
SAFEGUARDING ADULTS AT RISK POLICY

Diversity & equality implications of this policy	This policy is likely to impact anyone over 18 years, who is at risk of harm; some particular groups may be more at risk, e.g. those in minority groups who are more at risk due to their age, faith/religion, disability, sex, gender identity, sexual orientation or race/ethnicity or beliefs. This policy is designed to help keep them safe
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Section	CONTENTS	Page
A		
	Statement – Safeguarding Adults at Risk	3-4
1.0	Introduction to Policy	4
2.0	Scope	5
	2.1 Review	5
3.0	Aims of the policy	5-6
4.0	Legal Framework	6-7
5.0	Safeguarding Roles and Responsibilities	7
	5.1 Designated Safeguarding Officer	7
	5.2 Safeguarding Team	7
	5.3 Responsibilities	8
	5.4 Additional Responsibilities	8
6.0	Safer Recruiting Practices	8
	6.1 Code of Conduct	8-9
7.0	Learning and Development Programme (Training)	9
B	Definitions and Reporting Procedures	
8.0	Information for Staff with a concern about an adult	9
9.0	Principles to safeguarding	9-10
	9.1 Safe Spaces	10
10.0	Types of Abuse	10
11.0	Local Authorities’ Policy and Procedures	10-11
12.0	Consent and resultant issues	11
	12.1 Informed consent	11-12
	12.2 Adults who lack capacity to give informed consent	12
13.0	CCTV and Phones	12
	13.1 Use of Phones	12-13
14.0	Allegations Against Staff	13-14
	14.1 Resignation whilst under investigation	14
	14.2 Allegations against staff that are not substantiated	14
15.0	Serious Allegation Reviews	14-15

SECTION A - SAFEGUARDING ADULTS AT RISK

Statement – Safeguarding Adults at Risk

Yateley Industries for the Disabled Limited (YIFTD) seeks to serve the needs of those who are at risk in our community by supporting and promoting an individual's holistic development. In doing so YIFTD takes seriously the needs and welfare of all those who use our services, live in our accommodation, or are involved in YIFTD activities.

YIFTD aims to ensure that all adults are welcomed into a safe, caring, environment with a positive atmosphere.

YIFTD recognises that there is a difference between 'safeguarding' and 'protection'. 'Safeguarding' is everyone's responsibility; that also for example, involves how we communicate concerns, our understanding of how and when to share information, demonstrating accountability, adherence to an agreed policy and procedures. 'Protection' is a *statutory* responsibility in response to individual cases whereby possible or actual risk of harm has been identified. This policy and accompanying procedures are to provide our staff with guidance in safeguarding and protecting adults at risk.

*If you have a safeguarding or protection concern regarding children (0-18yrs) please refer to YIFTD's **Safeguarding Children and Young People Policy** in relation to guidance around safeguarding and protecting children and young people from harm and abuse.*

Safeguarding adults at risk against potential abuse/harm is fundamental to YIFTD's work practice, and the organisation recognises that it has a clear duty to promote practice which safeguards adults at risk.

YIFTD operates with awareness of the potential for adult abuse to occur in any situation and will act, where it finds or suspects that abuse is occurring, in a way that will ensure that the adult at risk is safeguarded/protected from further abuse. All allegations of abuse of an adult will be treated seriously.

This policy is underpinned by the following values:

- People at risk within our society deserve good care and support
- They may have difficulty expressing their needs and require careful consideration of their individual circumstances
- They have a right to live in safe and secure surroundings without fear of harassment or injury
- They have a right to live as independently as they are able
- They have a right to make choices about their lifestyle which can involve risk

This policy has been drawn up with reference to the Hampshire Safeguarding Adults Policy, including changes introduced by the revised Care and Support Statutory Guidance in March 2016, which *replaced* the Care Act Statutory Guidance published in November 2014

Each Local Authority will have their own Safeguarding Policy and Procedures for you to follow.

The Care Act 2014 was the first statutory framework for safeguarding adults and replaces the 'No Secrets' Guidance 2000'. As of the 1st April 2015 the Care Act 2014 places adult safeguarding on a legal footing whereby;

Each Local Authority must:

- Make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action need be taken to stop or prevent abuse or neglect, and if so, by whom.
- Set up a Safeguarding Adults Board (SAB) with core membership from the Local Authority, the Police and the NHS (specifically the local Clinical Commissioning Groups), and which also has the power to include other relevant bodies.
- Arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) whereby the adult has 'substantial difficulty' in being involved in the process and where there is no other appropriate adult to help them.
- Co-operate with each of its relevant partners (including YIFTD) in order to protect adults experiencing or at risk of abuse or neglect.

It signals a major change in safeguarding practice; a move away from the process-led, tick box culture to a person-centred approach which seeks to identify and achieve the outcomes that people want. Practitioners must take a flexible approach and work with the adult all the way through the enquiry and beyond where necessary. Practice must focus on what the adult wants, and individuals can change their mind on what outcomes they want during the intervention.

The Care Act 2014 also recognises the key role of carers in relation to safeguarding. For example, a carer may witness or report abuse or neglect, experience intentional or unintentional harm from the adult they are trying to support or may (intentionally or unintentionally) harm or neglect the adult they support. It is important to view the situation holistically and look at the safety and well-being of both.

The Care Act also recognises that safeguarding individuals requires multi-agency responsibility and partnership work. This can only be achieved by working together with the Police, NHS and other key organisations, as well as awareness of the wider public. Fears of sharing information must not stand in the way of protecting adults at risk of abuse or neglect. The Act includes new duties for SABs to work more closely together and share information.

1.0 Policy Introduction

YIFTD considers the abuse of adults at risk to be wholly unacceptable. YIFTD views abuse or suspected abuse of adults at risk as extremely serious and is committed to exposing, investigating and addressing issues of suspected abuse and to working towards minimising the potential for abuse to occur.

YIFTD recognises the sensitivity of the issue of abuse or suspected abuse and acknowledges the need for incidents of this nature to be addressed in a way that ensures that allegations are dealt with in accordance with statutory policy and good practice guidance.

YIFTD will promote a multi-agency approach by alerting appropriate statutory services to suspected abuse in accordance with the relevant Hampshire (or relevant Local Authority) guidance in order that cases may be investigated by the appropriate agency.

YIFTD will:

- ensure that the law and statutory requirements are known and used appropriately
- act in a way which supports the rights of the individual except in circumstances where there is a serious risk posed to that individual or others
- seek to offer the victim the safest and most supportive environment throughout the investigation process
- implement, maintain and regularly review these policies and procedures to prevent and be alert to abuse

This policy should also be read in conjunction with other YIFTD Policies and Procedures including:

- Case notes guidance
- CCTV procedure
- Code of Conduct
- Complaints Policy
- Data Protection and Information Handling Policy
- Equality, Diversity and Inclusion Policy
- Grievance Policy and Procedure
- Health and Safety Policy
- Information Sharing Policy
- Learning and Development Policy
- Lone Working Policy
- Relationship Policy
- Safeguarding Children Policy
- Safer Recruitment
- Whistle Blowing Policy and Procedure

2.0 Scope

This policy applies to all staff: employees and volunteers (including Trustees).

2.1 Review

The Designated Safeguarding Officer (see section 6.0), along with the Internal Affairs Committee, has responsibility for reviewing this policy every year. This policy will be ratified by the Board of Trustees.

3.0 Aims of the policy

- establish the framework within which the policy has been written and address issues of consent and capacity to consent
- provide a clear statement of roles and responsibilities, authority and accountability
- establish an environment where adults at risk are safeguarded as far as possible from the possibility of abuse and supported appropriately when such allegations have been made
- provide a clear definition of abuse

- outline YIFTD’s approach to assessing potential risk and minimising potential abuse within the organisation
- clarify the correct methods of raising a safeguarding concern and reporting cases of abuse to relevant external agencies
- provide guidance on best practice in handling a case of suspected or potential abuse
- provide information on contact points with other agencies

4.0 Legal Framework

The policy has been devised with reference to the Sussex & Surrey Multi Agency Procedures for Safeguarding Adults, although all Local Authorities will have similar Procedures. This document considers the legal framework consisting of the following Acts:

- Care Act 2014
- Statutory Guidance to the Care Act 2014 (updated March 2016)
- Serious Crime Act 2015
- National Assistance Act 1948
- Chronically Sick and Disabled Persons Act 1970
- Health Services and Public Health Act 1968
- Housing Act 1996
- National Health Service Act 1977
- Disabled Persons Act 1986
- Registered Homes Act 1984
- Care Standards Act 2000
- Public Health Act 1936 and 1991
- National Health Service and Community Care Act 1990
- Mental Health Act 1983 and 2007
- Youth Justice and Criminal Evidence Act 1999
- Crime and Disorder Act 1998
- Children Act 1989
- Children Act 2004
- Sexual Offences Act 2003
- Domestic Violence Crime and Victims Act 2004 & amendment Act 2012
- Mental Capacity Act 2005, amended 2007 (including deprivation of liberty additions and the new offences of wilful neglect and mistreatment)
- Safeguarding Vulnerable Groups Act 2006
- Data Protection Act 2018
- Fraud Act 2006
- Corporate Homicide Act 2007
- Safeguarding Vulnerable Groups Act 2006
- Health & Social Care Act 2008
- Offences Against the Person Act 1861
- Criminal Justice Act 2003
- Human Rights Act 1998 & European Convention on Human Rights
- Carers (recognition & services) Act 1995
- Work & Families Act 2006
- Family Law Act 1996
- Protection from Harassment Act 1997
- Police & Criminal Evidence Act 1984
- Sexual Offences Act 2003

- Protection of Freedoms Act 2007
- Police and Criminal Evidence Act 1984
- Criminal Justice and Courts Act 2015
- Theft Act 1968
- Prevent Strategy 2011
- 'Working Together' 2018 is an informative document in terms of safeguarding and protecting children.

5.0 Safeguarding Roles and Responsibilities

5.1 Designated Safeguarding Officer (DSO) and the Safeguarding Team

YIFTD has a Designated Safeguarding Officer (DSO), the CEO. This function holds responsibility and oversight for ensuring good practice at an organisational and strategic level.

Additional safeguarding cover is provided by the Operations Manager.

The Safeguarding Leads enable the weekday provision for staff of advice and consultation regarding safeguarding risk and are responsible for the operational processing of responses to safeguarding queries and alerts recorded.

All staff are advised of who to contact for each weekday and in case of the absences of both the Designated Safeguarding Leads, the safeguarding advisory role will be covered by other members of management team.

5.2 Contact details for Safeguarding Team Designated Safeguarding Officer (DSO)

Designated Safeguarding Officer (DSO)

Sheldon McMullan

CEO

Mill Lane, Yateley

GU46 7TF

Mobile: 07421 262670

Email: sheldonm@yateleyindustries.net

Jo Higginbotham

Operations Manager

Mill Lane, Yateley

GU46 7TF

Mobile: 07587 638267

Email: joh@yateleyindustries.net

5.3 Responsibilities of Designated Safeguarding Officer (DSO) and Head of Safeguarding

- Drive the strategic direction of YIFTD's safeguarding activity to develop as culture of safeguarding and consistent good practice
- Work with the Internal Affairs Committee to oversee and review the Safeguarding policies
- Report quarterly to the YIFTD Board of Trustees
- Record all Child and Adult Protection Reports and referrals

5.4 Additional responsibilities of the Safeguarding Lead

- Liaise with the Local Authority Designated Officers (LADOs) and support any investigation of any allegations, concerns, conduct made against staff, volunteers or trustees of YIFTD.
- Maintain the Allegations Data Base.

6.0 Safer Recruitment Practices

YIFTD follows best practice in safer recruitment for all roles. Please refer to Safer Recruitment Policy, processes include:

- an Enhanced Disclosure and Barring Service (DBS) check
- use of only original documents to check proof of ID, right to work, and qualifications
- two independent references for applicants that will be verified. These should be professional references where applicable and should include the most recent employer
- gaps and inconsistencies will be identified by comparing the application with information provided by referees
- applicants will be asked if their employment history and datelines are comprehensive; seeking to identify voluntary or additional work that may have been undertaken yet is absent in their application process
- should concerns arise from a criminal record check, or an allegation, we will carry out a risk assessment, which must be signed off by the CEO. This should include any recommended safeguards to minimise risk; the risk assessment may also conclude that the offer of employment to the applicant should be withdrawn if risk cannot be adequately mitigated These processes will be completed before unsupervised work with children and young people can commence
- all interview panels must have one member who is Safer Recruitment trained

It is expected that the responsible manager will work in partnership with the CEO ensuring that recruitment adheres to organisational policies and process relating to employment. See Recruitment Guidance, and Recruitment of Ex-Offenders Policy.

6.1 Code of Conduct

All staff are required to read and sign the Code of Conduct when they start and are expected to meet the Code's expectations. More information on how to manage allegations relating to adults in accordance with the 4LSAB Allegations Management Framework [Safeguarding Allegations

Management Advisor (SAMA)] can be found [here](#).

The Code of Conduct includes guidance on: professional boundaries; personal relationships with service users and ex-service users; physical contact including touching; all new staff receive training on the Code of Conduct during their induction period. Guidance on avoidance of touching and hugging service users is contained in the Code of Conduct.

7.0 Learning and Development Programme (Staff Training)

All managers and staff working with adults at risk must complete safeguarding training sessions; new staff must complete essential safeguarding training during their induction period before they work alone with service users. Please see Learning and Development policy and Training Requirements for Staff, which sets out the training all staff should receive and the content of the training, how training is provided, and the time periods for refresher training.

SECTION B – DEFINITIONS AND REPORTING PROCEDURES

8.0 Information for Staff who have a concern about an adult

Everyone at YIFTD has a responsibility to be mindful of the signs of possible abuse/harm of adults and a responsibility to take appropriate action by reporting their concern as soon as they become aware that abuse may have taken place or may occur unless someone does something to prevent it from happening – in line with this policy and procedures, paying attention to section 12.0 on consent.

It is important to remember that there may be other concerns raised by others within YIFTD and/or externally that you may not be aware of. Reporting concerns can enable serious abuse or harm to be prevented from happening or from escalating.

If you suspect that an adult is being abused or at harm you should always discuss your concerns immediately with your line manager.

Where additional advice / support is required or external referral to for example, Adult Social Care, or the Multi-Agency Risk Assessment Conference (MARAC), the Designated Safeguarding Officer or their Deputy in their absence should also be contacted.

9.0 Principles to safeguarding adults at risk

The Care Act 2014 sets out the statutory requirement for local authority, health, police and other agencies to both develop and assess the effectiveness of their local safeguarding arrangement. This is founded on the following six key principles:

- Empowerment
People being supported and encouraged to make their own decisions and give informed consent, *"I am asked what I want as the outcomes from the safeguarding process and*

these directly inform what happens"

- **Prevention**
It is better to act before harm occurs. *"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help"*
- **Proportionality**
The least intrusive response appropriate to the risk presented. *"I am sure that the professionals will work in my interests, as I see them, and they will only get involved as much as needed."*
- **Protection**
Support and representation for those in greatest need, *"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want"*.
- **Partnership**
Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. *"I know that staff treats any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."*
- **Accountability**
Accountability, demonstrating evidence via recording, and transparency in delivering safeguarding, *"I understand the role of everyone involved in my life and so do they"*.

Making Safeguarding Personal (MSP) is the approach taken to all safeguarding work under the Care Act. The aim is to support and empower adults to make choices and have control about how they want to live their life.

9.1 Safe Spaces

All YIFTD services and supported housing projects have safe spaces where people impacted by a safeguarding intervention can:

- reflect on the events that led up to the intervention
- give their version of what has happened
- say what they want to happen in future
- feel listened to
- understand what is happening and what will happen next and in the future.

Safe spaces must be private and accessible, comfortable, with age-appropriate visual art and fixtures and fittings.

10.0 Types of abuse

These have been extended within the Care Act 2014 (Safeguarding adults at risk) Types of abuse covering adults are defined [here](#).

11.0 Local Authorities Policy and Procedures:

The local authority, Hampshire have Adult Safeguarding policies and procedures, which staff will

find very helpful and informative information pertaining to a wide range of abuse/harm types on their individual websites.

All Local Authorities will have similar policies and procedures to refer to as needed.

12.0 Consent and resultant issues

An adult's 'right to consent' marks the *fundamental difference between approaches in safeguarding adults and safeguarding children*.

Principals around empowerment require a pro-active approach to seeking consent, especially when maximising an adult's involvement in decisions about their care, safety and protection and this **must** include decisions around raising a safeguarding concern.

A person *has a right* to take risks; however, safeguarding of adults at risk involves risk management that is based upon:

- understanding the person
- understanding the autonomy of the person and how they view the risks they face
- Some risks may be tolerated as the individual may feel that it enhances their life, but there may be other risks which they want to eliminate

Usually, identification of risk should be taken with the adult who has been, or appears to be, harmed - **unless doing so increases their risk of harm or puts others at risk**.

An adult's *right* to make choices about their own safety has to be balanced with the rights of others to be safe.

YIFTD and its staff have a responsibility to report concerns of possible abuse/harm even if at times this may override an adult's wishes, and clear information should be provided to the given service users, their representatives, and the public to outline organisational responsibilities regarding safeguarding concerns.

The three main factors that could affect an individual's right to control safeguarding decisions they wish to take, are:

- others at risk of harm
- legal restriction or overriding public interest
- issues of impaired capacity and impaired decision-making

12.1 Informed consent

It is good practice to inform the involved adult if a safeguarding concern needs to be raised (see YIFTD's Information Sharing Policy) unless doing so would increase risk for that individual. It must always be made clear to individuals of concern, that raising a safeguarding concern does not always result in investigation under safeguarding procedures, and that an investigation would not be carried out against their wishes, unless others were at risk from the same person, service or setting.

There are circumstances where the seriousness of the situation requires action without the

individual with capacity consent, even if others may not be at risk e.g., serious domestic violence.

12.2 Adults who lack capacity to give informed consent

The Mental Capacity Act 2005 applies to everyone involved in the care, treatment and support of people aged 16 and over, living in England and Wales who are unable to make all or some decisions for themselves. It was designed to protect and restore power to those at risk, who lacked capacity.

A lack of mental capacity could be due to:

- a stroke or brain injury
- a mental health problem
- dementia
- a learning disability
- confusion, drowsiness or unconsciousness because of an illness or the treatment for it
- drug and alcohol

In order to protect those who lack capacity and enable them to take part as much as possible in decisions that affect them, the following five statutory principles which underpin the Mental Capacity Act apply:

1. You must always assume a person has capacity unless it is proven otherwise
2. You must take all practicable steps to enable people to make their own decisions
3. You must not assume incapacity simply because someone makes an unwise decision
4. Always act, or decide, for a person without capacity in their best interests
5. Carefully consider actions to ensure the least restrictive option is taken.

13.0 CCTV and phones

CCTV is installed in YIFTD services and supported housing projects covering entrances/exits, in order to:

- help protect staff, residents, clients, customers and members of the public
- assist in the prevention of crime on the premises
- (where applicable) reduce breaches of tenancy/licence.

The use and management of CCTV equipment and images to ensure that we comply with the Data Protection Act 2018 and the Human Rights Act 1998 is set out in the organisation's CCTV Procedure. YIFTD has a separate CCTV procedure, part of the Data Protection and Information Handling policy.

13.1 Use of phones

Most staff are issued with work mobile phones and may use them to call or text service users; phone use is set out in the IT Security policy. This includes text messaging: staff may text service users provided their phone is only accessed by them. Sensitive and/or personal information will not be provided via text message.

Staff are prohibited from using their personal phones for contact with service users; if a staff member is found to have provided to a service user their personal phone number, then they may be subject to disciplinary action.

14.0 Allegations against staff

All YIFTD staff, trustees and or volunteers are in a position of trust. More information on how to manage allegations relating to adults in accordance with the 4LSAB Allegations Management Framework [Safeguarding Allegations Management Advisor (SAMA)] can be found [here](#). Any allegation made against a member of staff, trustee or volunteer will be taken extremely seriously and investigated to ascertain circumstances. The CEO and Board of Trustees are informed of all referrals to the LADO. Investigations may lead to the instigation of disciplinary procedures and/or referrals to other statutory services. e.g. Police, Local Authority, accrediting bodies etc. (As outlined by the organisation's Code of Conduct). We may also report the Charity Commission where people have come to harm or the organisation is brought into disrepute as a result of the allegation.

We not only consider if a person is suffering or is likely to suffer significant harm, but also if the alleged perpetrator is unsuitable to work with people at risk either in their present capacity or in rare cases, at any point in the future.

Once advised or notified of a concern, the manager or staff member must liaise with the Safeguarding Lead immediately i.e. within one hour, initially verbally and then via email. The YIFTD Safeguarding Lead will liaise with the relevant Local Authority Designated Officer (LADO) with immediate effect i.e. ideally within one hour, verbally and by email, but no later than within 24 hours.

The organisation recognises that close working relationships, or management hierarchy may be a disincentive to report and will endeavour to ensure that investigations are managed sensitively and supportively to reduce any negative impact on professional relationships, or fear of future reprisal. Please refer to YIFTD's Whistleblowing Policy.

There may be therefore up to three strands in consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by the Local Authority about whether someone is in need of protection or in need of services
- where an employer may have carried out or investigated an allegation that could have resulted in disciplinary action

At the end of the investigation appropriate allegations will also be referred to the Disclosure and Barring Service (DBS) and, where required, OFSTED or other regulatory bodies.

Where appropriate and on the advice of the LADO/Police, YIFTD will allocate a Human Resources staff member to keep the subject of the allegations updated with the progress of the case and

provide appropriate support while the case is on-going.

Note: where an allegation concerns the DSO, the case will be led by the Board of Trustees.

In cases where there is a concern of significant harm, the individual will be suspended for the duration of the investigation. YIFTD will ensure that we keep the person updated and provide on-going support.

Every effort will be made to ensure, as far as is reasonably practicable, that confidentiality of the case is adhered to. YIFTD will not provide information to the media which could identify the individual concerned.

At the conclusion of a case YIFTD will review the circumstances and determine whether there are any organisational improvements to be considered to help prevent similar events in the future.

14.1 Resignation whilst under investigation

If the staff member resigns or their contract terminates, or in the case of a volunteer, ceases to make their services available, YIFTD will continue the investigation to completion in accordance with policy.

In cases of allegation of harm or potential harm to children and young people there can be no 'compromise agreement' between YIFTD and the employee or volunteer. YIFTD has a statutory duty to make a referral to the DBS. In addition, any such agreement would not prevent a police investigation where appropriate.

14.2 Allegations against staff that are not substantiated

If the allegation is not substantiated YIFTD will support the staff member in their return to work. This may include the provision of additional support through a mentor and discussions on how contact with the person who made the allegation might be managed.

If an allegation against a member of staff is determined to be unfounded YIFTD will support Social Care staff to determine if the person concerned needs other services.

15.0 Safeguarding Adults Review (SAR)

Formerly known as Serious Case Reviews, SARs are now a statutory duty under the Care Act for Safeguarding Adults Boards to undertake. This is when:

- an adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult
- an adult is still alive but has experienced serious neglect or abuse and there is concern that partner agencies could have worked more effectively to protect the adult

The purpose is not to reinvestigate or to apportion blame, it is to:

- establish whether there are any lessons to be learnt from the circumstances of the case, about the way in which local professionals and agencies work together to safeguard adults
- review the effectiveness of procedures
- inform and improve local inter-agency practice
- improve practice by acting on learning, and
- highlight good practice.

YIFTD can request that a case goes to a SAR, this is done through the relevant local adult safeguarding board; alternatively we may be invited to attend a SAR as a partner agency.