

# Midland Heart Policy

## Safeguarding Policy

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Staff Affected	All Employees, contractors and volunteers
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**Always refer to documents stored on the Intranet when applying policy and procedure.**

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## 1. PURPOSE

- 1.1. The Safeguarding policy sets out the standards Midland Heart will adhere to and the approach we will take to ensure that all customers are safeguarded from abuse or neglect.

## 2. TO BE READ IN CONJUNCTION WITH

### 2.1 Internal

- Safeguarding Procedures
- Whistleblowing Policy and Procedure
- Code of Professional Conduct
- Anti-Social Behaviour Policy
- Data Protection Policy and Procedure
- DBS Risk Assessment Guidance
- Domestic Abuse Guidance
- Well-being and Welfare Concerns Policy

### 2.2 External

- Adult Safeguarding Multi-Agency Guidelines (West Midlands)
- Working Together to Safeguard Children 2018
- Making Safeguarding Personal (ADASS / LGA)

## 3. POLICY DOCUMENT VERSION CONTROL

Version	Date	Business Owner	Change Description
1	Mar 2010	Maree McAndrew	Review
2	Nov 2013	David Taylor and Sara Beamand	Review
3	Nov 2014	David Taylor and Sara Beamand	Review
4	June 2017	Rebekah Newton	Review and Redraft
5	January 2020	Rebekah Newton	Review and Redraft. Removal of wellbeing from the policy. Focused on statutory safeguarding.

## 4. SCOPE OF POLICY

- 4.1 We recognise the protection of adults and children is everyone's responsibility. This policy applies to Board members, staff, volunteers, work placements, agency staff and anyone working on behalf of Midland Heart (for the purpose of this policy we will refer to all abovementioned groups as 'Staff Members'). It also applies to any contractors or subcontractors who are providing services to Midland Heart and its customers.

4.2 The policy aims to safeguard all adults and children living in our properties or receiving a service from Midland Heart (across all tenures).

## 5. POLICY STATEMENT

### 5.1 Introduction

5.1.1 Midland Heart is committed to ensuring adults and children are safeguarded from abuse or neglect. This policy sets out how we will meet our statutory obligations and manage safeguarding appropriately. Our approach is supported by detailed procedures and adopts the six safeguarding principles in the statutory guidance for the Care Act 2014: Empowerment; Protection; Prevention; Proportionality; Partnership; Accountability.

5.1.2 We have statutory obligations to report safeguarding concerns to relevant local authorities relating to abuse or neglect affecting either children or adults who have care and support needs and may be at risk of harm.

### 5.2 Aims

The policy aims to:

- Make safeguarding personal, by improving outcomes for people experiencing abuse or neglect.
- Ensure that any allegation or suspicion of abuse is dealt with swiftly and appropriately, and that the person experiencing abuse is supported.
- Ensure reasonable controls and interventions are in place to safeguard adults and children at risk of harm.
- Ensure we fulfil our legal obligations to report safeguarding concerns to the relevant authorities.
- Support local authorities with their statutory duties relating to safeguarding.

### 5.3 What is Safeguarding?

5.3.1 Safeguarding means protecting a person's right to live in safety, free from abuse and neglect. All staff within Midland Heart have a responsibility to safeguard people in their care, but extra care must be taken to protect those who are least able to protect themselves. Children and young people, and vulnerable adults, can be at particular risk of abuse or neglect.

5.3.2 A child is a person aged under 18 years; young people aged 16 or 17 who are living independently are still defined as 'children'. Our approach to safeguarding children follows the national guidance set out in 'Working Together to Safeguard Children, 2018'. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779401/Working\\_Together\\_to\\_Safeguard-Children.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf)

5.3.3 A vulnerable adult is someone who may be in need of care because of a physical, learning or other disability, or because of their age or an illness. This definition also applies to an

adult who is unable to take care of him or herself properly, or who is unable to protect him or herself from significant harm or exploitation.

5.3.4 There are different types of abuse. Here is a list of the different types of abuse. The definitions can be found at the end of the policy.

- *Financial abuse*
- *Physical abuse*
- *Psychological and emotional abuse*
- *Sexual abuse*
- *Neglect*
- *Domestic abuse*
- *Self-neglect*
- *Organisational or institutional abuse*
- *Modern slavery*
- *Discriminatory abuse*

## 5.4 Preventing Risks of Abuse and Neglect

In order to prevent the risk of abuse and neglect we will:

- Raise awareness of what constitutes abuse and how to report it to colleagues, customers and contractors.
- Educate customers on how to recognise abuse and protect themselves from it.
- Ensure individuals have access to support from social services, voluntary support agencies and health.
- Work with perpetrators of antisocial behaviour to try to improve their behaviour and minimise risk.
- Work with social care to ensure adequate support for carers.
- Ensure all colleagues are provided with appropriate training including prevention measures.
- Have systems in place to identify people with care and support needs and possible risks.
- Have mechanisms in place to identify people who may pose a risk.
- Make strategic links with the Safeguarding Adults Board and other multi-agency public protection forums, including accessing any joint training or lessons learnt sessions.
- Ensure colleagues understand and follow multi-agency policies and procedures.
- Seek to address social exclusion and isolation through local joint strategies.
- Promote inter-agency collaboration.
- Ensure that housing allocations consider the risk to tenants who may be vulnerable to abuse.

## 5.5 Reporting a Safeguarding Concern

We have an Easy Guide to Safeguarding procedures, to help colleagues report safeguarding concerns. It can be found [here](#). We have statutory obligations to report safeguarding issues to

relevant local authorities. Reportable safeguarding issues relate 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. It is a requirement that all staff report safeguarding concerns for appropriate action to be taken. This may include a statutory safeguarding referral or reporting immediate danger to the relevant agency or emergency service. All staff have a duty to report concerns regarding colleagues who do not adhere to this policy and should follow the Whistleblowing Policy to raise their concerns.

## 5.6 **Approach to Managing Safeguarding Concerns**

Our Safeguarding Procedure details how we will manage safeguarding concerns. The procedure adopts the following approaches to ensure we meet the aims of the policy:

### 5.6.1 **Partnership Working**

- We will work in partnership with local safeguarding children and adults boards, lead agencies and relevant partners, to respond to suspicions or incidents of abuse or make safeguarding enquiries in accordance with statutory procedures
- We will share information (in line with Data Protection Act requirements) with statutory agencies for the purposes of safeguarding, and will comply with the statutory duty to supply information where requested.

### 5.6.2 **Effective Staff Management**

- We will 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 (where appropriate) to achieve safer services for our customers and employees. We will further ensure that our contractors and sub-contractors comply with this requirement.
- We will act quickly to remove any risk to customers when staff members are suspected of abuse or neglect. We will undertake thorough investigations and follow our disciplinary procedure including making any necessary referrals to relevant agencies such as DBS and the Police.
- We will report serious incidents and/or allegations of abuse to the Police to investigate and determine if criminal prosecutions are appropriate.
- We will maintain a secure system where confidential information relating to allegations of abuse can be kept.
- We will 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.

## 5.7 Roles and Responsibilities

- 5.7.1 All staff, Board members, volunteers, agents and contractors are responsible for understanding the different types of abuse. It is everyone's responsibility to report concerns of abuse or neglect.
- 5.7.2 Overall responsibility for scrutiny and oversight of adherence to this policy is held with Midland Heart's Board.
- 5.7.3 We will ensure effective governance and accountability for this policy through the following assurance measures:

<b>1ST LINE ASSURANCE</b> <i>"day to day operations"</i>	<b>2ND LINE ASSURANCE</b> <i>"oversight functions – management and governance"</i>	<b>3RD LINE ASSURANCE</b> <i>"independent assurance providers - internal audit and other external assurance providers"</i>
Line manager safeguarding audits	Safeguarding Board	Internal quality assurance audits
Staff supervision and one-to-ones	Operations Committee and Executive Board	External audit by regulatory bodies such as, but not exclusively, the Care Quality Commission
Mandatory Safeguarding Training	Safe and Strong Group	Annual Safeguarding Report for Board

## 5.8 Data Protection and Privacy

- 5.8.1 We will share information for the purposes of safeguarding, and will comply with the statutory duty to provide information where requested. We will develop processes and principles for sharing information.
- 5.8.2 We will handle data in accordance with the Data Protection Act, General Data Protection Regulation and our Data Protection Policy and Procedure.

## 5.9 Equality and Diversity

An Equality Impact Assessment has been conducted on this policy with risks negated via the procedure, training and monitoring work.

## 6. MEASURES AND MONITORING

- 6.1 We will monitor and report on the following to the Operations Committee and Executive Board, 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 and types of abuse, actions taken and outcomes.
- The number and job role of staff who have been the subject of a Safeguarding alert, investigation and/or action.
- Training scheduled/delivered.
- The effectiveness of our partnership working and strategic links to Adult Safeguarding Boards.
- Serious Case Reviews or Domestic Homicide Reviews and resulting learning/service improvements.
- Case studies that demonstrate the impact of our actions and interventions.
- Intended outcome for the following year.

## 7. LEGAL FRAMEWORK

Legislative Document	Main powers and relevance to Safeguarding
Care Act 2014	The Care Act 2014 came into effect in April 2015 and replaced most previous law regarding carers and people being cared for. It outlines the way in which local authorities should carry out carer’s assessments and needs assessments; how local authorities should determine who is eligible for support; how local authorities should charge for both residential care and community care; and places new obligations on local authorities.
Children’s Act 1989 and 2004	The Children and Families Act 2014 obtained royal assent and became law on 13 March 2014. This is a landmark and wide-ranging act designed to fully reform services for vulnerable children, by giving them greater protection, paying special attention to those with additional needs, and also helping parents and the family as a whole.
Data Protection Act 2018 and GDPR 2018	UK’s national law governing Data Protection and European Law governing Data Protection across EEA countries.
Public Interest Disclosure Act 1998	Introduced to protect <a href="#">whistleblowers</a> from detrimental treatment by their employer. It protects employees who make disclosures of certain types of information, including evidence of illegal activity or damage to the environment, from retribution from their employers, such as dismissal or being passed over for promotion.
Sexual Offences Act 2003	The Sexual Offences Act 2003 (the Act) came into force on the 1 May 2004 and applies to all offences committed on or after that date. Its purpose was to strengthen and update the law on sexual offences, whilst improving the protection of individuals from sexual offenders.



Equality Act 2010	The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions.
Human Rights Act 1998	The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. It incorporates the rights set out in the European Convention on Human Rights (ECHR) into domestic British law. The Human Rights Act came into force in the UK in October 2000.
Mental Capacity Act 2005	The MCA has been in force since 2007. The primary purpose of the MCA is to promote and safeguard decision-making within a legal framework. It does this in two ways; by empowering people to make decisions for themselves wherever possible, and by protecting people who lack capacity by providing a flexible framework that places individuals at the heart of the decision-making process. It also allows people to plan ahead for a time in the future when they might lack the capacity, for any number.
Safeguarding Vulnerable Groups Act 2006 / Protection of Freedoms Act 2012 (DBS)	Sets out the activities and work which are 'regulated activity', which a person who has been barred by the ISA must not do. We are scaling back regulated activity to focus on work which involves close and unsupervised contact with vulnerable groups including children.
Mental Health Act 1983 amended 2007	Is designed to give health professionals the powers, in certain circumstances, to detain, assess and treat people with mental disorders in the interests of their health and safety or for public safety.
Modern Slavery Act 2015	It is designed to combat modern slavery in the UK and consolidates previous offences relating to trafficking and slavery.

## 8. DEFINITIONS

### **Safeguarding Definitions**

These are some of the definitions of abuse. If you require further clarity, please speak to your line manager or one of your safeguarding ambassadors who can be found on the intranet.

### **Safeguarding Concern**

If you think one of our Customers is being abused, or neglected using the definitions below, you should report this as soon as possible using our safeguarding procedure.

### **Financial abuse**

A type of abuse which includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property and having money or other property misused. Financial abuse commonly means controlling a person's ability to acquire, use and

maintain their own money and financial resources. This could mean preventing someone from working and/or taking charge of all household income so that they can't meet their own needs or pay essential bills.

### **Physical abuse**

Including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

### **Psychological and emotional abuse**

This is behaviour that has a harmful effect on the person's emotional health and development or any form of mental cruelty that results in:

- mental distress;
- the denial of basic human and civil rights such as self-expression, privacy and dignity;
- negating the right of the adult at risk to make choices and undermining their self-esteem;
- isolation and over-dependence that has a harmful effect on the person's emotional health, development or wellbeing.

### **Sexual abuse**

Including rape and sexual assault or sexual acts to which the person has not consented or was pressured into consenting.

### **Neglect**

Including ignoring medical or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

### **Domestic abuse**

Domestic violence and abuse is officially classified as "any incident of threatening behaviours, violence, coercive control or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality".

We think of domestic violence as hitting, slapping and beating, but it can also include emotional abuse or coercive control as well as forced marriage and so-called "honour crimes".

It is abuse if a partner, ex-partner or a family member:

- Threatens/frightens an individual;
- Shoves or pushes an individual;
- Makes an individual fear for their physical safety;
- Puts an individual down, or attempts to undermine their self-esteem;
- Controls an individual, for example by stopping them seeing friends and family;
- Is jealous and possessive, such as being suspicious of friendships and conversations.

### **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. It is important to consider capacity when

self-neglect is suspected. Also consider how it may impact on other family members and whether this gives rise to a safeguarding concern.

### **Organisational or institutional abuse**

Including neglect and poor care practice within an institution or specific care setting like a hospital or care home, e.g. this may range from isolated incidents to continuing ill-treatment.

### **Modern slavery**

Illegal exploitation of people for personal/commercial gain: victims trapped in servitude they were deceived or coerced into.

- Criminal Exploitation, for example pickpocketing, shoplifting, drug trafficking.
- Domestic Servitude, whereby victims are forced to work in private houses with restricted freedoms, long hours, or no pay.
- Forced Labour involving long hours, no pay, poor conditions, and/or verbal and physical threats.
- Sexual Exploitation such as prostitution and child abuse.
- Other forms include organ removal, forced begging, forced marriage and illegal adoption.

### **Discriminatory abuse**

Including discrimination on grounds of race, age, gender and gender identity, disability, sexual orientation or religion; and other forms of harassment, slurs or similar treatment including hate crimes.

### **Capacity**

Capacity describes a person's ability or power to understand or do something. Anyone who acts for, or on behalf of, a person who may lack capacity to make relevant decisions has a duty to understand and always work in line with the Mental Capacity Act (MCA) and MCA Code of Practice.

### **Consent**

All adults have the right to choice and control in their own lives. As a general principle, no action should be taken for, or on behalf of, an adult without obtaining their consent.