



## Learning Partnership West CIC

### Protecting and Safeguarding Vulnerable Adults from Abuse

Version 2.0, January 2017

#### Definitions

**“LPW”** Shall mean Learning Partnership West CIC.

**“Colleague”** Shall mean those who work for LPW under any type of contract, including, School Governors and Non-Executive Directors.

**“Vulnerable Adult”** The safeguarding duty applies to any adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs), and;
- is experiencing, or is 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. (Care Act 14.2)

Workers need to be vigilant about adult safeguarding in all walks of life (Care Act 14.29)  
If the person you are concerned about is aged under the age of 18 you should refer to LPW's separate Safeguarding Statement, Child Protection Policy and Guidance which are part of LPW's wider commitment to safeguarding and promoting the welfare of children and young people.

(for more information see appendix 2)

#### **“Abuse”**

- Abuse is the violation of an individual's human and civil rights by any other person or persons
- it may be something that is done to the person or something not done when it should have been
- it can be unintentional, but if a vulnerable adult is harmed this must be reported.

(for more information see appendix 1)

#### **1. Aim**

The principles guiding our safeguarding adults policy reflect those of The Care Act 2014 (this replaces the 'No Secrets' guidance)

Our Principles for safeguarding adults

The following 6 key principles will underpin all our work to safeguard adults (Care Act 2014, 14.13)



- Empowerment – People being supported and encouraged to make their own decisions and informed consent.
- 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.

We recognise that adult safeguarding arrangements are there to protect individuals, we all have different preferences, histories, circumstances and life-styles, and so it is unhelpful to prescribe a process that must be followed whenever a concern is raised. (The Care Act 14.14)

The response to safeguarding concerns must be personal to the individual. Making safeguarding personal means it should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. (The Care Act 14.15)

Safeguarding is the responsibility of everyone including statutory, independent and voluntary agencies as well as every citizen. We will work together to prevent and minimise abuse.

## **2. Purpose**

The aims of adult safeguarding 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 preventing, identifying and responding to 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, and;
- address what has caused the abuse or neglect. (Care Act 14.11)

The understanding and implementation by staff of these policies and procedures are essential as part of LPW's duty to safeguard adults.



### **3. In Practice**

We will always involve the adult from the beginning of the enquiry unless there are exceptional circumstances that increase the risk of abuse. Involvement may be supported by an independent advocate if the adult has substantial difficulty in being involved and where there is no other suitable person to represent and support them (appointed by the local authority). Where an independent advocate is appointed we will work closely with them to ensure they are able to carry out their duties.

Where an adult lacks capacity to make decisions about their safeguarding plans, a range of options should be identified, shared and discussed with the adult to enable them to remain in as much in control of their life as possible. Wherever possible, the adult should be supported to recognise risks and to manage them.

LPW believes that all people - adults and children - are entitled to a life without exploitation or abuse.

In all our work LPW will take into consideration the sensitive issues that may arise when working with people of differing age, race, religion, language, gender identity, culture, sexual orientation, physical and mental abilities.

LPW commit fully to:

- Following all principles and guidance set out within the Safeguarding Adults Multi – Agency Policy (Agreed by Safeguarding Adults Board in BANES, Bristol City, North Somerset, South Gloucestershire and Somerset County) August 2014 and subsequent reviews and also be involved where possible in assisting in the development of these principles.
- pro-actively safeguarding adults so that the need for action to protect adults from abuse is reduced.
- ensuring that the occurrence of abuse is prevented, and where it does occur; ensuring, where possible, that it is not allowed to continue and that an adult safeguarding referral is made.
- ensuring that all suspicions and allegations of abuse are taken seriously, responded to swiftly and appropriately and understood from the viewpoint of the victim.
- Ensuring that all workers, paid or unpaid, are conversant with LPW's policies and procedures for safeguarding adults
- Ensuring that all staff understand the mandatory nature of the above procedures, including the responsibility to report concerns to an appropriate person
- consulting with and referring to Social Care, and/ or in an emergency the Police where concerns about possible abuse arise.
- working with partner agencies to safeguard adults and giving every assistance to the local authority and police in carrying out their statutory duties.
- working within the framework of safeguarding legislation, regulations and guidance.



- ensuring that all LPW service users receive the advice and support that they need, including access to civil and criminal remedies, victim support services and advocacy service.

LPW will uphold this statement of intent by having:

- a clear commitment by senior management to the importance of safeguarding adults, and named Designated Senior Managers
- clear priorities for safeguarding adults within LPW's policies, working practices and procedures.
- a clear line of accountability within the organisation and a named lead person who is responsible for safeguarding within the organisation.
- recruitment and employment procedures that take account of the need to safeguard and promote the welfare of both children and adults.
- procedures for dealing with allegations of abuse against members of staff and volunteers
- appropriate and up-to-date training for all staff.
- appropriate induction to ensure and that all staff, including temporary staff and volunteers who work with children, are made aware of LPW's arrangements for safeguarding adults and their responsibilities for that.
- policies and procedures for safeguarding adults and procedures that are in accordance with the latest legislation and guidance.
- a culture of listening to, and engaging in dialogue with young people and taking account of those views in individual decisions and in the establishment or development of services.
- appropriate Whistle-blowing procedures.
- a complaints procedure, fully publicised to service users.
- a culture that enables issues about safeguarding to be addressed.

#### **4. Staff Conduct**

All workers must abide at all times by LPW's Conduct and Capability Policy

- Workers should not form social relationships outside of our service specification. Workers should not take young people to their homes, or give out their personal telephone numbers or personal e-mail addresses. To do so may be viewed as a disciplinary matter.
- Any inappropriate behaviour towards workers by a young person should be recorded, and if this behaviour was witnessed by others this should be recorded.



- Workers should avoid giving lifts to young people except to assist in the provision of housing and support services, or as part of organised activities.
- Workers should not enter into a close relationship, physical, emotional, or sexual, with any of our service users. This will be viewed as a disciplinary matter. To enter into a relationship with any service user outside the boundaries of our service specifications will result in disciplinary action and may be considered as gross misconduct.
- Workers must never threaten or physically punish children or young people in their care. Any use of corporal punishment is not permitted. This will be viewed as a disciplinary matter.

The term corporal punishment should be taken to include:

- any application of force as a punishment; slapping; throwing missiles; rough handling.
- punching or pushing in the heat of the moment in response to violence from young people.

It does not prevent a worker from taking necessary physical action where any other course of action is likely to fail to avert the immediate danger of personal injury to a young person, the worker or another person, or the immediate danger to property. This must be following the guidance provided in restraint training.

- Workers are required to follow clear procedures to prevent staff from personal benefit when working with children and vulnerable adults.

Where service users have a need for financial advice they must be referred to an appropriate external financial advice service. It is outside of the professional role of all staff at LPW to provide financial advice, other than:

- assistance with budgeting
- basic debt advice where staff have the relevant skills and experience

Staff must never take on the power of attorney, and if requested to do so then this should be discussed with the line manager so that appropriate support and advice can be provided to the young person.

Gifts offered or given to staff by service users (or vice versa) must be reported to the line manager so that a decision can be made on how the gift, or offer of a gift, should be dealt with.

All staff are required to account fully for any monies paid to LPW, or handled by LPW staff, on behalf of a service user (for example individual grants). Staff must follow the procedures contained in the Financial Regulations and the Bribery Policy when accounting for any monies held by LPW or LPW's workers on behalf of a service user.

Several of the above are police as well as disciplinary issues and will be treated as such.

## **5. Information Sharing and Confidentiality**

As a general rule LPW will only disclose information that identifies the service user with that person's consent. Consent should be sought from the individual thought to be experiencing abuse / neglect if he/she has capacity. However you may not do so if this would:



- place the alleged victim at increased risk of significant/serious harm
- place a third party at risk of harm
- prejudice the prevention or detection of a serious crime

Workers must seek the approval of the line manager or other designated manager before disclosing any information without the consent of the service user  
For further information refer to the LPW's Child Protection Guidance.

## **6. Responsibilities**

### 6.1. Designated Senior Staff Member for Child Protection

6.1.1. LPW Safeguarding Officer (SO) has lead responsibility for child protection and safeguarding. Adam Carter (Director of Children and Young People Support) is the SO. Within the school, the Designated Safeguarding Lead (DSL) holds responsibility for child protection and safeguarding. David Simons (Director of Learning and Head teacher) is the DSL.

6.1.2. The SO has a key duty to take lead responsibility for raising awareness amongst staff of issues relating to the welfare of children and young people, and the promotion of a safe environment for children and young people.

6.1.3. The SO will oversee the referral of alleged harm or abuse to the relevant investigating agencies in line with LSCB procedures.

6.1.4. The SO is also responsible for ensuring that:

- Advice and support to staff on issues relating to safeguarding and child protection, including e-safety, is provided
- A proper record of any child protection referral, complaint or concern is maintained (even where that concern does not lead to a referral)
- LPW liaises with local authorities, LSCB and other appropriate agencies. LPW liaises with Youth Offending Teams to ensure that appropriate arrangements are made
- Staff receive initial safeguarding training and are aware of LPW safeguarding and child protection procedures.

## **7. Future Developments**

This policy is kept in line with LPW practice and current legislation and may change from time to time as business practice, case law and legislation changes.



## **APPENDIX 1: Definitions of harm and abuse**

This is not intended to be an exhaustive list, but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern. (Care Act 14.16). What constitutes abuse or neglect can take many forms and the circumstances of the individual case should always be considered.

Types of abuse include:

- Physical abuse – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- Domestic abuse – 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.



(Care Act 14.17)

If any of the above are perpetrated by someone who is or has been an intimate partner or family member of the vulnerable person the abuse can also be seen as Domestic Abuse.

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's disability, race, religion or belief, sexual orientation, transgender identity. Any safeguarding concern that reflects should be reported to the local Police.



## **Appendix 2: Who abuses and Neglects adults**

Anyone can carry out abuse or neglect, including:

- spouses/partners;
- other family members;
- neighbours;
- friends;
- local residents;
- acquaintances;
- local residents;
- people who deliberately exploit adults they perceive as vulnerable to abuser;
- paid staff or professionals, and;
- volunteers and strangers. (Care Act14.27)

Abuse can happen anywhere, for example, in someone's own home, in a public place, in hospital, in a care home or in college. It can take place when an adult lives alone or with others. (14.28)

Neglect can be intentional or unintentional and it is important to understand that being unintentional does not mean it is not abusive. There can be abuse in any relationship, often occurring where the person abusing is in a more powerful position than the person being abused. The abuser may be more able than the person being abused, or the abused person may be dependent on the abuser in some way.



### **Appendix 3:**

#### **WHAT YOU SHOULD DO**

Remember that whilst hearing allegations of abuse and reporting your concerns is not always easy it is your duty to report your concerns in line with these procedures, and it may be considered a disciplinary offence not to do so.

#### **IMMEDIATE PROTECTIVE ACTION**

- Ensure that the person subject to alleged abuse is safe and supported before proceeding with any other action
- Ensure they receive any medical attention required.
- In certain circumstances it will be necessary to take immediate action to protect the vulnerable adult by calling the police and/or by suspending a member of staff.

#### **WHEN AND HOW TO CONTACT THE POLICE**

Direct calls to the police should be reserved for incidents of assault and violence where an element of urgency applies, in which case you should call 999 call.

If you believe a crime has been committed call the police on 0845 456 7000. Make a note of the log or "STORM" number you are given and include it in any adult safeguarding referral.

#### **PRESERVING EVIDENCE**

Be aware that in certain situations medical, or other evidence will be needed. You may need to lock rooms, or ensure that equipment and documents are secured appropriately so that evidence cannot be tampered with. If there has been physical or sexual assault you should not clear up, move things, wash people, things, bedding or clothing before you report the incident or taken the advice of the police.

Remember to:

- stay calm and try not to show if you are shocked,
- listen carefully and be sympathetic, you don't need to press the person for lots of detail, indeed taking a full written statement from the person at this point could be too stressful and jeopardise any future police investigation.
- tell the person they have done the right thing in telling you, and that the abuse is not their fault
- tell the person that you are treating what they said seriously and that you will be talking to your manager about it.
- tell them that you will do your best to support them.
- clarify with them the nature of the abuse and establish if it needs an urgent response. If so keep them as calm as possible until the police arrive.
- make sure that everything you do keeps the person safe for now.
- if you contact or question the alleged abuser you may be placing the vulnerable adult at risk.
- do keep to information sharing protocols, only share the persons' information with the people who need to know, observe the confidentiality of all concerned at all times.

It may be that the person you are seeking to protect asks you not to do anything at all, although they say they are being abused. Whilst respecting this it is important that you **MUST**



share it with your manager, but assure them that you are listening to them and will let your manager know that they want nothing more to happen.

If the person is experiencing life threatening abuse, or abuse likely to lead to serious mental or physical harm, or a child or other vulnerable adult is also at risk, the vulnerable persons wishes for the matter not to be reported may be overridden.

### **IF A CHILD IS BEING HARMED OR IS AT RISK OF HARM**

- The matter must be reported immediately to Children and Young peoples services by telephoning the local area office
- Follow our Child Protection Policy and Procedures and refer to the South West Child Protection Procedures for further information on what to do.

### **REPORTING YOUR CONCERNS**

If you urgently need to make a safeguarding referral speak to your Line Manager, Duty Manager or, if unavailable, a designated LPW Child Protection Lead Person (Director of CYP Support) or another Executive Director.

Whatever the source of the information it must be treated seriously, checked, recorded and shared with your manager. All care agencies and professions share equally the responsibility for the identification of abuse, and for ensuring appropriate action is taken.

Please also refer to section 6 of the Child Protection Policy.

### **HOW TO REPORT YOUR CONCERNS**

When you come to report your allegation you will be expected to give relevant details of the person you seek to protect.

You should complete as much information as possible but do not delay. It is useful to pass on:

- name and date of birth
- circumstances, where they live and with whom
- services they receive and from whom
- who is providing the information
- who was the person suspected or implicated in the abuse
- your concerns, and the reasons for those concerns

If you do not have all this information and the situation is urgent do not delay, report it first. There should be no delay in reporting serious concerns.

If you are quoting someone else then be sure this is clear when reporting, it is important that the initial referral is clear, so try use the person's own words.

Ensure all records are signed and dated.

The information will be treated in the strictest confidence within the limits of the law, which requires that the police are informed where there is serious risk to life, or information about a serious crime is discovered.

### **WHAT HAPPENS NEXT?**



A Safeguarding Adults referral will be given high priority. It indicates that there is a risk to an individual's physical, emotional, or mental wellbeing and is considered a critical or substantial risk to independence under section 42 of the Care Act eligibility criteria.

The Council have the duty to co-ordinate the interagency response to safeguarding adults referrals, and will consult with the Care Quality Commission (CQC), the Police, and other relevant agencies where this is appropriate.

If an investigation is indicated they may convene a strategy discussion to decide the best way to investigate the allegation(s).

A team manager or someone of equivalent seniority will be the coordinating manager responsible for ensuring that the allegation is dealt with properly.

### **SUSPENDING STAFF**

If LPW are suspending a member of staff please remember that suspension does not confirm guilt, and it is not a disciplinary penalty in itself. Frontline managers should be aware of their own organisation's disciplinary procedures, and in particular what arrangements are required if suspension is needed out of normal working hours.

### **KEEPING PEOPLE INFORMED**

Where a service user has disclosed information about abuse or the risk of abuse the LPW manager/worker should ensure, as far as they are able to, that the "discloser" is kept informed about what will happen next. This will help to re-assure them about what to expect.

All workers who continue to have a role should keep themselves and other professionals involved and informed throughout.