

## **Stonewater Safeguarding Adults policy**

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### **1.0 Policy Summary**

- 1.1 This policy sets out Stonewater’s approach towards safeguarding adults at risk from harm and abuse. It is supported by Safeguarding procedures and training, and related policies, such as, Stonewater’s Vulnerable Customer’s policy, Safeguarding Children policy, Anti-Social Behaviour policy and Domestic Abuse policy.
- 1.2 The Safeguarding policy and procedures will
- Define Stonewater’s organisational and management responsibilities, including the roles and responsibilities of contractors working on behalf of Stonewater.
  - Detail the potential signs of abuse and neglect to vulnerable adults at risk and guidance in identifying signs of abuse
  - Detail the processes staff will follow, including how Stonewater will ensure a multi-agency approach to reporting and dealing with safeguarding concerns and incidents
- 1.3 Failure to comply with this policy may result in a risk to the health and safety of customers as well as a negative reputational and financial impact to the organisation.

1.4 This policy applies to all staff and agents working on behalf of Stonewater and any person who accesses Stonewater services. This will include non-customers of Stonewater, for example attendees at estate open days or visitors to Stonewater properties.

## **2.0 Context**

2.1.1 Safeguarding in regards to Stonewater means protecting our customers' right to live safely, free from abuse and neglect through Stonewater working with our partners and other organisations to prevent and stop both the risks, and the experience of, abuse or neglect, whilst at the same time making sure their wellbeing is promoted and their preferences taken into account.

2.2 Stonewater are in contact with vulnerable adults at risk throughout their day to day activities and are required through law, their regulator and their organisational objectives to have clear policies and procedures on Safeguarding and working with local agencies. These requirements are detailed in **Appendix 1: Legal and Regulatory Provisions**

2.3 The Care Act 2014 states that local authorities must promote wellbeing when carrying out any of their adult care and support functions. Wellbeing is a broad concept and relates to areas which include protection from abuse and neglect, personal dignity and control, physical, emotional and mental health, suitable accommodation and domestic and social wellbeing.

2.4 Local authorities have the lead responsibility for safeguarding adults. Their role is to ensure that there is a local Safeguarding Adult Boards (see below), that they provide services to people who need care and support and that they respond to concerns about harm and abuse. Safeguarding Adult Boards (SABs) are the lead agencies with responsibility for co-ordinating safeguarding and conducting case management and reviews. They will have expertise in handling cases of abuse, providing support and counselling to victims and assisting the police with any criminal investigations.

2.5 The police and criminal justice system take a lead where a crime is suspected. The police also have a key role in promoting community safety (working with Community Safety Partnerships). Police and Crime Commissioners act to ensure that their force is effectively offering protection and access to justice for adults in need of care and support. The police are also statutory members of the SAB.

## **3.0 Legal and regulatory framework**

### **Care Act 2014 (and Care and Support Statutory Guidance Issued under the Care Act)**

3.1 Sections 42-47 and 68 of the Care Act defines Safeguarding adults, provides a definition of adults at risk, details the roles and responsibilities of a range of organisations and how they must work together to respond to adult safeguarding concerns. This includes Registered Providers.

The Act sets out a new statutory basis for safeguarding adults and the legal duties that local authorities will have to fulfil in their lead and coordination roles. The supporting Statutory Guidance on adult safeguarding replaces previous 'No Secrets' official guidance.

## **Mental Capacity Act 2005**

- 3.1.1 The Mental Capacity Act 2005 provides the framework to empower and protect people who may lack the capacity to make some decisions for themselves at a given time. We presume that adults have the mental capacity to make informed decisions about their own safety and how they lead their lives. However, some of our customers will have been assessed under the Mental Capacity Act (MCA) as lacking capacity in certain areas – which may include lacking capacity to give informed consent to a safeguarding referral.
- 3.1.2 Where a staff member has concerns about a customer's mental capacity they should speak with their manager or a safeguarding champion.
- 3.2 As a Registered Provider, Stonewater are not statutory partners under this act but are obliged to:
- Attend and provide information for Local Safeguarding Adults Boards if necessary. Housing providers will also be asked to participate in relevant Safeguarding Adult Reviews; (although not a statutory requirement, housing may be asked to)
  - co-operate with local authorities in enquiries of suspected adult safeguarding concerns - these may result in us taking action to protect the adult from any actual or risk of abuse or neglect as part of a safeguarding plan;
  - have a safeguarding policy and procedure;
  - keep clear and accurate records of adult safeguarding allegations, responses and actions, then share these with appropriate organisations when in the best interest of the person; and
  - Have safe recruitment practices and training relevant to safeguarding.

## **4.0 Definitions**

Stonewater will adopt the following definitions:

### **Vulnerable adults at risk**

- 4.1 A **vulnerable adult at risk** may become at risk of abuse because of their needs for care and support (whether or not the local authority is meeting those needs) and is experiencing, or at risk of abuse and neglect. As a result of those needs, there are unable to protect themselves from either the risk of, or the experience of, abuse and neglect. This may include their ability to communicate or making known their wishes and needs.

Examples of adults who may become at risk of abuse may be because they have a high degree of dependency on others, in need of community care or specialist services due to mental health needs, physical or learning disability, age or illness and may include their ability to communicate or making known their wishes and needs.

Stonewater's definition of vulnerability can be found in their Vulnerable Customer policy, however, not all vulnerable adults are at risk of abuse.

## **Abuse and neglect**

4.2 **Abuse** and **neglect** takes many forms and can be caused by single or repeated acts or a failure to act by any other person or persons, or in the case of self-neglect, the victim themselves. The circumstances of each individual case will be considered as to not limit what constitutes abuse or neglect.

Guidance on the types of abuse and neglect is detailed in the Safeguarding procedure. Stonewater will treat as a safeguarding concern where a vulnerable adult at risk is suspected to be involved in either;

- physical abuse
- domestic violence
- sexual abuse
- psychological abuse
- financial or material abuse
- modern slavery
- discriminatory abuse
- organisational abuse
- neglect and acts of omission
- self-neglect

4.3 Self-neglect is when someone neglects to attend to their basic needs, such as personal hygiene, appropriate clothing, feeding, heating, sleeping, or tending appropriately to any medical conditions they have. Hoarding can also result in self-neglect.

## **5.0 Differences and similarities between safeguarding adults and safeguarding children**

5.1 Stonewater have separate policies and procedures for Safeguarding Adults and for Safeguarding Children. Stonewater will remain conscious of the essential differences that exist between safeguarding children and safeguarding adults. One of the key differences is that adults have their own rights and responsibilities and must make their own decisions and live independent lives. This means that they have a legal right of consent and participation in progressing safeguarding concerns. The exception to this is if they do not have the mental capacity to make informed decisions about their safety (or if it puts others at risk).

For children, consideration must be given to the wishes and feelings of a child, if reasonable, before making decisions on what services to provide or action to take. However, authorities will always have a duty to act in the best interests of the child which may mean contradicting their wishes.

5.2 Adult safeguarding concerns may also involve children, and vice versa. If concerns arise about a child these must also be reported to the local Children's Services team within Social Services and/or police to investigate. See **Stonewater's Safeguarding Children policy**.

## 6.0 Safeguarding principles and commitments

6.1 Stonewater will aim to protect and maintain customers' safety and wellbeing through their approach to safeguarding adults at risk. Stonewater will achieve this by working with their partners to apply their policy standards to the six principles as defined in the Care Act 2014 Statutory Guidance (empowerment, prevention, proportionality, protection, partnership and accountability) which underpin safeguarding work:

1. **Empowerment:** personalisation and presumptions of person-led decisions and informed consent
  - We will ensure our customers are aware of how to report safeguarding concerns, and the support we can provide
  - Our response to safeguarding, places the person at its heart, which means listening and believing what we are told, and respecting their needs and views in how we respond to safeguarding concerns
2. **Prevention:** better to take action before harm occurs
  - We will provide information to customers on what abuse is via our website, social media campaigns, at community events and through communal noticeboards in schemes.
  - We will aim to hold up-to-date information on customers' support needs and vulnerabilities. We will use this data to inform our approach to safeguarding.
  - We will undertake relevant disclosure and barring checks on employees that have access to or work with vulnerable adults.
3. **Proportionality:** proportionate and least intrusive response appropriate to risk presented
  - We will act swiftly upon our safeguarding concerns and treat all reported concerns in good faith.
  - We will notify the local authority Safeguarding Team if abuse is identified or suspected.
  - We will take appropriate action against perpetrators of abuse. Where a crime has been committed, we will report this to the police.
4. **Protection:** support and representation for those in greatest need.
  - We will take reasonable steps, within our power to do so, to ensure the safety and well-being of customers, including re-housing if appropriate.
  - We recognise that safeguarding is the responsibility of everyone who works for us or on our behalf. We will be vigilant to concerns for our customers' welfare, and indicators of abuse and neglect.
  - We will recognise that mental capacity and consent are key issues in safeguarding

cases, and every adult has the right to make their own decisions. A person is assumed to have mental capacity unless it is proved that they do not and will make a referral to the local Adult Social Care Team where we have concerns that a person being abused lacks mental capacity. This will ensure a Mental Capacity Assessment can be made.

- We will ensure that our disclosures are compliant with the need for safeguarding, and share information about concerns with agencies that need to know such as multi-agency public protection arrangements
- We will learn from incidents and case reviews, revising and improving work practices, induction, training, policy and procedure as appropriate.

5. **Partnership:** local solutions through services working with their communities

- We will develop strong relationships with local authorities and other safeguarding partners at a senior and operational level, which we will formalise through inter-agency and information sharing agreements.
- We will co-operate with relevant safeguarding partners to investigate allegations of harm, abuse, and neglect to a vulnerable adult, and take actions to safeguard that person. This includes:
  - referring our safeguarding concerns to the relevant local authority, or if necessary the police;
  - participating in Local Safeguarding Adults Boards;
  - making enquiries to support Safeguarding Adult Reviews or Serious Case Reviews;
  - keep accurate, confidential and secure records of all safeguarding concerns and associated actions; and
  - sharing information with relevant safeguarding partners.

6. **Accountability:** transparency in delivering safeguarding

- We will ensure this policy and our safeguarding procedure is kept up-to-date and disseminated to all staff.
- We will appoint a 'Safeguarding Lead' within Stonewater, who is responsible for ensuring that our safeguarding policies and procedures are up-to-date and delivered in an effective and timely manner.
- We will have Designated Safeguarding Champions across the business who are lead points of contact for safeguarding advice, expert knowledge and to support with Local Authority escalation.
- Safeguarding Champions will analyse safeguarding data across the organisation, identify trends and areas for improvement and work towards an improvement and learning plan to promote best practice around safeguarding across Stonewater and to raise awareness of safeguarding matters with colleagues and customers.
- We will ensure that all relevant staff and agents receive suitable safeguarding training and understand their roles and responsibilities in safeguarding adults at risk.

- We will adhere to Stonewater's Safer Recruitment Policy when recruiting to staff roles that have these requirements.

## **7.0 Key responsibilities of all staff**

7.1 Stonewater will expect that all their staff (and staff, contractors and volunteers who work on behalf of Stonewater):

- Are alert to concerns for welfare, and indicators of abuse and neglect
- Report all cases of suspected abuse or neglect to the appropriate individual in the organisation. The lead worker e.g. Tenancy Services Officer, Service Delivery Officer, Coach, Property Manager, will monitor safeguarding cases, report concerns to, and liaise with the relevant local safeguarding teams as necessary
- Are vigilant about their actions so that they cannot be misinterpreted, and are aware of appropriate behaviour when working with customers (for example, appropriate boundaries of personal contact)
- Are vigilant that, through the services that Stonewater provide, that failures to act (such as leaving a vulnerable tenant without heating or water for extended periods) or failures to follow policy and procedures (such as not addressing their reports of anti-social behaviour correctly) may also constitute abuse
- Attend safeguarding training and refresher training where relevant
- Are aware of situations which may present risks and manage these (for example, if allocating a property to a registered offender, that consideration is given to the location)

## **8.0 Recording, reporting and monitoring**

8.1 Full details on recording and reporting allegations of abuse are provided in the following Safeguarding Procedures:

- The Stonewater Safeguarding Adults at Risk Procedure

When managing any allegation of abuse it is essential that information is recorded accurately and in a timely manner. In addition staff may also be called upon to complete relevant forms for the local authority, the local Safeguarding Team and/or the police.

8.2 Staff should be mindful of sensitivity around safeguarding matters when recording cases, particularly in the circumstances of a joint tenancy. Staff should also be aware that language must be fact based and not include any personal judgement or assessment of the allegations.

8.3 The lead worker will be responsible, along with their manager for monitoring the progress of safeguarding referrals made to the Local Authority.

8.3 The Safeguarding Champion group will produce quarterly safeguarding reports providing an organisational overview of safeguarding referrals made, with analysis. The Safeguarding Champion group will also respond to concerning trends around safeguarding matters and ensure this is addressed.

8.4 The Safeguarding Lead will produce an Annual Safeguarding report for the Board which will provide an overview of safeguarding activity in the year.

## **9.0 Agency managed services**

9.1 Agencies providing support services will be expected to have their own equivalent safeguarding policies in place. Their responsibilities in this regard will be managed through Stonewater's contractual relationship with them. Agencies are required to report safeguarding concerns to the Local Authority, their service regulator (e.g. Care Quality Commission) and to Stonewater.

## **10.0 Contractors and agents**

10.1 Contractors working on behalf of Stonewater and visiting homes may encounter evidence of abuse and neglect within the property. Customers may also choose to disclose incidents, so awareness in sensitively preserving or taking evidence and handling reports will be necessary. Contractor organisations will be expected to ensure that they comply with Stonewater's Code of Conduct for Maintenance Contractors, including:

- Ensuring that staff are suitable for the capacity employed
- Ensuring that staff receive suitable training on how to deal with Customers, including how to report any concerns they have

10.2 Stonewater will monitor the performance of their contractors, compliance with Stonewater's Code of Conduct for Maintenance Contractors and compliance with this policy through quarterly Contract Meetings.

## **11.0 Whistle Blowing and allegations of abuse by staff members / contractors**

11.1 If a member of staff suspects that someone is being abused by another member of Stonewater's staff, they should immediately speak to their line manager or the People Team. Where there is a failure to respond appropriately to allegations of abuse, or where staff have concerns that a colleague or superior is responsible for the abuse, staff must follow Stonewater's Whistleblowing Policy.

11.2 The Public Interest Disclosure Act (1998) protects workers from detrimental treatment or victimisation from their employer if they blow the whistle on wrongdoing, such as the abuse of customers. Staff who whistle blow can remain anonymous. However, this cannot necessarily be guaranteed if it results in a criminal investigation.

11.3 Allegations of abuse towards a customer by a member of staff, will be dealt with in line with HR procedures. If a suspected criminal activity is alleged to have taken place, the Police will be notified.



11.4 If an allegation of abuse is made about a contractor, the contractor will be expected to investigate in line with their procedures. The member of contracted staff may be asked not to return to a Stonewater property while the investigation is taking place.

## 12. Confidentiality and information sharing

12.1 We will respect confidentiality at all times and will not share any information given in confidence unless justified by the assessed risk to the adult at risk or required by law.

12.2 We will discuss our approach to confidentiality with the customer where there are safeguarding concerns. We will be honest and explain that information might need to be shared with other organisations in order for them to respond or resolve a safeguarding issue.

12.3 Decisions about what information is shared and with whom will be taken on a case by case basis. Whether information is shared with or without the adult at risks consent, the information shared should be:

- Necessary for the purpose it is being shared
- Shared only with those who have a need for it
- Accurate and up to date
- Shared in a timely fashion
- Shared accurately
- Shared securely

## 13. Complaints

13.1 Customers that do not feel satisfied with our service in relation to Safeguarding may wish to make a formal complaint. Stonewater has a **Complaints Policy** providing information about how to complain about our services. Alternatively, a Customer may also wish to contact the relevant Local Authority Safeguarding Adults Board if they feel that Stonewater have not provided an adequate service.

## 14.0 Equality and Diversity

14.1 Actions taken in relation to safeguarding, should always be appropriate to the adult at risk; they should not discriminate because of disability, age, gender, sexual orientation, race, religion, culture or lifestyle.

14.2 Stonewater will ensure that we address barriers to disclosure for those with protected characteristics. This will include ensuring that information on safeguarding adults is available to customers in a range of formats and languages, providing bespoke support dependent on the persons needs throughout a safeguarding process, this could be an advocate or an interpreter, for example.

## 15.0 Author & Version

Author	Helena Doyle
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Version	3.0
Date	28 <sup>th</sup> June 2019

## 16.0 Revision History

Version	Date	Name	Description
2.0	29.09.16		Policy approved by the board
2.1	28.6.19	Helena Doyle	Draft review of policy
2.2	8.7.19	Helena Doyle	Amended feedback from Karen Ayling and Maxine Hartwell
3.0	03.09.19	Helena Doyle	Policy approved by Housing Committee

## **Appendix 1 – Other legislation and regulations**

### **Sex Offences Act 2003**

This act strengthened measures to protect the public from sexual offending.

Part 1 of the act:

- provides specific protection from abusive sexual activity for those adults with an ‘arrested or incomplete development of mind, psychiatric disorder and any other disability of the mind’.

### **Safeguarding Vulnerable Groups Act 2006**

This act sets out the responsibility we have for vetting and barring people working with children and vulnerable adults.

### **Mental Capacity Act 2005 (MCA)**

The MCA and the associated ‘Code of Practice (2007)’ provides a framework to empower and protect people over 16 years old who may lack capacity to make some decisions for themselves, for example, people with dementia, learning disabilities, mental health problems, stroke or head injuries who may lack capacity to make certain decisions.

The MCA introduces a criminal offence of ill treatment or wilful neglect of a person who lacks capacity. This is intended to deter people from abusing, ill-treating or neglecting people who lack capacity.

The MCA applies to anyone who works with people who are unable to make all or some decisions for themselves, including Registered Providers. It requires Registered Providers to:

- know about the MCA;
- always presume that people have capacity to make decisions for themselves;
- refer people for assessment if they lack mental capacity to make their own decisions;
- co-operate with relevant statutory organisations, Independent Mental Capacity Advocates, someone with Power of Attorney or carers; and
- share appropriate information where this is in someone’s best interests, but maintain confidentiality where necessary.

### **Data Protection Act 1998 (DPA)**

The DPA controls how personal and sensitive information is used by organisations, such as Registered Providers.

Organisations must ensure data is:

- used fairly and lawfully;
- used for limited, specifically stated purposes;
- used in a way that is adequate, relevant and not excessive;
- accurate;
- kept for no longer than is absolutely necessary;
- handled according to people’s data protection rights;
- kept safe and secure; and
- not transferred outside the UK without adequate protection.

## **Protection of Freedoms Act 2012**

Part 5 of this act created the current disclosure, vetting and barring scheme, which applies to people working with or has access to children and vulnerable adults.

The Disclosure and Barring Service is now responsible for assisting employers, such as Registered Providers, in England and Wales make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.