

The Windfall Centre CIC ~ Adults Safeguarding Policy and Procedure

Introduction and overview

Safeguarding is a key priority that reflects both Windfall's focus on human rights and the requirement within the Care Act 2014 to have regard to the need to protect and promote the rights of people who use support services. The Care Act 2014 details the statutory framework for adult safeguarding and sets out the responsibilities of statutory and third sector services and organisations. Adult safeguarding is part of a legal framework in the Care Act 2014, and places a legal duty of care onto Local Authorities to make, or ask others to make, enquiries if they believe an adult is, or is at risk of, being abused or neglected.

The Care Act 2014, and associated Adult Safeguarding Procedures, aims to ensure that organisations work together to prevent abuse occurring and when abuse does occur, adults at risk are protected from further harm. It makes sure that:

- The needs and interests of adults at risk are always respected and upheld
- The human rights of adults at risk are respected and upheld
- A proportionate, timely, professional and ethical response is made to any adult who may be experiencing abuse
- All decisions and actions are taken in line with the Mental Capacity Act and other allied legislation and guidance

Safety is embedded within good sound professional support practice and the growing ability of service users to protect themselves, make their views known and be listened to. Standards for good practice within Windfall are laid out and assessed through our organisational standards to ensure that service users can feel confident in the knowledge that Windfall continually strives to create a safe and caring environment that will most effectively protect all people from abuse.

What is adult safeguarding?

Safeguarding is a term that refers to our duty to protect an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

An Adult at Risk is a term that refers to any adult aged 18 years or over who:

- *has* needs for care and support (whether or not the authority is meeting any of those needs)
- *is* experiencing, or is at risk of, abuse or neglect, and

- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

What is abuse?

Abuse and neglect can take many forms. Organisations should not be constrained in their view of what constitutes abuse or neglect, and should always consider the circumstances of the individual case. The main forms of abuse with specific regard to adults is set out in the Care Act 2014 (Chapter 14) are as follows:

Physical abuse – including assault, hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions

Domestic violence – including psychological, physical, sexual, financial, emotional abuse; so called ‘honour’ based violence

Sexual abuse – including rape and sexual assault or sexual acts to which the adult has not consented, or could not consent or was pressured into consenting, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts or indecent exposure

Psychological abuse – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber abuse, 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

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, or in relation to care provided in one’s own home

Neglect and acts of omission – including ignoring medical 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 – a wide range of behaviour including neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.

Abuse is difficult to assess; situations are rarely as tidy or straightforward as these categories suggest. Many situations may involve a combination of abusive elements.

The Windfall Centre Adult Safeguarding Policy and Procedure

This policy and procedure is designed to enable everyone who works for The Windfall Centre to understand and carry out their responsibilities for safeguarding adults who need care and support and are at risk of, or experiencing, abuse.

The Windfall Centre maintains procedures to ensure that appropriate checks are made prior to appointment of staff, associates and trustees, in order to prevent, as far as is possible, anyone from using their position to abuse adults who need care and support.

A structured programme of induction is provided for all new staff that takes account of their level of knowledge about adults at risk. Induction will ensure that employees know what behaviour is and is not acceptable, understand what might constitute abuse and who should be informed if abuse is suspected. We support staff and associates and trustees to deliver safe services by providing regular supervision, training and development.

All Windfall service users, or others on their behalf, are actively encouraged to provide feedback on the service they receive, and we take any comments or complaints seriously.

All staff that come into regular contact with service users will be made aware of the vulnerability of our service users and will be taught to recognise and appropriately respond to suspicions or allegations of abuse. Abusive staff or practices will not be accepted or tolerated and action will be taken using Windfall's Disciplinary and/or Whistle Blowing policies.

Roles and Responsibilities of Directors

- ❖ To co-create and ratify policy
- ❖ To have an awareness of the issues relating to adult service users and abuse
- ❖ To read and understand Charity Commission Guidance 'Safeguarding and Protecting People for Charities and Trustees 2017'
- ❖ Alongside the Safeguarding Officer or Senior Clinical Practitioner, be responsible for carrying out a staff disciplinary investigation into abuse.

Roles and Responsibilities of Safeguarding Officer and Clinical Manager

- ❖ To create and review policy
- ❖ To authorise variations in policy in local circumstances
- ❖ To authorise and monitor any actions resulting from an investigation
- ❖ To decide upon what information should be shared with individuals and agencies during the course of and following an investigation into abuse
- ❖ To deploy staff in a way that deters collusive relationships and opens up opportunities for disclosure
- ❖ To enforce the policy and procedures
- ❖ To report any alerted allegation or suspicion of abuse to the registering authority
- ❖ To carry out an initial assessment of any allegation or suspicion of abuse
- ❖ To report any allegation or suspicion of abuse to the Designated Person and/or Chair of Trustees, and Police where appropriate, Social Services and service user's family or 'significant other'

- ❖ To assess the 'safety' of services by observing and listening to service users and looking for positive and negative indicators of performance as part of their visits to services
- ❖ To produce a written report following an investigation for internal records

Roles and Responsibilities of all Associates and Student Therapists

- ❖ To personally make themselves familiar with Windfall's Adult Safeguarding Policy and all relevant policies and uphold their values.
- ❖ To be aware of abuse as an issue and to alert the Safeguarding Officer of any concerns, suspicions or allegations of abuse
- ❖ To maintain a service user's safety and wellbeing at all times. They should secure the service user's immediate safety where possible and ensure immediate medical attention if required.
- ❖ To make clear and detailed written records when abuse is disclosed
- ❖ To ensure their duty to alert overrides any desire to keep a confidence witnessed or alleged

Duty to Report

However difficult it may seem, all staff, associates and trustees have a duty to make known their suspicions of abuse. Failure to do so is a failure in our duty of care. Reporting is not easy and often takes a great deal of personal strength and courage. Staff who have reported incidents have already been exposed to disturbing information that could leave them feeling a range of emotions from sadness to anger and even guilt that they could not prevent the alleged abuse. Managers must be aware of these issues when receiving a report and ensure that staff are appropriately supported according to their individual needs.

Procedures to be followed following an Allegation or Suspicion of Abuse

The minimum requirement for all staff, associates and trustees is that they know how to:

- Recognise, record and report abuse
- Take any immediate action to protect further harm
- Access help and advice for the adult at risk

These guidelines follow four procedural stages:

1. Alerting
2. Reporting
3. Investigating
4. Monitoring

Alerting

Any member of Windfall working with service users may be alerted to the possibility of abuse. Alerting could mean that you witness an act of abuse, a person saying that abuse has occurred, or suspicions raised by indicators listed in these guidelines.

In carrying out these procedures, the person alerted must keep detailed records of the initial cause for concern. Note down exactly what the complainant or alleged victim has said or indicated to you or what you have witnessed. Any such records must clearly separate factual information from expression of opinion. The member of staff must be aware that the report may be required later as part of legal or disciplinary action.

If the disclosure is made by a Service User, staff and associate therapists must accept what the person is saying and never make a decision without consulting with the Safeguarding Officer. Do not ignore or suppress a disclosure because it is thought to be fantastic or improbable. Do not make comments other than to be comforting and sympathetic.

The Safeguarding Officer and The Designated Person

The Safeguarding Officer in Windfall will be a senior member of the Associate Team who is the safeguarding lead for the service. Incidents and allegations of abuse must be reported to them. In turn, the Safeguarding Officer will liaise with The Designated Person of the service who will be a trustee of the charity.

If you have any concerns at all about the possible abuse of an adult who needs care and support, and are not sure what to do, you should immediately contact the Safeguarding Officer or The Designated Person for Safeguarding in their absence. If an urgent concern arises outside of office hours or when you cannot make contact with either, then you must contact the Local Authority Safeguarding referral line and/or the police (via 999) if it is an emergency situation.

Any allegation of abuse, whether considered valid or not, must be reported to the registering authority. Whether or not the incident is reported further depends upon the Safeguarding Officer's assessment of the situation. The Safeguarding Officer should use these guidelines together with their own professional judgment to make an initial assessment about whether the allegation should be taken further as an issue of abuse. If it is clear that the allegation is not one of suspected abuse then it may be necessary for further action to be taken to deal with the matter as a complaint, an issue of poor practice or a review of an individual service user's support.

All decisions and actions must be clearly recorded at every stage, including any decision not to proceed.

If the allegation is suspected to be abuse, even if considered less serious, you should advise the Designated Person of the situation and the proposed course of action at the earliest opportunity.

All who work for The Windfall Centre should be aware of the organisation's Whistle Blowing policy. If a member of staff believes that an adult safeguarding allegation or concern is not being dealt with appropriately, or is suspected of perpetrating abuse, and they have exhausted all other reasonable approaches, this policy should be used to escalate those concerns.

Issues of Employment and Contracting for Directors and Senior Management

- ❖ If your organisation works with children or vulnerable adults and you dismiss or remove a member of staff or a volunteer because they have harmed a child or vulnerable adult (or there is a risk of harm), or you would have done so if they had not left, you must tell the Safeguarding Authority.
- ❖ A person who is barred by the Disclosure and Barring Service from working with children or vulnerable adults will be breaking the law if they work or volunteer, or try to work or volunteer with those groups.
- ❖ An organisation which knowingly employs someone who is barred to work with those groups will also be breaking the law.
- ❖ If your organisation works with children or vulnerable adults and you dismiss a member of staff or a volunteer because they have harmed a child or vulnerable adult, or you would have done so if they had not left, you must tell the Disclosure and Barring Service.

Recruitment

It is important to get recruitment right and to attract the best people for the post and to prevent unsuitable people from joining the charity.

Appointing officers must fully adhere to the charity's written procedures including:

- Recruitment and Selection Policy.
- Equality and Diversity and Employment Policy.

Recruitment procedures must be fully applied to all staff including full-time, part-time, casual staff and volunteers.

All job applicants will complete in full a standard application form. Under no circumstances should unsupervised work commence before the following checks have been completed:

- Obtaining three references. References must be in writing and originals. (photocopies or facsimiles are not acceptable). At least one of the references should be verified with the provider by telephone. Ideally the last employer should be a reference.
- Evidence has been provided to confirm the date of birth and acceptable recorded proof of National Insurance Number (obtained from a Birth Certificate, Passport and P45 documentation etc).
- The necessary Criminal record checks (DBS) have been actioned.
- All employees and new associates will be required to complete a satisfactory probationary period. During this time an employee will be fully inducted and will be required to demonstrate full competence to the required job standards. In addition training on this policy will be given and formal evaluation will be undertaken.

Monitoring and Recording

Any actions resulting from investigations will be monitored by the Safeguarding Officer who will report to the Designated Person. For proper investigation and monitoring of abuse, it is important that a record is kept of any part of a procedure carried out to alert, report or investigate whether

unsubstantiated or not. These records are also important in the identification of abuse where it may be necessary to build up a picture from fragments of relevant information over time by recalling information of previous alerting. The Safeguarding Officer and Service Manager should hold this information confidentially although staff should be aware of what should be recorded when abuse is suspected, who holds such records and who has access to them.

Written Records Points to Remember:

- In some circumstances it may be possible to take notes at the time the allegation is being made. Try and note down what the person actually says, using their own words and phrases.
- In some circumstances it would not be appropriate to be taking notes at the time the allegation is being made. Make a written report as soon as possible afterwards. Try to remember what the person said using his or her own words and phrases.
- In your written report factual information should be clearly separated from expression of opinion
- Use a pen or biro with black ink if you possibly can
- Sign and date your report
- Complete Accident/Incident report when necessary
- Be aware that your report and any written records may be required later as part of a legal action or disciplinary procedure
- During an investigation phase it is particularly important that notes are kept on all interviews, telephone calls, information gathered

Confidentiality

All staff must be aware of the sensitivity for all concerned in matters of abuse. Strict confidentiality must be adhered to on a 'needs to know' basis, according to the reporting procedures contained herein.

ALL DOCUMENTS STORED OR SENT ELECTRONICALLY MUST BE PASSWORD PROTECTED.

Disclosures Do's and Don'ts

Do:

- Stay calm and try not to show shock.

- Listen carefully.
- Be sympathetic ("I am sorry that this has happened to you").
- Be aware of the possibility of medical evidence.
- Tell the person that he/she did right to tell you
- Treat the information seriously
- Inform the Safeguarding Officer
- Take steps to protect and support them.
- Write down what was said by the person disclosing, noting date and time.

Don't:

- Do not press the person for more details.
- Do not promise to keep secrets.
- Do not make promises you cannot keep (e.g. "this will never happen to you again").
- Do not contact the alleged abuser.
- Do not be judgemental (e.g. "why didn't you run away?")
- Do not break the confidentiality agreed with the alleged victim

Remember ~Doing nothing is not an option.