



WILBERFORCE TRUST

Safeguarding Adults

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Introduction

This policy follows the Care act 2014 section 42 and is a review of the Wilberforce Trust's policy and procedures, the review follows the West Yorkshire Joint Multi-Agency Safeguarding Adult Policy amended April 2018 and the NYCC local operation guidance 2019 as well as the Charity Commission guidance amended October 2019.

Policy Statement

The Wilberforce Trust is committed to ensuring the safety of the adults we support and as such we have a 0% tolerance for any kind of abuse and will report any potential abuse swiftly to the local authority concerned and a CQC notification sent within 48 hours of the concern being raised.

This policy is not a standalone document, it should be read alongside The Joint Multi-Agency West Yorkshire [Safeguarding Adults Policy and Procedure April 2018](#) and CYC and [NYCC local operational guidance](#) . The Wilberforce Trust recognises its legal obligation under Section 42 of the Care Act and under the Care Quality Commission Essential Standards of Care regulation 11.

The purpose of this document is to provide guidance to all staff working for the Wilberforce Trust, this policy should be read in conjunction with the Safeguarding Adults training that is provided by the Wilberforce Trust.

The Wilberforce Trust are committed to:

- Supporting adults at risk who are at risk of or, experiencing or have experienced abuse.
- Working with adults at risk and other agencies to end any abuse that is taking place.

In achieving these aims the Trust will:

- Ensure that all managers, employees and volunteers have access to and are familiar with this safeguarding adult policy and procedure and their responsibilities within it.
- Ensure concerns or allegations of abuse are always taken seriously.
- Ensure the Mental Capacity Act is used to make decisions on behalf of those adults at risk who lack capacity regarding the safeguarding process and the risks associated with the safeguarding concern.
- Ensure that people that use the service, their relatives or informal carers have access to information about how to report concerns or allegations of abuse.
- Ensure there is a named lead person to promote safeguarding awareness and practice within the organisation.

Objectives

Staff will have be kept up-to-date with the safeguarding legislation and be informed of amended local safeguarding arrangements.

Scope

This policy is to be read by all staff and volunteers at the Wilberforce Trust. The responsibility for this policy and any actions taken in line with this policy lies with the Performance and

Compliance Manager. Failure to comply with the contents of this policy may result in disciplinary action being taken.

The Vision for Adult Safeguarding

The Wilberforce Trust in association with its partner organisations and the Local Authorities in its areas of influence will:

- Develop a culture that does not tolerate abuse
- Raise awareness about abuse
- Managing its services in a way which minimises the risk of abuse occurring.

Key Principles to safeguarding

Empowerment

Support people to make decisions and have a say in their care and support

Protection

Support and representation for those in greatest need

Prevention

It is better to take action before harm occurs

Proportionality

Safeguarding must be built on proportionality and a consideration of people's human rights. The least intrusive response appropriate to the risk presented.

Partnership

Local solutions through services working with their communities

Accountability

Safeguarding practice and arrangements should be accountable and transparent

Agreed definitions

All agencies working to safeguard adults at risk in York and North Yorkshire recognise the definitions in this section.

What is Safeguarding?

Safeguarding is defined as 'protecting an adult's right to live in safety, free from abuse and neglect.' (Care and Support statutory guidance, chapter 14). Adult safeguarding is about preventing and responding to concerns of abuse, harm or neglect of adults. Staff should work together in partnership with adults so that they are:

- Safe and able to protect themselves from abuse and neglect;

- Treated fairly and with dignity and respect;
- Protected when they need to be;
- Able easily to get the support, protection and services that they need¹.

The Aims of Adult Safeguarding are to:

- Stop abuse or neglect wherever possible;
- Prevent harm and reduce the risk of abuse or harm to adults with care and support needs;
- Safeguard adults in a way that supports them in making choices and having control about how they want to live;
- Promote an approach that concentrates on improving life for the adults concerned;
- Raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- Provide information and support in accessible ways to help adults understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or wellbeing of an adult who has needs for care and support, how people can keep safe and how to support people to keep safe;
- Address what has caused the abuse.

Adults at risk of abuse.

The definition under the Care Act 2014 of an Adult at Risk is a person of 18 years or more who:

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

What is important is keeping the safeguarding effort focused on working with adult at risk, to support improvement in their safety and wellbeing.

Such a definition includes adults with physical, sensory and mental impairments and learning disabilities, howsoever those impairments have arisen e.g whether present from birth or due to; Advancing age, chronic illness or injury and also included are people with a mental illness, dementia or other memory impairments, people who misuse substances and alcohol.

The definition includes unpaid carers (family and friends who provide personal assistance and care to adults on an unpaid basis).

Preventing Abuse and Neglect

The provisions of the Care Act are intended to promote and secure wellbeing. Under the definition of wellbeing (see Chapter 1, Para 1.5), it is made clear that protection from abuse and neglect is a fundamental part of that. The identification and management of risk is an

¹ Joint Multi-Agency Operational Guidance West Yorkshire Adult Safeguarding

essential part of any assessment process; the risk to an adult of abuse or neglect should be considered during all assessments. (14.64 Care and Support Statutory Guidance 2016). The most effective way to safeguard adults from abuse is to enable them to safeguard themselves. For some people this may involve their own support networks, or support or care services, depending on their individual circumstances. In order to safeguard themselves, adults and people who support them should consider the following:

- What kind of harm or exploitation they may be at risk of;
- Where the risk might arise;
- Who might potentially exploit or harm them.

There are many ways in which people can reduce the risks they may face, including:

- Considering how they can reduce the risks of being harmed or exploited;
- Identifying what strengths, skills, supports and networks they could use to avoid potentially abusive situations;
- Being aware of what to do if an abusive situation arises e.g. How to get help, how to report concerns.

What is Abuse?

Abuse can take many forms and the circumstance of the individual should always be considered. It may consist of a single act or repeated acts.

Abuse may be carried out deliberately or unknowingly. People who behave abusively come from all backgrounds and walks of life. They may be doctors, nurses, social worker, advocates, staff members, volunteers or others in a position of trust. They may also be relatives, friends, neighbours or people who use the same services as the person experiencing abuse.

Abuse can be categorised as below, this is not an exhaustive list.

Type of abuse	Examples
Physical	Hitting, slapping, pushing, kicking, the misuse of medication, restraint, or inappropriate physical sanctions. Physical abuse can also be fro
Modern Slavery	Encompassing slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use the means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhuman treatment.

Domestic abuse	This is “an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality” (Home Office, 2013). Domestic violence and abuse may include: psychological, physical, sexual, financial, emotional abuse; so called “honour based violence”, forced marriage and female genital mutilation.
Psychological	Includes 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 from services or supportive networks
Sexual	Including rape, sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressurised into consenting; indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography.
Financial or Material	Theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property possessions or benefits.
Neglect or acts of Omission	Ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
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. A safeguarding response in relation to self-neglect may be appropriate where: a person is declining assistance in relation to their care and support needs and, the impact of their decision has or is likely to have a substantial impact on their overall individual wellbeing.



Discriminatory	Abuse of a person based on their race, sex, disability, faith, sexual orientation, or age and other forms of harassment, slurs or similar treatment
Organisational abuse	Including neglect and poor care practice within an institution or specific care setting such as a hospital or care, for example, or in relation to care provided in one's own home. This may range from one off incidents to ongoing ill treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation. Abuse of this kind may be due to poor policies and procedures which has then resulted in harm being caused to a tenant either physically, psychologically or financially.
Abuse of human rights	Please see the Policy on Mental Capacity Act

If, after discussion with the adult at risk who has mental capacity, they refuse any intervention, their wishes will be respected unless:

- There is a public interest, for example, not acting will put other adults or children at risk.
- There is a duty of care to intervene, for example, a crime has been or may be committed.
- The allegation relates to a paid member of staff acting abusively and there are issues around professional conduct.

Duty of Care to adults at risk of harm

Every agency and person has a responsibility to prevent or act on incidents or concerns of abuse. York and North Yorkshire Safeguarding Adults Board considers a duty of care to adults at risk is fulfilled when all the acts reasonably expected of a person or agency in their role have been carried out with appropriate care, attention and prudence. Duty of care will involve actions to keep a person safe but will also 'include respecting the person's wishes and protecting and respecting their rights' (DoH, 2011). The nature of duty of care will vary according to the role of the individual or agency. In all cases however, it will involve taking allegations or concerns seriously, and personal and organisational ownership responsibilities to safeguard adults at risk.

Key Roles

For the purposes of Safeguarding the Wilberforce Trust will be considered to be responsible for raising the concern with the City of York Council and North Yorkshire County Council. Support workers will usually raise the safeguarding concern with Managers/Safeguarding Team who will then progress the concern to CYC or NYCC, however, support workers in the houses are able to raise concerns directly with the Local Authority Adult safeguarding teams.

Safeguarding Concerns Manager (Safeguarding Lead)

The Safeguarding Concern Manager/ safeguarding team have the responsibility to decide whether it is appropriate to raise a Safeguarding Concern with the local authority on behalf of their organisation or to respond to the concerns in an alternative manner.

The role also includes

- That immediate safety issues are addressed, other parties notified (such as the regulator) and the staff are supported.
- Ensuring that they are kept informed when a member of staff, volunteer or member of the public has raised a concern.
- Establishing the desired outcomes of the adult at risk.

For the purposes of this policy the person acting as the Safeguarding concerns manager will be the Performance and Compliance Manager. The safeguarding team contact details are:

Claire Norman Performance and Compliance Manager – Safeguarding Lead

Work Telephone: 01904 760037

Mobile: 07580750290

Email: c.norman@wilberforcetrust.org.uk or compliance@wilberforcetrust.org.uk

Andy Boast

Service Delivery and Contracts Manager

Mobile: 0758070383

Email: as above

Safeguarding concerns can also be reported by any of the area managers.

Role Name	Summary of Responsibilities	Agency/Staff members Responsible	Timescales
Person raising concern	The person raising the concern is the person who observes potential abuse or has this disclosed to them. Where the person raising the concern is a staff member, they must alert the safeguarding team at Head office.	Anyone/Member of public/alleged victim/ staff member in any organisation.	As soon as possible following the observation of abuse. Within one working day.
Safeguarding concerns manager	The safeguarding concern manager (SCM) acts to protect the adult at risk and deal with any immediate protection needs. They should consider reporting the incident to the police and must do this if they believe a crime has been committed, with the adult at risks consent. If there is a public protection interest in doing so they may report to		Immediately if emergency or within same working day

	<p>the police if they are not able to gain the consent of the adult at risk.</p> <p>The SCM should act to ensure any evidence is persevered.</p> <p>If the SCM consider there is a risk of significant harm or the adult at risk has suffered significant harm a concern must be made to the City of York or North Yorkshire Adult Safeguarding Team.</p> <p>Where the SCM considers that minor harm has or may occur, a concern to City of York or North Yorkshire Adult Safeguarding Team should be made if this will be of benefit to the customer</p> <p>Witnesses, alleged victims or perpetrators should not be interviewed at this or the previous stage</p>		
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Safe Employment

- The Wilberforce Trust is committed to achieving best practice in respect to the safe recruitment of employees and volunteers;
- The organisation is committed to working within best practice as established by the Disclosure and Barring Scheme (DBS)
- The Wilberforce Trust will ensure that any allegations made against members or member of staff, volunteer or trustee will be dealt with swiftly.
- Where a member of staff/volunteer/trustee is thought to have committed a criminal offence the police will be informed. If a crime has been witnessed the police should be contacted immediately.

Responding to an allegation/concern

The Wilberforce Trust recognises that it has a duty to act on reports, or suspicions of abuse or neglect. Anyone who has contact with adults at risk and hears disclosures or allegations or has concerns about potential abuse or neglect has a duty to pass them on appropriately.

Responsibilities of all employees and volunteers

If any member of staff or volunteer has reason to believe that abuse is or may be taking place you have a responsibility to act on this information. It does not matter what your role is, **DOING NOTHING IS NOT AN OPTION.**

If a person discloses abuse to you directly, use the following principles to respond to them:

- Assure them that you are taking the concerns seriously
- Do not be judgemental or jump to conclusions
- Listen carefully to what they are telling you, stay calm, get as clear a picture as you can. Use open ended questions
- Do not start to investigate or ask detailed or probing questions
- Explain that you have a duty to tell your manager or the designated officer
- Reassure the person that they will be involved in decisions about them.

Your responsibilities are:

- To take action to keep the person safe if possible.
- Ring on-call manager
- Is an urgent police presence required to keep someone safe – call 999.
- Does the person need urgent medical assistance, do they need an ambulance – call 999.
- If a crime has occurred, be aware of the need to preserve evidence
- Always inform the Safeguarding Concerns Manager of a member of the safeguarding team. You cannot keep this information secret, even if the person asks you to.
- Clearly record what you have witnessed or been told, record your responses and any actions taken.

Stage One: Raising a concern?

Raising a concern means reporting concerns, suspicions or allegations of harm from abuse or neglect.

In the Wilberforce Trust the concern should be raised in the first instance with a member of the Wilberforce Trust Safeguarding team which consist of the Performance and Compliance Manager and area manager or the on-call manager.

Where there is no referrer available, concerns should be raised directly to:

City of York Council, customer access team **Telephone 01904 555111.**

North Yorkshire County Council customer services centre on **01609 780780**

All concerns or allegations about harm to Adult at Risks will be dealt with by multi-agency safeguarding adults' procedures.

Guidance on Raising a Concern

Any person who has contact with an adult at risk and has concerns about potential abuse or neglect can raise a concern. This includes those at risk of abuse, their friends, family members, and informal carers, other members of the public, paid carers, professionals and organisations.

A concern may be:

- Something the adult at risk tells another person, such as staff members or volunteers, others using the service, a carer or a member of the public.
- An observation of the behaviour of the adult at risk, or the behaviour of another person(s) towards the Adult at Risk or the behaviour of one service user towards another.

Wherever possible, the person raising the concern should involve the adult at risk in the decision about raising a concern. Sometimes this may not be possible if for example the adult at risk lacks the capacity in relation to the safeguarding and the risks involved, in this instance the person raising the concern must act in the adult at risk's "best interests" because they do not have the mental capacity to decide this for themselves. There are also occasions where a safeguarding concern is needed without a person's consent because other people are also at risk or because the person is too intimidated to agree to an alert or because they are at risk of serious harm.

Where there is doubt, a concern should be raised.

The person raising the concern should, where possible, ensure the safety of the Adult at risk. The police should be informed if a crime may have taken place. Medical attention sought for the Adult at Risk if necessary.

It is important when a situation is reported to the police, that wherever possible the Adult at Risk, potential witnesses or the person or organisation alleged to have caused harm are not questioned by anyone, so as not to undermine any police investigation required.

For these reasons it is important that forensic and other evidence is not contaminated:

The person raising the concern should try not to disturb the scene, clothing or victim if at all possible secure the scene, for example, lock the door preserve all containers, documents, locations, etc. evidence may be present even if it cannot be seen.

If in doubt advice should be sought from the police.

Stage Two: Safeguarding Concern Manger.

The Wilberforce Trust have designated staff members that are responsible for raising concerns. Where no one available from the safeguarding team the on-call manager should be contacted if there is no SCM available all staff members have a duty to raise the concern directly. Where the safeguarding concern is about one of the Safeguarding Concern Manager the alert should be made to City of York or North Yorkshire Council.

Actions to be taken by the Safeguarding concern manager

Where the SCM is alerted to concerns about or suspicions of harm or abuse they should.

Ensure the immediate safety of the Adult at Risk and others Adult at Risks Seek urgent medical and police attention if required.

- Gather information, including the desired outcome of the adult at risk, in order to inform your decisions
- Report a crime if this may have taken place and act to preserve evidence
- Ensure key people are informed e.g. CQC
- Document the incident and actions taken
- Ensure support is provided to the person raising the concern
- Make a decision as to whether to refer to City of York or North Yorkshire Safeguarding Adults Team.

This should be done immediately where concerns are serious and urgent and within 1 working day in all other circumstances.

Taking action to ensure the immediate safety of the adult at risk

The SCM must consider whether there are any immediate actions that need to be taken in order to keep the person, or others, safe from harm. This involves taking actions in relation to the adult at risk and others, including:

- making an immediate evaluation of the risk to the adult at risk
- taking reasonable and practical steps to safeguard the adult at risk as appropriate
- considering if an immediate police presence is required to keep any person safe
- liaising with the police where an immediate police presence is required or to discuss any risk management issues

- making sure that other tenants/clients (and staff/volunteers) are not at risk
- It may also involve taking actions in relation to the person or organisation alleged to have caused harm (PATCH), including:
 - liaising with the police wherever possible regarding actions that may impact upon a subsequent criminal investigation, such as where the protective arrangements may forewarn the person alleged to have caused harm of an impending criminal investigation and potentially prejudice the collection of evidence
 - ensuring that any staff (or volunteers) who are PATCH's are not in contact with service users and others who may be at risk, for example, "whistle-blowers"
 - the concern should not at this stage be discussed with the PATCH, unless the immediate welfare of the adult at risk or other people makes this unavoidable
 - if the PATCH is a member of staff and an immediate decision is required to suspend them, the person has a right to know in broad terms what allegations or concerns have been made about them. Care however should be undertaken not to jeopardise any resulting police or safeguarding investigation
 - if the allegation involves agency staff, the agency should also be notified of the safeguarding alert having been made

If the PATCH is another tenant, action taken may include; removing them from contact with the adult at risk or implementing 1:1 staffing in order to protect the adult at risk. In this situation, arrangements must be put in place to ensure that the needs of the PATCH are also met.

Gathering Information

All safeguarding concerns or allegations must be taken seriously however trivial they might initially seem.

Information should be gathered in order to decide whether to raise a safeguarding concern and to decide the most appropriate action to keep the person safe. This may involve checking relevant records, ascertaining concerns from colleagues, gathering background information, etc.

This is not the investigation stage. Only the information needed in order to make the decision about whether to make a concern and to keep the person safe should be gathered.

Where possible the person raising the concern should speak to the adult at risk. To do this, the referrer should consider:

- obtaining their views on what has happened and what they want to happen now (consider mental capacity and consent issues)
- speaking to them in a private and safe place.
- basic information should be obtained from the adult at risk at this stage which include dates and times and who might be involved.
- providing them with information about the safeguarding adults procedures and how that could help to make them safer
- identifying communication needs, personal care arrangements
- explaining how they will be kept informed and supported
- discussing what could be done to ensure their safety

When to report an incident to the police

If a crime has been or may have been committed, the person raising the concern should seek the person's consent to report the matter immediately to the police.

If the person has mental capacity in relation to the decision and does not want a report made, this should be respected unless there are justifiable reasons to act contrary to their wishes, such as:

- the person is unduly influenced or intimidated, to the extent that they are unable to give consent, or
- there is an overriding public interest, such as where there is a risk to other people, or
- it is in the person's vital interests (to prevent serious harm or distress or in life-threatening situations)
- There should be clear reasons for overriding the wishes of a person with the mental capacity to decide for themselves. A judgement will be needed that takes into account the particular circumstances. If the person does not have mental capacity in relation to this decision, a best interest's decision will need to be made in line with the Mental Capacity Act.

The police may also be contacted later, if more information becomes available and it becomes apparent that a crime has been committed.

If the matter is to be reported to the police there should be a discussion with them about risk management and any potential forensic considerations.

Other reporting considerations

As well as deciding whether or not to raise a safeguarding concern, the SCM must also decide whether to follow other relevant organisational reporting procedures.

Where a concern indicates that a member of staff may have caused harm, the organisation's disciplinary procedures may also need to be followed. The Wilberforce trust is registered with CQC and will need to follow their regulatory reporting requirements.

Does the Person Raising the concern have to determine that harm is 'serious' before making a concern?

No. The extent of abuse and harm caused and measures needed to protect the Adult at Risk are often not clear when concerns are first raised. Apparently minor incidents may form part of a pattern which cumulatively may indicate more serious harm. Consideration should be given to making a concern for what may appear to be harm rather than serious harm where this is the case.

Involving Adult at Risks in concern decisions

In making a decision about whether to make a concern the referrer should fully involve the Adult at Risk and or their representative. SCM's should support the Adult at Risk to make his or her own decision about whether they want a concern to be made. The SCM should support the Adult at Risk to make his or her own choices about taking risk and accessing available support based on all options available. Referrers should discuss with the Adult at Risk the

outcomes they want from the safeguarding process and what support they might need to participate in the process.

Specific reference should be considered here regarding a person's "capacity" to give consent, please refer to Mental Capacity and decision making policy and procedure.

Raising a safeguarding concern without the consent of the adult at risk

The adult at risk would normally be informed of the decision to raise a concern and the reasons, unless telling them would jeopardise their safety or the safety of others.

Any actions taken without the adult at risk's consent should be proportional to the risk of harm. The following are examples of when a decision to raise a concern without consent must be made:

It is in the public interest, for example,

- there is a risk to other Adult at Risks, or
- the concern is about institutional or systemic abuse, or
- the concern or allegation of abuse relates to the conduct of an employee or volunteer within an organisation providing services to adults at risk, or
- the abuse or neglect has occurred on property owned or managed by an organisation with a responsibility to provide care
- the person lacks mental capacity to consent and a decision is made to make the alert in the persons best interests (Mental Capacity Act 2005)
- a person is being unduly influenced or intimidated, to the extent that they are unable to give consent
- it is in the person's vital interests (to prevent serious harm or distress or in life-threatening situations)
- it is necessary to prevent crime

Decision not to raise a Concern

If, after assessing all the information available, the safeguarding team decides that a concern should not be raised, they should fully document any such decision and the reasons for the decision.

Any decision not to raise the concern does not mean that the incident should be left or that other actions do not need to take place. Consideration still needs to be given to the needs of the Adult at Risk and to any other actions such as the complaints process, training needs, disciplinary or regulatory action if appropriate.

Reasons for not referring an adult at risk might include:

- The Adult at Risk with mental capacity has had all the support required and information on options available about how they want the risk managed and do not want a concern made. The option to make a concern should always be left open.
- The incident is a minor isolated incident where no harm has been caused.
- The incident involves minor actions between adults at risk which cause distress but where there is deemed to be an equal power relationship.

A concern must be made when:

The Adult at Risk has capacity to make this decision, wants the concern to be made and:

- The Adult at Risk considers the actions against them to be abusive.
- The Adult at Risk is distressed, fearful or feels intimidated by the incident.
- Incidents are repetitive and targeted.
- A crime has been committed.
- The incident involves a member of staff.
- The risk/likelihood of repeated or increasingly serious acts involving this or other Adult at Risks

if there is doubt about the above a concern should be raised.

Concerns raised against staff within the Trust

Staff working with tenants in the Trust must be aware that as well as the main categories of abuse discussed in section 11 the criteria for raising a concern is if there is a potential for harm to the tenant or actual harm has been caused. This may include the following :

- Tenant's monies being spent without consent or prior authorisation through the monthly budgeting and MCA process which should also involve the person responsible for authorising monies for tenants that lack capacity.
- Medication errors which have caused harm such as missed seizure medication, overdose of medications that could cause serious side effects, failure to administer medication, medication administered at the wrong time. [The NYCC guidance](#) for details of when and in what circumstances NYCC require a medication incident to be reported to safeguarding please see their guidance included with this policy.
- Photographs of tenants being taken on a staff members personal phone.
- Where inappropriate moving and handling techniques have been used in regards to the moving and positioning of a tenant. (see NYCC guidance for further details on moving and handling safeguarding concerns that need to be raised to NYCC.
- Pressure Area care – A safeguarding will be raised if the if the development of a pressure sore was avoidable and:
 - The Adult at risk develops a ungradable or stage 3 pressure ulcer,
 - When a pressure ulcer develops and clinical advice has not been sought.
 - Where an Adult at risk is self-neglecting and going against medical instruction in regards to ways in which pressure can be relieved on the affected area.
- There are a number of occasions where a safeguarding concern should be raised in regards to nutrition and hydration (see NYCC guidance), however it should be noted that where there is a chart in place for fluid or food intake and this has not been filled in appropriately a safeguarding concern will need to be made.
- Where there are repeated incidents by the same person alleged to have caused harm over a period of time, even when they have not adversely affected the tenant, this will need to be reported as a safeguarding concern.

Generally speaking if any adult at risk has been harmed during an incident and there is an impact on their wellbeing a safeguarding must be raised.

Once a safeguarding has been raised with the Local Authority the officer in the Safeguarding Adults Team attached to the LA is responsible for undertaking initial enquiries to determine



what immediate actions are necessary to respond to the risks presented, and to consider whether the conditions of S42 are met before deciding on the appropriate response to the concern. For further details on how CYC Safeguarding team aid undertake enquires see the CYC Local Multi-Agency guidance.

It is the duty of the SCM (Safeguarding concern manager) to ensure that all risks have been lowered prior to intervention from the LA and to implement any recommendations from the LA as swiftly as possible.

The Initial Enquiry Officer from the LA is responsible for making a recommendation regarding further action. This recommendation should be reached in partnership with the Adult at Risk and/or their advocate or representative. It should take account of the outcomes the Adult at Risk wants. The decision about future action should take account of the Adult at Risk's views and wishes about information, support, mediation, services, and access to justice, which may be available to support them, minimise risk and prevent future harm. Consideration should be given to the Adult at Risks own perception of risk. On completion the Initial Enquiry Officer must send the concern to the CYC or NYCC Safeguarding Service Manager.

Should the person who raised the concern at the Wilberforce Trust disagree with the proposed course of action they should immediately contact the service manager to discuss this and seek further advice.

The Initial Enquiry Officer from the LA may decide whether or not an internal process is the best course of action to pursue. This is usually the case when it is felt that the arrangements that have been put in place to safeguard the person and any amendments to procedures already made are considered to be sufficient without any further enquiry required. This is part of the LA triage system. Where it is felt that further enquiry is required it is the duty of the LA to undertake a S42 enquiry.

S42 Enquiries

The LA will determine whether the S42 enquiry should be completed by a safeguarding officer attached to the LA or whether a trusted enquiry can be made by the Wilberforce Trust.

Trusted Enquiries

The Wilberforce Trust will invoke their safeguarding investigation procedure this may be in conjunction with a Disciplinary or Complaints procedure or other as deemed appropriate by the Wilberforce Trust. Should this be the case the Wilberforce Trust will inform the LA of the results of any action taken within the timeframe allotted to them by the LA. A safeguarding report will be sent to the LA concerned along with any pieces of evidence obtained.

LA S42 Enquiries

LA S42 enquiries will be conducted by interviewing all relevant to the safeguarding concern, including the Adult at Risk and the PATCH, the LA will also have expected that statement may have already been obtained, these will be sent to the safeguarding officer conducting the enquiry.

The Wilberforce Trust will notify CQC through the formal notification process within 24 hours of the incident wherever possible and at least within 72 hours, dependant on the severity of the situation. Advice regarding and coordination of CQC notifications will be via the Performanc and Compliance Manager.

Should the Adult at Risk's family be contacted?

The adult at risk should be asked whether or not they would like their family members to be made aware of the safeguarding concern and any arrangements that have been put in place. If the adult at risk has capacity and does not wish their family members to be made aware, then this cannot be overridden unless there is an exceptional reason for their consent to be overridden, the safeguarding team must always be involved in decisions of this type and this must be recorded in the safeguarding narrative as to the reason why this decision was made. If the Adult at risk lacks capacity to consent to this decision then this decision must be made in the person's best interest.

Advocates

At any point during the safeguarding process a Care Act Advocate can be requested, the Adult at Risk should someone to act on their behalf should a safeguarding hearing be held, if there is no family or friend that can be involved in this process then it is the duty of the LA to ensure an advocate is requested.

Criminal Investigations

In instances where the Police have been called, a criminal investigation may be conducted alongside the safeguarding s42 enquiry. Where there is Police involvement initial enquiries by the Trust's safeguarding team must be kept to a minimum so as not to undermine the Police's own investigation. The Police investigation takes priority to any enquires and therefore all enquiries to be completed by the LA and the Trust must be held until authorisation has been given by the Police to conduct them.

Timescales

Wherever possible the safeguarding concern should be sent to the LA within 24 hours. Following the receipt of the concern by the LA Wilberforce Trust should then refer to the Safeguarding Adults West and North Yorkshire and York Multi-Agency Policy and Procedures.

Wilberforce Trust Safeguarding Planning Meeting

The Safeguarding team within the Wilberforce Trust should meet to discuss any immediate actions that are required to keep the person at risk safe, even if these are interim actions. Further meetings should be held following the implementation of these action to discuss how well the plan is working.

Wilberforce Trust Safeguarding Process

The safeguarding must be monitored by the safeguarding team and the safeguarding narrative updated to ensure that all members of the safeguarding team are aware of any actions that have been completed and contact made with the LA and family.

Decision to Hold a Formal Meeting

The CYC or NYCC Safeguarding Service Manager is responsible for deciding whether a meeting to determine how to investigate allegations is required and whether this needs to be at a multi-agency (complex) or single agency (simple) level.



The decision is based on the Information gathered at the initial assessment stage, the evaluation of this and the recommendation of the initial assessor.

Where a concern has been submitted to the Safeguarding Service Manager at the LA , s/he may request further information from the assessor and give timescales for this where s/he determines whether:

- There is no immediate need to decide a strategy about how to investigate the allegations;
- The concern is not completed to a standard that can enable a decision to be made;
- With the agreement of the Adult at Risk or their representative, there is a realistic prospect of addressing the allegations and meeting the outcomes the agreed with the Adult at Risk without further investigation;
- Where it is clear that there is an adult at risk who is experiencing, or at ongoing risk of serious harm, then a decision should be made to progress to a strategy discussion/meeting. Consideration should be given at this point to the person's wishes around investigation, and to the need to strike a balance between protection, justice and empowerment.

At this stage the Wilberforce Trust will be led by the required actions of the Safeguarding Officer within the local authority.

The Wilberforce Trust will cooperate fully with any action required of it by the Local Authority safeguarding Team including but not limited to provision of documentation and information, access to staff and the service users supported by the Trust. Where required facilitating interviews with service users and staff.

Sharing of Information

The General data Protection Regulations (GDPR) ensure that where information needs to be shared between different agencies and Local Authorities it can be legitimately and legally shared under the term Vital Interests. See General Data Protection Regulation policy.

Whistleblowing

This policy is to be applied for all safeguarding concerns, however, where it is felt that concern is more organisational and the person raising the concern does not wish to report it through the safeguarding process it can be completed as a Whistleblowing. Please see the [Whistleblowing policy](#).

Resources

Any future training must be completed in conjunction with this policy and procedures.

Training and Supervision

All staff that come into contact with adults at risk will be trained in regards to Adult Safeguarding on an annual basis and must have completed face to face training and or f Kwango safeguarding e-learning. Any supervisions and appraisals will help support the individual staff member in understanding their role and responsibilities in relation to safeguarding.

A record of staff attendance/completion of training e is kept with the Rota and Training Officer. An audit of any mandatory training undertaken will be completed every quarter.

Implementation

This document will be sent to all staff who will sign to say they have receive and read this policy within one month.

Further Information

For further information staff should read the [Multi-Agency West Yorkshire Adult Safeguarding Policy. And NYCC procedures](#)

Standards

Adult safeguarding was placed under the Legislative remit of the [Care Act 2014](#) following [Making Safeguarding Personal](#).

Equality

This document takes into account the protected characteristics of the Equality Act, and Equality Impact Assessment is not required to be undertaken for this policy.

Audit

A periodic audit of safeguarding procedures will be completed on an annual basis, this will determine whether or not the policy requires reviewing or any new procedures need to be undertaken.

Review

This policy will be reviewed every two years unless there is any amendments to LA policy or safeguarding legislation is amended.

Appendices

- Appendix 1 CYC safeguarding concern form
- Appendix 2 NYCC safeguarding concern form
- Appendix 3 CQC notification form
- Cannot be entered as appendices as they are PDF's but are available online.