



## **Safeguarding Policy – Adults and Children**

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| <b>Version</b>         | 1.1         |
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## 1. INTRODUCTION

- 1.1 Everyone has the right to live a life free of fear, harm or abuse. However, almost one in five children has experienced serious physical abuse, sexual abuse or severe physical or emotional neglect at some point in their life. Additionally in 2013, 96,000 cases of alleged abuse against vulnerable adults were reported.
- 1.2 Local authorities are responsible for safeguarding adults and children and Enfield Council sets out how it will do this in two key strategy documents:
- **The Prevention and Early Intervention Strategy**, which stresses the importance of the early identification of a family's support needs to keep children safe from harm.
  - **The Safeguarding Adults Strategy**, which emphasises partnership working to keep adults safe from harm.
- 1.3 Whilst protection (where the risk of harm has been identified) is a statutory responsibility, safeguarding is everyone's responsibility.
- 1.4 The links between safeguarding and issues relating to adult social care, means that staff have an important role to play in helping to protect children and adult from abuse. Staff may be the among the first to spot signs of abuse and help families and individuals to access the support they need from other agencies or departments at an early stage, to prevent or stop abuse from occurring.
- 1.5 This policy sets out how Independence and Well Being Enfield Limited will work in partnership with others to support Enfield Council's Safeguarding Adults Strategy and the Prevention and Early Intervention Strategy. It aims to ensure that any abuse of people using adult social care services does not go unnoticed or ignored.

## 2. THE POLICY

- 2.1 Independence and Well Being Enfield Limited is committed to working with Enfield Council to protect adults and children at risk of abuse and has developed this policy with reference to Enfield Council's Prevention and Early Intervention Strategy (Safeguarding Children) and Safeguarding Adults Strategy.
- 2.2 The policy sets out how staff involved in the provision of adult social care services, either those directly employed by Independence and Well Being Enfield Limited or those providing a service in accordance with a Service Level Agreement, will work with social services to protect adults and children from harm and abuse.

2.3 The policy is supported by guidance to staff on recognising and responding to signs of abuse. The guidance to staff will be provided directly to Independence and Well Being Enfield Limited employees or via existing arrangements for services provided under Service Level Agreements.

2.4 The policy aims to:

- Ensure that signs of abuse are responded to in accordance with Enfield Council's Prevention and Early Intervention Strategy (Safeguarding Children) and Safeguarding Adults Strategy;
- Prevent abuse by raising awareness of what it is and how to recognise it;
- Ensure that Independence and Well Being Enfield Limited works in partnership with other relevant agencies to respond effectively and deliver the best outcome for the person affected.

### **3. SCOPE**

3.1 The policy applies to all service users of Independence and Well Being Enfield Limited, all staff, partners and operatives working for, or on behalf of, Independence and Well Being Enfield Limited.

### **4. SAFEGUARDING ADULTS – THE LEGAL BACKGROUND**

4.1 The recent regulatory and policy based drivers for adult safeguarding include:

- The Care Act 2014
- Safeguarding Vulnerable Groups Act 2006 (Vetting and Barring Scheme)
- Human Rights Act 1998:
  - Article 2 - the right to life
  - Article 3 – the right not to be tortured or treated in an inhumane or degrading way
  - Article 5 – the right to liberty
  - Article 6 – the right to respect for private and family life, home and correspondence.

## 5. SAFEGUARDING ADULT DEFINITIONS

### 5.1 Adult at risk

An adult at risk is a person over the age of 18 who:

- Has a need for care and support (whether or not the authority is meeting any of those needs);
- Is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

### 5.2 Adult Abuse

Abuse is a violation of an individual's human and civil rights by any other person or persons. It is behaviour that either deliberately or unknowingly causes harm, endangers life or infringes the rights of an individual and is often a crime, (assault; rape; theft; fraud; domestic abuse; harassment/discrimination; anti-social behaviour including race, disability and homophobic hate crime.)

### 5.3 Types of Abuse

**Physical abuse** - includes the use of force which results in pain or injury or a negative change in the person's physical health; unnecessary restraint; slapping, beating or pushing somebody or forcing somebody to do something against their will.

**Sexual abuse** - includes sexual activity or a relationship which a person did not want, or which they allowed only because they were pressured into. Other abuse includes sexual assault, indecent exposure ('flashing'), inappropriate touching or sexual harassment.

**Psychological or emotional abuse** - involves making another person suffer emotionally or mentally. This abuse includes, swearing, bullying, humiliating somebody, making somebody scared of you and forbidding somebody from leaving their home by threatening physical violence.

**Financial or material abuse** - using somebody else's property, income, savings or belongings without their permission. This includes stealing money or belongings or bullying or persuading a person in order to get money or belongings or to make them change their will. It can also include persuading a person to sign a contract they do not understand or buy something which they do not fully understand they were buying, and which leaves them at a financial disadvantage.

**Neglect** - repeatedly refusing to help or not being able to help somebody with their daily living and health and safety needs. Neglect can include not providing personal care, not cleaning the person's home so they are living in unhygienic conditions, and not looking after their medical needs.

**Discrimination** - treating somebody unfairly, for example, because of their race, religion, sex, age, sexuality or disability. Some abusers abuse because they are discriminating against somebody (the Government call this 'discriminatory abuse'). Discrimination is illegal. People who are discriminated against may be more at risk from abuse.

**Institutional abuse** - mistreating or abusing an adult at risk who lives in or regularly visits an institution (such as a care home or a hospital). It can include repeatedly giving poor care and putting the needs of the institution before the needs of the person. Institutional abuse also includes discouraging an adult from getting family involved in their care, very strict management, too few staff, or staff who are poorly trained or poorly supervised.

**Domestic abuse** - any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members, regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological abuse; physical abuse; sexual abuse; financial abuse; emotional abuse. Mate crime is when people are befriended or groomed for exploitation and abuse.

## 6. ADULT SAFEGUARDING PRINCIPLES

All safeguarding activity must have regard to these six principles.

### 6.1 Empowerment

Means that adults are in control of their own lives and give consent to decisions and actions designed to protect them.

### 6.2 Prevention

Means supporting adults to protect themselves by raising awareness of what abuse it and what can be done about it. Processes in place to minimise the risk of abuse.

### 6.3 Proportionality

Means responding in way that is are proportionate to the risk or what is thought to be in the "best interests" of someone who is unable to make a decision about their safety.

#### 6.4 Protection

Adults are supported to safeguard themselves from abuse/harm, or be protected where they are unable to make their own decisions about their safety (due to reasons of mental capacity).

#### 6.5 Partnerships

Working with others to prevent and respond effectively to incidents or concerns of abuse.

#### 6.6 Accountability

Transparent decision making and are clear lines of accountability.

#### 6.7 What this looks like in practice

| Safeguarding Principle | Outcome   |
|------------------------|---|
| Empowerment            | <p>Clear and simple information is available to all service users about:</p> <ul style="list-style-type: none"><li>• how to recognise abuse</li><li>• how to report abuse and crime</li><li>• what support is available</li><li>• what they can do to keep themselves safe</li></ul> <p>Service Users are consulted before any action is taken.</p> <p>Where someone lacks capacity to make a decision, we always act in his or her best interests.</p> |
| Prevention             | <p>We help the community to identify and report signs of abuse and suspected criminal offences.</p> <p>We train staff to recognise signs and take action to prevent abuse occurring</p> <p>In all our work, we consider how to make communities safer</p>   |
| Proportionality        | <p>We discuss the issues with the individual and where appropriate, with partner agencies and what to do before we make a referral.</p>   |

|                |  |
|----------------|--|
|                | An assessment of the risk of abuse is carried out as part of wider work.   |
| Protection     | Reporting arrangements for abuse and suspected criminal offences are in place and work well. Staff, service users and stakeholders understand our role in safeguarding. If people contact us we take responsibility for putting them in touch with the right person. |
| Partnership    | We take part in multi-agency partnership arrangements and share information with partners.   |
| Accountability | Staff understand what is expected of them and others.<br><br>We recognise and accept our responsibility to work with the SAB and ASC others to prevent, stop and prevent abuse   |

## 7. SAFEGUARDING CHILDREN – THE LEGAL BACKGROUND

7.1 The recent regulatory and policy based drivers for children’s safeguarding include:

**Section 11 of the Children Act 2004** places duties on a range of organisations and individuals to make sure that any service they provide or contract out to others, has regard to the need to safeguard and promote the welfare of children.

**HM Government Guidance Working Together to Safeguard Children March 2015** sets out the legal requirements of individual services to safeguard and promote the welfare of children, with emphasis on the success of early intervention and partnership working to identify children and families who would benefit from early help.

## 8. SAFEGUARDING CHILDREN DEFINITIONS

8.1 **Child**

Is defined as a child or a young person from 0 to 17 years of age and adolescents up to their 18<sup>th</sup> birthday.

## 8.2 **Abuse**

Child abuse commonly occurs within a relationship of trust and/or responsibility and is an abuse of power. The abuser may be a family member or someone a child encounters in the community, for example during sports and leisure activities.

Abuse can take place anywhere including in the child's own home, or the home of family and friends; in a public place or in the community; in a place of care such as a school or nursery or in a residential or hostel setting.

## 8.3 **Types of child abuse**

**Physical abuse** – includes hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

**Emotional Abuse-** the persistent emotional maltreatment of a child, causing severe and persistent adverse effects on the child's emotional development. This may take the form of constant criticism, name calling ridicule, sarcasm, bullying or unrealistic expectations of what the child is capable of.

**Sexual abuse** - involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

Sexual abuse is not solely perpetrated by adult males. Women and other children can also commit acts of sexual abuse.

**Neglect-** the persistent failure to meet a child's basic physical and/or psychological needs which is likely to result in serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse or a result of poor parenting or a care.

# 9. IMPLEMENTATION

- 9.1 Staff will be vigilant for signs of abuse and will take emergency action when necessary to protect an adult in need of care and support or a child or young person.
- 9.2 Staff will make Adult Social Care and Children's Social Care aware of any safeguarding concerns in accordance with agreed procedures.



### 9.3 Domestic abuse

In all cases of domestic abuse where children are in the household a referral to Children's Social Care must be made.

In cases where the threshold<sup>1</sup> for a referral to Multi Agency Risk Assessment Conference (MARAC)<sup>2</sup> is met, MARAC will refer any safeguarding concerns to Children's Social Care.

In cases where the threshold for a MARAC referral is not met, the anti-social behaviour team will make a SPOE referral.

When domestic abuse comes to the attention of any member of staff but is not reported to the anti-social behaviour team, staff should make a SPOE referral in accordance with the London Child Protection Procedures.

### 9.4 Anti-social behaviour

Where children are present in cases of anti-social behaviour, as victims, perpetrators or part of the household, a Single Point of Entry (SPOE) referral will be made within seven days of the initial report of anti-social behaviour or immediately if there are concerns about a child's welfare.

Low level ASB may disproportionately affect adults in need of care and support who are less able to protect themselves from harm than others. Low level ASB that is having an adverse effect on adults in need of care and support will always be taken seriously and dealt with as a priority if appropriate. Staff will be mindful of Hate Crime and report any concerns to Adult Social Care where appropriate.

Perpetrators of ASB may themselves be in need of care and support and staff will work in partnership with other agencies to resolve complaints of ASB.

## **10. JOINT WORKING PROTOCOL WITH SOCIAL SERVICES**

10.1 Independence and Well Being Enfield Limited staff, or those acting on behalf of Independence and Well Being Enfield Limited, will notify Children's Social Care when a family with a child is faced with eviction:

- a) When a possession order is obtained
- b) Before eviction takes place so that Children's Social Care can consider what support can be made available to the family.

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<sup>1</sup> All cases of domestic abuse are risk assessed. If the assessment attracts 14 points or more a referral to MARAC is made. See MARAC protocols ([link](#)) for more information

<sup>2</sup> Multi Agency Risk Assessment Conference

- 10.2 Staff will work with Social Services in all safeguarding cases and will share relevant information needed by Social Services to make an assessment of risk or need. Staff will also contribute to safeguarding action plans where appropriate.

## **11. ROLES AND RESPONSIBILITIES**

- 11.1 The Executive Board for Independence and Well Being Enfield Limited is responsible for safeguarding on behalf of the company.

- 11.2 All Service Managers are responsible for providing advice and support to any member of staff who has concerns about the welfare of a service user of Independence and Well Being Enfield Limited.

- 11.3 All staff must:

- Be aware of the signs of abuse, neglect or exploitation and remedies
- Remain alert at all times to the possibility of abuse
- Respond to reports and/or concerns of abuse in accordance with agreed policies and procedures
- Work with other agencies to protect and safeguard adults and children at risk of abuse
- Report suspicions of abuse to their manager
- Complete mandatory safeguarding training when they join the organisation and refresher training at least every 3 years
- Declare any breach of the law in any capacity that may damage public confidence in Independence and Well Being Enfield Limited or could make them unsuitable for the work they do.

- 11.4 All Managers must:

- Make sure that staff are aware of their duty to report allegations or suspicions of abuse and how to report their concerns
- Ensure that staff (permanent and temp/agency) completes relevant training in order to be able to recognise signs of abuse and know how to report signs of abuse
- Discuss concerns with members of staff and give advice on the appropriate course of action

- Support staff that raise concerns about other staff members. Concerns of abuse involving staff will be dealt with under the staff code of conduct, grievance and disciplinary procedure
- Ensure that DBS checks are completed as part of the recruitment process where required
- Never ignore, trivialise or pass the responsibility for responding to a report of abuse to another manager.

## **12. CONTRACTORS, SUPPLIERS AND THIRD PARTIES**

- 12.1 Independence and Well Being Enfield Limited expects contractors, suppliers and third parties providing services for, or on behalf of, the company to comply with this policy and report concerns to a Service Manager for further investigation.
- 12.2 Independence and Well Being Enfield Limited expects contractors, suppliers and third parties to investigate allegations of abuse involving their staff and take disciplinary action in accordance with their own policies and procedures.

## **13. CODE OF CONDUCT**

- 13.1 Staff directly employed by Independence and Well Being Enfield Limited must comply with the company's Code of Conduct at all times.
- 13.2 Staff are required to declare any breach of the law, in any capacity that may damage public confidence in Independence and Well Being Enfield Limited, or Enfield Council, or could make someone unsuitable for the work they do, and advise their manager immediately if any criminal charges are brought against them, including a caution or warning, or a conviction for a criminal or civil offence.

## **14. PREVENTION**

- 14.1 Independence and Well Being Enfield Limited will contribute, where appropriate, to activity organised or delivered by the Safeguarding Adult Boards or Children's Safeguarding Board to raise awareness of abuse and safeguarding issues amongst its tenants.

## **15. MONITORING**

- 15.1 Implementation of the policy will be monitored by the Executive Board.

- 15.2 All abuse cases will be reviewed annually to identify organisational learning and areas for improvement.
- 15.3 All serious incidents including those involving staff will reviewed immediately and lessons learned implemented and reported to the Executive Board.
- 15.4 Any case involving a member of staff, whether alleged, suspected or actual will be investigated and managed under the Disciplinary Procedures either by Independence and Well Being Enfield Limited directly or by the Council if it relates to a staff member providing services to the council via a Service Level Agreement.
- 15.5 Performance monitoring will include:
- the number of staff trained (training manager to provide reports)
  - number of concerns raised
  - the number of alerts made
  - feedback given from Safeguarding Adults Board
  - awareness raising activity.

## **16. STAFF TRAINING**

- 16.1 All staff must complete basic awareness training to raise awareness of safeguarding issues. Staff whose day to day work involves regular contact with residents in their home must also complete further training on recognising and reporting abuse to Social Services.
- 16.2 The training will include:
- general awareness on how to identify people with care and support needs, risk and indicators of abuse, including domestic abuse, Anti Social Behaviour and hate crime
  - when and how to raise concerns through a safeguarding alert
  - arranging support for victims and protection planning
  - working together and understanding local information sharing protocols
  - understanding the key roles of partner staff and agencies
  - local knowledge and learning from mistakes (serious case reviews)

- the prevention of abuse and neglect.
- 16.3 All temporary and agency staff must complete e-learning and be briefed on safeguarding processes as part of their induction and on-the-job training.

## **17. DATA PROTECTION, CONFIDENTIALITY AND INFORMATION SHARING**

- 17.1 Absolute confidentiality cannot be guaranteed. All staff must report suspected abuse to their manager in order for referral to be made.
- 17.2 Relevant information will be shared with Social Services in accordance with agreed information sharing protocols in an appropriate and timely manner. However, information will only be shared on a 'need to know' basis where it is in the best interests of a vulnerable adult or child.
- 17.3 Informed consent will be sought where possible but, if this is not possible and a vulnerable adult or a child is at risk, it may be necessary to override the requirement.
- 17.4 Law relevant to sharing information:
- Three main areas of law apply to the disclosure and sharing of personal information:
- the common law of confidentiality
  - the Human Rights Act 1998
  - the Data Protection Act 1998, and to some extent the Freedom of Information Act 2000.
- 17.5 In all three areas of law, confidentiality may be breached if it is in the public interest or if it is demanded by legislation or a court of law.

## **18. EQUALITIES AND DIVERSITY**

- 18.1 Independence and Well Being Enfield Limited is wholly opposed to all forms of discrimination and has adopted the Council's Equal Opportunities Policy.
- 18.2 Independence and Well Being Enfield Limited will treat everyone fairly, regardless of age, disability, race, national origin, ethnicity or nationality, religion or belief, gender, gender reassignment status, marital or civil partnership status, pregnancy or maternity and sexual identity.

- 18.3 Definitions of harm and abuse include behaviours that are defined as harassment under the Equalities Act 2010: 'Unwanted behaviour related to a protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.'
- 18.4 Equality analysis of this policy shows that risk factors are evident in some groups more than others. There is detailed guidance for staff and a comprehensive training programme will ensure that staff are aware of the over representation of some groups in abuse cases and help staff to avoid stereotyping or make assumptions about people based on the existence of risk factors such as mental illness or substance, customs or religious or other beliefs.

## **19. HEALTH AND SAFETY**

- 19.1 Implementing this policy could pose a risk to the safety of officers. We will train staff on health and safety precautions (including lone working guidelines) and undertake risk assessments.
- 19.2 We will not tolerate threats or violence against a member of staff or our partners and will use all available enforcement remedies if necessary.

## **20. REVIEW AND BOARD APPROVAL**

- 20.1 This policy will be reviewed annually with interim reviews where a legislative change or other initiative arises.

## APPENDIX 1 – SUMMARY OF INFORMATION SHARING PRINCIPLES

### **Common law of confidentiality**

The common law of confidentiality involves balancing the private and public interests of confidentiality against the private and public interests of disclosure. It recognises the importance and the limits to, the duty of confidentiality.

### **Information disclosure and human rights**

Article 8 of the European Convention on Human Rights refers to a right to respect for a person's private life. However, this right can be interfered with if this takes place in accordance with the law, it is necessary (that is, justified in terms of risk) and is for a particular purpose (for example, protection of a person's health, prevention of crime, protection of the rights and freedoms of others).

### **Disclosing personal information: Data Protection Act 1998**

The Data Protection Act 1998 governs the processing of personal information by 'data controllers' and access data subjects have to personal information about themselves.

### **Data protection principles and 'sensitive personal data'**

The Act lays down three sets of principles to govern the processing of personal information: one of these sets applies to 'sensitive personal information' that is relevant to safeguarding.

Sensitive personal information is defined as 'Information about a person's racial or ethnic origin, physical or mental health or condition, sexual life, and about commission of an alleged offence, proceedings for any offence and any sentence.'

First set of principles: adequacy, relevance, purpose, accuracy, time etc. (link to policy).

Second set of data protection principles: consent, legal obligations, vital interests, administration of justice etc.

Third set of data protection principles: sensitive personal information.

Sensitive personal data must be processed in accordance with at least one principle in the third set. Sensitive personal information is particularly relevant to safeguarding matters.

Explicit consent of the data subject is required or the processing must be necessary for other reasons including:

- to protect the vital interests of the data subject, where either he or she cannot

- give consent or it is not reasonable for the data controller to obtain it, or to protect the
- vital interests of someone else, where consent by or on behalf of the data subject has been unreasonably withheld
- the information contained in the personal data has been made public because of steps taken deliberately by the data subject
- for the purpose of legal proceedings etc.
- for the administration of justice
- for exercising statutory functions
- for medical purposes and is undertaken by a health professional, or by a person
- who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.