

# Safeguarding Policy

October 2018

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## 1. Introduction

1. ADCA is committed to safeguarding and promoting the welfare of vulnerable adults and children across the whole range of its activities. The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of ADCA in relation to the protection of children and vulnerable adults from abuse.
2. All children and adults have the right to be safe from harm and should be able to live free from fear of abuse, neglect and exploitation.
3. The key objectives of this policy are:
  - a. To explain the responsibilities ADCA and its staff, volunteers and trustees have in respect of children and vulnerable adult protection.
  - b. To provide an overview of children and vulnerable adult protection
  - c. To provide a clear procedure that will be implemented where children or vulnerable adult protection issues arise.

## 2. Context

1. ADCA provides services to vulnerable adults and also comes into contact with children through shared activities with organisations that provide services for them. In some of ADCA's 'all age activities' and drop in sessions, some parents attend with their children. Therefore this safeguarding policy covers both aspects of safeguarding although ADCA staff, volunteers and trustees will not be providing direct support or services to any unsupervised children at any time.
2. For the purpose of this document, 'children' includes everyone under the age of 18 and 'adult' means a person aged 18 years or over.

## 3. Definitions

1. Safeguarding relates to the action taken to promote the welfare of children and vulnerable adults and protect them from harm. Safeguarding is everyone's responsibility.
2. Safeguarding is defined in 'Working Together to Safeguard Children 2013' as:
  - a. protecting children from maltreatment;
  - b. preventing impairment of children's health and development;
  - c. ensuring that children grow up in circumstances consistent with the provision of safe and effective care
  - d. taking action to enable all children to have the best outcomes.
3. Trustees of charities which work with vulnerable groups must always act in their best interests and ensure they take all reasonable steps to prevent harm to them. Having safeguards in place not only protects and promotes the welfare of children and vulnerable adults but also it enhances the confidence of trustees, staff, volunteers, parents/carers and the general public [Charity Commission].
4. For the purposes of child protection legislation the term 'child' refers to anyone up to the age of 18 years.
5. Abuse is a violation of a child or vulnerable adult's human and civil rights by any other person or persons. 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 vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it. [The Department of Health in its 'No Secrets' Report]

#### **4. Safeguarding vulnerable adults**

1. Some adults are less able to protect themselves than others, and some have difficulty making their wishes and feelings known. This may make them vulnerable to abuse. The broad definition of a 'vulnerable adult' referred to in the 1997 Consultation Paper 'Who decides?' issued by the Lord Chancellor's Department, is a person
  - a. "who is or may be in need of community care services by reason of mental or other disability, age or illness; and
  - b. 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".
2. The first priority should always be to ensure the safety and protection of vulnerable adults. To this end it is the responsibility of all staff and volunteers to act on any suspicion or evidence of abuse or neglect (see the Public Interest Disclosure Act 1998) and to pass on their concerns to a responsible person within ADCA or to Cheshire East Council.
3. For purposes of ensuring consistent and widely understood terminology, these policy and procedures will use the phrase 'Vulnerable Adults' to identify those eligible for interventions within the procedures.

#### **5. Legal framework**

1. This guidance reflects the principles contained within the Human Rights Act 1998, the Mental Capacity Act 2005 and Public Interest Disclosure Act 1998. The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this. The Human Rights Act 1998 gives legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).
2. The Public Interest Disclosure Act 1998 (PIDA) created a framework for whistle blowing across the private, public and voluntary sectors. The Act provides almost every individual in the workplace with protection from victimisation where they raise genuine concerns about malpractice in accordance with the Act's provisions.

#### **6. Role of staff, volunteers and trustees**

1. All staff, volunteers and trustees working on behalf of ADCA have a duty to promote the welfare and safety of children and vulnerable adults. Staff, volunteers and trustees may receive disclosures of abuse and observe vulnerable adults or children who are at risk. This policy will enable staff/volunteers to make informed and confident responses to specific safeguarding issues.

#### **7. DBS checking procedure**

1. All Trustees will have an enhanced DBS check as they are responsible for ensuring this key policy is adhered to in practice and, from time to time, may be called upon to assist a vulnerable adult or ensure the safeguarding of a child.
2. All staff who provide services directly will have an enhanced DBS check.
3. All volunteers who have unsupervised access to vulnerable adults [e.g. voluntary drivers, voluntary befrienders, volunteers who lead specific activities in separate rooms and volunteers assisting with access to the medical practice] will have enhanced DBS checks. Other volunteers who assist in group activities who are supervised by a DBS checked staff member or volunteer do not require a DBS check. Vigilance will be exercised at all times to ensure that no volunteer without a DBS check is left in charge of a group or is asked to assist an individual without supervision.
4. In addition, given that this policy covers the safeguarding of vulnerable adults and covers situations in which ADCA staff and volunteers may be involved in joint activities with children's

organisations, it is policy that the ADCA Designated Safeguarding Officer [currently the Development Coordinator] and the Designated Lead Safeguarding Trustee [currently the Chairman] both have enhanced DBS checks covering children and vulnerable adults. At October 2018 this was the case.

5. DBS checks will be renewed every four years.

## 8. Dealing with children who come into contact with ADCA services

1. In situations where staff, volunteers or trustees are involved in activities that include children, then it is ADCA's clear policy that children are either supervised at all times
  - a. by a parent or guardian or
  - b. by a designated staff member or volunteer from another organisation.
2. These situations include open days, fundraising events, concerts or other ADCA activities to which parents or grandparents may bring children. This also includes sessions of shared activity with other organisations that provide services for children e.g. Audlem Youth Club, 5As Theatre Group and schools.
3. In these situations, ADCA lead staff members or trustees must ensure that the supervision of children is undertaken at all times by designated DBS checked and trained staff members or volunteers from that organisation.
4. If any ADCA staff member or volunteer should become concerned about the safety or care of a child then they must
  - a. report this immediately to the supervisor of the organisation in charge of the children
  - b. record the nature of the concern and what immediate action is then taken
  - c. immediately pass on their concern to the ADCA Safeguarding Coordinator.

## 9. What is abuse?

1. Abuse is a violation of an individual's human and civil rights by any other person or persons. 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 vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.
2. The Department of Health in its 'No Secrets' report suggests the following as the main types of abuse:
  - a. **Physical abuse** - including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.
  - b. **Sexual abuse** - including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting.
  - c. **Psychological abuse** - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
  - d. **Financial or material abuse** - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
  - e. **Neglect and acts of omission** - 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.
  - f. **Discriminatory abuse** - including racist, sexist, that based on a person's disability, age or sexuality and other forms of harassment, slurs or similar treatment.

## **10. Procedure in the event of a disclosure**

1. It is important that children and vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously. This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that a vulnerable adult has been abused.
2. Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of the individual. A full record shall be made as soon as possible of the nature of the allegation and any other relevant information. This should include information in relation to:
  - a. the date, the time and the place where the alleged abuse happened
  - b. your name and the names of others present
  - c. the name of the complainant and, where different, the name of the adult who has allegedly been abused
  - d. the nature of the alleged abuse and a description of any injuries observed
  - e. the account which has been given of the allegation.

## **11. Responding to an allegation**

1. Any suspicion, allegation or incident of abuse in relation to vulnerable adults using ADCA services must be reported to ADCA's Designated Safeguarding Officer as soon as possible or on that working day at the latest. For ADCA this will be the Development Co-ordinator and, in their absence, the Chairman of ADCA or any other Trustee. This person will take appropriate advice from the local social services duty social worker. In urgent situations the out-of-hours local authority duty service will be contacted or contact will be made with the police.
2. Any suspicion, allegation or incident of abuse in relation to a child who is attending any shared ADCA event jointly run with other organisations that provide services to children must be reported immediately to the supervising member of that organisation and to ADCA's Designated Safeguarding Officer. Any concerns about a child attending any ADCA event or service must be immediately reported to ADCA's Designated Safeguarding Officer as well as the ADCA staff member leading the activity
3. A written record of the date and time of the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority adult social services department within 24 hours.
4. Cheshire East Council is the local Adult Social Services Authority whose contact details and information for workers is attached for further information. Cheshire Police Service contact numbers are also provided.

## 12. Specific action to take in response to an incident or allegation

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; immediately speak to your manager for support and guidance
- Explain the procedure to the individual making the allegation
- 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
- Ignore the allegation
- Elaborate in your notes
- Panic

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 Vulnerable Adult Protection Officer.

### 13. Confidentiality

1. Ensuring effective safeguarding raises issues of confidentiality which should be clearly understood by all.
2. Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of children and vulnerable adults with other professionals, particularly investigative agencies and adult social services.
3. Clear boundaries of confidentiality will be communicated to all. All personal information regarding a vulnerable adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.
4. If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the child or adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies.
5. Within that context, the child or adult should, however, be assured that the matter will be disclosed only to people who need to know about it. Where possible, consent should be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the vulnerable adult is the priority.
6. Where a disclosure has been made, staff should let the adult know the position regarding their role and what action they will have to take as a result.
7. Staff should assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information should be fully considered and their wishes and feelings taken into account.

### 14. Role of key individual agencies

#### Adult Social Services

1. The Department of Health's recent 'No secrets' guidance document requires that authorities develop a local framework within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse.
2. All local authorities have a Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding vulnerable adults. It is normal practice for the board to comprise of people from partner organisations who have the ability to influence decision making and resource allocation within their organisation.

#### The Police

3. The Police play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

### 15. Role of Designated Safeguarding Officer

1. The role of the Designated Safeguarding Officer is to deal with all instances involving adult or child protection that arise within ADCA. They will respond to all vulnerable adult protection concerns and enquiries. The Designated Safeguarding Officer for ADCA is the **Day Services Coordinator**.
2. Should you have any suspicions or concerns relating to adult or child protection, contact the Day Services Coordinator immediately.

### 16. Role of line manager

The role of the line manager is to support the member of staff, trustee or volunteer involved with the incident and to ensure the correct procedures are followed.

## **17. Training**

ADCA will ensure that all staff and volunteers are familiar with ADCA's vulnerable adult and child protection procedures and ensure that all staff undertake appropriate training. The importance of safeguarding and these procedures will be included in all induction sessions.

## **18. Complaints procedure**

ADCA has a complaints procedure available to all staff, volunteers and trustees.

## **19. Recruitment procedure**

ADCA's recruitment procedures take account of the need to safeguard and promote the welfare of vulnerable adults and children, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

## **20. Key Contacts as at October 2018**

Tracey Humphries, ADCA Designated Safeguarding Officer - 07845 495973

Roger Millns, ADCA Chairman – 01782 750741 or 07807 402348

Cheshire East Council's Designated Safeguarding Officer - 0300 123 5010

[8:30am to 5pm Monday to Thursday and 8:30 am to 4:30pm Friday, or 0300 123 5022 at all other times including bank holidays]

Or contact the police directly.