



Lesbian, gay, bisexual and trans+ people in the South West

Registered charity 1171878

# Safeguarding Adults Policy

Current version: June 2023

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## **I. Introduction**

- I.1. The welfare of vulnerable adults (and children, young people as detailed in the Safeguarding Children Policy) is paramount in all Intercom's operations and activities, and in all contexts. Intercom staff, Trustees and volunteers will at all times absolutely prioritise the protection of the well-being of adults (and children and young people). Intercom also has a duty outlined in legislation to make arrangements to safeguard and promote the welfare of adults at risk of harm or abuse and also to cooperate with other agencies to protect individuals from harm and abuse.
- I.2. This policy should be read in conjunction with the Safeguarding Children Policy and Confidentiality Policy.
- I.3. The introduction of The Care Act 2014 provides a clear legal framework for how health agencies work in partnership with other public services to protect adults at risk, placing Adult Safeguarding on the same statutory footing as safeguarding children.
- I.4. Safeguarding means protecting a person's right to live in safety, free from abuse and neglect. The aims of adult safeguarding are to:
- To prevent harm and reduce the risk of abuse or neglect to adults with care and support need.
  - To safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives.
  - To promote an outcomes approach in safeguarding that works for people resulting in the best experience possible.
  - To raise public awareness so that professionals, other staff and communities as a whole play their part in preventing, identifying and responding to abuse and neglect.
- I.5. The United Nations Convention on Human rights states four articles that relate to adult safeguarding. These identify the requirements that adults live in a safe environment, are protected from harm and enjoy personal freedom and privacy:
- The right to Life
  - The right not to be tortured or treated in an inhuman or degrading way
  - The right to Liberty
  - The right to respect for private and family life, home and correspondence.
- I.6. The Care Act 2014 states that health organisations now have a statutory duty to cooperate with Social Services in safeguarding individuals.

1.7. The Equality Act 2010 provides protection directly and indirectly for people under the following characteristics:

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual orientation
- Age

1.8. Safeguarding our clients should always include consideration of children and young people. 'Think Family' entails a cross generational approach to safeguarding, recognising that adults may be parents or care givers, cared for by children or young people, or they may represent a danger to children. It's important to also recognise that families come in different forms, for example both parents may be of the same gender.

## **2. Scope and Purpose of the Policy**

2.1. The Policy is specifically designed to provide guidance to the staff and volunteers (including Trustees and Counsellors) of Intercom Trust and it applies to everyone.

2.2. This policy sets out the key principles that all staff and volunteers should comply with safeguarding adult's risk of harm or abuse. It is a shared responsibility with the need for effective joint working between agencies and professionals that have different roles and expertise.

2.3. Everyone at Intercom has a responsibility for safeguarding and promoting the welfare and safety of vulnerable adults in contact with our services.

2.4. Intercom Trust acknowledges that adults have a right to take risks where they have the capacity to make an informed decision. The organisation also acknowledges that it is every adult's right to live free from abuse

## **3. Roles and Responsibilities**

3.1. Intercom will ensure that all staff and volunteers:

- are aware of their responsibility to make sure adults are not at risk of harm.
- have read and signed this Safeguarding Adults Policy and are aware of their responsibilities in safeguarding adults at risk.

- know that any concerns must discussed with either Andy Hunt (CEO and Safeguarding Lead), Julia Boas (Deputy Director and Deputy Safeguarding Lead) or Helen Casson (Safeguarding Trustee).

3.2. In addition, Intercom will ensure that all staff and volunteers who come into contact with service users:

- have achieved at least level 2 safeguarding training, refreshed every 2 years.
- have enhanced DBS checked as part of the recruitment process.

3.3. All Staff are responsible for:

- Remaining alert at all times to the possibility of abuse.
- Working collaboratively with other agencies to safeguard and protect the health and well-being of people who use services.
- Recognising the impact of diversity, beliefs & values of people.
- Appropriate record keeping and management.
- Discussing any concern about the health and well-being of an adult at risk with the Deputy Director, CEO or Safeguarding Trustee.
- Following safeguarding policies and best practice.
- Contributing to actions required including information sharing and attending meetings.

3.4. Contributing to actions required including information sharing and attending meetings.

## **4. What is Adult Safeguarding?**

4.1. Safeguarding is Everyone's Business

4.2. A vulnerable adult is someone aged 18 or over who is, or maybe, in need of community care services because of mental or other disability, age or illness, and is unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation

4.3. Abuse includes any mistreatment, exploitation or neglect.

4.4. Safeguarding adults at risk of abuse or neglect depends on people understanding and doing the following things:

- Being aware of the risks of abuse and neglect that vulnerable adults can face
- Knowing what help is available
- Understanding their responsibilities

- Working together to report and investigate concerns
- Working together to prevent abuse and neglect

4.5. Safeguarding encompasses the following core elements:

- Prevention of harm and abuse through provision of high quality care
- Effective responses to allegations of harm and abuse, responses that are in line with local multi agency procedures
- Using learning to improve service to clients

4.6. Types of adult abuse:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect and acts of omission
- Financial abuse
- Discriminatory abuse
- Organisational abuse
- Domestic Abuse
- Self-Neglect
- Modern Day Slavery

4.7. If you are concerned that an adult is being abused or neglected, you must respond.

4.8. Safeguarding adult alerts should be made to the Local Authority as detailed in the appendix at the end of this document.

## **5. Safeguarding Principles**

5.1. Vulnerable Adults have the right to be protected from abuse and neglect, following the principles of the Care Act, 2014; Making Safeguarding Personal ensures vulnerable adults must be supported to maintain choice and control over the decisions that affect their lives and to be involved to the extent that they are able. In implementing this policy and to safeguard the basic human rights of individuals in our society, we have agreed the following principles:

Safeguarding Adults Principles		Application
Principle 1	<b>Empowerment</b> – presumption of person led decisions and consent	Clients need to be in control of their care and involved in all aspects to the extent they are able. This includes involving people in how services related to Safeguarding adults are designed and delivered as well as involvement in their own care planning.
Principle 2	<b>Protection Support and Representation</b> for those in greatest need	Positive obligation to take additional measures for clients who may be ‘adults at risk’ who may not have their voice heard or be unable to protect themselves.
Principle 3	<b>Prevention</b> - It is better to take action before harm occurs	Planning and procuring services that deliver personalised care that reduces the likelihood of neglect and abuse occurring.
Principle 4	<b>Proportionality</b> least intrusive response appropriate to the risk presented	Efficient and proportionate responses to risks whether this relates to individual client care or whole service provision.
Principle 5	<b>Partnerships.</b> Local solutions through services working with their communities	Integrated and cohesive partnerships at all levels of the organisation focused at improving outcomes for clients in the most vulnerable situations, for example: Health and Wellbeing Boards; Local Safeguarding Adults & Children’s Boards; Community Safety Partnerships; Quality Surveillance Groups
Principle 6	<b>Accountability.</b> Accountability and transparency in delivering safeguarding	Require openness and transparency to clients in how concerns are managed in line with ‘Being Open’ Managing allegations of abuse and neglect in services (including those identified as serious incidents) through inter-agency procedures. Providing assurance on the effectiveness of safeguarding arrangements to clients; public and Local Safeguarding Adults Board

## **6. Managing Risks Associated with Safeguarding Adults**

### **Confidentiality and Information Sharing**

- 6.1. Intercom recognises that when it is in the public interest, the law permits the disclosure of confidential information in order to safeguard an adult at risk.
- 6.2. Confidential information about an adult at risk should never be used casually in conversation or shared with any person other than on a “need to know basis”.
- 6.3. In the case of a vulnerable adult affected by issues of sexual orientation and/or gender identity it must be borne in mind at all times that the risk of being Outed beyond their wishes is likely to be a particular concern, and this may be a particular risk factor, for them. All staff and volunteers will at all times be aware that the client has a right to decide, without any pressure, how far and to whom they wish to be Out, and that this right must be respected absolutely, provided that there are no added conflicting issues around safeguarding, or around possibilities of child or adult sexual exploitation. It is a priority for all staff and volunteers to promote Intercom’s ability to deserve and retain the confidence of our service-users, above all in relation to respecting their right to make decisions about being Out.
- 6.4. There are some circumstances when employees may be expected to share information about an adult at risk, for example when abuse is alleged or suspected. In such cases individuals have a duty to pass information on without delay in line with Local Adult Safeguarding Board procedures. Employees must document when, with whom and for what purpose information was shared. When sharing information with the relevant safeguarding authority all employees should also remind that authority of their duty to keep the sexual orientation and gender identity of the service user confidential as appropriate. Due to the nature of Intercom’s work it would be easy for a service user to be accidentally Outed if Intercom’s involvement in the case were disclosed and employees should remind the relevant safeguarding authority of this when referring.
- 6.5. The main restrictions within the legal framework to disclosure are:
  - Common law duty of confidence
  - Human Rights Act 1998
  - Data Protection Act 2018
- 6.6. Disclosure should be justified in each case and guidance should be sought from the adult safeguarding lead in cases of uncertainty.

- 6.7. In some circumstances the sharing of confidential information without consent would normally be justified in the public interest. These circumstances would be:
- When there is evidence that the adult at risk is suffering or is at risk of suffering significant harm
  - Where there is justifiable cause to believe that an adult at risk may be suffering or at risk of significant harm
  - To prevent significant harm arising to the adult at risk including through the prevention, detection and prosecution of serious crime likely to cause significant harm to the adult at risk.
- 6.8. Information could also be shared without consent in the following circumstances:
- If the adult at risk is at greater risk
  - If you or another health care professional is at risk
  - If it would alert the perpetrator (in cases of sexual abuse or fabricated illness)
  - If specific forensic evidence is needed
- 6.9. At all times the safety and wellbeing of the adult at risk is paramount when considering the likely outcome of sharing or not sharing information.
- 6.10. Reasons for decisions to share, or not share must be recorded. All decisions require professional, informed judgment. If in doubt this should be discussed with the Safeguarding Lead.
- 6.11. The multi-agency information sharing protocol must be adhered to in ensuring appropriate safeguarding information is shared.

## **Prevent**

- 6.12. Prevent is part of the UK's counter terrorism strategy, aimed at reducing the risk of people (including clients and/or staff) becoming involved and/or radicalised. The strategy has four key elements:
- Pursue – to stop terrorist attacks
  - Prevent – to stop people becoming terrorists or supporting terrorism
  - Protect – to strengthen our protection against terrorist attack
  - Prepare – where a terrorist attack cannot be stopped, to lessen the impact
- 6.13. All staff need to have an awareness of Prevent. The following document offer guidance.
- 6.14. <https://www.gov.uk/government/publications/prevent-duty-guidance>



- 6.15. Refer to the local Police on 101 if non-urgent, or 999 if an emergency.
- 6.16. Primary Care is also required to inform NHS England. The Prevent Lead for NHS England South West is Carole Crocker. Telephone: 0113 8253574

### **Female Genital Mutilation (FGM)**

- 6.17. FGM is illegal in Britain. It is prevalent in 28 African countries and parts of the Middle East. It is estimated that 103,000 women aged 15-49 and 24,000 women over 50 who have migrated to England and Wales are living with the consequences of FGM.
- 6.18. Part of Intercom's role is to:
- Prevent FGM
  - Protect girls at risk of FGM
  - Support women living with the damaging effects of FGM
- 6.19. Intercom has a duty to report any safeguarding issues that arise from people who have experienced FGM or are at risk of FGM.
- 6.20. Any girl born to a woman who has been subjected to FGM must be considered to be at risk. This would require a referral to Children's Social Care.
- 6.21. A question about FGM should be asked as part of the routine client history for girls and women who are known to from FGM practicing communities.

### **Human Trafficking and Modern Day Slavery**

- 6.22. Modern day Slavery is regarded as a national threat by the Home Office due to the threat this poses to society, the Modern Slavery Act came into force in August 2015. Worldwide there are 35.8 million victims of slavery therefore there are more slaves today than there were in William Wilberforce's time. Women make up 71% of the world's slaves and we have an estimated 13,000 slaves in Britain (in 2013), this means that around 9,000 are women. 3,000 people are trafficked around the world in a single day and there is a new victim every 30 seconds. Devon will not be immune.
- 6.23. The key components of Modern Day Slavery are:
- Child Sexual Abuse (up to the age of 18 years)
  - Adult Sexual Exploitation
  - Forced Labour
  - Domestic Servitude

- 6.24. If you are concerned that an individual is at risk of trafficking and modern day slavery, contact Crime Stoppers on 0800 555 111. If you have immediate concerns ring the police on 999.
- 6.25. For concerns regarding children and young people up to the age of 18 years refer to Children's Social Care.

### **Mental Capacity to Act**

- 6.26. The five guiding principles of the 2005 Mental Capacity Act are:
1. Presume capacity
  2. Do all you can to support decision making
  3. Do not conclude someone lacks capacity because they make an unwise decision
  4. If a person lacks capacity for a decision you must act in their best interests and
  5. You must aim to choose the less restrictive option.
- 6.27. The Intercom Mental Capacity Policy sets out more information about this and should be referred to if a person's capacity is in any question.

## **7. Reporting a Safeguarding Adult Concern**

- 7.1. If a member of staff has concerns of an adult at risk of harm or abuse they should notify Andy Hunt CEO, Julia Boas (Deputy Director), or Helen Casson (Safeguarding Trustee). They will liaise with the Local Authority for the area within which the person resides (see Appendix). If there is concerns around a criminal act the police will be informed. All observations, discussions decisions will be documented contemporaneously in the client records.
- 7.2. If there is an imminent risk of serious harm inform the Police. In an emergency, ring 999. In a non-emergency, ring 101.

## **8. Allegations against Staff**

- 8.1. Allegations against staff will be treated as a serious incident as they put at risk the ability of Intercom to deliver its services.
- 8.2. If any allegation of maltreatment is made against an employee of Intercom Trust, including agency staff and bank staff, it must be reported immediately to the Safeguarding Lead who will respond. Refer to the Serious Incidents Policy in the Policies and Manuals folder on the network. That policy sets out the appropriate timelines, escalation pathways and responsibilities.

## **9. Responding to a Local Authority Request to Undertake an Enquiry**

- 9.1. Intercom has a duty to cooperate with safeguarding enquiries and share relevant information in line with the Care Act 2014.

## **10. Safeguarding Adults Assurance**

- 10.1. All Intercom staff and volunteers who work with service users receive group supervision and external individual supervision. In addition to this staff receive line management. All of these are used as opportunities to assure that safeguarding is taking place where appropriate.

## **11. Training**

- 11.1. It is the duty of Intercom to ensure that all staff have access to the appropriate safeguarding training and development, learning opportunities and support to facilitate understanding of the aspects of adult welfare and information sharing.
- 11.2. As a minimum, all staff and volunteers that that have regular contact with clients, their families or care givers must receive Level 2 Safeguarding training. In addition, those who supervise those staff and volunteers plus the Deputy Director and the CEO, should also be level 2 trained.

## Declaration

I hereby agree to the contents of this policy and I will take responsibility for studying it and positively complying with it.

Signed: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Post or position: \_\_\_\_\_

Signed in the presence of: \_\_\_\_\_

Print name: \_\_\_\_\_

## Appendix I – Definitions

Term	Definition
Abuse	<p>Abuse is a violation of an individual’s human and civil rights by any other person or persons. Abuse may be physical, sexual or it may be neglect. It may be beneficial or psychological or discriminatory. It may be domestic violence or institutional abuse. Sometimes it may be unintentional abuse, where someone thinks that they are trying to help but in the wrong way. Abuse concerns the misuse of power, control and/or authority and can manifest itself as:</p> <p>Domestic violence, sexual assault or sexual harassment. Physical neglect/ Acts of omission discrimination and oppression. Institutional abuse. Financial abuse Emotional/ psychological many situations will involve a combination of different kinds of abuse.</p>
Adult Safeguarding Board	<p>Is a multi-agency partnership of public, private and voluntary sector organisations which aim to safeguard all adults at risk. Adult safeguarding Boards are a legal requirement as outlined in The Care Act 2014</p>
Allegation	<p>An allegation of abuse is where a person or agency states that a person or persons is or are at risk of being abused.</p>
Alerter or referrer	<p>The person who initially raises concern about the abuse. This person may need to act in the immediate aftermath of an incident, disclosure or allegation.</p>
Care Quality Commission	<p>The Care Quality Commission is the independent regulator of health and social care in England. The Commission regulates health and adult social care services, whether provided by the NHS, local authorities, private companies or voluntary organisations.</p>
Concern of Abuse	<p>The concern of abuse is where a person or agency suspects that a person or persons is or are at risk being abused, but they are not certain in their concern and they may or may not know who is doing the abusing.</p>
Disclosure	<p>A disclosure of abuse is where a person or persons state(s) that they are being abused or have been abused.</p>
Domestic Violence	<p>Domestic violence is any threatening behavior, violence or abuse between adults who are or have been in a relationship, or between family members. It can affect anybody, regardless of their gender or sexuality. The violence can be psychological, physical, sexual or emotional and can include 'honour-based violence', female genital mutilation and forced marriage.</p>

## **Appendix 2 - Useful documents**

The Care Act 2014:

<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

The Mental Capacity Act 2005:

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

The Mental Capacity Act Code of Practice:

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

NHS England Safeguarding Policy:

<https://www.england.nhs.uk/wp-content/uploads/2017/02/adult-pocket-guide.pdf>

Office of the Public Guardian's policy on protecting adults at risk of abuse or neglect:

<https://www.gov.uk/government/publications/safeguarding-policy-protecting-vulnerable-adults>



## Appendix - Local Safeguarding Contacts

Call 999 if you think someone is in immediate danger.

Local Authority	Adults	Children
Devon County Council (out of hours)	0345 155 1007 (0845 600 0388)	0345 155 1071 (0845 600 0388)
Cornwall Council	0300 123 4131 Option 2 0300 123 1116	0300 123 1116
Plymouth City Council (out of hours)	01752 668 000	01752 308 600 (01752 346 784)
Torbay Council (out of hours)	01803 219 700	<u>01803 208 100</u> <u>(0300 4564 876)</u>