

# **Safeguarding Adults Policy**

## Introduction

Safeguarding means protecting people’s health, wellbeing, and human rights: enabling them to live free from harm, abuse, and neglect. It is a collective responsibility of all Trust employees and Volunteers. Adult Safeguarding is about preventing and responding to concern of abuse, harm, or neglect of adults. Wilberforce Trust staff works in partnership with vulnerable adults in their care so that they are:

- Safe from abuse and harm
- Treated fairly and with dignity and respect.
- Protected when they need to be.
- Able easily to get the support, protection, and services that they need.

Aims of the Safeguarding Adults within Wilberforce Trust.

- Stop abuse and neglect where possible.
- Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs.
- Safeguard Adults in the way that supports them making choices and having control how they want to live with the tailored support from Wilberforce Trust staff to achieve this.
- Address what has caused the abuse. Reflect on this and implement the improvements to prevent the situation from happening in the future.

## 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.

Wilberforce Trust Safeguarding Adults Policy is based on **The Six Principles of Safeguarding** that underpin all adult safeguarding work with all tenants supported by Wilberforce Trust and all Clients supported by YorSensory.

<b>Empowerment</b>	Adults are encouraged to make their own decisions and are provided with support and information	I am consulted about the outcomes I want from the safeguarding process, and these directly inform what happens
<b>Prevention</b>	Strategies are developed to prevent abuse and neglect that promotes resilience and self-determination	I am provided with easily understood information about what abuse is, how to recognise the signs and what I can do to seek help

<b>Proportionate</b>	A proportionate and least intrusive response is made balanced with the level of risk	I am confident that the professionals will work in my interest and only get involved as much as needed
<b>Protection</b>	Adults are offered ways to protect themselves, and there is a co-ordinated response to adult safeguarding	I am provided with help and support to report abuse. I am supported to take part in the safeguarding process to the extent to which I want and to which I am able
<b>Partnerships</b>	Local solutions through services working together within their communities	I am confident that information will be appropriately shared in a way that takes into account its personal and sensitive nature. I am confident that agencies will work together to find the most effective responses for my own situation
<b>Accountable</b>	Accountability and transparency in delivering a safeguarding response	I am clear about the roles and responsibilities of all those involved in the solution to the problem

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 that all managers, employees, and volunteers receive adequate to their role Safeguarding Adults training.
- 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.

#### *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 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 adults at risk, to support improvement in their safety and wellbeing.

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

## *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.

<b>Type of abuse</b>	<b>Examples</b>
<b>Physical</b>	Hitting, slapping, pushing, kicking, the misuse of medication, restraint, or inappropriate physical sanctions.
<b>Modern Slavery</b>	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.
<b>Domestic abuse</b>	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.

<b>Psychological</b>	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
<b>Sexual</b>	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.
<b>Financial or Material</b>	Theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property possessions or benefits.
<b>Neglect or acts of Omission</b>	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.
<b>Self-neglect</b>	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 because 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**

As per definition it is violation of the basic human rights of people by treating them wrongly.

(Please see the Policy on Mental Capacity Act for more details).

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.

## *Preventing Abuse and Neglect*

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

## *Sharing Personal DATA and Safeguarding at Wilberforce Trust.*

Sharing the right information, at the right time with the right people, is fundamental to good safeguarding practice, but it has been highlighted as a difficult area of practice. The [Care Act 2014 Section 45 'supply of information' duty](#) covers the responsibilities to comply with requests for information. Sharing information between organisations as part of day-to-day safeguarding practice is covered by the common law duty of confidentiality, the [General Data Protection Regulation \(GDPR\)](#), [Data Protection Act 2018](#), [the Human Rights Act 1998](#) and the [Crime and Disorder Act 1998](#).

As a general principle people must assume it is their responsibility to raise a safeguarding concern if they believe an adult at risk is suffering or likely to suffer abuse or neglect, and/or are a risk to themselves or another, rather than assume someone else will do so. They should share the information with the local authority and/or the police if they believe or suspect that a crime has been committed or that the individual is immediately at risk.

## **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 Head of Compliance, Quality and Governance. 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.

## **Duty of Care to adults at risk of harm**

Every agency and person have 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. Wilberforce Trust employees will usually raise the safeguarding concern with Managers/Safeguarding Leads who will then progress the concern to CYC or NYCC and if required to CQC also.



## **Managers /Safeguarding Leads**

Managers/Safeguarding Leads 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 information purposes, when there is a concern of safeguarding breach, please contact:**

**Head of Compliance, Governance and Quality: Kate Danielkiewicz**

**Mobile: 07580750290**

**Email: [K.Danielkiewicz@wilberforcetrust.org.uk](mailto:K.Danielkiewicz@wilberforcetrust.org.uk)**

**YorSensory Business Manager: Lauren Talbot**

**Mobile: 07840950272**

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**Safeguarding concerns can also be reported by any of the managers/supervisors.**

## **Safe Recruitment at Wilberforce Trust.**

- 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 response 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 safeguarding lead.
- 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, if reported or observed abused happened outside office working hours (do not wait for the next working day to do so).
- 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 Manager/Safeguarding Lead. You cannot keep this information secret, even if the person asks you to. You have to be honest with the person, who suffered from the abuse, that you will have to report this further, never lie to them.
- 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 to Manager/Safeguarding Lead and or the 1st on-call outside office working hours.

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 **03001312131.**

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 Managers**

The Wilberforce Trust have designated staff members that are responsible for raising concerns (Managers/Safeguarding Leads). 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 Managers 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 (including CQC where required).
- Document the incident and actions taken.
- Ensure support is provided to the person raising the concern.
- Decide 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 Manager/Safeguarding Lead 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, 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 suspected 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 suspected individual(s), unless the immediate welfare of the adult at risk or other people makes this unavoidable
- if the suspect 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 suspect 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 suspected person 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 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.

### **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, Manager/Safeguarding Lead 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 will be left or that other actions do not take place. Consideration will 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/clients in the Trust must be aware that as well as the main categories of abuse stated earlier in this document, 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 and as a result, tenant/client suffered health deterioration, withdrawal symptoms, pain.
- Photographs of tenants/clients being taken on a staff members personal phone.
- Where inappropriate moving and handling/sensory guide techniques have been used in regard to the moving and positioning of a tenant/client which places tenant /client at risk.
- 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 an 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 regard 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 regard to nutrition and hydration, 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/client, this will need to be reported as a safeguarding concern (repeated missed medication dosage for the same tenant/client, which did not cause the individual harm within the period of 6 weeks).

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

It is the duty of the Manager/Safeguarding Lead to ensure that all risks have been lowered prior to intervention from the Local Authority and to implement any recommendations from the Local Authority as swiftly as possible.

The Initial Enquiry Officer from the Local Authority 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 Risk's own perception of risk.

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

The Initial Enquiry Officer from the Local Authority may decide whether 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 sufficient without any further enquiry required. This is part of the Local Authority triage system. Where it is felt that further enquiry is required it is the duty of the Local Authority 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 Local Authority

of the results of any action taken within the timeframe allotted to them by them. A safeguarding report will be sent to the Local Authority concerned along with any pieces of evidence obtained.

### *Local Authorities S42 Enquiries*

Local Authorities S42 enquiries will be conducted by interviewing all relevant to the safeguarding concern, including the Adult at Risk and suspected person, the Local Authorities 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 when required 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 Safeguarding Adults Leads.

### **Should the Adult at Risk's family be contacted?**

The adult at risk should be asked whether 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 have someone to act on their behalf if 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 Local Authority to ensure an advocate is requested.

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' own investigation. The Police investigation takes priority to any enquires and therefore all enquiries to be completed by the Local Authority 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 Local Authority within 24 hours. Following the receipt of the concern by the Local Authority, Wilberforce Trust should

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Next Review Date: May2024

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 (Safeguarding Leads, Care Contract Delivery Manager, Operational Director) 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 Local Authority and family.

### **Decision to Hold a Formal Meeting**

The CYC or NYCC Safeguarding Manager /Officer is responsible for deciding whether a meeting to determine how to investigate allegations is required and whether this needs to be at a multiagency (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 Manager/Officer at the Local Authority, they may request further information from the assessor and give timescales for this where they determine 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 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.



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.

### **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](#).

### **Training and Supervision**

All staff that come into contact with adults at risk will be trained in regard to Adult Safeguarding. Any supervisions and appraisals will help support the individual staff member in understanding their role and responsibilities in relation to safeguarding.

### **Implementation**

All Wilberforce Trust employees working with Vulnerable Adults must read this policy. Management will be able to monitor if completed, as a part of their Defensible Documentation at Wilberforce House Audit. If staff is in doubt of any of the information in this Policy, Management, as well, as Safeguarding Adult Leads will offer further guidance and advice.

### **Standards**

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

### **Equality**

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



**Review**

This policy will be reviewed annually unless there are any amendments to Local Authority Safeguarding policy or safeguarding legislation is amended.