

## **Policy Name: Safeguarding Policy**

### **1. Policy Summary...**

- 1.1. This Policy sets out the standards Midland Heart will adhere to and the approach we will take to ensure that all tenants are safeguarded from abuse or neglect.

### **2. Policy Principles**

- 2.1. We recognise the protection of those who live in our homes and are at risk of harm and abuse is everyone's responsibility. This policy therefore 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.
  - Continuously shape our learning, training and processes, using tenant insight and complaints.

### **3. It applies to ....**

- 3.1. 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 tenants

### **4. Definitions**

- 4.1. **Adult Safeguarding:** Under the Care Act 2014, Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. The act sets out six Principles of Adult Safeguarding:
- Empowerment - people being supported and encouraged to make their own decisions and 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.
  - Accountability - accountability and transparency in delivering safeguarding.
- 4.2. **Types of abuse outlined by the Care Act 2014:**
- Financial abuse
  - Physical or material abuse
  - Psychological and emotional abuse
  - Sexual abuse

- Neglect and acts of omission
- Domestic abuse
- Self-neglect
- Organisational or institutional abuse
- Modern slavery
- Discriminatory abuse

For more detailed definitions of types of abuse, please refer to Appendix A. It is also important to note that there are types of abuse, that may not be listed in the Care Act such as the prevent agenda, cuckooing and county lines, which we will consider if safeguarding referrals and support are required where appropriate.

#### 4.3. Adult Statutory Safeguarding:

The Act sets out 3 conditions that when met, triggers Local Authority duties for adults:

- Has needs for care and support; and
- Is experiencing or at risk of abuse; and
- As a result of their care and support needs is unable to protect themselves from the risk or experience of abuse.

#### 4.4. Child Safeguarding: Child safeguarding is defined by statutory guidance called “Working together to safeguard children” (December 2023). The guidance covers safeguarding and promoting welfare of children, in the following points:

- Providing help and support to meet the needs of children as soon as problems emerge.
- Protecting children from maltreatment.
- Preventing impairment of children’s mental and physical health or development.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
- Promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children.
- Taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children’s Social Care National Framework.

#### 4.5. Child Statutory Safeguarding: While there are statutory requirements related to adult safeguarding, the requirements in relation to child safeguarding and child protection apply when there is concern about possible abuse and neglect of any child. Furthermore, whether the child of concern has care and support needs does not impact statutory requirements.

#### 4.6. Non-Statutory Safeguarding: Where it is identified that a safeguarding concern is not statutory, however vulnerabilities are identified, this will be managed via our other policies and procedures

### 5. Mental Capacity & Consent

#### 5.1. Mental Capacity: The Mental Capacity Act 2005 defines mental capacity as the ability to make a decision. It says that, to make a decision, you must be able to:

- Understand the information given to you.
- Retain that information long enough to be able to make the decision.
- Weigh up the information available to make the decision.
- Communicate your decision.

**5.2. Mental Capacity:** There may be circumstances in safeguarding, where it is unclear whether a person has mental capacity.

**5.3.** In cases where informed decisions are being made, however these pose a risk of harm and abuse, our teams will work with supporting agencies to ensure our Tenant is provided with full information to make an informed decision.

**5.4. Consent:** All adults have the right to choice and control in their own lives. Whilst as a general principle, no action should be taken for, or on behalf of, an adult without obtaining their consent, there are some safeguarding circumstances where action should be taken, or information should be shared without it.

**5.5.** This is not determined whether the person/s at risk have capacity.

**5.6.** These circumstances would involve a risk of harm, abuse or a crime that has been committed to the Tenant and/or to others.

## **6. Reporting a Safeguarding Concern**

**6.1.** Our Easy Guide to Safeguarding Procedure can be accessed [here](#), to help colleagues report safeguarding concerns.

**6.2.** We will always consider the individual circumstances of the individual involved when making our decisions.

## **7. How will we prevent the risks of Abuse and Neglect?**

**7.1.** In order to prevent the risk of Abuse and Neglect, we will:

- Raise awareness of what abuse is and how to spot it.
- What colleagues, tenants and contractors need to do when they spot concerns of abuse.
- Inform our tenants on how to recognise abuse and protect themselves from it.
- Ensure individuals have access to support from social services, voluntary support agencies and health services.
- Ensure all colleagues are provided with the right training including ways to prevent harm and abuse.
- Have systems in place to identify people with care and support needs and possible risks.
- Have processes in place to identify people who may be at risk of harm and abuse.
- Encourage links with the Safeguarding Adult Boards 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.
- Work with internal and external local safeguarding teams to address social exclusion and isolation.
- Promote a collaborative and holistic way of working both internally and across local safeguarding teams and agencies.

- Ensure that housing allocations consider the risk to tenants who may be vulnerable to abuse.
- Making sure risk is mitigated through tailored training, risk assessments and guidance documents, specific to the accommodation types.

## 8. What is our approach to governance and reporting?

- 8.1. We will share information for the purposes of safeguarding and will comply with the statutory duty to provide information where requested.
- 8.2. We will handle data in line with the Midland Heart Data Protection Policy, Data Protection Procedure and General Data Protection Regulation 2018 (GDPR) guidance.
- 8.3. 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>
Management checks, reporting and safeguarding audits of cases	Tenant perspective surveys, case study reviews and thematic audits	Internal Auditors
Staff supervision, competency checks and one-to-ones	Operations Committee and Executive Board	External audit by regulatory bodies, such as the Social Housing Regulator.
Mandatory Safeguarding Training	Safeguarding Board Compliance checks	Annual Safeguarding Report for Board and consultation with Board on success measures.

## 9. Equality and Diversity

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

## 10. Accessibility & Awareness

- 10.1 Concerns can be received through any of our communication channels. This includes to any member of staff, via phone, email and social media. Where concerns are received through social media to maintain privacy and confidentiality, we will respond via private message.
- 10.2 Where concerns have been raised on behalf of tenants or residents through other agencies e.g. advocates or support agencies. In most cases, we will need written consent from the tenant or resident to discuss the concern with their representative in line with our Data Protection Policy and Procedure and our GDPR 2018 requirements. Please refer to section 5.4 in this policy for more information.

- 10.3 We will promote awareness of what safeguarding is and the ways in which a tenant or resident can discuss a safeguarding concern with us through all of our main communication channels, this includes our website, social media, posters, leaflets, letters, and phone calls.

## 11. Related Law & Regulations....

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.
Working Together to Safeguard Children 2023	Working Together to Safeguard Children (2023) is a statutory guidance on multi-agency working to help, protect and promote the welfare of children.
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.
Prevent 2023	Prevent Duty Guidance (2023) forms under Counter-Terrorism and Security Act (2015) and aims to stop people from people terrorists or supporting terrorism. Prevent also extends support to the rehabilitation and disengagement of those already involved in terrorism.

### This policy links to ...

#### Internal:

- Safeguarding Procedure (Easy Guide)
- Code of Conduct
- Anti-Social Behaviour
- Data Protection Policy & Procedure
- Aids & Adaptations Policy
- Damp & Mould Policy & Procedure

**External:**

- Adult Safeguarding Multi -Agency Guidelines (West Midlands) 2019
- Making Safeguarding Personal
- The Regulator of Social Housing Consumer Standards 2024
- Independent Housing Ombudsman Complaints Code 2024

## Policy Document Control

**Business Owner/Role:** Vicki Brownhill, Director of Tenancy & Neighbourhood Services

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**Directorate:** Tenancy Services

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**Customer Insight (if applicable):** *Tenant Involvement into this policy and associated changes has been obtained through tenant involvement consultation groups.*

**Approved By/Date Approved:** September 2024

**Next Review Date:** October 2026



## Appendix A - 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 our safeguarding ambassadors who can be found on the intranet.

### **Safeguarding Concern**

If you think one of our Tenants, family members or anyone else residing at the property is being harmed, 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.

### **Cuckooing**

Taking over a person's home and using the property to facilitate exploitation. There are different types of cuckooing.

- Using the property to grow, deal, store or take drugs.
- Using the property to sex work.
- Using the property to store weapons.
- Taking over the property as a place for them to live.
- Taking over the property to financially abuse the tenant.

**County Lines**

Children, young people and other vulnerable persons are coerced using intimidation, blackmail and violence to transport and sell drugs, cash and weapons across the country.