



Happy Homes

As at 11/09/19

SAFEGUARDING ADULTS POLICY

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1. Introduction & Context

- 1.1 No one should have to tolerate or be exposed to abuse, neglect or exploitation. Since 2000 the No Secrets guidance (Department of Health) has provided a framework for safeguarding of vulnerable adults. From April 2015, the Care Act 2014 replaces that and establishes a new statutory framework for care and support, including Safeguarding.
- 1.2 Happy Homes has a duty to keep people safe from harm while promoting wellbeing. This includes ensuring that the service provides safeguard people's rights and dignity. The specific duties set out in the Care Act 2014 are to:
- Make enquiries, or cause others do so, if it is believed an adult is at risk of abuse or neglect and establish whether action needs to be taken to stop or prevent abuse or neglect
 - Co-operate with partners to protect adults from experiencing or being at risk of abuse or neglect
 - Arrange, where appropriate, for an independent advocate to support an adult who is subject to a safeguarding Enquiry
 - Complete a Safeguarding Adults Review (SAR) when required
- 1.3 Everyone has a duty to recognise abuse and neglect and take action to protect adults at risk of abuse or neglect. The goal is that people with eligible needs for care and support have access to:
- Information and advice that is easily accessible, understandable and can support choice
 - Active supportive communities that provide a range of support and activities
 - Flexible integrated care and support that is responsive to individual needs
 - A well trained responsive service
 - Personal budgets can determine the support they need and where they receive it

2 Vision & Guiding Principles

2.1 The vision for adult safeguarding is that no-one using the Happy Homes service should have to tolerate or be exposed to abuse, neglect or exploitation.

2.2 This means that Happy Homes will endeavour to:

- Prevent abuse from happening
- Identify and report abuse
- End any abuse that is occurring
- Support people who have suffered abuse to recover and to regain trust in those around them

2.3 The Care Act has established six fundamental principles that underpin all adults safeguarding work, as follows:

- (i) **Empowerment:** Working to support people to manage risk in their own lives, with professionals supporting their decision making at each stage of the safeguarding adults procedures.
- (ii) **Prevention:** Working to gain reassurance of all partner organisations that prevention is a core element in the delivery, commissioning and development of services.
- (iii) **Proportionality:** Working to ensure the safeguarding adults procedures are used in appropriate circumstances and as a proportional response to concerns being raised.
- (iv) **Protection:** Working to ensure safeguarding adults procedures serve to end abuse and that decisions are made in line with the Mental Capacity Act.
- (v) **Partnership:** Working to develop joint working practices between organisations that promote coordinated, timely and effective responses for the adult at risk and other parties, and make the best use of skills and resources.
- (vi) **Accountability:** Organisations take corporate accountability for their contribution to adult safeguarding

3 Making Safeguarding Personal

3.1 Happy Homes is committed to the principles of Making Safeguarding Personal and aims to ensure that safeguarding work is entirely person-centred and focused on the outcomes that the person wants to achieve.

<https://www.adass.org.uk/media/5461/making-safeguarding-personal-temperature-check-2016.pdf>

3.2 Making Safeguarding Personal means that as professionals, we must engage in conversations with the person at risk of abuse, to find out how they want to respond to their safeguarding situation. This response should enhance their involvement, choice and control as well as improving quality of life, wellbeing and safety.

3.3 In order to ensure that we work in such a way, we will:

- Work with adults and their advocates or representatives if they lack capacity, at the beginning of the safeguarding process to identify the outcomes they want to achieve;
- Review with the adult at the end of the safeguarding activity to what extent their desired outcomes have been achieved;
- Record and monitor the results in a way that can be used to inform practice; and
- Develop a range of robust and appropriate responses that focus on supporting adults to meet their desired outcomes and reduce the risk, or recurrence, of abuse.

4 Scope & Definitions of Adult Safeguarding Policy

4.1 The purpose of adult safeguarding is to, wherever possible, prevent harm and reduce the risk of abuse or neglect to adults with care and support needs. The statutory framework introduced under the Care Act applies to any person aged 18 or above who:

- (i) Has needs for care and support (regardless of the level of need and whether or not Happy Homes is meeting any of those needs);
- (ii) Is experiencing, or is at risk of abuse or neglect; and
- (iii) As a result of those needs, is unable to protect themselves against the abuse or neglect or the risk of it.

4.2 Where someone over 18 is still receiving children's services, for example in an education setting until the age of 25, and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements. Children's safeguarding and other relevant partners should be involved as appropriate. The level of need is not relevant and the young adult does not need to have eligible needs for care and support under the Care Act.

4.3 Abuse and neglect can take many forms. It may be an isolated incident, a series of incidents or a long term pattern of behaviour and could affect one person or more, whether in someone's home, in public or in an institutional setting. It may be deliberate or the result of negligence or ignorance. The Care Act 2014 broadly outlines 10 categories of abuse types as follows:

- (i) **Physical abuse** – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- (ii) **Domestic violence** – including psychological, physical, sexual, financial, emotional abuse; and so called 'honour' based violence.
- (iii) **Sexual abuse** – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting. This also includes adult sexual exploitation.
- (iv) **Psychological abuse** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

- (v) **Financial or material abuse** – including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- (vi) **Modern slavery** encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- (vii) **Discriminatory abuse** – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion
- (viii) **Organisational abuse** – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one’s own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- (ix) **Neglect and acts of omission** – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- (x) **Self-neglect** – this covers a wide range of behaviour neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.

5 Improving outcomes for individuals

- 5.1 Happy Homes are committed to improving the outcomes for adult clients who are at risk of harm or abuse and are in receipt of safeguarding services. Making Safeguarding Personal as a practical policy initiative goes a long way to ensuring that our services put people at the centre of any safeguarding operation. People are supported to make choices and retain control in how they choose to live their lives.
- 5.2 Achieving a good outcome for the person requires a focus on improving their safety and wellbeing and supporting them to reach a resolution that is right for them. This means engaging with the person and their families throughout the process in order to ensure that they:
- feel safer
 - maintain a key relationship
 - get new friends
 - have help to recover
 - have access to justice, or an apology, or to know that disciplinary or other action has been taken

- know that this won't happen to anyone else
- maintain control over the situation are involved in making decisions
- have exercised choice
- are able to protect themselves in the future
- know where to get help.

5.3 Capacity Consent and Decision Making

- It must be assumed that people have the capacity to make decisions and be given all practical help before anyone treats them as not being able to make their own decisions, in line with the Mental Capacity Act 2005

5.4 The Mental Capacity Act 2005 (MCA) applies to anyone over 16 who is unable to make all or some decisions for themselves. Adults (over 18) can appoint people to make decisions on their behalf in the event that they become unable to make their own decisions. This is done by way of a Lasting Power of Attorney. Alternatively, if the person does not have capacity to do this, the Court of Protection may appoint a Deputy to make decisions on their behalf. If an adult is believed to lack the capacity to engage in decisions about how their needs will be met, the **Mental Capacity Act Code of Practice Guidance** must be followed.

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

5.5 There are some decisions which can never be made on behalf of someone who lacks capacity to make the decision themselves:

- (i) Decisions concerning family relationships:
 - Consent to marriage / civil partnership;
 - Consent to sexual relations;
 - Consent to a child being placed for adoption or the making of an adoption order;
 - Discharging parental responsibility in a matter not relating to the child's property;
- (ii) Treatment for mental disorder under the Mental Health Act.

5.6 Authorisation in accordance with the Mental Capacity Act or Mental Health Act requirements must be sought if arrangements for the care and treatment of someone who lacks capacity amounts to a deprivation of liberty, in line with the MCA Deprivation of Liberty Safeguarding Amendment (2009)

5.7 Advocacy

Happy Homes will if at all possible and feasible arrange for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review, where the adult has “substantial difficulty” in being involved in the process and where there is no other suitable person to assist. A person who is engaged to provide care or treatment for the adult in question in a professional capacity cannot be an advocate.

5.8 It is important that a valid consent is obtained from a person in order to be represented and supported. If the adult lacks capacity then Happy Homes must follow the Mental Capacity Act Guidelines when determining that it is in the adult’s best interest to be represented by an advocate.

5.9 Happy Homes has a separate duty to provide an Independent Mental Capacity Advocate (IMCA) in safeguarding enquiries if someone lacks capacity to fully participate and does not have a friend or representative. The IMCA can support and represent an adult at risk of abuse and neglect where necessary and appropriate. Happy Homes does not have to provide two separate advocates and it is not likely to be in the adult’s best interests to do so.

5.10 The role of the advocate is:

- To provide support to the adult to assist them in understanding the safeguarding process; and
- To represent the adult, particularly through ensuring that the individual’s voice is heard and the safeguarding process takes account of their views wherever appropriate.

5.11 If an enquiry needs to start urgently, it can begin before an advocate is appointed. The advocate must be appointed as soon as possible.

5.12 The Care Act specifies four areas where Happy Homes should make an independent advocate available:

- The individual has difficulty understanding relevant information. They can be supported to understand the information if it is presented appropriately and time is taken to explain it.
- The individual has difficulty retaining information long enough to weigh up options within decision making.
- The adult has substantial difficulty using or weighing information, for example to weigh up the advantages and disadvantages of different options and come to a decision.
- The adult has difficulty communicating their views, wishes and feelings.

5.13 If more than one individual is subject to a safeguarding enquiry or Safeguarding Adults Review, they can choose to be represented by the same advocate, provided they all agree; it is in all their best interests and there is no conflict of interest. If the individuals have had similar experiences but want different outcomes or resolution, this may give rise to a conflict of interest and Happy Homes will consider whether it will be better to provide separate advocates.

5.14 Appropriate person

Happy Homes is required to consider whether there is an appropriate person who can facilitate the adult's involvement in the safeguarding process. In relation to an adult with capacity, this cannot be a relative if the person does not choose or person working in a professional capacity. If the adult does not have capacity to consent to being supported by a particular person, then Happy Homes must be satisfied that it is in the adult's best interest.

6 Preventing neglect and abuse

6.1 It is better to take action to prevent harm and abuse before harm occurs. However, as most abuse take place in secret, it is vital that both professionals and people in the wider community are alert to the signs or abuse and neglect and understand what to do and where to go to get help and advice.

6.2 Isolation from communities and families can make a person more vulnerable to abuse and neglect. Happy Homes will work to minimise the circumstances in which people may be vulnerable to abuse and supporting people to maintain and develop positive relationships.

6.3 In order to achieve we will undertake the following:

Empowering individuals	<p>Ensure that people receive clear and simple information about what abuse is, how to recognise the signs and what they can do to seek help.</p> <p>Prevention is not about being over-protective or risk averse towards individuals. Section 4 of this policy sets out our approach towards supporting individuals to make informed choices and supporting them to identify and manage risks. Services should prioritise both safety and independence.</p> <p>People should be informed of their rights to be free from abuse and supported to exercise those rights. Options to support individuals to be free from abuse should be tailored to people's individual needs and target the outcome or resolution they want to achieve.</p>
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Workforce development	<p>A common finding in serious case reviews is that if professionals or other staff had acted upon concerns or sought more information, death or serious harm might have been prevented.</p> <p>Happy Homes' policy is that all staff should have a basic awareness of safeguarding and know how to report concerns. Specialists are expected to have and develop the knowledge and skills to work with people in complex situations. This includes understanding and using powers under social care legislation, the Mental Capacity Act, Mental Health Act and other legislation to safeguard people's rights.</p>
Multi-agency approach	<p>Happy Homes will if required work in partnership to provide a common approach to safeguarding clients. The Safeguarding Adults sets out the system and process all organisations should use to raise safeguarding concerns.</p> <p>Early sharing of information is key to providing effective help where there are emerging concerns.</p>
Commissioning and contract management	<p>Happy Homes is committed to ensuring that services provided are up to standard and that people receiving services are treated with dignity and respect.</p> <p>All staff and contractors should have a basic awareness of safeguarding issues, capacity and dignity and know what to do if they have concerns. While more specialist services and staff should have the knowledge, skills and support to work with people in complex situations.</p> <p>In commissioning services, safeguarding should be the overarching standard, underpinned by all other care standards, such as privacy, dignity, clinical governance, practice standards and service quality.</p>
Community safety	<p>Happy Homes will work with health partners and the police where appropriate to to recognise harm when they see it and know how to report concerns or get help.</p>

6.4 Prevent: Extremism and Terrorism

The Government published its Prevent strategy in 2011, as part of the overall counter-terrorism strategy, CONTEST.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism.

The 2011 Prevent strategy has three specific strategic objectives:

- Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- Prevent clients as far as feasible from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- Work as appropriate with sectors and institutions where there are risks of radicalisation that we need to address.

Anyone who has concerns about someone who may be susceptible to being radicalised should contact the local [Prevent Team](#) at Bedfordshire police, who will provide assistance and support, on 01582 473048/3040 or by email:

Preventengagement@bedfordshire.pnn.police.uk

7. Enquiry into Suspected Abuse under Section 42 of Care Act 2014

7.1 Happy Homes **must** make enquiries, or cause others to do so, if they reasonably suspect that an adult is at risk of harm or abuse and who:

- **Has need for care and support (whether or not the local authority is meeting any of those needs) and;**
- **Is experiencing, or is at risk of, abuse or neglect; and**
- **As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.**

7.2 The scope and nature of that enquiry and who leads it will depend on the circumstances. This could range from a discussion with the individual who is the subject of the concern, and or their representative through to a more formal, multi-agency investigation.

7.3 An enquiry will usually start with asking the adult their view and wishes which will often determine the next steps. Everyone involved in an enquiry must focus on improving the adult's safety and wellbeing and work together to that shared aim.

7.4 The purpose of the enquiry is to decide whether or not Happy Homes, or another person or organisation, should do something to protect the person from actual or potential abuse or neglect. The objectives are to:

- Establish the facts;
- Ascertain the individual's views and wishes and seek consent;
- Assess the needs of the adult for protection, support and redress;
- Safeguard from the abuse and neglect, in accordance with the wishes of the adult;
- Make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect;

- Enable the adult to achieve resolution and recovery; and
- If Happy Homes decides that someone else should undertake the enquiry (for example, a partner organisation), Happy Homes must specify the timescales for this and be informed about the outcomes of the enquiry.
- Review any initial safeguarding plan that has been instigated to ensure that the safety of the individual has been restored as quickly as possible and the this meets the expectation of the person.

- 7.5 **Risk Assessment:** Central to the notion of safeguarding is the concept of continuous risk assessment and management. At the earliest stage of an enquiry, a risk assessment must be completed to ascertain the likelihood and potential impact of the risk that the person faces. The result of this should form the basis on any strategy discussion to protect the individual.
- 7.6 **Record Keeping:** Happy Homes staff must keep accurate records, clearly stating what the facts are, the views of the adult and the known opinions of professionals and others. The enquiry must culminate into succinct report outlining the findings and the actions instigated to protect the individual.
- 7.7 The adult should always be involved from the beginning of the enquiry unless there are exceptional circumstances that would increase the risk of abuse. If the adult has substantial difficulty in being involved and there is no one appropriate to support them, then Happy Homes will endeavour to arrange for an independent advocate to represent him/her.
- 7.8 As a matter of principle, Happy Homes and any partner organisations must ensure that it does no further harm through its intervention. Any involvement must be proportionate and reasonable, however the first priority must always be to ensure the safety and wellbeing of the adult at risk. Other less restrictive options should be explored as soon as it is safe and appropriate to do so.
- 7.9 If a crime is suspected the police should be informed and they will then be under a duty to investigate. A safeguarding element may also be required to support the individual during a criminal investigation. A criminal investigation will take priority over all other enquiries.

Information sharing

- 7.10 Early sharing of information is key to providing effective help where there are emerging concerns. The wellbeing of adults at risk of abuse is likely to be more important than concerns about sharing information.

7.11 A multi-agency Information Sharing Protocol can if feasible be established across all partner organisations. No-one should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of an adult at risk of abuse or neglect. If a professional has concerns about an adult's welfare and believes he or she is suffering abuse or neglect, they should share their concerns with Happy Homes and/or other partners, family member, advocate, etc.

Confidentiality and consent

7.12 Practitioners must always seek the consent of the person who is the subject of the safeguarding enquiry before taking action or sharing information. However there may be circumstances when consent cannot be obtained because the adult lacks the capacity to give it, but actions may be required in the best interests of the individual or others at risk of harm. In these cases Mental Capacity Act guidance should be followed.

7.13 In some cases, where a person refuses consent, information can still lawfully be shared if it is in the public interest to do so. This may include protecting someone from serious harm or preventing crime and disorder. The key factors in deciding whether or not to share confidential information are:

- **necessity** – sharing is likely to make an effective contribution to preventing the risk; and
- **proportionality** – the public interest in sharing outweighs the interest in maintaining confidentiality;

7.14 If there is any doubt about whether to share information, advice should be obtained from any possible practicable sources including the Citizen's Advice Bureau.

Safeguarding plans

7.15 In considering how to respond the following factors need to be considered:

- The adult's needs for care and support;
- The adult's risk of abuse or neglect;
- The adult's ability to protect themselves or the ability of their networks to increase the support they offer;
- The impact on the adult and his/her wishes;
- The possible impact on important relationships;
- The potential of action increasing risk to the adult;
- The risk of repeated or increasingly serious acts involving children or another adult at risk of abuse or neglect;

- The responsibility of the person or organisation that has caused the abuse or neglect; and
- Research evidence to support any intervention.

7.16 Happy Homes in conjunction with other partners/team members in the care setting should determine what further action is necessary.

7.17 Once enquiries are completed, the team should decide with the adult who has been the subject of concern, what, if any, further action is necessary and acceptable. One outcome might be the development of an agreed plan of action for the adult which should be recorded on their care plan. This should set out:

- What steps are to be taken to assure their safety in future;
- The provision of any support, treatment or therapy including advocacy;
- Any modifications needed in the way services are provided;
- How best to support the adult through any action they take to seek justice or redress;
- Any on-going risk management strategy; and
- Any action to be taken in relation to the person or organisation that has caused the concern.

8. The service or person responsible for alleged abuse or neglect

8.1 Providers of care and support services are required to meet fundamental standards of care as a condition of registration with the Care Quality Commission. Monitoring and inspection of services by providers, commissioners and regulators provides additional assurance that people using services are safe.

8.2 If allegations are made against a service or provider, and there is evidence that the service is failing to meet fundamental standards, Happy Homes has a duty to report the service to the Care Quality Commission. In cases where there are serious concerns, Happy Homes may elect to suspend admissions or referrals to that service until those concerns have been addressed. In general Happy Homes' policy is to work with services and providers to address concerns and raise standards.

8.3 It is important that information about individual safeguarding concerns is collated and linked with other sources of information to identify and recurring patterns that might indicate a potentially poor service that requires further investigation or intervention.

- 8.4 If the person alleged to be responsible for abuse is a care worker, the initial obligation to take action rests with the employer. Where appropriate, employers should report workers to the statutory and other bodies for professional regulation. If someone is removed from their role providing regulated activity following a safeguarding incident, the provider (or the agency) has a legal duty to refer to the Disclosure and Barring Service. This duty also applies where the person leaves their role to avoid a disciplinary hearing following a safeguarding incident and the employer feels they would have dismissed the person based on the information they hold.

9. Disclosure and Barring Service

- 9.1 The Disclosure and Barring Service exists to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable adults or children. The service is responsible for:
- Processing requests for criminal records checks;
 - Deciding whether a person should be barred from working with vulnerable groups, including children; and
 - Maintaining lists of people who have been barred from working with vulnerable groups.
- 9.2 Employers are under a duty to make a referral to the Disclosure and Barring Service if they have dismissed or removed an employee from working in regulated activity, following harm to a child or adult or where there is a risk of harm.
- 9.3 Regulated activity includes healthcare, personal care, social work, assistance with general household matters, assistance in the conduct of a person's affairs (eg under a power of attorney or deputyship) or transporting or escorting a vulnerable person. The term includes day to day management of regulated activity and covers any frequency of activity including one-off occurrences.
- 9.4 Happy Homes has a duty to make a referral to the Disclosure and Barring Service if it considers that a person has harmed a child or vulnerable adult (or there is a risk of harm) and that the person may engage in regulated activity in future.

10. Fundamental Standards and the Duty of Candour

- 10.1 From April 2015 all health and social care providers will be required to meet **fundamental standards** of care as a condition of their registration with the Care Quality Commission. There will be criminal penalties for failing to meet some of the standards.

- 10.2 The fundamental standards describe the basic requirements that providers should always meet and set the standard of care that service users should always expect to receive.
- 10.3 As part of the fundamental standard requirements, all health and social care providers will be subject to a statutory **duty of candour**, which means that they must be open and transparent with service users about their care and treatment, including when it goes wrong. The duty will be triggered where any harm to a service user from their care or treatment exceeds a certain harm threshold.

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