

# Midland Heart Policy

## Safeguarding & Wellbeing Policy

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Staff Affected	All Midland Staff, Contractors and Volunteers
Business Owner	Rebekah Newton, Director of Retirement Living & Care Services
Approved by	Customer Committees including Board members
Author	Nigel Collumbell; Director - Housing Management Tom Harrison; Director for Supported Living

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## 1. Introduction

- 1.1 The Safeguarding and Wellbeing Policy sets out the standards Midland Heart will adhere to and the approach it will take to ensure that all customers, employees and other stakeholders are safeguarded from abuse or neglect. It will also outline what we will do when and where problems do occur and how we will seek to learn from situations to improve our ways of working.
- 1.2 The policy covers a broad definition of safeguarding and applies to both adults and children and **all** areas of the business - as such the policy is supported by detailed procedures for different directorates and departments.
- 1.3 It is important to note that the organisation has statutory obligations to report safeguarding issues to relevant local authorities relating to incidents or suspected incidents of abuse or neglect affecting either children or adults who are deemed as 'having care and support needs' and may be 'at risk' of harm.
- 1.4 The framework for reporting and investigating under these requirements is detailed in Multi-Agency Safeguarding Guidance issued by partnerships of statutory agencies at either a local or regional level. There are separate guidelines relating to children and adults.
- 1.5 In addition to their statutory reporting responsibilities, Housing Management and other 'general needs' teams will also work to a wider brief to support the general wellbeing of customers. This is likely to involve liaison with other agencies to address things like anti-social behaviour, debt issues, domestic violence and other social problems. These agencies will include the police, local councils, Citizens Advice Bureau and other voluntary and community groups.
- 1.6 The actions we will take are driven by our **Vision** "to be a leading housing and care business, helping people to live independently" and our **Values**:
  - **People Focussed**
  - **Inclusive**
  - **Professional**

## 2. Scope of Policy

- 2.1 This policy applies across our whole business. Safeguarding is everyone's responsibility, including all staff, managers, directors, board members and involved customers. Everyone has a responsibility to spot and act upon concerns of abuse or neglect.

2.2 This policy aims to protect from harm:

- All adults and children living in our properties (across all tenures) and / or receiving a service from Midland Heart
- Staff, contractors or agents working for Midland Heart

2.3 The policy relates to all accommodations, communities and offices visited by any member of Midland Heart staff, Board Members, volunteers or contractors.

2.4 The policy has been developed in accordance with the statutory guidance, recommendations and legal frameworks as outlined in Section 9.

### 3. Policy Principles

3.1 Midland Heart believes in and will promote the fundamental right of every person to live their life free from harm and abuse. We also recognise that safeguarding those at risk of abuse is everyone's responsibility.

3.2 Midland Heart will, through application of this policy and supporting procedures, ensure all reasonable and proportionate measures, controls and interventions are in place to safeguard adults and children identified at risk of harm.

3.3 Midland Heart will have due regard to our statutory obligations set out in the Care Act 2014 and other guidance (e.g. Working Together to Safeguard Children 2015) to ensure our services are always compliant with the requirements placed upon us.

3.4 Midland Heart will provide additional support, assistance and guidance to customers whose wellbeing is at risk, even if their need does not meet the threshold for intervention related to our statutory duty; where doing so will contribute to our wider strategic objectives of sustaining tenancies and supporting independent living.

3.5 All children and young people have the right to be safe from harm, and need safe environments to grow with confidence. Everyone is responsible for helping to keep children safe. Safeguarding children and young people means protecting them from any potential source of harm.

3.6 The policy supports staff to work with customers who have capacity in order to negotiate a desirable outcome, ensuring choice, dignity and rights whereby safeguarding and wellbeing interventions are undertaken with, rather than to them. The policy refers to the use of the Mental Capacity Act in supporting those who lack capacity in decision

making about protection.

- 3.7 Midland Heart recognises that there are circumstances where the person alleged to have caused harm may also be an adult at risk of abuse or neglect, and in these circumstances must also receive protection and support using a multi-agency approach.

## 4. Aims

- 4.1 Midland Heart will take action to identify and protect our customers, their families and our colleagues from any risk of harm.
- 4.2 The actions we take are documented in our safeguarding and wellbeing procedures and will ensure Midland Heart:
- Are vigilant to all Safeguarding and Wellbeing risks to vulnerable adults and children living in our properties and schemes and / or receiving our services.
  - Prevent risk of harm to individuals from escalating through early intervention and by working with individuals to agree the outcomes they want to achieve (in line with the 'Making Safeguarding Personal' approach).
  - Respond promptly and proportionately where abuse does happen, to stop or reduce the risk of harm.
  - Assist customers to sustain their tenancies, live independently and have a safe place to live.
  - Promote and empower individuals to understand their rights and responsibilities.
  - Help to build a trust and confidence between ourselves and our customers.
  - Meet our statutory duty for safeguarding including sharing information with statutory agencies and other partners when appropriate to do so.
  - Staff, contractors and customers are aware of safeguarding procedures and their responsibilities.
  - Staff have received appropriate training on safeguarding and wellbeing for their job role.
- 4.3 Our procedures for safeguarding and wellbeing reflect guidance issued will reflect the to six key safeguarding principles of Empowerment, Protection, Prevention, Proportionality, Partnership and Accountability as set out in the Care Act 2014.

## 5. Roles, Responsibilities and Accountability

- 5.1 It is the responsibility of the policy Business Owner to ensure the policy is successfully implemented and the procedures followed. Directors and Operations Managers are responsible for ensuring that all staff understand the importance of this policy and comply with the related procedures that apply to them. It is essential to the implementation of

this policy that all staff know how to respond to emergencies and express concerns to the appropriate person within Midland Heart or, where appropriate, to statutory services.

- 5.2 Overall responsibility for scrutiny and oversight is held with Midland Heart's Board.
- 5.3 The process of managing safeguarding is detailed in Safeguarding & Wellbeing Procedures.

## 6. Service Provision

- 6.1 We will implement early intervention in order to achieve better outcomes for those at risk. We will identify customers who are at risk of abuse at the earliest opportunity and offer appropriate advice and support to help them stay safe in their homes, maintain their tenancy and to receive appropriate care and supported living services as required. We will also ensure safeguarding & wellbeing concerns relating to employees and other stakeholders are identified at the earliest opportunity.
- 6.2 We will ensure that the ethnic, cultural or religious needs of those at risk are understood and met when dealing with cases of safeguarding, domestic abuse or neglect; but we will not accept ethnicity, culture or religion as a reason for a perpetrator committing abuse.
- 6.3 We will deliver training to all staff on abuse awareness, with periodic refresher training. Courses will be designed for specific roles but all training will advise staff what they need to do when they suspect abuse of either adults or children.
- 6.4 We will regularly raise awareness of our staff's responsibilities and the importance of the protection of adults, young persons and children at risk through internal marketing campaigns.
- 6.5 We will recognise, risk assess, respond and record all safeguarding and wellbeing concerns and incidents. We will refer all concerns, suspicions or allegations of abuse or neglect to the lead agencies responsible for carrying out safeguarding assessments and enquiries. Specifically, this will be the Local Authority for Safeguarding or Multi Agency Risk Assessment Conference (MARAC) for domestic abuse cases which meet the MARAC qualifying criteria. We will do this only with the consent from the adult at risk, unless they lack capacity or there is an overriding public interest consideration.
- 6.6 We will ensure the interests, human rights and chosen outcomes of the person at risk are respected and upheld (with application of the Mental Capacity Act, 2005 as appropriate) unless a significant risk is posed to others e.g. health and safety.

- 6.7 We will ensure that our customers understand what abuse is, and what to do where they have a concern and to whom they can report concerns. We will actively promote awareness and understanding of safeguarding and domestic abuse through our tenancy/licence sign up process and website.
- 6.8 We will work in partnership with local safeguarding children and adult boards, lead agencies and relevant partners, to respond to suspicions or incidents of abuse or make safeguarding enquiries in accordance with statutory procedures.
- 6.9 We will report serious incidents and / or allegations of abuse to the Police to investigate and determine if criminal prosecutions are appropriate.
- 6.10 We will share information with statutory agencies for the purposes of safeguarding, and will comply with the statutory duty to supply information where requested. We will have processes and principles for sharing information in line with the Data Protection Act 1998.
- 6.11 We will maintain a secure system where confidential information relating to allegations of abuse can be kept.
- 6.12 Ensure that customers are safeguarded and protected through vigilant staff recruitment and supervision procedures. We will recruit in accordance with the Disclosure and Barring Service (DBS) regulations to achieve safer services for our customers and employees. We will further ensure that our contractors and sub-contractors comply with this requirement.
- 6.13 Develop and implement internal procedures for employees and contractors that establish clear lines of accountability, responsibility and processes for recording and reporting on safeguarding concerns and incidents.

## 7. Measures, Monitoring & Reporting

- 7.1 Effective governance and accountability for this policy is ensured by the lines of assurance detailed in the table below:

1 <sup>ST</sup> LINE ASSURANCE "day to day operations"	2 <sup>ND</sup> LINE ASSURANCE "oversight functions - management and governance"	3 <sup>RD</sup> LINE ASSURANCE "independent assurance providers - internal audit and other external assurance providers"
Line Manager Safeguarding Audits	Safeguarding Operations Group	Internal Quality Assurance Audits

Staff Supervision and One-to-Ones	Customer Committee and Executive Board	External Audit by regulatory bodies such as, but not exclusively, the Care Quality Commission
		Annual Safeguarding Report for Board

7.2 We will monitor and report on the following to the Operations Committee and Executive Board at agreed frequency, including the production of an Annual Safeguarding Report:

- The number and type of Safeguarding referrals made to Local Authorities and the number and type accepted as Safeguarding by the Local Authority.
- The number of Safeguarding & Wellbeing alerts by types of abuse and outcomes from interventions and actions taken.
- The number and job role of staff who have been the subject of a Safeguarding alert, investigation and / or action.
- Training on Safeguarding & Wellbeing scheduled and delivered to staff.
- The effectiveness of our partnership working and strategic links to Adult Safeguarding Boards.
- Any Serious Case Reviews or Domestic Homicide Reviews we've been involved in and the learning and improvements we've made as a result.
- Case studies that demonstrate the impact of our actions and interventions on customers.

## 8. Reference

8.1 This policy is to be read in conjunction with the following Midland Heart policies and procedures:

- Safeguarding Procedures
- Whistleblowing Policy
- Code of Conduct
- Duty of Candour Policy and Procedure
- Incidents Accident and Near Miss Policy and Procedure
- Health and Safety Policy
- Lone Working Policy
- Diversity Strategy
- Domestic Abuse Procedure
- Anti-Social Behaviour Policy
- Data Protection Policy
- Support Planning, Needs and Risk Assessment
- Recruitment and Selection Policy
- Rehabilitation of Ex-Offenders Policy
- DBS Risk Assessment Guidance
- Disciplinary Policy



## 9. Legal Framework and External Guidance

### 9.1 The Care Act

This sets out a clear legal framework for how Local Authorities and other agencies should protect adults at risk of abuse or neglect. S.9 places a duty on Local Authorities to carry out an assessment of need. S.42 places a duty on the Local Authority to investigate any risk to vulnerable adults and decide what action needs to be taken to mitigate such risk.

The Act specifically places obligations on housing providers to:

- If required, attend and provide information for Local Safeguarding Adult Boards and if necessary, participate in Safeguarding Adult Reviews.
- Co-operate with Local Authorities in enquires of suspected adult safeguarding concerns.
- Have a safeguarding policy & procedures.
- Keep clear and accurate records of safeguarding allegations, response and actions and share with appropriate organisations when in the best interests of the vulnerable adult.
- Have safe recruitment practices and training relevant to safeguarding.

The Act also sets out 6 guiding principles around safeguarding and the sharing of information as follows:

- **Empowerment:** people being supported and encouraged to make their own decisions and give informed consent
- **Prevention:** it is better to take action before harm occurs
- **Proportionality:** the least intrusive response appropriate to the risk presented
- **Protection:** support and representation for those in greatest need
- **Partnership:** local solutions through services working with their communities - communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability** and transparency in safeguarding practice

### 9.2 Other Legislation and Guidance

- Adult Safeguarding Multi-Agency Guidelines (West Midlands)
- Working Together to Safeguard Children 2015
- Children's Act 1989 and 2004
- Data Protection Act 1998
- Public Interest Disclosure Act 1998

- Sexual Offences Act 2003
- Equality Act 2010
- Human Rights Act 1998.
- Health and Social Care Act 2008 (Regulated activities) Regulations 2014 (CQC)
- Mental Capacity Act 2005 and Deprivation of Liberty Safeguards
- Safeguarding Vulnerable Groups Act 2006 / Protection of Freedoms Act 2012 (DBS)
- Mental Health Act 1983 amended 2007
- Modern Slavery Act 2015
- Making Safeguarding Personal (ADASS / LGA)
- NICE Quality Standard (QS116) Domestic Violence and Abuse

## 10. Policy Document Version Control

Version	Issue Date	Business Owner	Review/ Health Check	Amendments
1	Mar 2010	Maree McAndrew	Review	
2	Nov 2013	David Taylor and Sara Beamand	Review	Increase in scope and update in reference to Care Act 2014
3	Nov 2014	David Taylor and Sara Beamand	Review	General update following creation of Operations Directorate
4	June 2017	Rebekah Newton	Due by June 2019	

## 11. Review

This policy will be reviewed every 2 years or earlier if required by changes in legislation or good practice.