

Safeguarding Vulnerable Adults Policy

1 Purpose

Describes Encircle Housing Association's approach to safeguarding vulnerable adults and provides clear implementation guidance/instruction.

2 Legal and Regulatory responsibilities (not exhaustive)

Safeguarding legislation, case law and national standards are set out in Appendix 1 (England and Wales) and Appendix 2 (Northern Ireland). This policy statement and implementation procedures comply with Human Rights Act 1998 – Article 8(1) and Data Protection Act 2018.

3 Awareness

Employees, potential employees (paid or unpaid) will be made aware of their responsibilities and external contracts will include a Safeguarding Adult clause.

4 Scope

The Policy and associated procedures apply to:

- Vulnerable adults, their families, carers, advocates and visitors.
- Employees, Board members and volunteers.
- Contactors, sub-contractors or agents working at Encircle accommodation or premises.

5 Objectives

- Minimises risk of harm by working with Local Authorities and partner agencies to ensure that safeguarding concerns are raised, and information is effectively shared.
- Ensures staff can recognise signs of abuse or neglect.
- Ensures staff can act upon and report suspected/actual incidents of abuse or neglect and respond to immediate safety needs.
- Describes how incidents and actions are recorded and monitored internally and externally.

6 Responsibilities

- The Managing Director is responsible for this policy and ensuring delivery by delegating appropriate responsibilities.
- Encircle Housing Senior Management Team will develop awareness of the issues which cause harm to adults in need of protection; and to help maintain a safe environment for those adults.
- Encircle Housing will co-operate with relevant local authority leads to safeguard vulnerable adults and adopt new practice learnt from Serious Adult Reviews.
- A Safeguarding Adults annual report will be presented to Encircle HA's Board and Senior Management Team.
- Safeguarding referrals will be recorded on a data base accessible to Safeguarding leads only.
- Disclosure and Barring Service (DBS) checks will be carried out and maintained as needed.
- Adult Safeguarding training will be provided as part of employee induction.
- Staff must ensure that they undertake the relevant training identified for their post.

- Staff will implement Safeguarding training adhering to all instruction.
- Encircle Housing will include a legal clause to ensure that contractors understand their safeguarding role and are competent within this area.

7 Definitions

Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.

Safeguarding adults includes:

- Protecting people's right 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.

"Vulnerable Adults" are described by The Regional Vulnerable Adult Protection Forum has adopted the Law Commission for England and Wales (1995) as:

'a person aged 18 years or over who is, or may be, in need of community care services or is resident in a continuing care facility by reason of mental or other disability, age or illness or who is, or may be, unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation'.

This includes all adults in need of protection irrespective of their age, religion, culture, disability, gender, ethnicity, sexual orientation, nationality, family, dependency, or marital status have the right to protection from abuse.

Contractors include consultants and mean where an outside agent is paid to:

- provide services to Encircle Housing Association.
- Provide services to others on behalf of Encircle Housing Association.
- Carries out functions on behalf of Encircle Housing Association.

8 Monitoring the policy

All Ongoing Safeguarding cases will be reported weekly at Senior Management Meeting and periodically at to the Board.

Review Process			
Policy review frequency:		Responsible for review:	
2 yearly basis		The Safeguarding Lead Officer will review this policy/procedure.	
Version Control			
Version	Date approved	Next review date	Author / Title
V1.01		6 months from implementation	Emma Peploe, HOH

Safeguarding Adults Procedure

Immediate Action

Your first duty is to safety. The immediate situation **MUST** be dealt with prior to completing forms and making referrals. Completing the correct paperwork and informing the correct people will not address immediate threat and or danger.

Before considering raising a safeguarding concern you **MUST** consider the immediate threat posed to the vulnerable person and ensure that action is taken to make them safe. This may involve removing them or removing the threat to make the person safe.

The following issues must be considered while dealing with the immediate situation:

- **Is the perpetrator also a vulnerable person?** If so, this must be considered whilst responding to the situation as they may need support too.
- **Sensitivity, confidentiality,** and data protection policy must be applied
- Is the situation causing **immediate danger or threat** of harm which creates an urgency?
- Is there **something that can be done now** to address immediate threat?
- If the situation cannot be made safe and/or your position does not enable you to do the above, you **MUST** contact colleagues who can provide resources and support to assist in addressing the problem. At this point you must inform your line manager and Safeguarding Lead Officer.

Once all reasonable steps have been taken to address the immediate threat an alert must be raised to the appropriate local authority.

Raising a Safeguarding report/concern/alert

A Safeguarding alert advises the local authority of a potential or actually harmful situation. They will consider information provided regarding the threat, alongside mitigating action and then decide if the situation has been resolved and can be closed or if a multi agency Safeguarding Meeting needs to be convened to explore interventions and create a safeguarding plan to address the situation. These plans are part of a statutory function and are very important.

An alert must be raised where there is a concern that a child or vulnerable adult may be suffering abuse in line with the definitions described at appendix 4 and is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) Personal characteristics (may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.) AND/OR
- b) Life Circumstances (may include, but are not limited to, isolation, socioeconomic factors and environmental living conditions); AND
- c) Who is unable to protect their own well-being, property, assets, rights or other interests; AND
- d) Where the action or inaction of another person or persons is causing, or is likely to cause, him or her to be harmed.

In order to meet the definition of an 'adult in need of protection' either (a) or (b) must be present, in addition to both elements (c), and (d).

Anyone can raise a safeguarding concern. Each Local Authority advertises how to do this on their websites. Members of the public, a neighbour, family members, advocates, professionals or victims can contact their local authority to raise a concern and will be guided to provide the necessary information.

Sometimes people living within adult services (such as supported living) may still be within the arena of Children's Services due to their history and a transition period whilst they leave Children's Services and move to Adult Services. This means there are times when a local authority will steer you to the Safeguarding Children's route to raise a concern. They are both very similar.

Each local authority will have its own safeguarding form for completion, but they broadly cover the same information. Sometimes the process will involve completing an online form.

If you are unable to access the local authority form you may use the one at appendix 3, which includes the vital information that they will need. You may however still be asked to complete their standard form once they have reviewed the information.

If the process is an on-line system you will need to complete the form at appendix 3 to ensure that internal records are maintained.

A copy of the completed form must be emailed to the Safeguarding Lead Officer at the same time that they are sent to the Local Authority.

The Safeguarding Lead Officer will monitor cases and request updates to plans and actions. This information will be fed into periodical reports to Senior Management Team and the Board.

Appendix 1

Safeguarding Legislation and Policy Framework for Safeguarding Adults (England)

Safeguarding Adults (England)	
White Paper Modernising Social Services 1998	Stresses the importance of protection for adults needing care and support
No Secrets 2000	IMPORTANT NOTE: No Secrets 2000 was repealed by the Care Act 2014 on 1 April 2015. The act contains replacement and mandatory requirements around adult safeguarding. See chapter 14 of 'Care and Support Statutory Guidance' Retained for best practice/examples purposes only 'No Secrets' sets out a code of practice for the protection of vulnerable adults and contains guidance for local agencies who have responsibility to take action when a vulnerable adult is believed to be suffering abuse
Sexual Offences Act 2003	Outlines a range of offences against children and adults with a mental disorder
Disability Discrimination Act 2003	Significantly extends the rights of disabled people
Domestic Violence Crime and Victims Act 2004	Strengthens the protection available to victims of domestic violence by: <ul style="list-style-type: none"> • Criminalising any breach of a non-molestation order • Extending the availability of restraining orders • Making common assault a criminal offence • Introduces a new offence of causing or allowing the death of a vulnerable adult.
Mental Capacity Act 2005	It aims to protect people who cannot make decisions for themselves due to a learning disability or mental health condition. It sets out a single clear test for assessing whether a person lacks capacity to make a decision at a particular time
Safeguarding Adults – National Framework of Standards 2005	This document collects best safeguarding practice and sets it within 11 good practice standards. These are to be used as an audit tool and guide for those implementing adult protection work.
Safeguarding Vulnerable Groups Act 2006	Strengthens the local governance arrangements for safeguarding by putting Safeguarding Adults Boards on a statutory footing.
Mental Health Act 2007	This makes changes to the procedures for authorising the deprivation of liberty of a person in a hospital or care home who lacks capacity to consent to being there.
Protection of Freedoms Act 2012	Scaling back the criminal records and barring systems to more proportionate levels whilst ensuring that they continue to provide effective protection for those who need it. From 1st December the CRB & Safeguarding Adults and Children Policy Statement Page 9 of 14 Version 3.0 August 2019 Independent Safeguarding Authority merged to become the Disclosure and Barring Service. Legislative changes came into force during 2013/14.
Care Act 2014	The key principles for the Care Act are promoting the wellbeing of individuals and in turn making safeguarding personal. It outlines six key principles which seek to increase the protection of vulnerable adults; <ol style="list-style-type: none"> 1. Empowerment – taking a person centred approach whereby users feel involved and informed

	<p>2. Protection – delivering support to victims to allow them to take action protecting them from further harm</p> <p>3. Prevention – to take action before harm occurs</p> <p>4. Proportionality – ensuring outcomes are appropriate for the individual</p> <p>5. Partnership – information is shared appropriately and the person is involved</p> <p>6. Accountability – all agencies have a clear leadership role in promoting the six key principles</p> <p>The Care Act contains replacement and mandatory requirements around adult safeguarding. See chapter 14 of ‘Care and Support Statutory Guidance’</p>
<p>Modern Slavery Act 2015</p>	<p>Addresses the problem of slavery and human trafficking in the 21st century. It is designed to improve law enforcement tools, strengthen criminal penalties and deliver better support and protection for victims.</p>
<p>Department of Health’s Care and Support Statutory Guidance 2017</p>	<p>Replaces, No Secrets 2000, which was repealed by the Care Act 2014 on 1 April 2015. The act contains replacement and mandatory requirements around adult safeguarding for Local Authorities and other agencies. See chapter 14 of ‘Care and Support Statutory Guidance’</p>
<p>Making Safeguarding Personal: What might ‘good’ look like for those working in the housing sector? Local Government Association (November 2017)</p>	<p>Making Safeguarding Personal sits firmly within the Department of Health’s Care and Support Statutory Guidance, as revised in 2017. It means adult safeguarding:</p> <ul style="list-style-type: none"> • is person-led; • is outcome-focused • engages the person and enhances involvement, choice and control • improves quality of life, well-being and safety <p>Making Safeguarding Personal must not simply be seen in the context of a formal safeguarding enquiry (Care Act 2014, Section 42 enquiry) but also in the whole spectrum of activity.</p>

Appendix 2

Safeguarding Legislation and Policy Framework for Safeguarding Adults (Northern Ireland)

Safeguarding Adults (Northern Ireland)	
The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007	Makes provision for checking persons seeking to work with children or vulnerable adults, and for barring those considered to be unsuitable for such posts, whether in paid employment or voluntary work.
The Health & Personal Social Services (Northern Ireland) Orders and the Health and Social Care (Reform) Act (Northern Ireland) 2009	Placed a statutory legislative requirement on certain HSC organisations to involve and consult patients, families, carers and local communities on the planning, delivery and evaluation of services. In particular, HSC organisations were required to develop individual consultation schemes setting out how they would involve and consult with the Patient Client Council, service users and carers on: <ul style="list-style-type: none"> • the planning of how their services are delivered • the development and proposals for change in the way care is provided • decisions affecting the provision of care
The Criminal law Act (Northern Ireland) 1967	An Act to abolish the division of crimes into felonies and misdemeanours, to amend and simplify the law in respect of matters arising from or related to that division or the abolition of it, to make further provision with respect to criminal proceedings and offences; and for purposes connected with any of those matters.
The Health and Personal Social Services Act (Northern Ireland) 2011	An Act to establish a Northern Ireland Social Care Council and make provision for the registration, regulation and training of social care workers; to make provision about the recovery of charges in connection with the treatment of road traffic casualties in health services hospitals; to amend the law about the health and personal social services; to confer power to regulate the profession of pharmaceutical chemist; and for connected purposes.
The Mental Health (Northern Ireland) Order 1986	This Order covers the assessment, treatment and rights of people with a mental health condition.
The Police and Criminal Evidence (Northern Ireland) Order 1989	Legislation detailing the powers of the police in NI
The Criminal Evidence (Northern Ireland) Order 1999	Details evidence required for criminal cases in NI
The Disability Discrimination Act 2003	Significantly extends the rights of disabled people
The Race relations (Northern Ireland) Order 1997	Prohibits racial discrimination of any person
The Public Interest Disclosure (Northern Ireland) Order 1998	Provides protection for an individual who makes a qualifying disclosure (also referred to as whistle blowing) in good faith to their employer or other third party against dismissal or detriment for making the disclosure
The Family Homes and Domestic Violence (Northern Ireland) Order 1998	The legislative framework which allows victims of domestic violence/ abuse to apply for protective civil orders. These are usually granted in the Domestic Proceedings Court (Magistrates Court) but can also be made by the County Court and High Court.
The Northern Ireland Act 1998, Section 75	Aim was to change the practices of government and public authorities so that equality of opportunity and good relations are central to policy making, policy implementation, policy review and service delivery.
The Sexual Offences (Northern Ireland) Order 2008	Incorporated significant changes to the law in relation to sexual offences in Northern Ireland, better protection from sexual abuse and exploitation and seeks to clarify issues surrounding consent in sexual assault cases and rape.

Appendix 3

SAFEGUARDING REPORT FORM

Each Local Authority has a procedure for raising safeguarding concerns. The instructions are available on the Council's website. In case of difficulty in obtaining a specific reporting form, you should use the one below to gather and share the general information required.

Send completed forms to the relevant local authority including a copy to Encircle's Safeguarding Officer by secure email with a 'read receipt' option; once read, permanently delete from your 'sent' box. Or deliver by hand in a sealed envelope marked 'Confidential' **Do not keep a copy.**

Date concern reported:		Category of abuse: (see appendix 4)	
Details of person raising concern			
Name:		Position:	
Contact number:		Address:	
Are you reporting your own concerns Yes/No			
If you are acting on behalf of someone else:			
Name:		Relationship to vulnerable person:	
Contact number:		Address:	
Details of vulnerable person			
Name:		Address:	
Contact number:		DOB	
Nature of Vulnerability: e.g. physical disability			
Details of the person presenting potential risk			
Are they a: (please circle) Relative/carer/neighbour/visitor/professional/member of the public. Provide details:			
Do they live at the same address or within the immediate vicinity? Yes/No			

Provide details of conversation with vulnerable adult:

Are they aware that an alert is being raised? Yes/No

Provide details of conversation(s) with carer and/or advocate?

Appendix 4

Categories of Abuse

Type of Abuse	Adults
Physical abuse	Physical ill treatment of an adult which may or may not cause physical injury This includes pushing, shaking, pinching, slapping, punching and force feeding It can also include the use of inappropriate methods of restraint or forced isolation and confinement
Sexual Abuse	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 or Emotional Abuse	The use of intimidation, hostility, threats, humiliation, shouting, swearing, discriminatory language or acts of indifference or rejection towards a vulnerable adult This may result in the adult's choices, wishes and opinions being affected adversely or the person becoming physically and emotionally isolated It includes preventing the person obtaining information, advice or services which could help them
Financial Abuse	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.
Neglect and acts of omission	The deliberate withholding of or failure to provide the help or support a person needs to carry out activities of daily living It includes the failure to provide appropriate intervention or support to help a person, who does not have the capacity to assess risk, to deal with situations which are dangerous for them or other
Discriminatory Abuse/ Hate Crime	Abuse or discrimination on the basis of: Any incident which may or may not constitute a criminal offence, which is perceived by the victim or other person as being motivated by prejudice The prejudice or hate can be based on any identifying factors including disability, race, religion, gender, sexual orientation or transgender
Domestic Violence	Incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality. This includes psychological, physical, sexual, financial, emotional abuse or honour-based violence such as forced marriage.

Modern slavery	This includes slavery, human trafficking, forced labour and domestic servitude.
Mate crime	This is when people are befriended or groomed for exploitation and abuse
Forced marriages	A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and pressure or abuse is used. It is an appalling and indefensible practice and is recognised in the UK as a form of violence against men and women.
Institutional/Organisational Abuse	Processes, attitudes or behaviours that amount to discrimination through unwitting prejudice, ignorance or thoughtlessness and lead to the mistreatment of an individual by an institution. It can also occur through repeated acts of poor or inadequate care or bad professional practice, threats, enforcement of rules or regulations outside of tenancy agreements, common law or human/ civil rights. Creating an institution around someone's own home.
Self Neglect	Being unable to feed, hydrate or medicate self (where necessary), or to protect themselves from serious harm (fire), or with hygiene so poor that their health or the health of others is compromised.