



Adult at Risk Safeguarding and Protection Policy



Adult at Risk Safeguarding and Protection Policy

1. Introduction

1.1 Purpose of the policy

The purpose of this policy is to provide a framework for all staff and volunteers within CareTrade. It should be used in conjunction with the Adult at Risk Safeguarding and Protection Procedure to prevent and reduce the risk of abuse to all adults who may be at risk and who access any of CareTrade's services or come into contact with staff or volunteers.

1.2 Background and need

This policy and its associated procedure are mandatory for all staff and volunteers, as they must be aware of their individual and collective roles and responsibilities in safeguarding and protecting adults at risk from abuse and neglect.

CareTrade recognises its responsibilities as set out in London Multi-Agency Adult Safeguarding policy and procedures updated August 2016.

The legislative and regulatory requirements that CareTrade has to comply with in their safeguarding policies and procedures regarding adults at risk of abuse or neglect are set out in the Care Act 2014, the Care Act factsheets and specifically factsheet 7: (Safeguarding) and in Chapter 14 of the Care and Support Statutory Guidance issued under the Care Act 2014.

1.3 Link to Mission and Beliefs

CareTrade aims to help young people and adults with autism to have choice and opportunities, to live fulfilling and purposeful lives and be as independent as they are able. This can only be attained if young people and adults are safeguarded and protected from abuse and neglect and, where appropriate prevented from becoming at risk of abuse.

1.4 Outcomes

As a result of the policy and associated procedure being followed, adults at risk will be better protected from the impact of abuse and neglect. The staff, volunteers and trustees will take the necessary steps to safeguard and protect adults at risk, where outlined in procedures, contacting statutory agencies and/ or if appropriate, discussing concerns with the adult at risk (and on occasions when appropriate their parents, carers or advocates).

2. Key Principle

- This policy and corresponding procedures aim to achieve a culture within CareTrade, in which a proactive approach is taken to safeguarding, promoting and protecting the rights of adults with Autism.
- All adults that use CareTrade services have the right to live a life free from abuse, harm and neglect regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity.
- All allegations, concerns or suspicions of abuse or neglect are taken seriously and responded to within the steps laid out in the corresponding procedure.

- To work in partnership with adults who receive a service as much as is possible and appropriate.
- To work in partnership with the local Safeguarding Adults Boards and comply with the local multi-agency Safeguarding Adults Procedures.
- All staff have a responsibility to ensure they are informed, trained and understand their duty to operate within this policy and procedure.
- All staff and volunteers have a shared responsibility to take appropriate steps to protect adults at risk.

3. The Policy Statement

- **This policy and associated procedure applies to all staff, volunteers, trustees and representatives of CareTrade, including agency staff and temporary staff.**
- CareTrade is committed to the prevention of, and protection from, abuse and neglect of all adults at risk who come into contact with the organisation through its staff, volunteers or representatives, in whatever capacity that contact occurs.
- CareTrade is committed to taking all necessary steps to stop abuse happening, whether that abuse is perpetrated by staff, volunteers, family members, members of the public or other service users.
- CareTrade is committed to its duty of care to all adults it has contact with. If there are concerns about staff or volunteers perpetrating abuse, it will facilitate any action required to address this without delay. This will include actions required to address abusive behaviours and attitudes. On occasions when staff have been dismissed because of concerns about abuse or neglect they will be referred by CareTrade to the Disclosure & Barring Service (DBS) and professional bodies.
- CareTrade is committed to ensuring that adults at risk are given information, advice and support in a form that they can understand and also have their views included in all forums where decisions are made about their lives.
- CareTrade is committed to working in partnership with parents and carers of service users, provided the service user has given their consent, when this is required and appropriate.
- CareTrade will inform, in an appropriate format, all adults who use their services, that CareTrade have a duty to contact the local authority Adult Social Care department if there are concerns that an adult at risk may be being abused.
- CareTrade is committed to providing a curriculum that enables service users to learn to keep themselves safe and how to raise concerns if they do not feel safe in all aspects of their lives.
- CareTrade is committed to ensuring that senior members of the organisation will be without delay, fully briefed and consulted with by staff on any concerns about abuse or neglect: the process for this is detailed in the procedure.
- The Head of Education and Learning is the Alerting Managers for The Autism Project, the Development Director is the Alerting Manager for all other CareTrade services and in the absence of either the Head of Education Learning and/ or the Development Director the CEO will act as the Alerting Manager.
- CareTrade is committed to working within the London Multi Agency Adult Safeguarding Policy and Procedures (August 2016) and the procedures of any other local authorities where any service user at risk may reside.
- CareTrade is committed to working with the London Borough of Southwark Adult Social Care Department and the police if there are any concerns about, or perceived risks, in respect of staff or volunteers.
- CareTrade is committed to ensuring all staff and volunteers, including those with designated responsibilities, have received appropriate levels of up-to-date safeguarding training.

4. Risk Assessment

Should this policy and associated procedure be ignored or disregarded, the possible outcomes are:

- For adults at risk and other adults – placed at further risk of harm and neglect.
- For staff and volunteers – may be subject to inquiry, investigation internally or externally for failing to take appropriate steps, internally may then be subject to a disciplinary process.
- For the Alerting Manager, the CEO and Board of Trustees – possible inquiry and report from the Charities Commission and regulators or recommendation from local authorities to regulators.
- For CareTrade – possible risk of public scrutiny and ultimately risk of prosecution and/or additional inspections from regulators and ultimately deregistration. All of the above can lead to negative media attention and damage to the reputation of the charity.

5. Definitions

Adult at Risk- A term adopted by The Care Act 2014 and **replaces the term ‘Vulnerable Adult’** as defined by No Secrets (DH, 2000 and Home Office) as: ‘A person aged 18 years or over, who is, or may be in need of community care services by reason of mental or other disability, age or illness; And who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’

Safeguarding Adults at risk of abuse or neglect: means protecting an adult’s right to live in safety, free from abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

The Safeguarding duties apply to an adult who:

1. has needs for care and support (whether or not a local authority is meeting any of those needs)
2. and is experiencing, or at risk of, abuse or neglect;
3. 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.

A majority of adults that attend CareTrade projects are likely to fall within these definitions should they be at risk of abuse or abandonment This may be, though not necessarily, as a result of a lack of capacity within the meaning of the Mental Capacity Act 2005.

Abuse and Neglect: Refers to: ‘ill-treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development’. (Who Decides?” Law Commission, 1997)

Abuse was defined by ‘No Secrets’ (2000, DH and Home Office) as: ‘...a violation of an individual’s human and civil rights by any other person or persons’.

Alerting Manager (Safeguarding Adults Lead) – The Head of Education and Learning is the Alerting Mangers for The Autism Project, the Development Director is the Alerting Manager for all other CareTrade services and in the absence of either the Head of Education Learning and/ or the Development Director the CEO will act as the Alerting Manager. The CEO has overall responsibility for all safeguarding matters within the charity as a whole.

Legislation and Regulation Requirements

For CareTrade to meet their responsibilities, the following legislation and associated guidance are of significance (N.B. This is not an exhaustive list).

- **The principle source (since 2015) is the Care Act 2014 (section 42).** This defines abuse and sets out the statutory duties and the institutional responsibilities for those duties.
- **The (Care Act) Care and Support Statutory Guidance** (www.gov.uk/guidance/care-and-supportstatutory-guidance) provides the detail in relation to both the meaning of wellbeing and safeguarding. **Chapter 14** sets out in detail the duties found in **sections 42 to 46 of the Care Act**, including definitions of the aims and objectives of Adult safeguarding activity and a representative range of types of adult abuse and neglect.
- Following publication of the Statement of Government Policy on Adult Safeguarding in 2011, **the pan-London Adult Safeguarding Editorial Board issued Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse in conjunction with SCIE.** This document was updated and reissued in August 2016. The majority of London boroughs continue to use these.
- **SCIE (the Social Care Institute for Excellence)** has published a range of advice on Safeguarding, specifically guides on the Care Act 2014, and e-learning resources on adult safeguarding.
- CareTrade services all comply with service specific regulations which include ensuring there are measures in place for the prevention of abuse.

Disclosure and Barring Service 2012 (updated guidance 2.6.15 and 4.3.16)

Also relevant:-

- The Education and Inspections Act 2006
- Care Act 2014 Factsheets and amendments (March 2016)
www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-act-factsheets and www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-and-support-statutoryguidance-changes-in-march-2016
- The Health and Social Care Act 2008
- Mental Capacity Act 2005 and the Mental Capacity Act Code of Practice 2007
- Health and Safety at Work Act 1974
- Moving and Handling Operations Regulations 1992 (2002)
- Human Rights Act 1998
- Sexual Offences Act 2004
- Female Genital Mutilation Act 2003
- The SEN Code of Practice (2014)
- The Prevent Act (2015)
- Safeguarding Vulnerable Groups Act 2006. - www.scie.org.uk/publications/reports/report39easyread.pdf
- Protection of Freedom Act 2012
- Southwark Multi-Agency Safeguarding Adults Policy and Procedures March 2008
- Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children, Home Office (2006)
- Information Sharing: Practitioners' guide. London: Department for Education and skills, Website: Use of Reasonable Force Advice for Head Teachers, Staff and Governing Bodies (DE 2013)
- The Regulated Activities Regulations 2014

Emergency Contacts

Southwark

Safeguarding Adults Team:

safeguardingadultscoordinator@southwark.gov.uk

Tel: 020 7525 1754

Safeguarding Adults Team, PO Box 64529, London, SE1P 5LX

Lambeth

Adult Social Care: **0207 926 5555**

Email: adultsocialcare@lambeth.gov.uk

Or

Safeguarding Adults Board

Phoenix House

10 Wandsworth Road

SW8 2LL

Tel: **0207 926 7707**

Email: LSABAdmin@lambeth.gov.uk

Advice and Support information:

The National Autistic Society

The National Autistic Society is a leading UK charity for people with autism – including Asperger's syndrome – and their families. It provides information, support and campaigns for a better world for people with autism. Persons with autism or their families or carers are free to contact them by phone on **0845 070 4004** Monday to Friday between 1000 and 1600

Respond

Respond is a national charity that supports children and adults with learning disabilities who have experienced abuse or trauma. Respond provides therapeutic support as well as practical advice and information. Its helpline is for people with learning disabilities themselves as well as family, carers and professionals supporting them and can be reached by e-mailing admin@respond.org.uk or calling **0808 808 0700**.

The Disability Law Service

The disability law service (DLS) provides telephone or written community care law advice. This is free to disabled people, their family and carers by appointment. Contact DLS by e-mail on advice@dls.org.uk or phone **020 7791 9800**.