

Sense Operational Policy

Safeguarding Adults at Risk

England and Wales

Procedure



Outcomes

- Individuals should be involved as practically possible in the safeguarding process.
- Individuals are supported to keep themselves safe; they are provided with meaningful information to recognise and report abuse.
- Individuals are to be engaged in a conversation about how best to respond to their safeguarding situation that enhances involvement, choice and control as well as improving their quality of life, wellbeing and safety.
- Individual's safety is respected and protected.
- Individuals and staff members' concerns about safeguarding are taken seriously and acted upon appropriately.
- Staff understand safeguarding procedures and feel skilled, knowledgeable, confident and supported to report concerns about abuse.
- Safeguarding issues are dealt with responsively and appropriately, actions are taken to prevent and reduce risks. The organisation promotes best practice in relation to safeguarding and learns lessons from internal and external experience.

What is this Procedure about?

Safeguarding is working with adults with care and support needs to keep them safe from abuse or neglect. Safeguarding is everybody's business and the responsibility for dealing with it belongs to us all. Sense takes its responsibilities in relation to safeguarding extremely seriously. This procedure sets out how Sense will meet its safeguarding duties within the Government's principles of:

Empowerment – People being supported and encouraged to make their own decisions and informed consent

Protection - Support and representation for those in greatest need.

Prevention –It is better to take action before harm occurs.

Proportionality – The least intrusive response appropriate to the risk presented

Partnership - Local solutions through services working with their communities.

All Sense Teams have a part to play in preventing, detecting and reporting neglect and abuse.

Accountability - Accountability and transparency in delivering safeguarding.



Definition (Care Act 2014: Section 14) England

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about Sense staff and external professionals and agencies working together to prevent and stop both the risks and experience of abuse and neglect.

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 Care Act sets out safeguarding in a context of person centred care to promote choice and control for the individual.

Sense staff must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

Abuse is a violation of an individual's human and civil rights by any other person or persons.

It includes:

- physical abuse;
- sexual abuse;
- psychological abuse;
- financial or material abuse;
- neglect and acts of omission;
- discriminatory abuse; and
- organisational abuse;
- fabricated or Induced Illness



Definition (Social Services and Well-being Act 2014) Wales

An **adult at risk** is a person who:

Has needs for care and support (whether or not the local authority is meeting any of those needs) and;

- is experiencing, or 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

An Individual who receives Sense services may be identified under the Care Act 2014 as a vulnerable adult. Sense recognises the increased vulnerability of adults who:

- are completely deaf and completely blind;
- have extremely limited / no verbal communication; (communicate differently)
- have limited / no external representation;
- have limited / no knowledge of keeping safe.
- have limited mobility

Note: All Sense staff have a responsibility and duty of care regarding safeguarding matters with vulnerable and non-vulnerable adults.

Everyone should have access to information and advice on care and support and keeping safe from abuse or neglect.

No matter how complex a person's needs, we are required to involve people, to help them express their wishes and feelings, to support them to weigh up options, and to make their own decisions.



Making Safeguarding Personal

- Is an approach to working with people that puts them at the centre of their safety and wellbeing.
- It builds on people's strengths, skills and capacity
- It promotes culture of reflective practice, where we learn from experience and support people to take positive and informed risks.
- We should discuss and anticipate how we might respond in safeguarding situations so that someone is as fully involved as possible.
- It is important to recognise people as experts in their own lives and work alongside them.

National Institute of Health and Care Excellence – Safeguarding Adults in Care Homes Guidance 2021

Sense recognises and is committed to the Safeguarding Adults in Care Home Guidance 2021 keeping adults in care homes safe from abuse and neglect. It includes potential indicators of abuse and neglect (by individuals and by organisations), and covers the safeguarding process from identifying and reporting a concern through to making a safeguarding referral to the local authority and supporting people through a section 42 safeguarding enquiry. There are recommendations on policy, training, learning and care home culture, to help care homes improve staff awareness of safeguarding and ensure people are willing and able to report concerns when needed.



Who is this Procedure for?

- Individuals using Sense services, their families and carers
- All staff (including volunteers), Service Managers, Operational Managers and Vice Principals
- Director('s) of Operations, Heads of Operations and Sense College Executive Principal
- Other professionals, such as social workers, police and therapists
- Trustees
- Whilst this list is not exhaustive safeguarding is everybody's responsibility and will include other non-Operational Directors / Managers including Trading Managers where an adult is at risk and is accessing their service

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Part One: General Points

Every person has the right to live a life free from abuse and neglect.

Sense has a zero tolerance approach to abuse. This means that all actual and alleged abuse must be reported and all allegations of abuse will be taken seriously and acted upon.

Abuse (alleged or actual) of one individual against another should be reported under this procedure.

Sense is committed to openness and honesty. Most reporting will be done under this procedure, but it is recognised staff may wish to report under the HR05 Whistle-Blowing Policy <https://iris.sense.org.uk/Interact/Pages/Content/Document.aspx?id=1408> .

Sense is committed to the following rights and principles with regards to safeguarding.

Accountability and Transparency in Delivering Safeguarding

Outcomes for the individual

Whenever possible we should speak to the adult to get their views on the concern and what they want done about it.

Assess Capacity

Making Safeguarding Personal (MSP) is about involving the person in their enquiry, understanding a person's capacity to take part is essential. If it is suspected the person lacks capacity to set their outcomes and understand the safeguarding process, undertake a Mental Capacity Act Assessment into this specific area of decision making.

Appoint Advocate

Sense should arrange access to advocacy when involving individuals in internal safeguarding investigations. This may be internal through Sense staff or an independent advocate.

Involve

Include and inform the person (or advocate) throughout the safeguarding intervention. If their outcomes change during this time, respond to what they want and record these changes.

Where a person does disclose, it is recommended a strategy meeting is arranged at the point of alert, to include – Service Manager, Operational Manager, Head of Safeguarding,



MSI/ Behaviour Support Advisor and an HR advisor. This should last no more than 20 minutes - otherwise the individual should be involved.

The purpose will be to identify how to involve the person, what is the appropriate format to present information in, identify a link person, and how information is to be shared with team regarding individual involvement and consequent questions, plus any HR issues.

Additionally, if we give a person a voice we cannot choose what information they have and are involved in. Where the case is formally investigated it should as appropriate include the person in an interview and or observe/gather information on interaction between abused and alleged perpetrator, especially if the person does not have formal communication.

Information and guidance on interviewing a person and best evidence guidance is available from the Head of Safeguarding.

Record the person's views at the end

When the safeguarding process is finished, find out from the person whether they feel their outcomes were met or not, and to what extent.

Guiding Principles for Sense staff

1. Include the person as early as practical and throughout the Safeguarding Process
2. Always use everyday language to communicate with the person in ways they understand, and avoid jargon.
3. Find the most appropriate and meaningful ways to support the person with communication.
4. Support the person to set the Safeguarding outcomes they want. As events progress, what a person wants may change and support them with this.
5. If it seems that the person has substantial difficulty in setting their outcomes, a Mental Capacity Act assessment will be completed to assess this.
6. If the person has substantial difficulty in setting their own outcomes, you will ensure an appropriate independent advocate represents them and helps sets outcomes in their best interests.
7. At the end of the Safeguarding process, you will find out from the person or their advocate, how far they think their outcomes were met.

In addition:



8. We will always endeavour to give the referrer updates where appropriate and reassure them action has been taken and we have reduced the likelihood of this occurring again.
9. Responsibility for keeping the referrer up to date will be assigned to a named individual.
10. Work collaboratively with partner agencies at each stage of Safeguarding and when decisions are made – explain and record the reasons for your judgements.

Empowerment

“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”

Individuals have the right to:

- be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs;
- guidance and assistance in seeking help as a consequence of abuse;
- be supported in making their own decisions about how they wish to proceed in the event of abuse and to know that their wishes will only be over-ridden if it is considered necessary for their own safety or the safety of others;
- be supported in bringing a complaint under any existing complaints procedure;
- be supported in reporting the circumstances of any abuse to independent bodies;
- receive appropriate support, education, counselling, therapy and treatment following abuse;
- seek legal advice or representation on their own behalf;
- seek redress through appropriate agencies



Protection

“I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”

Individuals have the right to:

- live safely, without fear of violence or abuse in any form;
- have alleged, suspected or actual cases of abuse investigated urgently;
- have their rights respected and to have their family, informal carers or advocates act on their behalf as appropriate;
- have their money, goods and possessions treated with respect, and to receive equal protection for themselves and their property through the law.

Prevention

“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”

Individuals have a right to:

- be given access to knowledge and information which they can understand to help them make informed choices;
- information about, and practical help in, keeping themselves safe and protecting themselves from abuse.

Proportionality

“I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed.”



Partnership

“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”

Accountability

“I understand the role of everyone in my life and so do they.”

Individuals also have the right to:

- life;
- liberty and security;
- respect for private life;
- freedom from discrimination;
- peaceful enjoyment of their possessions.

Part Two: Practice

You might suspect abuse if you recognise some of the potential indicators of abuse in the guidance, or if you see someone behaving in a way that raises your suspicions.

Alternatively, a family member, staff member, friend or member of the public might tell you that they are concerned about abuse, or an individual might communicate concerns about abuse or their safety to you.

As a Sense employee you have an obligation to report to the police if a criminal act has occurred where there has been sexual, financial and physical abuse. Prior to this you should discuss this with your line manager unless there is a risk of immediate danger to the individual.

As a non-Sense employee if you are aware or suspect abuse you need to determine the individual has capacity and support them to make a decision to report the abuse. If the individual lacks capacity, you should report the abuse to the police.



This is what you should do:

Ensure the individual's immediate safety and medical needs are met.

If you are told about a suspicion, listen carefully to what is being said. Do not make any assumptions or accusations. Take what is being said seriously. Find out the basics of what happened, but do not investigate the matter.

Do not ask leading questions. A leading question is a question which contains part of the answer, for example, "the man hurt you on Tuesday, didn't he?" It is more appropriate to ask open questions, such as "can you tell me about what happened", or "can you give me more detail?"

Make a clear note of what was said. You can include diagrams if it would help to explain what happened. Write the date on the note and sign it.

Do not guarantee confidentiality, because when there are safeguarding problems, it is not always possible to keep everything confidential. You can assure the person that you will only share information with people if they need to know about it.

You must tell someone. This should be your line manager, on-call or a senior manager. If the allegation is about your line manager, you should report the matter to a more senior manager.

Alternatively, you can inform the Head of Safeguarding on:

Email: steve.kiekopf@sense.org.uk

Telephone: 0121 415 2720 / Ext: 1810 / Mobile: 07866 593 863 / Freephone: 0800 731 9008

Address: 750 TouchBase Pears, Selly Oak, Birmingham B29 6NA

In the absence of the Head of Safeguarding please contact the Director Of Operations jonathan.monk@sense.org.uk / 0121 415 2728 / 07876870938.

The **police** are to be contacted:

- In an emergency (immediately); or



- If a crime has been committed, after a discussion with a senior manager.

Note: This practice sheet should be made readily accessible to staff.

What Happens Next?

The manager (or on call manager) will decide what will happen next. The manager should:

- Check further that the Individuals immediate needs are being met; i.e. that they are in no immediate danger and that medical assistance, if necessary, has been sought.
- Inform relevant statutory authorities where appropriate (including the Local Safeguarding Adults Board, Social Worker, the Police, CQC, CIW etc), as soon as possible and no longer than 24 hours or the next working day. The Local Authority (or the Police) will provide instructions about whether the matter should be investigated.
- It will be necessary to notify the applicable funder, placing authority or commissioner.
- The manager will, within 24 hours or the next working day, inform the relevant senior manager and if necessary the Group Director of Operations (Maria Horton, 0121 415 2722 / 07917 813996 / maria.horton@sense.org.uk) who will inform the Chief Executive if the allegations are one of “serious abuse” e.g. where a police investigation is likely to occur.
- In Sense College, allegations against members of staff should also be reported to the Chair of the Governing Body in the absence of the Executive Principal. Allegations against the Executive Principal should be reported to the Chair of the Governing Body immediately.
- The next of kin, carer, family or advocate should usually be informed within a reasonable time (usually 24 hours) following an initial investigation and in an appropriate manner unless:
 - the abused person has capacity and makes the informed choice not to inform them; or
 - they are implicated in the concern.



If the adult has the mental capacity to make informed decisions about their safety and they do not want any action to be taken, this does not prevent the sharing of information with relevant professionals and external agencies. As a sense employee you have a responsibility to still report and share information.

This is to enable professionals to assess the risk of harm and to be confident that the adult is not being unduly influenced, coerced or intimidated and is aware of all the options.

This will also enable professionals to check the safety and validity of decisions made. It is good practice to inform the individual and this action is being taken unless doing so would increase the risk of harm.

- The manager is responsible for ensuring that all suspected, reported or actual incidents of abuse are recorded on ERIC at the earliest opportunity but within the minimum of five working days.
- Please see the 'Creating A Safeguarding Incident Guidance' for more information [Creating a Safeguarding Incident .pdf](#).
- With an increase across services working arrangements there will be occasions when a (support) staff member will be working within a different service or location. When completing a safeguarding incident on ERIC the service with responsibility for the care and support of the individual at the time of the incident will be allocated the case. The following procedure will need to be followed under these circumstances: [Local Operating Procedure - Allocation of Service.pdf](#)
- In the event a staff member is the alleged perpetrator of abuse, Human Resources will be required to refer them to the Disclosure and Barring Service and Local Adults Safeguarding Board.
- If there is a failure to take action at any level, staff can contact the Group Director of Operations (Maria Horton) or CQC/CIW directly and/or staff may wish to report under the HR05 Whistle-Blowing Policy
<https://iris.sense.org.uk/Interact/Pages/Content/Document.aspx?id=1408>



Part Three: Additional Practice Specific to Wales

The Social Service and Well-being Act 2014 changes the term 'vulnerable adult' to 'adult at risk'. In addition to the change in terminology, the definition of an 'adult at risk' is very different to that for a 'vulnerable adult'.

- The significant changes resulting from this new definition are that the adult at risk no longer has to be at risk of significant harm, which means that, in essence, the threshold for a matter being considered through the safeguarding process will be lower than that which Sense Cymru are used to.
- Further, within the Wales Interim Policies and Procedures for the Protection of Vulnerable adults from Abuse, for action to be taken through the safeguarding process, the alleged perpetrator should be a person in a position of trust. However, the *new adult at risk definition does not contain that requirement.*
- Service users no longer need to be in receipt of community care services or likely to need such. The definition of an adult at risk only requires that the person has care and support needs. The 2014 Act simply defines care and support needs as meaning either care, support or care and support. As a result, this definition is potentially wide enough to cover a person living in their own home and being able to meet their own care needs in their entirety but for receiving a cooked meal from another family member once a week.

Note: Therefore, colleagues in Wales / Cymru will expect to come across and will encounter more incidents to be considered as safeguarding matters than previously as this threshold has changed.



The Social Services and Well-being (Wales) Act 2014 has a new legal duty on local authorities to make certain enquiries; where there is reasonable cause to suspect that a person within its area is an adult at risk.

Duty to Make Enquiries

- The term 'reasonable cause' to suspect is a low threshold, which means that these enquiries will need to be made in respect of more matters than were previously reported to Safeguarding.
- The local authority can ask another agency like the Police or the Health Board to make these enquiries on its behalf.
- It is likely that this would occur if, say the potential safeguarding incident had a potential criminal element, or if there was a health element e.g. if a member of staff assaulted an individual supported by Sense, then the necessary enquiries could be made by the police.

Note: It is important for Sense Cymru to be aware that these enquiries are not a formal safeguarding investigation.

Duty to report

- There is now a legal duty on certain local authority partners to report any concerns where there is reasonable cause to suspect an adult at risk.
- These partners include Police, other local authorities, Probation, Local Health Boards and NHS Trust.
- At present this legal duty does not extend to Sense, although there is provision for such a requirement to be made in the future. However, as a result of the contract between the local authority and Sense, which contains a clause requiring Sense to engage with the safeguarding process, the Authority expects Sense to report in the same manner as if they were required by the 2014 Act.



Adult Protection and Support Orders

- The Social Services and Well-being (Wales) Act 2014 contains a new order that can be obtained from the Magistrates Court. The Order allows for a private conversation with a suspected adult at risk, to find out if that suspected adult at risk is free to make their own decisions and to assess whether they are an adult at risk.
- The order allows an authorised officer to enter most premises, including registered settings and people's homes so that conversation can be had. Other people living in that home can also be asked to leave in order to make sure that the conversation is private.

Part Four: Responsibilities

All staff and volunteers must report any suspicions of abuse to the appropriate person without delay. Suspicions of abuse must not be ignored.

Individuals supported by Sense communicate in a range of different ways. It may not be possible for them to inform staff that they are being abused. Staff should carefully observe changes in behaviour and changes in health as potential indicators of abuse.

Sense staff will promote inclusion and engagement. Staff will empower individuals with appropriate information about safeguarding.

All staff and volunteers

- Will respond to safeguarding concerns that are reported to them.
- ¹Training for **Operations Staff**: (**Note**: a staff member will be deemed unsafe to work unsupervised until they have completed the initial face to face safeguarding training).
 - Year 1: eSafeguarding Awareness for ALL + Safeguarding for New Starters
 - Year 2: Competency
 - Year 3: Competency

¹ For Sense College Staff refer to Executive Principal and Vice Principal Safeguarding, Behaviour and Learner Wellbeing.



- Year 4: eSafeguarding Awareness for ALL (within last 12 months) + Safeguarding Refresher and competency sign off
- Repeat from year 2-4
- **Non-Operations Staff:**
- Year 1: eSafeguarding Awareness for ALL
- Year 2: Competency
- Year 3: Competency
- Year 4: eSafeguarding Awareness for ALL
- Repeat from year 2-4 and competency sign off
- Staff in operational services will familiarise themselves with Local Authority Safeguarding Procedures.
- Should not assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult.
- Who have concerns about the individual's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with their line manager, local authority and or the police if they believe or suspect that a crime has been committed.
- Will inform their line manager if they receive any convictions, cautions or are bound over, which may change their status.

The Safeguarding Board

- Will monitor and evaluate safeguarding practice in Sense.
- Will receive safeguarding reports on reviews of safeguarding systems.
- Will support and promote better learning and safeguarding practice.
- Will make recommendations for areas for development of safeguarding and seek confirmation that these have been considered by senior management groups.
- Will receive reports of specific areas of safeguarding concerns.



The Head of Safeguarding

- Will keep abreast of national policy, best practice, research and development in the area of safeguarding.
- Will liaise with other organisations and networks to enable the ongoing development of best practice in relation to safeguarding.
- Will provide advice to the organisation on safeguarding and implications for practice as well as in relation to specific incidents.
- Will monitor and ensure that corporate systems and processes that enable Sense to receive feedback on its performance are working effectively.
- Will monitor and maintain safeguarding recording systems so that comprehensive and accurate information is available.
- Will advise and support groups and departments in receiving and managing incidents of alleged abuse and in ensuring compliance to Sense policy and procedures.
- Will compile a report for Sense Trustees in order to keep them up to date on safeguarding findings and statistics and implications for practice.

Human Resources Department

- The Sense Human Resources department will complete appropriate checks before employing staff, including:
 - DBS checks;
 - Two written references;
 - Employment history.

Learning and Development Team

- Will ensure that safeguarding training is delivered upon induction.
- Will ensure that full training is given every three years to all service level staff and managers.
- Will monitor compliance of annual competency checks.



Group Director of Operations and Heads of Operations

- Will commission investigations and appoint investigators where appropriate.
- Monitor and review progress on investigations and ensure any actions as a result of the investigation.

Sense College Governors and Executive Principal

The Governing Body will include a nominated safeguarding governor (a lay governor).

The nominated safeguarding governor will have a lead role in safeguarding issues for the Governing Body.

The Governing Body must consider safeguarding matters in general, for example:

- in relation to training;
- new safeguarding guidance;
- annual reviews of internal procedure and guidance;
- remedying any weaknesses or deficiencies in relation to safeguarding arrangements,
- consulting with the Executive Principal and the Sense College Vice Principle Care and Support (nominated safeguarding Co-ordinator) as appropriate.

The Executive Principal will collate safeguarding information and will compile a confidential report for the Governors, for each Governing Body Meeting.

- Duty to have fully implemented 'Tackling Extremism and Radicalisation Procedure' in line with the Governments Prevent Strategy 2011.

Operations Managers and Vice-Principals

- Will monitor safeguarding incidents in their areas and ensure that staff are appropriately supported.
- Will investigate safeguarding incidents in accordance with the instructions of external agencies.
- Provide relevant and appropriate support to their managers, monitor training and undertake Compliance Audits.



Service Level Managers (including Accommodation / Community Service Managers, Education Service Managers, Day Service Centre Managers, Holiday Leaders and their deputies) – “Designated Person”

- Will have a sound knowledge of local and inter-agency safeguarding procedures.
- Will monitor safeguarding incidents in their areas and ensure that staff are appropriately supported.
- Will ensure that initial induction into services includes discussion of this procedure
- Have continuous discussion in team meetings and supervision.
- Will ensure that staff attend appropriate safeguarding training, complete competency checks annually and record on HR.net.
- Will ensure that staff understand and follow this procedure.
- Will ensure that action is taken when safeguarding concerns are reported.
- Will follow both internal and external reporting procedures.
- Will keep accurate records.
- Will ensure that staff can access local contact details for reporting safeguarding concerns. A form that can be used is included in the guidance that accompanies this procedure.
- Will complete an initial factfind and complete and investigate safeguarding incidents in accordance with the instructions of Sense or external agencies.
- Will be responsible for inputting, updating and maintaining safeguarding records on ERIC.

Support Staff, Volunteers and Leaders

- Will respond to safeguarding concerns by following this procedure and the guidance that accompanies this procedure.
- Will ensure to involve the individual in the process.
- Identify and confront colleagues poor practice (safe challenge).
- Will report concerns to a line manager/on call manager/or other appropriate person.



- Will complete accurate notes if they are informed of a safeguarding incident.
- Will undertake training, complete competency checks with manager and ask managers if they are unsure about safeguarding procedures.
- Will inform their line manager if they receive any convictions, cautions or are bound over, which may change their status.

Individuals, their **families/carers**, **Sense staff** and **other professionals** are encouraged to be observant and report safeguarding concerns. Sense emphasises the importance of prevention as a way of supporting individuals to keep themselves safe and to assess and manage risk.

If individuals or their families would like to access the Safeguarding Adults at Risk Procedure, they can be offered the main procedure and guidance. Alternatively, the Safe Guide sets out some key principles.

Part Five: Sources

- Care Act 2014 (England)
- Social Services and Well-being Act 2014 (Wales)
- National Institute of Health and Care Excellence – Safeguarding Adults in Care Homes Guidance 2021 (NICE)

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