Chailey Heritage Foundation*)
- **Internet Policy** (*Chailey Heritage Foundation*)
- **Anti-Bullying Policy** (*Chailey Heritage Foundation*)
- **Good Practice Guidelines for Intimate Care** (*Chailey Heritage Foundation*)
- **Managing Allegations** (*Chailey Heritage Foundation*)

- *For other useful documents, see Appendix 1*

All Policies, Procedures, Guidelines, Protocols for Chailey Heritage Foundation

SAFEGUARDING ADULTS

Sections:

- 1. Key principles**
- 2. Legal definition**
- 3. Key procedures – National Guidance**
- 4. Key procedures – adult**

SECTIONS BELOW OF PART 1 (CHILD PROTECTION) REMAIN VALID FOR PART 2 (SAFEGUARDING VULNERABLE ADULTS)

5 KEY TRAINING

6 KEY PEOPLE

7 KEY MEETINGS

8 KEY PARTNERS AND AGENCIES

All adult clients using Chailey Heritage are 'Adults at Risk', and all children using Chailey Heritage are 'Children in Need'. Throughout this document, the term 'Young People' (YP) will be used to encompass children and young adults who access services at or from Chailey Heritage Foundation (CHF).

In consideration of the fact that staff and volunteers at Chailey Heritage Foundation might work across both children's and adult services, any safeguarding incidents must follow the checklist in Appendix 3.

1. KEY PRINCIPLES

- 1.1 All children and vulnerable adults, disabled and non-disabled, have the human rights to be safe from abuse and neglect, to be protected from harm, including bullying, and to achieve the Every Child Matters outcomes, including Staying Safe.
- 1.2 The Safeguarding Vulnerable Adults' Policy and Procedure should always be used when there is an allegation or suspicion that a vulnerable adult is being abused or neglected i.e. being caused significant harm by another person or group of people.
- 1.3 In order to ensure that the welfare of disabled children and vulnerable adults is safeguarded and promoted, it needs to be recognised that additional action is required. Research and inspection indicate that disabled children and vulnerable adults face an increased risk of abuse or neglect. Disabled children and vulnerable adults can be abused and neglected in ways that others cannot.
- 1.4 At CHF, the client group is specifically children and young adults who are disabled, and vulnerable to harm. Therefore, all who are employed to work at CHF must be committed to safeguarding, must undergo safeguarding training and must be highly aware of safeguarding issues around disabled children and vulnerable young adults. All staff must be aware of the different requirements and procedures in relation to children and those aged 18 years and over. The Safeguarding Adults procedures apply to all young people aged 18 years and over, both in the school and social care provision. CHF has a fundamental duty to ensure that this is the case.
- 1.5 CHF has a legal duty to follow Sussex Safeguarding Adults Policy and Procedures, who have a decision-making and coordinating role in regard to safeguarding adults.
- 1.6 All safeguarding work with adults should incorporate the principles of empowering adults, with a focus on meeting the desired outcomes of the adult.

- 1.7 CHF enforces zero tolerance in regard to abuse, and will treat all reports and allegations seriously.
- 1.8 This policy outlines CHF's key safeguarding principles, policies & procedures, documents, training, people, meetings, and involved partners & agencies.
- 1.9 The Care Act 2014 and the Care Act guidance set out statutory requirements to develop and assess the effectiveness of safeguarding arrangements founded on six key principles:

Empowerment – people being supported and encouraged to make their own decisions.
Prevention – it is better to take action before harm occurs
Proportionality – the least intrusive response appropriate to the risk presented
Protection – support and representation for those in greatest need
Partnership – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
Accountability – accountability and transparency in delivering safeguarding.

Chailey Heritage Foundation is committed to upholding these key principles.

2. LEGAL DEFINITIONS

2.1 Definition of Vulnerable Adult

- 2.1.1 "A vulnerable adult is a person aged 18 years or over who may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect him or herself against significant harm or exploitation" No Secrets (DH/Home Office 2000).
- 2.1.2 The Association of Directors of Adult Social Services (ADASS) National Framework of Standards (2005) argues against the use of the word "vulnerable" and suggests that local safeguarding adults' procedures should apply to "every adult who is or may be eligible for community care services".
- 2.1.3 The Safeguarding Vulnerable Groups Act (2006) uses the term "vulnerable adult" in a much wider context to apply to people using certain types of services or residing (even temporarily) in certain types of places.
- 2.1.4 The adults using Futures services – Accommodation, Life Skills Centre, the Hub and Pathways, will all meet the above classifications.

2.2 Definition of Safeguarding

- 2.2.1 Safeguarding adults can be defined as: "All work which enables an adult who is or may be eligible for community care services to retain independence, well-being and choice to access their right to live a life that is free from abuse and neglect." ADASS National Framework of Standards (2005).
- 2.2.2 The Care Quality Commission states that Safeguarding adults includes:
- Protecting their rights to live in safety, free from abuse and neglect.
 - People and organisations working together to prevent the risk of abuse or neglect, and to stop them from happening.
 - Making sure people's wellbeing is promoted, taking their views, wishes, feelings and beliefs into account.

- 2.2.3 The Sussex Safeguarding Policy defines safeguarding as 'protecting an adult's right to live in safety, free from abuse and neglect.' Their policy states their aims are to:
- Stop abuse or neglect wherever possible.
 - Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
 - Safeguard adults in a way that supports them in making choices and having control about how they want to live
 - Promote an approach that concentrates on improving life for the adults concerned
 - Raise public awareness so that communities as a whole, alongside professionals, play their part in identifying and preventing abuse and neglect
 - Provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult.
 - Address what has caused the abuse or neglect
- 2.3 **Types of Abuse** (Care Act 2014)
- 2.3.1 The main categories of abuse as recognised by the Care Act 2014 are:
- 2.3.1.1 Physical abuse: examples include slapping, rough handling, twisting of limbs/ extremities, misuse of medication, or inappropriate sanctions or restraint.
- 2.3.1.2 Sexual abuse: examples include rape and sexual assault or sexual acts to which the vulnerable adult has not consented, could not consent or was pressured into consenting. Non-contact abuse such as voyeurism, involvement in pornography.
- 2.3.1.3 Psychological/Emotional Abuse: Examples include: verbal assault or intimidation, emotional abuse, deprivation of contact verbal abuse, threats of harm or abandonment, humiliation or blaming, overriding of consent, choices or wishes, felling worthless, frightened or unloved. NB: Psychological/emotional abuse will usually occur in conjunction with other forms of abuse
- 2.3.1.4 Financial Abuse: Examples include: theft, fraud, exploitation, and pressure in connections with wills, property, possessions or benefits.
- 2.3.1.5 Neglect and acts of omission: Examples include: 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.
- 2.3.1.6 Discriminatory Abuse: This abuse is usually motivated by discriminatory and oppressive attitudes towards race gender, culture background, religion physical and/ or sensory impairment, sexual orientation and age.
- 2.3.1.7 Institutional abuse, neglect and poor practice: This may take the form of isolated incidents of poor or unsatisfactory professional practice at one end of the spectrum, through to persuasive ill treatment or gross misconduct.
- 2.3.1.8 Self-neglect: has been recognised within the Care Act 2014 as part of the safeguarding framework.
- 2.3.2 In 2013, the Home Office announced changes to the definition of Domestic Abuse to include safeguarding work where there are concerns of domestic abuse within a person home.
- 2.3.3 Prevent is part of the government's counter terrorist strategy, aiming to stop people becoming terrorists or supporting terrorism. CHF d=staff need to be aware of safeguarding adults from radicalisation.
- 2.3.4 Modern Slavery exists in the UK and includes exploitation in the sex industry, forced labour, domestic servitude in the home and forced criminal activity. CHF staff need to be aware of the potential indicators.

3. Key procedures - National Guidance

3.1 CHF follows national and local guidelines. In regard to adults, CHF works within the guidance of the Sussex Safeguarding Adults Policy and Procedure

<http://sussexsafeguardingadults.procedures.org.uk/>

3.2 The Care Act received Royal Assent on 14th May 2014 and for the first time placed Safeguarding on a statutory footing. The Care Act introduced major reforms to the legal framework for adult care and support and places specific duties onto local authorities which states they must:

3.2.1 Lead a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens

3.2.2 Make enquiries, or request others to make them, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed

3.2.3 Establish Safeguarding Adults Boards, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy

3.2.4 Carry out Safeguarding Adults Reviews when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them

3.2.5 Arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-act-factsheets#factsheet-7-protecting-adults-from-abuse-or-neglect>

4. Key procedures – Adults

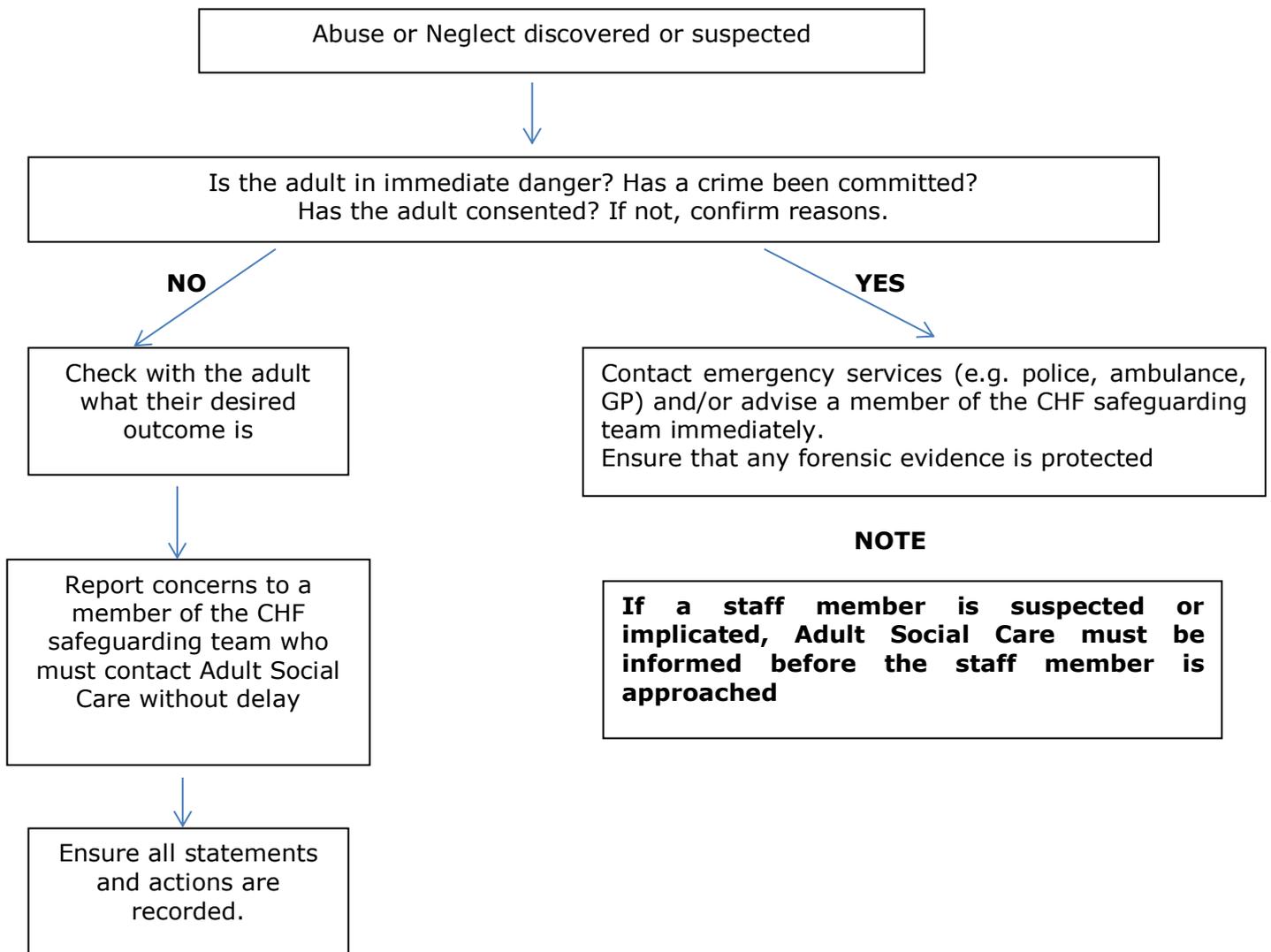
4.1 Anybody can raise a safeguarding concern for themselves or another person. Even where an issue may not appear to be described as abuse or neglect, it is important that anyone concerned should seek advice and support. This information must be shared with Adult Social Care and/or the Designated Adult Safeguarding Manager. **It is important to remember that there may be concerns that have been identified or raised by others of which you may not be aware. Passing on your concerns can enable serious abuse or harm to be prevented from happening or from continuing.**

4.2 CHF also has internal procedures to support adult safeguarding. All staff are trained to know that any concerns should be raised with a member of the CHF Safeguarding team - posters giving the Safeguarding Team photos and their contact details are displayed throughout CHF. These posters also include information on Whistleblowing for staff who feel they cannot raise or discuss their concerns with a CHF Manager or one of the Safeguarding Team. This information gives contact information for East Sussex Duty and Assessment Team (01323 747373); and for out of hours contact, the Emergency Duty Service for East Sussex and Brighton and Hove (01273 335906).

4.3 The flowchart (FIG 1) describes the process to follow if abuse or neglect of an adult is discovered or suspected. This follows the guidance from the Sussex Safeguarding Adults Policy and Procedures.

- 4.4 In **ALL** adult safeguarding concerns, East Sussex Adult Social Care **must** be contacted. The local authority has a duty to undertake an enquiry to ascertain if the concern meets three basic checks:
- an adult who has needs for care and support (whether or not any of those needs are being met);
 - may be 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.
- 4.5 If the concern meets the basic checks, the local authority's duty to undertake an enquiry under Section 42 of the Care Act is triggered. An Enquiry Manager will be appointed who will have overall responsibility for co-ordinating responses and decision making. The local authority may decide to ask CHF to carry out an investigation, but this should only happen once requested, and not before adult social care is contacted. The outcome of any CHF investigation will be returned to adult social care so that the appointed Enquiry Manager can conclude the case.
- 4.6 As with the Part 1 of this policy (Child Protection) a Sharing Information Pro-Forma will be used for any concern raised, to ensure key safeguarding staff are always promptly informed of any safeguarding concerns, across both CHF and CHCS. (APPENDIX 1)
- 4.7 All adults have a legal right to make decisions about their own lives. If the person raising the safeguarding concern is not the adult themselves, every possible effort should be made to seek their views and agreement, **unless** doing so is likely to increase the risk of harm to themselves or others
- 4.8 Wherever possible there should be communication with the adult to establish their views, taking the following into consideration:
- Choose a private space where the adult is likely to feel secure.
 - If the adult has raised the concern, use open questions e.g. 'tell, explain, describe' to gain an understanding of the concern. Do not ask leading questions or begin to investigate.
 - If someone else has raised a concern, inform them sensitively and note their response.
 - In all cases, attempt to get the adult's views on what they want done about the concern.
 - Give the adult information about advice and support, and about the safeguarding procedures and how these will make them safer.
 - Identify any relevant capacity issues the adult may have, including the potential need for support from an advocate.
 - Explain what will happen next, and how they will be supported and kept informed.
- 4.9 If a safeguarding concern is raised in connection to an adult who is deemed not to have capacity, the principles of the Mental Capacity Act 2005 must be followed. All staff must receive relevant training in regard to the Mental Capacity Act.
- 4.10 If an adult who lacks capacity to make an informed decision about a safeguarding incident does not want a concern to be raised, a Best Interest decision, in line with the Mental Capacity Act, will need to be instigated.
- 4.11 If an adult **with** capacity does not want action to be taken in regard to a safeguarding concern, this does not override a staff member's responsibility to share key information with relevant professionals. If there appears to be significant risk to the adult, sharing this information will be a duty of care. In such circumstances, the adult must always be advised what information will be shared with whom, and the reasons for this. They must be reassured that their views and wishes will be respected as much as possible, and kept up to date with any discussions and actions.

Fig 1 Raising a safeguarding concern



Procedures must stay within safeguarding adult principles:

- **Empowerment**
- **Prevention**
- **Proportionality**
- **Protection**
- **Partnership**
- **Accountability**

Revised: Autumn 2016