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Nottingham Central Women's Aid

Safeguarding Adults Policy

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Related Documents

- NCWA Safeguarding Children's policy
- NCWA Whistle Blowing Policy
- NCWA Disciplinary, Capability and Grievance Policy
- NCWA Record Keeping Policy
- NCWA Confidentiality Policy
- NCWA Data Protection Policy (GDPR).

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Purpose of the Policy

NCWA believes that all adults including staff and volunteers have a duty to create a safe environment and to protect adults from harm. This policy sets out our response to the Safeguarding of Adults at Risk. NCWA seeks to develop a culture in which day to day practice promotes the protection of vulnerable adults and the understanding that everyone has the right to live free from violence and abuse in any form and the responsibility for the abuse lies with the perpetrator.

All professionals working for NCWA have a duty to report any instance where they observe someone who is being abused or suspect someone is being abused or when someone says they are being abused.

We encourage staff, volunteers, and service users to report concerns and/or incidents of violent, abuse and neglect of adults covered under adult safeguarding duties (as defined below) either as victims, witnesses or as a result of information received from a third party. We will respect and maintain confidentiality privacy, security of personal information for anyone experiencing abuse, within NCWA Policy and legal boundaries.

We consider violent, intimidating, threatening, neglect or abusive behavior towards an adult at risk (as defined below) by a member of staff as gross misconduct. Any member of staff who commits or threatens to commit an act of violence will be in breach of the NCWA Code of Conduct and will be dealt with under the Disciplinary, Capability and Grievance Policy and Procedure.

This policy applies to all of NCWA staff, volunteers and Trustees.

Definitions

Safeguarding means protecting 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 and neglect, while at the same time making sure that the adult's wellbeing is promoted. (Section 14.7 The Care Act 2014)

Adults at Risk/vulnerable adults

- (a) A person 18 years or over **and**
- (b) Has needs for care and support (whether or not the local authority is meeting those needs) **and**



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- (c) Is experiencing, or at risk of abuse or neglect **and**
- (d) As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse and neglect or exploitation.

Forms of abuse include (as defined in the Care Act 2014)

- (e) Physical abuse including hitting, slapping, and pushing, kicking, misuse of medication, restraint, or inappropriate sanctions
- (f) Domestic Violence including psychological, physical, sexual, financial, emotional abuse and honour-based violence and coercive control*
- (g) Sexual abuse including rape and sexual assault or sexual acts to which the adult at risk has not consented or is incapable of giving informed consent or was pressured into consenting. This may involve contact or non-contact abuse (e.g. touch, masturbation, being photographed, teasing and inappropriate touching)
- (h) 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
- (i) 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
- (j) 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
- (k) Discriminatory abuse including racist, sexist, that based on a person's disability, culture and other forms of harassment, slurs or similar treatment
- (l) Organisational abuse (also known as institutional abuse) neglect and poor professional practice in care settings also need to be taken into account. It may take the form of isolated incidents of poor practice at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other. It can occur when the routines, systems, communications and norms of an institution compel individuals to sacrifice their preferred lifestyle and cultural identity to the needs of that institution. Repeated instances of poor care may be an indication of more serious problems



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- (m) Neglect and acts of omission including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life, such as medication, adequate nutrition and heating
- (n) 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.

Coercive control: a new offence of coercive and controlling behaviours in intimate and familial relationships was introduced into the Serious Crimes Act 2015.

Domestic Abuse Act 2021 sets out a legal definition of domestic abuse.

Any of these forms of abuse can be either deliberate or be the result of ignorance, or lack of training, knowledge or understanding. Often if a person is being abused in other ways.

Safeguarding adults at risk procedures

NCWA supports the rights of individuals to make choices and to take risks. Any decision to take action about suspected or alleged abuse will take into account the assessment of the individual's mental capacity to understand the nature and extent of the abuse that is taking place and the choices and outcomes open to them.

Suspensions or allegations of abuse

Nottingham and Nottinghamshire Multi-Agency Safeguarding Adults at Risk Guidance should be followed in all cases of adult abuse.

<https://nottinghamcity.gov.uk/information-for-residents/health-and-social-care/adult-social-care/adult-safeguarding/adult-safeguarding-procedures/>

If abuse is suspected or discovered, the response to a suspicion or allegation of abuse follows four stages

Alerting

NCWA expects that all staff and volunteers will alert the services manager to suspicion or disclosure of abuse. NCWA has also developed a Whistle Blowing Policy to provide reassurance to staff that they will be supported in making an allegation of abuse if that allegation is made in good faith.

If an adult discloses abuse:

- Stay calm, listen carefully and believe what you are told



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- Take allegations seriously
- Do not pass any comments except to be comforting and empathic
- Ensure the immediate safety and welfare of the alleged victim
- Include consideration of urgent medical attention
- Consider any children that are affected and review/assess alongside the NCWA Safeguarding Children Policy
- Discuss concerns with another staff member and where possible, the Safeguarding Adults Lead and agree a course of action
- If the disclosure is from a member of staff and the alleged abuser is the manager, this should be reported directly to the management committee
- Record your concerns and agreed action, including the reasons for any decisions in the case file in On-Track, Embed all forms relating to the concerns and referrals in the on-Track case file
- Inform the Safeguarding Adults Lead

Where a third party discloses abuse about a current service user, staff should assess the situation, and then follow the relevant procedure as above. If it is not safe or appropriate to speak to the service user this should be discussed and an appropriate course of action agreed.

Where a disclosure is made by a service user about abuse of a third party not known to us, this should be discussed within the team and a course of action agreed.

In all cases a referral to the relevant LADO (Local Authority Designated Officer) should be considered and where appropriate a referral should be made.

Individual and staff volunteers should NOT

- Confront the person they suspect of perpetrating the abuse themselves
- Start an investigation themselves
- Destroy or interfere with any evidence that may be used if there is an investigation.

Reporting

Getting the consent of the adult at risk



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Where you have made a decision that a safeguarding referral is required, efforts to obtain consent from the adult at risk must always be made, wherever possible, prior to a referral being made to the relevant local authority. However, this should not unnecessarily delay a safeguarding referral being made where consent is not or cannot be obtained as outlined below.

Making a decision to refer without consent

The mental capacity of the adult at risk to give their informed consent to a referral being made and information being shared is significant, but not the only factor, in deciding what action to take.

Person lacking Capacity

NCWA will work using the following PRINCIPLES within the Mental Capacity Act

- Presumed capacity
- Support to make a decision
- The right to make unwise or eccentric decisions
- Any decisions made on behalf of the individual are made in the person's best interest
- Any intervention is least restrictive of their basic rights and freedoms.

However, if there is a concern in relation to the adult at risk having capacity about giving consent to a referral being made, an assessment must be considered and a course of action agreed.

Article 8 of the Human Rights Act relates to an individual's rights to autonomy. However, the requirement to respect the rights of individuals to make decisions for themselves is not an excuse for inaction where an adult at risk is at risk of abuse or neglect.

Therefore, whilst consent should always be sought, if there is an overriding public interest, or if gaining consent would put the adult at further risk, a referral to the relevant local authority must be made. This would include situations where:

- It is necessary to prevent crime
- Other people, including other adults at risk and or children, could be at risk from the perpetrator/s. In this situation please refer to the relevant Policy e.g. Safeguarding Children Policy.



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The adult at risk should be informed of the decision for the referral and the reasons, unless telling them would jeopardise their safety or the safety of others.

Once a referral is agreed as needed within the team, staff should complete the relevant referral form. This should be checked by another team member before submitting.

Keep all records of all information received and actions taken on the case file in On-Track.

Send the Referral form to the Local Authority Safeguarding Adults team within 1 working day of a decision to referral being made.

Anyone who suspects or discovers abuse is expected to consider:

- Is there a need for immediate medical attention?
- Is there a need to move the alleged adult at Risk to a place of safety?
- Is a referral to the Police required?
- Is there a need to report the abuse to an inspection or registering body? E.g. in the case of someone living in a registered care home.

AND

Keep/update all information received and actions taken in on the case file in On-Track.

Investigating

If the alleged incident is of a criminal nature, the Police will carry out the investigation.

If the alleged perpetrator of the abuse is a member of staff, volunteer or Trustee of NCWA, an investigation will be carried out under the terms of NCWA Disciplinary, capability and Grievance policy. This may involve the member of staff, volunteer or Trustee being suspended while the investigation is carried out.

Where the alleged abuser is someone other than a NCWA staff member, volunteer or Trustee, and the Police are not investigating, the relevant Local Authority Safeguarding Adults team will undertake the investigation.

In both the above cases a referral to the relevant LADO (Local Authority Designated Officer) should be made.

The Disclosing and Barring Service may also need to be contacted. If you need help to refer someone you can contact DBS on 03000 200 190. Or find guidance

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>



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In all cases, where possible the manager should:

Consider the immediate health or welfare needs of the alleged victim or any other adults who might be affected. Where the alleged perpetrator is a member of NCWA staff or volunteer, you should inform the management committee and agree a course of action. Complete the relevant form/s.

In the case of a referral being agreed ensure the Referral form is sent to the Local Authority Safeguarding Adults team and if relevant to the Police as soon as possible, but no later than 1 working day.

If someone is at risk of immediate abuse, then call the Police on 999. If it is a historic incident(s) then call the Police on 101. Check records and other data for additional information.

Keep full records of all information received, decisions made and their reason and actions taken in a confidential file.

If the alleged abuser is a member of staff or volunteer the Manager /management committee should consider whether the member of staff or volunteer should be suspended as part of the NCWA Disciplinary, capability and grievance procedures.

Investigation under the NCWA Disciplinary Policy

The manager who takes on the role of investigator in the Disciplinary procedure should consider the following points:

The adult at risk should be visited within 3 working days of the concerns being raised

The wishes of the adult at risk should be determined and they should be kept informed of the progress of the investigation and offered support from an individual or organisation outside NCWA as necessary

Acknowledge to the alerter that their concerns are being responded to and that they will receive feedback on completion of the procedure

Fairness to the person/people against whom the allegations were made.

In addition, if the adult at risk is a staff member:

- The staff member will be offered immediate support from a manager or committee member
- A risk assessment will be carried out and a safety plan put in place including the possibility to take time off work, in order to reduce the risk of any further



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incidents. This will be reviewed on a weekly/monthly basis (as appropriate to the situation) until the staff member and manager are satisfied that there are no further identifiable risks

- The staff member will be informed about the availability of external support.

The guidance of the Local Authority Safeguarding Adults Team should be sought during the course of the investigation.

The outcome of the investigation should be a conclusion about whether there is a case to answer and this will inform the Disciplinary Hearing. See NCWA Disciplinary, Capability and Grievance Policy for further details.

The outcome should be reported to the Local Authority Safeguarding Adults team.

Record Keeping

Good record keeping is a fundamental part of good practice. It is particularly important to make clear, factual and details written and/or electronic records when you are told about or witness significant harm, abuse or neglect against an adult at risk.

The words and phrases used by the person making the allegation should be recorded as far as possible.

Records of alleged abuse and any investigation should not be recorded in a service users case notes on the NCWA electronic case management system although reference should be made in the case notes to the confidential file. The confidential file should be kept in a separate folder and should not be generally accessible to all members of staff.

Security and storage of records

Only authorised NCWA staff will have access to confidential files which will be password protected. Records should be retained as specified in the Data Protection Policy (GDPR).

Access to records

Confidential safeguarding files should only be accessed by staff who work directly with the adult or by those directly involved in safeguarding decisions. Volunteers should not have access to the records. Staff and volunteers will be made aware of ongoing safeguarding issues as needed.

Where an individual makes a data subject access request to information held on them, this should be responded to in accordance with the NCWA General Data Protection Regulations Policy.



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An adult at risk has a right to see all written reports about them unless this might endanger the safety of a staff member or volunteer. Under the NCWA Data protection policy All Individuals/Service Users have the right to access the information that NCWA holds about them. Individuals need only make a verbal request to see their complete files providing 5 days' notice is given (this is to ensure any third-party information is removed.)

Staff and volunteers should be aware that safeguarding records might be requested for use in criminal and/or civil court proceedings.

Supporting an adult at risk who remains in an abusive situation

It may be that a service user does not wish to leave the situation or for action to be taken about the abuse they are experiencing.

As long as it is clear that they have the capacity to make this decision, support should continue to be offered subject to a risk assessment being carried out.

Continuing to support someone in an abusive situation can be very difficult for the supporting worker and the situation will be reviewed regularly with the worker through supervision.

Safeguarding Contacts

Nottingham City Council Adult Social Care Assessment Service

T: 0300 131 0300 Monday to Friday: 09:00 - 17.00

All enquires outside these hours use the Emergency Duty Team Number:

17.00 - 20.00: 0115 876 1000 (calls picked up by duty staff),

20.00 - 09:00am 0115 876 1000 (Voice mail)

Advice & Support

NCWA provides regular internal management supervision and regular clinical supervision through an independent external BACP registered and qualified clinical supervisor. Either of your supervisors can be contacted for advice, case discussion and support.

Relevant Legislation

The Care Act 2014

The Data Protection Act 2018



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Adult Safeguarding Flow Chart

