

Policy Name	Safeguarding Adults and Children at Risk
Version No.	5.4
Approval Date	25.02.19
Category	Corporate
Classification	Internal

<b>Safeguarding Adults and Children at Risk</b>	
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### Version Control

Version	Date	Description	Updated By	Approved By
5.3	01.02.18	Previous format	Fiona Robbins	ELT and Operations Committee
5.4	25.02.19	Updated Format and high level review	Faye Pemberton-Crow	Executive Director Operations

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## 1. Policy Purpose & Aim

The purpose of this policy is to protect adults and children from abuse, within ExtraCare Charitable Trust (ECCT) locations and to ensure where incidents occur, to then report them to other agencies for further investigation under regulatory guidelines, whilst protecting the human rights of the individual and minimising any risk and exposure for ECCT.

The following key principles apply to all sectors and settings including care and support services. These principles underpin ECCT's approach to safeguarding:

- 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; and
- Accountability – Accountability and transparency in delivering safeguarding.

## 2. Objectives

The objectives of this policy, as associated work instruction, are to:

- Ensure all staff understand what constitutes an 'at risk' person and are able to recognise forms of abuse, potential risks of abuse and reportable cases;
- Ensure allegations and actions are documented appropriately;
- Ensure staff work with other agencies to resolve safeguarding cases for the benefit of the individual, whilst ECCT analyses safeguarding data to identify risks and trends and act accordingly;
- Staff are appropriately vetted and their continued suitability to carry out their role is monitored; and
- Ensure customers know that we deal with allegations appropriately and treat risks seriously.

## 3. Scope of Policy

This policy applies across all ECCT owned or managed locations.

This policy aims to protect from harm:

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- Resident living in our properties (across all tenures) and / or receiving a service from ECCT;
- Staff, contractors or agents working for ECCT; and
- Visitors to any ECCT owned or managed locations.

The policy has been developed in accordance with the relevant statutory guidance.

## 4. Responsibilities

### All Staff

Safeguarding is everyone's responsibility, including all staff, managers, directors, board members and involved customers. Everyone has a responsibility to spot and act upon concerns of abuse or neglect.

### All Managers

All Village/Scheme Managers and Heads of Care/Care Managers are to know and understand the reporting criteria for their local authorities with regard to safeguarding adults, and also be aware of the local information sharing arrangements.

Village/Scheme Managers are responsible for identifying complaints which could be classed as a safeguarding concern and are to ensure that these are recorded as such.

All Village/Scheme Managers and Heads of Care/Care Managers are responsible to reporting safeguarding to the CQC and Local Authority in line with the local reporting criteria.

### Company Secretary

To notify insurers or report cases of serious concern to the Charity Commission or Regulator for Social Housing if necessary.

### Care Service Excellence Manager

To identify cases that may result in an insurance claim, in conjunction with the Care Performance and Standards Officer, and reported to the Company Secretary who will notify our insurers.

To, in conjunction with the Care Performance and Standards Officer, report upheld by the local Adult Safeguarding Board to the Company Secretary and support them in deciding if the case is deemed as a 'serious concern' which needs reporting to the Charities Commission or other regulators.

### Care Standards and Performance Officer

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The Care Performance and Standards Officer will act as the safeguarding lead for the organisations and will monitor trends and identifies key risks for service improvements and reports to the Operations Committee on a Quarterly basis.

## 5. Monitoring & Review

Safeguarding will be subject to existing scrutiny and oversight processes including day to day supervision and line management control.

Staff complete safeguarding records and retain appropriate documentation to enable cases to be concluded satisfactorily, via Management Reporting Matrix (COLIN).

Performance and Standards Officer monitors trends and identifies key risks for service improvements and reports to the Operations Committee on a Quarterly basis. This policy will be subject to a full review at least every year.

## 6. Risk Management

The Care Performance and Standards Officer will act as the safeguarding lead for the organisations and will monitor trends and identifies key risks for service improvements and reports to the Operations Committee on a Quarterly basis.

Key risks in regarding to safeguarding are monitored via quarterly reporting to the operations committee on the number of safeguarding referrals and details of any cases upheld.

Safeguarding is also monitored as a key risk on the Business Assurance Framework and monitored via the AA Committee.

## 7. Statement of Commitment

### 7.1 Definitions

#### 7.1.1 Definition of Abuse

Under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, 'abuse' means:

- Any behaviour towards a person using services that is an offence under the Sexual Offences Act 2003(a);

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- Ill-treatment of a person whether of a physical or psychological nature;
- Theft, misuse or misappropriation of money or property belonging to a person using services; or
- Neglect of a person using services.

Forms of abuse include, for are not exclusive to, Physical abuse, domestic violence, sexual abuse, psychological abuse, financial or material abuse, modern slavery, neglect and acts of omission, discriminatory abuse, organisational abuse and self-neglect.

### 7.1.2 Who is an Adult at Risk?

Safeguarding duties apply to an adult who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- Is 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.

### 7.1.3 Who is a Child at Risk?

A child is defined in the Children Acts 1989 and 2004 as anyone who has not yet reached their 18<sup>th</sup> Birthday. Safeguarding and promoting the welfare of children in Working Together to Safeguard Children (2006) is defined as:

- Protecting children from maltreatment;
- Preventing impairment of children's health or development; and
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care and undertaking that role so to enable those children to have optimum life chances and to enter adulthood successfully.

## 7.2 Reporting of Adults at Risk Cases

Every individual has a responsibility to report any concerns they have to their Line Manager and the Manager to the relevant lead in the Local Authority who has responsibility for safeguarding. The police are to be notified where a crime has been or may have been committed.

Should the Line Manager be implicated it should be reported to the next level within the management structure.

Managers should obtain and record accurate details of the allegation from all sources. However, staff should not record (video or audio) instances of unacceptable, including indecent or antisocial behaviour on electronic devices including work or personal mobile

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phones, laptops and tablets, nor advise residents or others to do the same as this constitutes abuse.

CQC will be notified about abuse or alleged abuse involving a resident or other service user, including where the person is the victim or the abuser, using the required forms.

When a safeguarding allegation is raised this should be reported on the Management Reporting Matrix (COLIN).

Any documentation regarding cases should be stored securely and, on request, sent to the Performance and Standards Officer. It has been agreed with ECCT insurers that documentation will be stored electronically for a period of 25 years for safeguarding cases where abuse is defined as:

- Acts of hurting or injuring mentally or physically by maltreatment;
- Ill-use;
- Acts of forcing sexual activity, rape or molestation;
- Repeated or continuing contemptuous coarse or insulting words or behaviours; or
- Misadministration of drugs (including failure to administer) do not generally fall within this requirement, until this is continuous misadministration by an individual or individuals, in which case it would need retaining.

Retention of documentation in such cases as listed above is required for both upheld and not upheld cases in which ECCT staff are implicated.

Should a safeguarding be upheld against ExtraCare the Manager is to provide a report to their Regional Operations Manager and the Performance and Standards Officer to facilitate correct reporting.

### **7.3 Provide reassurance and supporting customers**

All those making a complaint, an allegation or expressing a concern, whether they be staff, residents, relatives or others should be reassured that:

- They will be taken seriously;
- They will be dealt with in a fair and equitable manner;
- Their comments will usually be treated confidentially but their concerns may be shared if they or others are at significant risk;
- If residents, they will be given immediate protection from the risk of reprisal or intimidation; and
- If staff, they will be given support and afforded protection if necessary e.g. under the Public Disclosure Act 1998.

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ECCT will ensure ongoing safety of the person at risk whilst the case is ongoing.

Where appropriate and with permission of the person involved ECCT will contact relatives, next of kin or others.

Where appropriate and with permission of the person ECCT will arrange advocacy services.

#### **7.4 Staff/Volunteer Investigations relating to Safeguarding Cases**

Any investigation or disciplinary action against staff or volunteers resulting from a safeguarding allegation will be undertaken in line with the relevant ECCT's Disciplinary Policy.

#### **7.5 Protection of Children**

If it becomes known to ECCT that a person, who could be a member of staff, resident, contractor or visitor, although this list is not exhaustive, has any convictions for, or history of, child abuse ECCT will take reasonable steps to protect children whilst in the location.

Any concerns by staff, or allegation or suspicion of abuse against a child, will be reported to the Manager who will contact the local Child Protection Unit and record that this has been reported.

## **8. Information and Training**

ECCT recruitment, selection, support, supervision and training of staff will take into account the need to promote the health and safety of residents and customers and safeguard them from abuse.

All members of frontline staff who have regular contact with vulnerable adults and/or children will be subject to employment checks and Criminal Records Bureau / Independent Safeguarding Authority (ISA) checks, where appropriate. It will be an offence for any employer to employ someone, paid or unpaid, in a regulated activity when that person is known to have been barred by the ISA.

As part of their induction into ECCT, all staff will be trained in the implications and processes involved with the safeguarding of vulnerable adults and children, and will be trained in how to identify signs of abuse and neglect. Villages and Care Managers will be expected to understand their location safeguarding framework.

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## 9. Other Relevant ECCT Policies & Documents

<b>General</b>	<ul style="list-style-type: none"> <li>• Reporting and documenting safeguarding work instruction*</li> <li>• Mental capacity Policy</li> <li>• Complaints Management Policy</li> <li>• Management of medication Policy</li> <li>• Disciplinary Policy</li> <li>• Whistle Blowing Policy</li> <li>• DBS Policy</li> </ul>
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\*To be reviewed in line with the update to this policy

## 10. Relevant Legislative & Regulatory Requirements

Legislation	Regulation	Guidance
The Care Act 2014	Care and Support Statutory Guidance Section 14, page 231 (Issued under the Care Act 2014) Department of Health	Safeguarding Adults :Multi-agency policy and procedures for the West Midlands (Report 60) which covers the following local authorities: Telford and Wrekin, Shropshire, Wolverhampton, Walsall, Sandwell, Dudley, Birmingham, Coventry, Solihull, Worcestershire, Warwickshire and Hereford
The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014		
Mental Capacity Act 2005		
Care Quality Commission (Registration) Regulations 2009		
		Prevent Duty Guidance 2015
		Charity Commission Guidance for Trustees on Reporting Serious Incidents – September 2017
		Charity Commission Strategy for dealing with safeguarding issues in charities – December 2017

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