



1. POLICY STATEMENT

United Response acknowledges that every adult has the right to live their life as they wish to do as stated and underpinned in the *Human Rights Act 1998*. Many victims of adult abuse choose to stay in an abusive situation and they have the right to make that decision. However, professionals and workers have a duty of care¹ and a moral duty to report a crime. Therefore, a company who is providing a service to adults needs to have a robust safeguarding adults policy in place in order to prevent and report abuse of anyone over the age of 18, who is considered to be at risk of harm.

United Response is committed to the prevention of abuse; to the safeguarding of both adults and children who have experienced abuse or who are currently at risk of harm. The focus of this particular policy is the safeguarding of adults i.e. anyone over 18 years of age.

United Response is committed to:

- Promoting the safeguarding and wellbeing of adults and expects all employees² to share this commitment.
- Raising awareness about the abuse of adults and promoting the fact that safeguarding adults is everybody's business.
- Preventing the harm/abuse of an adult who is receiving a service from the company.
- Having a robust safeguarding policy and procedures in place, which will be reviewed every two years or sooner if legislation or statutory guidance is introduced, changed or updated.
- Reporting any incidents, disclosures, suspicions or concerns raised that an adult is being harmed/abused.
- Safeguarding an adult who is harmed/abused.
- Providing a training programme for employees about safeguarding which includes the abuse and safeguarding of adults.
- Providing supervision and support for employees who become involved in a safeguarding case or who have to whistle blow.

2. WHO THE POLICY IS FOR

The safeguarding adults policy applies to all individuals involved in United Response. The term 'employee' is used in this policy to include: permanent members of staff, agency workers, volunteers, trainers, consultants and anyone else who is commissioned to work for the company. This policy document should be read in conjunction with United Response's main safeguarding policy.

¹ A legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others.

² The term 'employee' will be used in the policy document to include all permanent workers, agency workers, volunteers, trainers, consultants and anyone who is commissioned to work for the company.



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An employee may become involved in a safeguarding case because s/he:

- Witnesses an incident
- Receives a disclosure from a person we support (PWS)
- Is told that an adult is being/has been harmed by someone one else
- Has a suspicion that abuse is occurring.

3. CQC COMPLIANCE

This policy supports compliance with the following key questions. The service is:

SAFE	EFFECTIVE	CARING	RESPONSIVE	WELL-LED
✓	✓	✓	✓	✓

4. CARE INSPECTORATE WALES (CIW) COMPLIANCE

This policy supports compliance with the following key questions. The service is:

WELLBEING	CARE AND SUPPORT	ENVIRONMENT	LEADERSHIP AND MANAGEMENT
✓	✓	✓	✓

5. OBJECTIVES OF THE SAFEGUARDING ADULTS POLICY

The aim of this policy is to provide information regarding:

1. The different legislation and statutory guidance which exist for safeguarding adults work.
2. Key documents with which employees should become familiar.
3. The key definitions in safeguarding adults work and the 10 forms of adult abuse.
4. What constitutes adult abuse and how to recognise the different forms?
5. The role and responsibilities of employees working for United Response in regard to safeguarding adults i.e. that all employees have a duty to report any harm/abuse they have witnessed or that they suspect.
6. When and how to report safeguarding concerns and refer employees to the procedures which should be followed when a worker:
 - witnesses an incident
 - receives a disclosure about harm/abuse
 - has a concern that an adult has been or could be harmed/abused.
7. Confidentiality and sharing information.
8. Written records.



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This is a policy document and in order to promote best practice it is expected that all employees will read this document thoroughly in conjunction with United Response's two other safeguarding policy documents: i) safeguarding guidance ii) safeguarding children.

6. LEGISLATION FRAMEWORKS

United Response delivers services across England and Wales. Therefore, it is important to be aware of the differences in legislation which will affect local safeguarding adults policies and practices:

- 1) **England:** the *Care Act 2014* came into force on 1st April 2015. Sections 42 to 46 replaced the statutory guidance *No Secrets*, which had been in place between March 2000 and March 2015.
- 2) **Wales:** the *Social Services and Well-being (Wales) Act 2014* came into force on 6th April 2016 and replaced *In Safe Hands*, which had been in place since 2000. Section 131 is specifically concerned with safeguarding adults, but other sections are also relevant i.e. Sections, 126 to 129; 131 to 142. It is important to note that Wales has Adult Protection and Support Orders (**see Appendix 1**).

Although the legal frameworks are different, the main definitions and principles are similar and underpin this policy. However, it must be emphasised that all employees of United Response should become familiar with their local legislative framework, policies and procedures.

Since 2015 it has been agreed that the local authority will take the lead in all adult safeguarding enquiries. 'Lead' means to co-ordinate an enquiry; personnel from another agency or organisation can be asked to undertake an enquiry.

Managers in United Response should also ensure that they know who their local Safeguarding Leads (i.e. both strategic and operational but job titles will vary locally) are in the local authority; and asked to be placed on any mailing list, which may exist for amendments or updates to the local safeguarding adults policy. In addition, managers should regularly visit the local Safeguarding Adults Board's website to check for any changes to policy, procedures and forms.

7. STATUTORY GUIDANCE

Legislation is accompanied by statutory guidance:

- 1) **England:** *Care and Support Statutory Guidance* (last updated 2.3.20).
- 2) **Wales:** the statutory guidance *Working Together to Safeguard People*, which covers both adults and children, has been issued in 6 volumes. The four volumes which relate to safeguarding adults are:
 - Volume 1: Introduction and Overview
 - Volume 3: Adult Practice Reviews
 - Volume 4: Adult Protection and Support Orders
 - Volume 6: Handling Individual Cases to protect Adults at Risk

Please note: full references are given towards the end of this policy so employees can access the documents easily online. Managers should ensure that workers know which documents are essential reading and any updates which are brought in should be discussed in team meetings and supervision



sessions.

8. PREVENTION OF HARM AND ENQUIRIES

This policy is concerned with promoting the prevention of harm to any adult as well as best practice in undertaking any safeguarding adult’s enquiry and planning for the future safety and wellbeing of any individual who has experienced harm. Preventative work is just as important as investigative work. It is essential that raising awareness is an ongoing process through the provision of regular discussions, training and supervision.

The term ‘significant harm’ is no longer used in safeguarding adults work. However, the term ‘harm’ is used and is an integral part of risk assessment³ which underpins safeguarding work. It is important to remember that harm can be physical or emotional; and it often remains well hidden.

9. OBJECTIVES OF SAFEGUARDING ADULTS WORK

The following objectives of safeguarding adults work are adopted and promoted by United Response:

- To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs and/or who cannot protect themselves.
- To prevent and to stop abuse/harm wherever possible.
- To safeguard adults in a way that supports them in making choices and having control about how they want to live their life.
- To promote an approach that concentrates on improving life for the adult concerned.
- To raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect.
- To provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or wellbeing of an adult.
- To address what has caused the abuse/harm.

What follows in this policy document are the key definitions which exist in all safeguarding adults’ guidance, policies and procedures. In safeguarding adults work great emphasis is placed on promoting an individual’s human rights, their wellbeing and for them to be at the centre of any decision-making. Therefore, employees need to be familiar with:

- The articles and protocols in the *Human Rights Act 1998*
- The agreed definition of ‘Wellbeing’
- The term ‘Making Safeguarding Personal’ (MSP): what it means; how it should be undertaken

³ Employees should refer to the risk assessment tool in the Safeguarding Adults Policy Appendices (Appendix 9) for more information and guidance.



and how desired outcomes should be developed and measured.

- The use of advocacy.

Where an adult does not have capacity to make decisions about certain aspects of their wellbeing, then an independent mental capacity advocate should be appointed.

10. HUMAN RIGHTS

Abuse is a violation of an individual's human and civil rights by another person or persons who have power over that individual. Safeguarding will always ensure that the least intrusive course of action is undertaken. However, it will sometimes be necessary to balance the rights of the adult against the duty of employees to safeguard other adults (or children in some situations). In some circumstances, an employee may have to over-ride self-determination and break confidentiality in the best interests of the adult or to promote public protection.

The *Human Rights Act 1998* underpins every aspect of work which is undertaken with an adult. **Appendix 2** lists the articles and protocols in the act and refers employees to a useful study guide. The original *Safeguarding Adults* document (2005) stated:

All persons have the right to live their lives free from violence and abuse. This right is underpinned by the duty on public agencies under the Human Rights Act (1998) to intervene proportionately to protect the rights of citizens. These rights include Article 2: 'The Right to Life'; Article 3: 'Freedom from torture' (including humiliating and degrading treatment); and article 8: 'Right to family life' (one that sustains the individual).

Any adult at risk of abuse or neglect should be able to access public organisations for appropriate interventions which enable them to live a life free from violence and abuse.

It follows that all citizens should have access to relevant services for addressing issues of abuse and neglect, including the civil and criminal justice system and victim support services. Remedies available should also include measures that achieve behaviour change by those who have perpetrated abuse or neglect.

It also has to be acknowledged that a survivor of abuse can seek redress through the civil courts if the matter is not going to be taken through the criminal courts but an enquiry concludes (and participants in the case conference/outcome meeting agree) on the balance of probabilities that one or more forms of abuse have taken place.

Every human being has the right to live their life as they wish to do; unless any of their actions is likely to harm anyone else i.e. it becomes a public protection issue. As already stated, risk assessment is an integral and ongoing part of all safeguarding adults work. Although primarily there may be concern about harm being perpetrated towards an adult, assessment and enquiry must also focus whether there is risk of harm to others e.g.:



- Other people we support
- Employees of United Response
- Visitors
- Other professionals/workers/advocates
- Members of the public.

Any risk assessment should also consider the risk of harm to property.

11. THE 6 SAFEGUARDING ADULTS PRINCIPLES

In addition to understanding and promoting the articles and protocols in the *Hume Rights Act 1998*, employees should become familiar with and comprehend the 6 principles that underpin safeguarding adults work:

- **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. Communities have to play a part in preventing, detecting and reporting neglect and abuse.
- **Accountability:** Accountability and transparency in delivering safeguarding.

12. WELLBEING

Since 2015 there has been a great emphasis in legislation and the related guidance to assess and promote an adult's wellbeing. Assessment of wellbeing should be ongoing and recorded in day-to-day practice, but it also forms an integral part of the safeguarding adult's process. The accepted definition of wellbeing contains the following 9 aspects:

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional well-being
- Protection from abuse and harm
- Control by the individual over day-to-day life (including over care and support provided and the way it is provided)
- Participation in work, education, training or recreation
- Social and economic well-being
- Domestic, family and personal relationships
- Suitability of living accommodation
- The individual's contribution to society



13. MAKING SAFEGUARDING PERSONAL

A new term which was introduced in safeguarding adults work in 2015 was **Making Safeguarding Personal (MSP)**. The term is new but the concept is not. It has always been best practice to include the vulnerable adult/alleged victim/adult at risk in the safeguarding process. S/he should always have been invited to attend to any safeguarding meeting e.g. strategy meeting; case conference. If s/he could not (perhaps because of mental capacity issues) or did not want to attend they have always been entitled to have an advocate to attend in their place.

The new legislative frameworks have now taken this further and all policy and procedures adhere to the following definition of MSP:

Making safeguarding personal means it should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, well-being and safety.

There is also more emphasis and guidance on the use of advocacy. Every local authority has a contract with a local advocacy agency, so that an advocate can be secured quickly and easily at any stage of the safeguarding adult's process.

The Care Act 2014 is clear that people's wishes, needs and feelings should be at the heart of all care and support activity, including safeguarding, and that local authorities must involve individuals in all decisions about them. This 'duty to involve' applies in all settings and regardless of the complexity of a person's situation. Effective adult safeguarding means promoting people's rights as well as their physical safety.

The Care Act introduces a new advocacy duty for local authorities. This applies to adults who are the subject of a safeguarding enquiry or safeguarding adults review (SAR) if:

- they have care and support needs
- they have 'substantial difficulty' in being involved in decision-making
- there is no appropriate person available to support them and represent their wishes.

According to the legislation, there are four areas to consider when assessing whether an adult has substantial difficulty in being involved in a decision. Can the person:

- understand the relevant information?
- retain information?
- use or weigh up information?
- communicate their views, wishes and feelings?

If the person has substantial difficulty in being involved in a decision, an appropriate individual can support them and help them to be involved. This individual may be their family member or friend of the individual, but may not be someone who is paid to give care or treatment to them.

If no appropriate individual is able to help, then the local authority, or another agency on their behalf,



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should appoint an independent advocate. All agencies involved in safeguarding need to know how the services of an independent advocate can be obtained. If a safeguarding enquiry needs to begin urgently, then it can begin before an advocate is appointed – but the appointment should be made as soon as possible.

The role of an advocate is to support and represent the individual, and to help them be involved in key processes and interactions with the local authority. Advocates may also help people to get information and advice on being safe and to spot potential warning signs of abuse or neglect.

It is essential that the advocate is fully independent. The Care Act 2014 makes clear that advocates must not be employed by the local authority or by any organisation that has been commissioned to carry out assessments, care and support plans or reviews for the local authority.

Many adults who qualify for advocacy under the Care Act 2014 will also qualify for advocacy under the Mental Capacity Act 2005 (MCA). Both pieces of legislation recognise the same four areas of substantial difficulty, and both require representation by a family member, friend or independent advocate to help them communicate their views, wishes and feelings. The same advocate may provide advocacy for an individual under both Acts. It is often easier for the adult and for the agencies working with them to work with one advocate rather than two.

Under the MCA, local authorities, the NHS and other responsible bodies have a duty to make sure that an Independent Mental Capacity Advocate (IMCA) is available to represent an adult who lacks capacity to make specific decisions for themselves and who does not have a family member or friend to support them. IMCAs have a particular remit not just to support and represent the person, but also to make sure that the MCA is being followed.

IMCAs are primarily intended to support adults who do not have family or friends to support and represent them. However, in a safeguarding situation, an IMCA can be used even if a suitable family member or friend is also available.

14. KEY DEFINITIONS

What follows below is some explanation regarding the key definitions in safeguarding adults work, which United Response has adopted and underpin this policy:

Adult

For 15 years the term 'vulnerable adult' was generally used to refer to a person who had been harmed/abused or was at risk of harm. Since 2015, it is expected that such a person should be referred to as an 'adult'. However, many safeguarding adults' policies use the term 'adult at risk'. Police will still use the term 'vulnerable adult' because it exists in some statutes.

Employees need to be clear that an adult is anybody aged 18 years and over. Some legislation refers to an adult as being over 16 years of age. In safeguarding work, if someone is harmed when 16 or 17 years



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of age, a referral should be made to Children’s Social Care not Adult Social Care.

The term ‘vulnerable adult’ has been replaced by the ‘safeguarding duties’ as described below.

Safeguarding duties

Whenever suspecting harm/abuse, raising a concern or deciding whether to make a referral to the local authority, a worker and manager need to consider whether the adult fits the criteria for the safeguarding duties. All three criteria have to be met.

The safeguarding duties apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs); and
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Adult abuse

... a violation of an individual’s human and civil rights by any other person or persons. It can take many forms, including physical, sexual, emotional/psychological, financial, neglect, discriminatory, organisational abuse. It may also include domestic violence, modern slavery and self-neglect.

A person who may have caused harm

In day to day conversation someone who has harmed someone may be referred to as an ‘abuser’ or ‘perpetrator’. The preferred term in safeguarding adults work now is ‘person who may have caused harm’.

15. FORMS OF ABUSE

There are now 10 forms (previously categories) of adult abuse:

- Physical abuse
- Domestic violence
- Sexual abuse
- Psychological abuse
- Financial/material
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Neglect/act of omission
- Self-neglect

The 10 categories of adult abuse are not defined in the same way as the 4 categories of child abuse, which are very descriptive and detailed. Therefore, in order to gain more detail and understanding employees should read:



- **Appendix 3: What constitutes adult abuse**

Abuse is often well hidden and therefore hard to identify, so it essential to have knowledge regarding the indicators of abuse. Therefore, employees should read:

- **Appendix 4: Signs and symptoms of adult abuse**

16. OTHER CONSIDERATIONS

Over the years other issues have been given attention in relation to the abuse of adults. Adults can be targeted and groomed in many different ways, but often for exploitation – financial, sexual or criminal. The adult may be befriended by a complete stranger over weeks or months and then is considered to be a friend. This was defined as **stranger abuse** in statutory guidance between 2000 and 2015:

Stranger abuse will warrant a different kind of response from that appropriate to abuse in an ongoing relationship or in a care location. Nevertheless, in some instances it may be appropriate to use the locally agreed inter-agency adult protection procedures to ensure that the vulnerable person receives the services and support that they need. Such procedures may also be used when there is a potential for harm to other vulnerable people.

During this time the term '**mate crime**' developed, which is a form of '**hate crime**'. Mate crime can be defined as:

...where people within communities, particularly people with learning disabilities, mental health issues or substance abuse issues, and older people are befriended with the intention of then being exploited financially, physically or sexually as well as other types of abuse.

Hate crime needs to be considered and dealt with under safeguarding adults work. A person who is a victim of a hate crime may experience different forms of abuse e.g. physical, psychological, sexual or discriminatory. The Crown Prosecution Service says:

The term '**hate crime**' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

Hate crimes can include:

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment

17. WHO IS AT RISK OF HARM

Anybody can be at risk of harm, but some adults are more at risk than others because of their vulnerability, which may be due to a variety of factors, conditions and situations. Many adults with



learning disabilities are more vulnerable than other groups, because they may not understand what is said to them, what is being done to them or have the capabilities to realise they are being targeted, groomed, manipulated, coerced or taken advantage of in some way. It is important to keep an open-mind about who could be harmed, but some particularly vulnerable groups may be:

- Adults with a physical, learning or sensory disability
- Older people
- Lesbian, gay, bisexual, transgender
- Adults with a particular illness/disease e.g. any terminal illness; Alzheimer’s disease; Parkinson’s Disease; Multiple Sclerosis

18. WHO ABUSES ADULTS

As with people who are harmed/abused, it is important to keep an open mind about who could harm an adult. A child, young person or another adult can harm an adult; they could be a:

- Spouse/partner
- Relative (close or distant)
- Friend
- Neighbour
- Another person we support
- Professional
- Worker
- Volunteer/befriender
- Advocate
- Colleague
- Formal or informal carer
- People living/working in the local community
- Stranger (who befriends or stalks face-to-face or online)
- Gang/slave master

It is important to acknowledge the fact that sometimes an adult with learning disabilities is accused of causing harm/abuse and may be interviewed by the police. In some cases, the adult may not know or understand the consequences of their actions. It is vital that proper support is given to the adult who is deemed to be ‘vulnerable’. In the procedural section and in **Appendix 6** of this policy appendices, information is given regarding the use of **special measures** under *Achieving Best Evidence* (MOJ 2011). Where an adult may have harmed someone unintentionally (i.e. who is deemed to be the person who may have caused harm) it may be necessary (and helpful) to convene separate safeguarding meetings and develop an individual safeguarding plan for that adult.

19. WHERE ABUSE HAPPENS



Any of the ten categories of abuse could happen in the community, in an institution/communal setting or online - for example (and the lists below are not exhaustive):

Community:

- A person's home
- Park/any public area space
- Café, restaurant, pub, hotel
- Any type of club
- Library
- Shop
- Cinema
- Theatre
- Toilet
- Taxi, bus, coach, train

Institution/communal setting:

- Care/nursing home
- Hospital (e.g. on a ward; examination room; Accident & Emergency; day hospital)
- Supported living accommodation
- Sheltered accommodation
- Day centre
- Education establishment
- Prison

Internet/online

It must not be forgotten that abuse can be perpetrated via different devices (mobile phones; I-pads, computers/laptops) in a number of ways:

- Phone calls
- Text messages
- E-mails
- Websites/chat rooms
- Dating sites/apps

20. SAFEGUARDING ADULTS BOARDS

Across England and Wales, it is expected that there will be a Safeguarding Adults Board (SAB) in place, so that key partners will be brought together in order to ensure that robust safeguarding arrangements in place to protect adults in the local area. The Board will usually be chaired by an independent chairperson.

Statutory guidance states the requirements, roles and responsibilities of a SAB. These are given in **Appendix 5**, so that employees are aware of the regional differences. In brief, most SABS will be



concerned with:

- Development of policies and procedures
- Monitoring local practices
- Producing an annual report
- Conducting Safeguarding Adult Reviews

21. PROCEDURES

It is necessary to state again that employees should become familiar with their local area inter-agency policy for safeguarding adults, but they may also need to read other policies if abuse/harm is perpetrated in another local authority area. There are differences between areas regarding terminology, timescales, and criteria for thresholds, decision-making, levels/formats of enquiry, who can undertake an enquiry, how the actual stages of the process are organised; and recording requirements (forms) will also differ. Below is a summary of the stages, which will be incorporated into procedural documents (remembering that the number of stages will vary):

- Raising a concern
- Making a referral to the local authority
- Initial enquiry: undertaking the MSP; gathering information; deciding whether an enquiry is needed
- Strategy/Planning discussion or meeting (which will include a risk assessment and development of a safeguarding plan)
- Enquiry (low-level or informal; serious-level or formal)
- Case conference/outcomes discussion or meeting (which will include a risk assessment and development of a safeguarding plan)
- Review
- Closure

In order to get more detail and guidance regarding procedures, employees should read:

Appendix 6: Procedures

Best practice and responsibilities can be summarised as follows:

- Any concern must be reported immediately (no longer than 4 hours) to a line manager/other manager (e.g. on-call manager)/senior manager
- A manager will advise an employee what to do and will gain as much information as possible
- A manager will make a decision about whether to make a referral to the local authority within 24 hours. S/he may need to gain more information or take advice in order to make this decision.
- If advice is taken or a referral is made to Adult Social Care, the Care Quality Commission or Care Inspectorate Wales should be informed.
- Any written records should be completed within 48 hours.

It will be necessary for employees to complete United Response's form:



- Raising a concern
- Consent form
- Safeguarding risk assessment tool

In addition, there will be the local safeguarding adult’s policy and procedural forms to complete.

Employees need to understand and be able to promote the rights of the adult, especially in regard to the right to justice. Advocacy can play an important part in the safeguarding process, but employees should also become familiar with the **special measures** available under *Achieving Best Evidence (ABE)*. The fundamental principle of ABE is that everyone is entitled to justice. If an adult has a communication problem and the police are going to undertake a criminal investigation, measures can be put in place to help them disclose what has happened. The adult can be offered a:

- Video interview
- Supporter
- Intermediary.

If the person who may have caused harm has a communication problem s/he is entitled to have a:

- Video interview
- Appropriate adult (who has been properly trained)

22. INTERNAL REPORTING, OVERSIGHT AND SAFEGUARDING FORUM

United Response has a robust process for the collection, collation and reporting of all safeguarding incidents that are reported to Local Authorities. All safeguarding incidents are collected and recorded as they occur in each area of the organisation. They are then sent to the central quality team who then collate the organisational information on a monthly basis that feeds into quarterly reporting.

To assist those referring into adult safeguarding there is a risk assessment tool and guidance identifying low, significant, very significant and critical tiers of intervention. The Risk Assessment Tool was initially introduced by ADASS to identify the level of risk and proportionality of response to Safeguarding Adult Referrals. This provides a clear process for assessing risk and a common understanding across local partnerships and agencies enabling more consistent responses. Reasons to support the need for a risk assessment tool & threshold were identified as;

- A benchmark to assess the level of vulnerability of an individual
- A measure of consistency
- Managing proportionate responses to alerts and referrals
- A framework to allow agencies to manage risk

The purpose of the safeguarding risk assessment tool & threshold matrix is to ensure that a consistent and proportionate response is delivered, that safeguarding responses are proportionate to the



abuse/neglect, and that formal safeguarding procedures are not the only way of addressing issues that arise.

The threshold matrix with tiers of intervention and associated guidance has been developed to assist practitioners in assessing the seriousness, key considerations, level of risk, impact of the abuse that is occurring and the risk of reoccurrence to assist with decision-making when responding to a concern of abuse or neglect. The thresholds and associated guidance does not contain any hard and fast rules or remove the need for professional judgement but is designed to support defensible decision making.

In order to manage the large volume of concerns which come under safeguarding adult's policy and procedures, there is a need to differentiate between those low level concerns and those that are more serious when prioritising resources. It is essential to remember the thresholds matrix is a guide only providing a limited illustration of abuse that can occur along with an indication of the possible range of severity. It does not have to be rigidly adhered to as such a matrix cannot account for all potential scenarios.

There may be circumstances where a situation is deemed to be low on the threshold matrix but because you are aware of similar incidents having occurred in the past you do not assess the threshold or the risk as low, the risk assessment tool should be used in conjunction with the matrix. Where this is the case this should be clearly indicated on the referral form.

All of the information collected, collated and reported on in terms of safeguarding incidents is analysed with trends and themes identified. This is done on a quarterly basis with full reports going to the Operations Committee.

To improve organisational oversight and assurance, United Response has an independently chaired safeguarding forum where representatives from operational and central teams meet on a quarterly basis to review and discussed safeguarding incidents, policy and lessons learned. The safeguarding forum also works to make safeguarding personal for the people impacted by abuse and to improve involvement, engagement and learning from and with the people we support.

23. CONSENT AND CONFIDENTIALITY

In safeguarding adults work it is necessary to remember that the *Human Rights Act 1998* is equally important as any other legislation which has been developed specifically for safeguarding work. A fundamental point is that a person (who is assumed to have mental capacity) can choose how to live their life as long as it does not become a public protection issue (i.e. someone else could be harmed or put in danger). Therefore, whenever possible it is necessary to gain consent before raising a safeguarding concern. If an employee is sharing information within United Response then they are not breaking confidentiality, because any information given to an employee belongs to the whole of the company. However, if a manager decides to make a referral to Adult Social Care then consent should be sought. In some circumstances this is not possible because the adult does not have capacity to understand the consequences, so it should be recorded that the employee is acting the adult's best interests. Where it is



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thought a crime has been committed or could be committed in the future, consent is not needed to raise the concern.

The civil law *Duty of Confidence* is at the heart of consent and sharing information issues. This law says that if a person gives another person a piece of information it must be made clear for what purpose it is being given and with whom it can be shared. If the information is shared without permission then the duty of confidence is broken. Therefore it is important to use a consent form. United Response has a specific safeguarding consent form which should be used with an adult:

See Appendix 9: Consent form

There are circumstances in which an employee may have to over-ride self-determination and break confidentiality. In these circumstances the actions must be justified and the employee should state under which statute they are acting. Very often an adult does not want the abuse to be reported because they have been threatened by the abuser and are fearful of the repercussions or they love their abuser. If an employee thinks a crime has been committed then it is necessary to raise the concern and tell the adult that they are going to do this.

If it is known or suspected that someone may lack capacity in understanding what the employee is going to do, it is necessary to record this and justify the sharing of information. It needs to be evidenced why it is thought the person did not comprehend about giving consent to sharing information. An employee needs to have recorded what questions were asked and what responses were given by the person.

Two important acts

Some safeguarding adult's policies will include a local sharing information protocol. However, there is a specific bit of legislation which aids the sharing of information.

Section 115 of the *Crime and Disorder Act 1998* is known as 'the sharing information principle'. It gives a person the *power* (it is not a duty) to share information if it is thought a crime has already been committed or a crime might be committed in the future with anyone in the following agencies:

- Local authority
- Health authority (this was wordage in the original act but since then would include primary care trusts, mental health trusts, health boards etc.)
- Police
- Probation.

Section 5 of *Domestic Violence, Crime and Victims Act 2004* is concerned with 'familial homicide'. Everyone (employees and members of the general public) needs to be aware of the mandatory reporting requirements in relation to a 'member of a household' who is a person who visits regularly but regularly is not specifically defined. If the member of the household knows that a child or vulnerable adult is subjected to or is witnessing domestic violence then they must report directly to the police. If they do not and the child or vulnerable adult is murdered by a member of the family then the member of the household can be sentenced to prison for up to 14 years.



The Government response to the consultation and a draft Domestic Abuse Bill were published in January 2019. The Government response set out 123 commitments, both legislative and non-legislative, designed to promote awareness of domestic abuse; protect and support victims and their families; transform the justice process to prioritise victim safety and provide an effective response to perpetrators; and to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors.

The act will:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse
- establish in law the office of Domestic Abuse Commissioner and set out the Commissioner’s functions and powers
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order
- place a duty on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation
- extend the controlling or coercive behaviour offence to cover post-separation abuse
- extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the “revenge porn” offence) to cover threats to disclose such material
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy
- prohibit GPs and other health professionals in general practice from charging a victim of domestic abuse for a letter to support an application for legal aid

24. REVIEWS IN SAFEGUARDING ADULTS WORK

In safeguarding adults work there are now different types of reviews:

- Adult practice reviews
- Serious case management reviews
- Safeguarding adults reviews

Serious Case Reviews (SCR) were conducted for children long before they were undertaken for adults; the first one being after the death of 78-year-old Margaret Panting in 2001. SCRs which have been conducted for adults with learning disabilities include: Steven Hoskins (2006); Fiona Pilkington and Francesca Hardwick (2007) and Winterbourne View (2011). Since the 2015, SCRs for adults have been known as Safeguarding Adults Reviews (SAR) in England and are now statutory. In Wales Adult Practice Reviews are conducted. These types of reviews will be conducted when an adult has been seriously harmed or died; and the main purpose is for organisations and the staff who have been involved to consider whether lessons can be learnt i.e. could anything have been done differently. More details about these reviews are given in **Appendix 7**.

United Response is committed to participating in and contributing to any review if asked to do so and



providing the necessary information.

25. DUTY OF CANDOUR

The duty of candour is discussed a great deal in safeguarding work and is a topic that will be discussed in safeguarding reviews. **Appendix 8** gives more information about the duty of candour.

26. TRAINING

All employees will receive training on Safeguarding Adults, so they:

- Understand what safeguarding adults work involves
- Are aware of the differences in legislation across England and Wales.
- Know where to access the relevant statutory guidance, policies and procedures
- Know what the 10 forms of abuse are; what constitutes abuse and how to recognise it
- Are clear about their roles and responsibilities in relation to safeguarding adults
- Know when and how to raise a concern; and what needs to be recorded
- Understand the safeguarding adult's process regarding enquiries.
- Learn about legislation in relation to: safeguarding adults; criminal and civil law; capacity; sharing information and consent.

Employees will be expected to undertake the e-learning programme in the first instance, followed by the one-day face-to-face course 'The Abuse and Safeguarding of Adults'. Employees will then be expected to undertake refresher training every two years by returning to the e-learning programme. Other courses which are provided by United Response may link to safeguarding adult's issues.

Managers will receive specialist training via the Management Skills Programme:

- 1) Safeguarding Adults for Managers: this course should be undertaken by all managers, whether or not they have already attended any local authority manager training
- 2) Safeguarding Adults for Managers Course 2: this is a more advanced course for managers, which further develops knowledge and skills but also acts as refresher training.

Managers should attend face-to-face refresher training every two years.

Trustees will receive specialist bespoke training that will be arranged by the Learning and Development team. Prior to this, a training needs analysis will take place to ascertain existing knowledge and a tailored package of training will be created to meet their needs. This will be carried out once every three years.

27. REFERENCES

Association of Directors of Social Services (2005) *Safeguarding Adults; A framework of standards for*



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good practice and outcomes in adult protection work.

<https://www.adass.org.uk/AdassMedia/stories/Publications/Guidance/safeguarding.pdf>

Crown Prosecution Service (October 2019) *Female Genital Mutilation Legal Guidance.*

<https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance>

H M Government (July 2018) *Information Sharing: advice practitioners providing safeguarding services to children, young people, parents and carers.*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721581/Information_sharing_advice_practitioners_safeguarding_services.pdf

H M Government (June 2014) *Multi-agency practice guidelines: Handling cases of forced marriage*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

H M Government (April 2016) *Multi-Agency Statutory Guidance on Female Genital Mutilation*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800306/6-1914-HO-Multi_Agency_Statutory_Guidance.pdf

H M Government (Updated July 2021) *Domestic Abuse Act 2021:Overarching Fact Sheet*

<https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/domestic-abuse-bill-2020-overarching-factsheet>

H M Prison and Probation Service (updated July 2019) *MAPPA Guidance Version 4.5*

<https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa--2>

Ministry of Justice (2011) *Achieving Best Evidence: Guidance on interviewing victims and witnesses, and guidance in using special measures*

https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/best_evidence_in_criminal_proceedings.pdf

Richards, Laura (2009) *Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009) Risk Identification and Assessment and Management Model*

<https://safelives.org.uk/sites/default/files/resources/Dash%20without%20guidance.pdf>

Social Care Institute for Excellence (updated July 2018) *Adult Safeguarding Practice Questions*

<https://www.scie.org.uk/safeguarding/adults/practice/questions>

Welsh Assembly (2000) *In Safe Hands: Implementing adult protection procedures in Wales.*

[http://www.wgsb.wales/pdf/In%20Safe%20Hands\[1\].pdf](http://www.wgsb.wales/pdf/In%20Safe%20Hands[1].pdf)

28. LEGISLATION

Anti-Social Behaviour, Crime and Policing Act 2014 (Section 121 - Forced Marriage Offence; Forced



Marriage Protection Order)
Care Act 2014
Children Act 1989
Children Act 2004
Crime and Disorder Act 1998
Criminal Justice and Courts Act 2015 (Ill treatment or wilful neglect: Section 20 [Care worker offence] and Section 21 [Care provider offence])
Data Protection Act 2018
Domestic Abuse Act 2021
Duty of Candour
Duty of Confidence (common law of confidentiality)
Female Genital Mutilation Act 2003; FGM Protection Order
General Data Protection Regulation 2018
Human Rights Act 1998
Mental Capacity Act 2005 (Section 44 Offence of Neglect and Ill-Treatment).
Mental Capacity Act 2005 (amended to include Deprivation of Liberty Safeguards)
Modern Slavery Act 2015
Protection from Harassment Act 1997
Public Interest Disclosure Act 1998
Serious Crime Act 2015 (Section 2 – Offence of Controlling and Coercive Behaviour)
Sexual Offences Act 2003
Social Services and Well-being (Wales) Act 2014
Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

29. STATUTORY GUIDANCE

1) England

H M Government (March 2020) *Care and Support Statutory Guidance*

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#using-the-care-act-guidance>

2) Wales

Welsh Government (2019) *Safeguarding Wales Procedures*

<https://socialcare.wales/hub/statutory-guidance>

Welsh Government (2016) *Working Together to Safeguard People: Volume 1 – Introduction and Overview*

<https://gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-i-introduction-and-overview.pdf>

Welsh Government (2016) *Working Together to Safeguard People: Volume 3 – Adult Practice Reviews*

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Welsh Government (2016) *Working Together to Safeguard People: Volume 4 – Adult Protection and Support Orders*

<https://gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-4-adult-protection-and-support-orders.pdf>

Welsh Government (2016) *Working Together to Safeguard People: Volume 6 - Handling Individual Cases to Protect Adults at Risk*

<https://gov.wales/sites/default/files/publications/2019-06/volume-6-handling-individual-cases-to-protect-adults-at-risk.pdf>

30. RELATED UNITED RESPONSE POLICIES

- [Safeguarding Guidance](#)
- [Safeguarding Children’s Policy](#)
- [Working with Children Policy](#)
- [Raising Concerns and Whistleblowing Policy](#)
- [Incidents and RIDDOR Policy](#)
- [Supporting Health Policy](#)

31. CONTACTS

If you have any queries or concerns regarding this guidance, please contact the relevant person.

SUBJECT	CONTACT	TELEPHONE
Policy contacts		
Clarification on points of policy	Quality Team	07795453176
Document owner	Quality Team	07795453176

If you have a concern that someone is being abused or neglected then you must take action.

In an emergency always contact the Police or emergency services: 999

Child Safeguarding

If your concern is about a child, contact:

Your local Children’s Social Care Referral and Assessment Team

Please also see United Response Child Protection Policy for more information

32. DOCUMENT CONTROL



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VERSION	DATE OF ISSUE	DATE OF NEXT REVIEW
9	December 2020	December 2022
10	September 2021	December 2022
11	December 2022	December 2024