



## SAFEGUARDING ADULTS Corporate Policy

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## 1. INTRODUCTION

- 1.1 Creative Support is committed to protecting adults and children from abuse (see also separate [Safeguarding Children and Young People](#) policy). Creative Support acknowledges that it has a duty of care to adult service users, which extends both to individuals living in a residential setting managed by Creative Support, and also to individuals living in their own homes who receive support from, or who use, day services provided by Creative Support.
- 1.2 Everyone has the right to live their lives free from violence and abuse, and any form of exploitation. This right is underpinned by the duty on public agencies under the [Human Rights Act](#) (1998) to intervene proportionately to protect the rights of citizens.
- 1.3 Abuse of adults is the violation of an individual's civil or human rights by others who have influence over them. These violations may be intentional or unintentional, and may be a single act or repeated over a period of time by one person, or by several people.
- 1.4 Previously, the broad definition of an 'adult at risk' suggested by the Law Commission and referred to in the Lord Chancellor's Department's consultation paper 'Who Decides' and the Department of Health's 'No Secrets', was used. However, the adult(s) experiencing, or who is at risk of abuse or neglect, will hereafter be referred to as 'the adult(s)'.
- 1.5 **Who does this policy safeguard?**

This policy is intended to safeguard any adult who:

- Is aged over 18 or over; and
  - Has needs for care and support (whether or not those needs are being met); and
  - Is experiencing, or at risk of, abuse or neglect; and
  - As a result of those needs is unable to protect him or herself against the abuse or neglect or the risk of it.
- 1.6 The purpose of this policy is to enable employees of Creative Support working with adults to be able to recognise instances of abuse and to address them quickly and effectively. This encompasses the prevention of abuse, early detection, protection, and work with adults affected by abuse following interventions to avoid any further abuse in the future.
- 1.7 This policy also addresses the promotion of wellbeing through protecting vulnerable adults from abuse and neglect in line with the requirements of the [Care Act](#) (2014). This is to ensure that the personal dignity, physical and mental health, and emotional wellbeing of those involved are maintained, both during and after their involvement in the safeguarding process.
- 1.8 This policy must be adhered to by all employees of Creative Support, including bank workers, volunteers, students on placement, board members and those undertaking official visits. The policy also applies to consultants and agency workers contracted to work for Creative Support.
- 1.9 This policy is the Creative Support corporate safeguarding policy, which provides guidance for staff to enable adults to be kept safe from abuse or neglect and immediate action to be taken where required in order to achieve this.

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## 2. STATEMENT OF COMMITMENT

- 2.1 [No Secrets](#) (2000) and the review in 2009 set out the Government's commitment to make the protection of adults who are at risk a high priority. *Making Safeguarding Personal* is about person-centred outcome-focused practice. It is how professionals are assured by adults that they have made a difference to people by taking action on what matters to people, and is personal and meaningful to them. *Making Safeguarding Personal (2014)* represents a shift in culture and practice. At Creative Support we will work with Local Authorities to support and empower people at risk of harm to resolve the circumstances that put them at risk. We will ensure our practice puts the person at the centre of their safeguarding, giving them more control and we will work with them to agree and achieve their desired outcomes.
- 2.2 The [Care Act](#) (2014) and accompanying [Care and Support Statutory Guidance](#) underpins Creative Support's safeguarding policy.
- 2.3 We work in partnership with local statutory agencies and other relevant agencies to protect adults from abuse and to provide an effective response to any situation giving cause for concern, complaints or expressions of dissatisfaction and anxiety, Creative Support's policy and procedures are based on **The Six Principles of Safeguarding** that underpin all adult safeguarding work:
- i. **Empowerment** – People being supported and encouraged to make their own decisions and informed consent without coercion, by helping them to choose the care and support that best enables them to meet their goals.
  - ii. **Prevention** – It is better to take action before harm occurs. Creative Support are committed to making the prevention of abuse one of the key priorities in all of its services, ensuring all sites have robust procedures in place for dealing with incidents of abuse where the prevention strategy has not been effective.
  - iii. **Proportionality** – The least intrusive response appropriate to the risk presented. While remembering that adults have the right to have their decisions respected, even if this involves taking risks, assessment of the individual's capacity in relation to making decisions about a specific issue is essential to protect these rights.
  - iv. **Protection** – Support and representation for those in greatest need. Immediately upon any concerns of possible abuse being raised, the safety of the individual or group must be the primary consideration. Staff should be alert to indications of possible abuse and understand how to raise any concerns appropriately.
  - v. **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. Creative Support will work closely with Local Authorities to provide an effective multi-agency approach to the prevention, detection and investigation of abuse.
  - vi. **Accountability** – Accountability and transparency in delivering safeguarding. All staff must work within the framework of the law, and safeguarding procedures should be seen as an integral part of working practices in all services.

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### 3. DUTY OF CANDOUR

- 3.1 Creative Support acknowledges and works in accordance with the Duty of Candour under regulation 20 of the [Health & Social Care Act](#) (2012), whereby we agree to work in an open and transparent way, providing information where it has been identified that a service user's safety has been affected, or could have been affected, even if no harm has occurred, whilst in receipt of Creative Support services.

### 4. RESPONSIBILITIES

- 4.1 Overall responsibility for Creative Support's arrangements to safeguard adults ultimately lies with the Chief Executive for Creative Support, the Director of Safeguarding and Lead Manager for Health and Safety, in conjunction with all Board Members.
- 4.2 It is the responsibility of all Registered Managers and Senior Management Teams to ensure that there are effective processes in place in their services regarding adult safeguarding, and that these processes and procedures link effectively with those of the Local Authority. This includes ensuring that all staff read this policy and undertake appropriate training and refresher training as required.
- 4.3 It is the responsibility of all Registered Managers and Senior Management Teams to ensure services have local safeguarding policies and procedures in place which include the relevant Local Authority procedure for submitting a safeguarding adult concern with up to date contact details.
- 4.4 Staff are responsible for maintaining clear and professional boundaries between themselves and the people they support in accordance with the Code of Practice. This is important because staff who do not adhere to boundaries based on trust, respect and the appropriate use of power with a focus on meeting the needs of the individual, can cause confusion and the risk of potential abuse.
- 4.5 It is the responsibility of all Creative Support staff to act on any concerns, suspicions or evidence of abuse, and report any concerns to their line manager or a senior member of staff. Outside of office hours safeguarding concerns must be reported to the Head Office Duty Manager who will ensure that the concern is reported to the relevant Local Authority and other agencies as appropriate. The lead senior manager will also advise staff and liaise with other agencies to ensure that an interim protection plan is put in place, pending discussion with the responsible Local Authority.
- 4.6 It is the responsibility of all staff to read this policy and attend safeguarding training appropriate to their job role.
- 4.7 Staff are responsible for advising their manager of any concerns regarding the safety and wellbeing of the people they support. If staff do not feel their concerns have been acted upon or taken seriously, then they should follow the process outlined in the [Whistleblowing](#) policy or report through the internal 'Code Red' process.
- 4.8 It is the responsibility of the Local Authority where the alleged abuse has occurred to coordinate any safeguarding work, to determine whether or not abuse has occurred, whether it meets the threshold for initiating Section 42 Safeguarding Adults Enquiries (Section 42, [Care Act](#) 2014); to progress to a Safeguarding Strategy meeting, and to agree the measures needed to protect the adult.

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- 4.9 In the event that a safeguarding concern progresses to an investigation or a Strategy Meeting, that Creative Support is invited to attend, the lead Operational Manager for the service will prepare a Safeguarding Strategy Report for the meeting and will personally attend to ensure that Creative Support's contribution is taken into account. The lead Operational Manager may in some circumstances delegate the preparation of the report and/or attendance at the meeting to another senior colleague where appropriate, but remains responsible for its contents and for the contribution to the meeting. The lead Operational Manager must ensure that Creative Support receives a copy of the minutes of the Safeguarding Strategy Meeting, that these are carefully reviewed and that any inaccuracies or omissions are communicated promptly in writing to the Chair of the meeting.
- 4.10 It is the responsibility of the Local Authority to enlist the support of an IMCA (Independent Mental Capacity Advocate) to support any adult who lacks capacity through the safeguarding process where certain conditions are met, or in the event of a SAR (Safeguarding Adult Review) Creative Support will ensure individuals involved in any safeguarding procedures receive the support to which they are entitled.

## 5. PREVENTION OF ABUSE

- 5.1 It is far better to put in place preventative strategies to minimise the likelihood of abuse occurring, than to deal with abuse after it has happened. In order to prevent and minimise abuse from occurring, the following standards will be adhered to:
- Creative Support ensures that all individuals who are employed or volunteer to work with adults and children are subject to enhanced DBS checks, including POVA and POCA checks.
  - All references, including a reference from the last employer, are taken and received before formal offers of employment are made in writing. All reasonable efforts to check the references are bona fide and genuine are taken.
  - In response to the Lampard report into lessons learned from the investigations into concerns relating to Jimmy Savile, Creative Support staff will ensure that visits by celebrities, VIPs and other official visitors are well managed and that visitors are supervised at all times.
  - All staff will receive regular training, supervision, and safeguarding supervision where appropriate.
  - All allegations will be responded to in a positive manner.
  - Clear service standards will be maintained.
  - Safe recruitment policies must be followed for all staff, including volunteers.
- 5.2 The Criminal Records Bureau and the Independent Safeguarding Authority (ISA) merged in 2012 to form the Disclosure and Barring Service (DBS). This means there is a single organisation dealing with checks and barring decisions.
- 5.3 Employers are required to make referrals to the DBS about individuals they believe to pose a risk of harm to vulnerable groups. There is a referral guidance document available from the DBS at [www.gov.uk/government/publications/dbs-referrals-form-and-guidance](http://www.gov.uk/government/publications/dbs-referrals-form-and-guidance). It is an offence for employers to employ anyone who is barred under the scheme.
- 5.4 For individuals who have convictions and/or cautions (having fully disclosed them) a decision regarding their suitability to work with adults and/or children will be made by the Service Director responsible for Human Resources, as per the Recruitment and

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Selection policy. As a registered body working on behalf of the Disclosure and Barring Service we fully comply with the standards of the [Data Protection Act \(2018\)](#) and [EU General Data Protection Regulation \(GDPR\)](#).

- 5.5 All staff members are issued with identity badges, which they must carry at all times. These are also renewed every 2 years, and must be handed in when an employee leaves the employment of Creative Support.

## 6. TRAINING

- 6.1 All Creative Support employees will be given clear guidance and training on safeguarding, and will be required to sign to say they have read this Safeguarding Adults policy. Staff will also familiarise themselves with the Local Authority safeguarding procedures.
- 6.2 During their corporate induction, staff will undertake internal safeguarding training. Staff must then refresh their safeguarding training annually either via e-learning or through classroom-based training. New staff who have not worked in a health and social care setting will complete the Care Certificate, which includes a module on safeguarding. Managers will complete safeguarding training as part of their managers' induction and are required to refresh this annually. Staff are also encouraged to attend any Local Authority safeguarding training available to them locally.
- 6.3 Attendance, knowledge and competency levels will be regularly audited through the supervision and appraisal procedures, through local monitoring, and the corporate training database.
- 6.4 Safeguarding statistics, scenarios, feedback and learning from cases is shared with the Senior Executive Team, the Quality Practice Committee and at monthly Social Care Governance meetings.
- 6.5 At Creative Support we take responsibility for organisational learning, and implement changes to practice as a result of audits, complaints, safeguarding section 42 investigations and SARs. We also seek feedback from adults about their experience and identify what has worked well and what could be improved.

## 7. RECOGNITION OF ABUSE

- 7.1 Abuse may occur in any context or environment and be perpetrated by any person, professional staff, care workers, volunteers, other service users, family, friends, neighbours or strangers. Abuse may be deliberate or unintentional, or result from a lack of knowledge.
- 7.2 Abuse can happen as a result of neglect or through poor professional practices. These could be isolated incidents, ongoing regular pervasive ill treatment or gross misconduct.
- 7.3 Although often difficult to detect in a care setting, staff must always be alert to the possibility of abuse/exploitation from any source, especially where people are being supported to live a more independent life.
- 7.4 Staff must also be aware that the perpetrator could be another person in our care. It is well recorded that where this kind of abuse is ignored or not addressed, then the victims

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may experience mental ill health, low self-esteem, and may also go on to be perpetrators of abuse themselves.

- 7.5 Alleged perpetrators of abuse who are also at risk of abuse, should be assured of their right under the [Police and Criminal Evidence Act](#) (1984) (PACE) to the support of an 'appropriate adult' while they are being questioned by the police.
- 7.6 Staff should be aware that some adults, especially older people, may not be aware that they are being abused: for example, when they become dependent on care staff, family members or neighbours allowing them to take control of their finances, make decisions or have contact with others, and may be fearful of asserting themselves in case things get worse.
- 7.7 Staff should have an understanding of their duty of care to those who may be vulnerable to exploitation, mate crime, self-neglect or self-harm and report concerns immediately.
- 7.8 Staff need to be aware that some cases of abuse will constitute a criminal offence. Adults in need or receipt of community care services are entitled to the protection of the law. The responsibility for taking the lead on any investigation of a crime rests with the police. Decisions regarding prosecution are the responsibility of the Crown Prosecution Service. The early involvement of the police is essential when there is reason to believe that a crime has been committed.

## 8. TYPES OF ABUSE

Abuse and neglect can take many forms. Staff should not be constrained in their view of what constitutes abuse or neglect. The circumstances of an individual case should always be considered.

- 8.1 **Discriminatory Abuse** – Discrimination on the basis of race, gender, sexual orientation, age disability or religion. A crime that is motivated by hatred towards a specific group is treated as a hate crime. Also included in this category are forced marriage or 'honour-based' violence when values, beliefs or culture result in a misuse of power that denies opportunities to some individuals or groups.
- 8.2 **Domestic Violence** – Domestic abuse, forced marriage and 'honour-based' violence are included in the above, depending on the actual nature of the abuse. Domestic abuse is any incident of threatening behaviour, violence or abuse – psychological, physical, sexual, financial, or emotional abuse between two adults who are or have been intimate partners or family members regardless of gender identity or sexual orientation.
- 8.3 **Financial or Material Abuse** – The misuse or misappropriation of a person's funds, property or possessions. This includes theft, fraud or deception. Using a person's finances or belongings for the abuser's own advantage, this can range from pressure to alter wills in advantage of another, property transfer or financial transactions, to not returning change from items bought on behalf of the adult at risk, or the collection of loyalty points or special offers.
- 8.4 **Forced marriage and 'honour-based' violence** – A forced marriage is a marriage in which one or both spouses do not (or in the case of adults with learning or physical disabilities cannot) consent to the marriage and duress is involved. The terms '**honour crime**' or '**honour based violence**' or '**izzat**' embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and

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murder. The person can be punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In going against this code of behaviour, in the view of the family the person is showing that they have not been properly controlled to conform, and this is to the 'shame' or 'dishonour' of the family.

8.5 **Hate Crimes** – Any incident that is perceived by the victim or any other person to be racist, homophobic, transphobic or due to a person's religion, belief, gender, identity or disability.

8.6 **Mate Crime** – Can be defined as a instance when someone 'makes friends' with a person and goes on to abuse or exploit that relationship. The founding intention of the relationship, from the point of view of the perpetrator, is likely to be criminal. The relationship is likely to be of some duration and, if unchecked, may lead to a pattern of repeat and worsening abuse.

8.7 **Modern Day/Contemporary Slavery** –

Refers to the institutions of slavery that continue to exist in the present day. These include:

- i. **Bonded labour:** people become bonded labourers after falling into debt and being forced to work for free in an attempt to repay it. Many will never pay off their loans, and debt can be passed down through the generations.
- ii. **Forced labour:** where people are forced to work, usually with no payment, through violence or intimidation. Many find themselves trapped, often in a foreign country with no papers, and unable to leave.
- iii. **Descent-based slavery:** where people are born into slavery because their families belong to a class of "slaves" within a society. The status of "slave" passes from mother to child.
- iv. **Trafficking:** the transport or trade of people from one area to another and into conditions of slavery.
- v. **Child slavery:** children are in slavery as domestic workers, forced labour – in, for example, the cocoa, cotton and fisheries industries – trafficked for labour and sexual exploitation, and used as child soldiers.

Staff who have any concerns that a child or vulnerable adult may be a victim of trafficking and/or modern are advised to notify the police. Further support and advice is available from the Modern Slavery Helpline on 08000 121 700 and at <https://www.gov.uk/government/publications/support-for-victims-of-human-trafficking>

8.8 **Neglect Abuse – and acts of omission** - Resulting from acts of omission or commission, which result in a failure to provide access to appropriate health or social care resulting in risk to the independence, welfare and wellbeing of the adult; ignoring medical, emotional or physical care needs. Withholding the necessities of life, such as medication, food, warmth, access to medical treatment, personal care or activities.

8.9 **Organisational/Institutional Abuse** – Abuse that occurs in an institutional setting such as a care home or day centre that is caused by the imposition of routines or work practices that reflect the needs of the institution and staff rather than those of the people using the service. This can include inadequate regard for privacy and dignity, authoritarian or negative staff attitudes, low staffing levels, high staff turnover, lack of

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staff supervision and training, poor communication and poor record keeping. It can also include poor environmental standards and no evidence of people being involved in any person-centered planning of their support, the failure of professionals to act on suspected abuse/crimes, poor care or neglect in services, resource shortfalls or service pressure that leads to service failure and culpability as a result of poor management systems/structures.

- 8.10 **Psychological/Emotional Abuse** – The use of threats, intimidation, harassment, control, coercion, verbal conduct including swearing, persistent ignoring/isolation, emotional blackmail, offensive/demeaning remarks, cyber-bullying or any other behaviour that causes distress. It includes the denial of basic human and/or civil rights such as choice, self-expression, privacy and dignity.
- 8.11 **Physical Abuse** – Resulting from acts of omission or commission on the part of others, causing pain, injury or impairment. This can include hitting, slapping, scratching, pushing, shaking or withholding care or medication or essential treatment. Physical abuse includes:
- Bodily assaults - burns, bruises, abrasions, fractures, wounds.
  - Bodily impairment – malnutrition, dehydration, failure to thrive.
  - Medical/Healthcare Maltreatment – over/under medicating, irregular or inadequate provision of healthcare.
- 8.12 **Radicalisation** – Adults at risk can be drawn into violence or they can be exposed to the messages of extremist groups by many means. These can include through the influence of family members or friends and/or direct contact with extremist groups or organisations or, increasingly, through the internet. This can put a person at risk of being drawn into criminal activity and has the potential to cause significant harm. Creative Support work with vulnerable people, and this group of people may be prone to exploitation. The UK Government's [Prevent Strategy](#) (2011), which is a key aspect of safeguarding, outlines the commitment to be made by the health/care sector in ensuring that threats of this kind are understood and responded to.
- 8.13 **Self-Neglect** – Defined as, “a condition affecting behaviour, where the individual refuses to attend to their personal care and hygiene, their environment or even refusal of care services offered to them”. (Skills for Care). Self-neglect can be considered as a safeguarding issue if there is considerable amount of omission or commission by someone else. Safeguarding alerts can be made if a service user is severely neglecting themselves or their environment, refusing support or will not engage with services, in line with the provisions of the [Care Act](#) (2014).
- 8.14 **Sexual Abuse** – Direct or indirect involvement in sexual activity to which the adult did not or could not consent, or was pressed or coerced into giving consent. This includes inappropriate looking, use of sexualised language or innuendo, use of pornographic material, being made to witness sexual acts, sexual harassment, inappropriate touching, penetration or attempted penetration. Sexual abuse also includes the use of technology such as mobile devices, mobile phones, tablets, the internet and social media. Any sexual exploitation of adults is a form of sexual abuse, and any suspicions should be reported to the police. This can involve exploitive situations, contexts and relationships where adults at risk receive ‘something’ (e.g. gifts, money, affection, food, accommodation, drugs, alcohol, cigarettes) as a result of performing, and/or others performing on them, sexual activities. Sexual exploitation can occur through the use of technology without the person’s immediate recognition – this can include being persuaded to post sexual images on the internet/mobile phone with no immediate

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payment or gain, or being sent such an image by the person alleged to be causing harm. In all cases those exploiting the adult at risk have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. It appears that adults with learning disabilities are particularly vulnerable to being targeted by perpetrators of this kind of abuse.

- 8.15 **Multiple Forms of Abuse** – More than one form of abuse may occur to one person or groups of people. It is important for staff to look beyond single incidents or breaches in standards to underlying patterns of harm.

## 9. PROCEDURE FOR REPORTING CONCERNS REGARDING ADULTS

- 9.1 The procedures are a means for staff to combine principles of protection and prevention with individuals' self-determination, respecting their views, wishes and preferences in accordance with *Making Safeguarding Personal*. They are a framework for managing safeguarding interventions that are fair and just. As an organisation who provides support to adults experiencing, or who are at risk of, abuse and neglect we may be called upon to lead or contribute to a safeguarding concern and need to be prepared to take on this responsibility.
- 9.2 All staff have a duty to report concerns or allegations of abuse relating to adults, whether or not such adults are in receipt of services provided by Creative Support. It is essential to report your concerns even when these involve a colleague, staff of another organisation or a member of the public.
- 9.3 Managers have a duty to respond promptly and appropriately to provide advice, guidance and effective support to staff following a report of alleged abuse.
- 9.4 Staff must ensure the adult is safe and supported. If the adult appears to be in immediate physical danger, then staff must take any practical measures to reduce the danger without endangering themselves. Staff must continue to support the person and if required call for the appropriate emergency service.
- 9.5 Staff should ensure any evidence is preserved. If it is suspected that any physical or sexual abuse has taken place, then the person should not wash, bathe or change their clothing as this could contaminate any evidence the police may require. The police must be contacted at the earliest opportunity in such circumstances. Line managers will advise on this.
- 9.6 Where there is a reasonable suspicion that a criminal offence may have occurred, it is the responsibility of the police to investigate and make a decision about any subsequent action. The police must always be contacted about criminal matters.
- 9.7 Staff should contact to inform the relevant Service Manager, Service Director, the Chief Executive or other member of the Executive Team. If the concern arises out of hours, the local on call or the Duty Manager within Creative Support should be contacted. The Duty Manager can be contacted outside of normal office hours on 0161 236 0829.
- 9.8 If the allegation concerns the practice of a member of staff, it may be necessary to suspend them or move them to an alternative place of work, pending any investigation. The safety of the service user is paramount and should take precedence over employment-related matters.

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- 9.9 If it is suspected that a colleague or manager is the perpetrator of the alleged abuse or they have failed to act in accordance with this policy, it is important **not** to discuss the matter directly with them but is reported to a member of the Executive Team or, if outside of normal office hours, the Duty Manager on 0161 236 0829.
- 9.10 Creative Support currently provides care and support across England. It is not possible to provide all contact details within this Corporate Safeguarding Policy however every Creative Support service will have a copy of their own Local Authority safeguarding policy and procedures or access to online information with the relevant contact details providing information on how to raise a safeguarding concern.
- 9.11 The senior member of staff to whom the concern has been reported will advise on what action to take and will liaise with the relevant Local Authority Safeguarding Officer, who will be responsible for any further investigation and follow up. Should the Safeguarding Officer not be available or the concerns are outside normal working hours then the allegation should be reported to the Duty Social Worker from the Local Authority where the person resides, who will advise on what you must do. Any safeguarding concern must also be reported to the person's Social Worker, Care Manager or Commissioning Manager. Advice should be sought on if and how family members are informed of the safeguarding concern.
- 9.12 The person reporting the concern must record full details of the safeguarding referral, the person with whom they spoke; the date, time, advice given and action taken. All details and full referral documents should be submitted to the Creative Support Safeguarding Co-ordinator, via email wherever possible at [safeguarding@creativesupport.co.uk](mailto:safeguarding@creativesupport.co.uk)
- 9.13 Where allegations of abuse have occurred within a service registered with the Care Quality Commission, it is essential for the Registered Manager to complete a notification form and submit it via e-mail. The latest forms are available on the CQC website at <https://www.cqc.org.uk/guidance-providers/notifications/notification-finder>
- 9.14 Once it is established that the victim is safe and the concerns have been reported verbally, a written record of the event should be made. Where possible, use either the Local Authority reporting form or a [Notification of Professional Concerns Form](#). A hand-written report is acceptable. The report should be handed to or sent to the relevant senior manager to whom it has been reported.
- 9.15 Once it is established that the adult is safe and no longer at risk staff should implement an [Adult at Risk Initial Protection Plan](#)
- 9.16 It is vital that the adult and those affected by a safeguarding concern are given appropriate information and are supported with their general welfare, in accordance with the principles of the [Care Act](#) (2014).
- 9.17 It is important that concerns are documented as promptly as possible and always before the end of a shift. The record should state the nature of the concerns, why and how these concerns arose. If reporting a specific incident, give all relevant information, e.g., date, time and location of incident, names of witnesses. In all cases this must state who the concern was reported to, what advice was given and what action has been taken. This record must state the date, the time, and be signed.
- 9.18 Failure to record concerns could hamper the subsequent investigation and may expose the victim to further risk of abuse. Serious delays or omissions in reporting could be regarded as negligent.

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**It is essential for all employees who support adults are aware of and understand the relevant Local Authority safeguarding reporting procedures, to ensure that these procedures are adhered to at all times and in full compliance with the time scales as determined with the policies. Each Local Authority will have a contact number (including out of hours) for reporting safeguarding matters.**

## **10. CONFIDENTIAL REPORTING – WHISTLEBLOWING**

- 10.1 'Whistleblowing' is the term used to describe when someone in an organisation contacts someone outside of their normal operational management to share information about a matter which is concerning them.
- 10.2 In most circumstances, staff are willing to voice concerns to their line manager or another local manager but, occasionally, something prevents this from happening.
- 10.3 Whistleblowing is viewed as a vital and responsible process for an organisation to commit to. Anyone making a complaint, allegation or expressing concern, whether they be staff, service users, carers or members of the general public, should be reassured that:
- They will be taken seriously
  - Their comments will be treated confidentially as far as is possible
  - They will be given support
  - They will be dealt with in a fair and equitable manner
  - They will be kept informed of action that has been taken.

Refer to Creative Support's [Whistleblowing](#) policy for more details.

## **11. CAPACITY**

- 11.1 If the person thought to be experiencing the abuse has the capacity to do so, it is good practice to gain consent to raise the safeguarding concern. However, if the person does not want to act, consent is not necessary where there is an overriding duty to act. (For example in situations where there is a likelihood of the perpetrator abusing others or if gaining consent would put the person at further risk). Where consent is not given, advice should be sought.
- 11.2 Where an adult does not have the mental capacity to make decisions about protection from abuse, action should be taken to protect them. Any such action must be proportionate to the level of risk and take any knowledge of the person's previously expressed wishes into account.

## **12. MULTI-AGENCY CO-OPERATION**

- 12.1 Section 6 of the [Care Act](#) (2014) describes a general duty to co-operate between the Local Authority and other organisations providing care and support. This includes a duty on the Local Authority itself to ensure co-operation between its adult care and support, housing, public health and children's services. Section 7 of the [Care Act](#) (2014) provides a new ability to request co-operation from a relevant partner or another Local Authority, in relation to an individual case. The Local Authority or relevant partner

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must co-operate as requested, unless doing so would be incompatible with their own duties or have an adverse effect on the exercise of their functions.

- 12.2 It is the role of the Local Authority to decide whether or not the safeguarding concern raised, meets the criteria to undertake a section 42 enquiry or to convene a safeguarding strategy meeting. A senior member of staff or manager for the relevant service must attend this meeting and represent Creative Support. A report must be prepared containing relevant factual information relating to the concerns/allegations, including the original safeguarding referral form/professional concerns form.
- 12.3 The purpose of the strategy meeting is to share available information, agree the conduct and timing of any investigation and agree what immediate action is needed to safeguard the adult, collate a protection plan and determine if legal action is required. It is also an opportunity to ensure all relevant agencies involved with the person are informed of any significant outcomes to prevent the adult from being placed further at risk.
- 12.4 No effective adult safeguarding process can work unless those concerned are committed to the concept of multi-agency and multi-professional working. All the agencies involved should have the wellbeing, rights and safety of the adult as the first priority.
- 12.5 When someone with care and support needs dies as a result of neglect or abuse and there is a concern that the Local Authority or its partners could have done more to protect them, then the Local Authority via its **Safeguarding Adults Board (SAB)** is responsible for undertaking a **Safeguarding Adults Reviews (SAR)**.
- 12.6 When a SAR is undertaken, this must be attended by a Creative Support Senior Manager. As an agency involved in the provision and/or delivery of care and support, there will be an expectation to provide a single agency report an IMR Independent Management Report detailing a chronology of events and the level of involvement Creative Support had with the deceased person.

### 13. HOW DO WE SUPPORT ADULTS TO KEEP THEMSELVES SAFE?

- 13.1 Creative Support is committed to empowering and enabling service users to keep themselves safe from harm and abuse. This is to be achieved through the following approaches:
- Promoting awareness of emergency services and how to access these, including reporting concerns directly to the police and Local Authority safeguarding services.
  - Providing information in accessible formats to service users regarding their rights to self-determination, privacy, dignity and protection from all forms of abuse, including domestic violence and hate/mate crime. This may include information in large print, audio format, DVD, other languages, Braille etc. This should include supporting people to understand what constitutes abuse and unacceptable behaviour. Guidance on reporting safeguarding concerns should be included in service user guides.

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- Ensuring that personal safety and safeguarding concerns are addressed in an open and supportive manner and forms part of the assessment of need, risk assessment, management plans and support plans.
- Promoting awareness of organisations which provide advocacy or specialist advice and support e.g. in relation to domestic violence or hate crime.
- Requesting the support of an Independent Mental Capacity Advocate (IMCA) where the person has a need to independent support.
- Supporting people to understand the risks associated with social networking and internet usage.
- Raising awareness of 'stranger danger'.
- Developing safeguarding training, co-delivered with service users.
- Providing service users with information and advice about mate crime, 'stranger danger' and how to safeguard their personal finances.
- Working with other agencies to increase reporting of hate motivating incidents and crime.

## 14. CONFIDENTIALITY

14.1 The Government guidance document *No Secrets* recognised that there were circumstances in which it was necessary to share confidential information.

14.2 The [Care Act \(2014\)](#) sections 42-46 and Chapter 14 of the statutory guidance replaces *No Secrets* and puts it on a statutory footing. Section 45 of the Act ('Data Sharing') and Chapter 14 of the statutory guidance on information sharing and record keeping state that:

- a) Whenever a complaint or allegation of abuse is made, the organisation should keep clear accurate records of all action taken.
- b) Staff should be given clear direction on what information is recorded, including;
  - i. What information do staff need to know in order to provide a timely response to the adult concerned?
  - ii. What information do staff need to know in order to keep adults safe under the organisation's duty to protect people from harm?
  - iii. What information is not necessary?
  - iv. What is the basis for any decision to share (or not share) information with a third party?

In accordance with Creative Support's [Data Protection and Information Governance](#) policy, data on our service users will be shared with Local Authorities/SABs when it is requested, pursuant to Article 9(2)(h) of the General Data Protection Regulation (GDPR), i.e. that the processing of such data is necessary for the provision of health or social care.

14.3 Information sharing must be in line with the principles and rules of fairness, confidentiality and data protection when making records available to those adults affected by, and subject to, an enquiry.

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14.4 If the alleged abuser is receiving care and support themselves, then information about their involvement in an adult safeguarding enquiry, including the outcome, should be included in their records.

14.5 There may be exceptions to the disclosing of information. If in doubt, always seek advice.

## 15. CROSS REFERENCE TO CREATIVE SUPPORT POLICIES, PROCEDURES OR PROTOCOLS

[Safeguarding Children & Young People](#)

[Duty of Candour](#)

[Whistleblowing](#)

[Mental Capacity Act](#)

[Data Protection and Information Governance](#)

'Code Red' internal reporting procedure

## 16. REFERENCES

[Mental Capacity Act](#) (2005)

'No Secrets' (2000) & Review 2009

Law Commission 'Who Decides'

[Human Rights Act](#) (1998)

[Care Act](#) (2014)

Disclosure & Barring Service

[Police and Criminal Evidence Act](#) (1984)

[Prevent Strategy](#) (2011)

[www.cqc.org.uk](http://www.cqc.org.uk)

[Public Interest Disclosure Act](#) (1998)

[Data Protection Act](#) (2018)

[General Data Protection Regulation](#) GDPR (2018)

*Making Safeguarding personal 2014: Guide*

<http://arcuk.org.uk/safetynet/>

## 17. REVIEW AND DISSEMENTION OF POLICIES

With the exception of *Safeguarding Adults* and *Health and Safety*, which are reviewed annually, all Creative Support corporate policies are reviewed at least once every three years. Policies are available for download on the password protected area of the Creative Support website at <https://www.creativesupport.co.uk/staff-area/documents-and-policies/>

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