

---

Policy reference	PO-B-002-CS
------------------	-------------

---

# SAFEGUARDING ADULTS POLICY

---

Approved	2 January 2024
Published	3 January 2024
Effective	3 January 2024
Review	Annual

---

## Summary

The Longhurst Group Policy on Safeguarding Adults applies to all activities within the Group. Our approach to Safeguarding is underpinned by the fundamental human right for all people 'to live a life that is free from abuse and neglect'. Adult safeguarding applies to persons aged 18 years and over.

## Contents

<b>PART ONE</b> .....	<b>1</b>
About this Policy .....	1
Summary .....	3
Contents .....	3
Introduction .....	4
<b>PART TWO</b> .....	<b>4</b>
Policy .....	4
Intent .....	4
Principles .....	4
Scope .....	4
Policy Details .....	5
Designated Safeguarding Leads .....	5
Referrals to the Local Authority .....	5
Position of Trust .....	6
Information Sharing .....	6
Vetting and Barring and Referral to 'Disclosure and Barring Service' (DBS) .....	6
Prevent .....	6
Adults and Mental Capacity .....	6
Deprivation of Liberty Safeguards .....	7
Managing the Safeguarding Adults Policy .....	7
Roles and Responsibilities .....	7
Monitoring, Evaluation and Review .....	8
Equality and Diversity .....	8
Summary of Local Variations .....	8
<b>PART THREE</b> .....	<b>9</b>
Appendices .....	9
A. Policy Approval Control .....	9
B. Definitions .....	9
C. Sources of further information and national guidance .....	9
D. Safeguarding Principles .....	9
E. Overriding the need for consent in adult safeguarding concerns .....	9

## Introduction

Longhurst Group (the Group) have welcomed the placing of Safeguarding Adults on a statutory footing requiring multi-agency cooperation and activity through the Care Act 2014. The Group will operate under a duty of candour, recognising the need for transparency and good information sharing to prevent harm and protect adults.

# PART TWO

---

## Policy

### Intent

This policy sets out the duty to safeguard and promote the welfare of adults across the Group and how this will be implemented in the discharge of duties day to day.

This policy ensures that all colleagues are aware of their responsibility to identify situations where they believe there is a potential risk, and to refer the concern to their manager and the Designated Safeguarding Leads.

The policy aims to identify causes for concern and risks to wellbeing at the earliest possible stage and provide avenues of intervention to minimise the potential for harm to occur.

### Principles

The Group has a zero-tolerance approach to abuse and will not knowingly allow such incidents to continue unchallenged. All colleagues are required to report in all cases where it is suspected abuse is occurring, no matter who the perpetrator is.

The Group promotes high vigilance and a low reporting threshold from all colleagues. The Group endeavours to give all practicable support, within its remit, to any adult experiencing an abusive situation. This approach is not confined to those with care and support needs.

The Group will undertake signposting to relevant support agencies where identified risks or concerns are out with the remit of the Group.

All allegations of abuse will be taken seriously. The Group recognises the importance of the 'Making Safeguarding Personal' agenda which places the wishes of the individual at the centre of Safeguarding activities.

This policy must be read in conjunction with the relevant local authority multi-agency guidelines for Safeguarding Adults.

### Scope

The terms "Longhurst Group" and "the Group" include any subsidiaries.

This policy applies to all colleagues of the Longhurst Group, all Trustees and Board Members and all those individuals and organisations who have a working relationship with Longhurst Group, including volunteers, students, trainees, contractors, and temporary workers, including those working on a bank or agency contract.

For ease of reference, all employees and workers who fall under these groups will be uniformly referred to as "colleagues" in this policy.

The policy does not form part of any employee's contract of employment and the policy may be amended at any time.

## Policy Details

### Designated Safeguarding Leads

The Group Safeguarding and Quality Assurance Manager and their team will act as the Designated Safeguarding Leads for the Group.

The responsibilities of the Designated Safeguarding Leads are to:

- Attend training for designated leads and other relevant training
- Act as a source of advice for colleagues on all Safeguarding matters
- Be familiar with the Safeguarding procedures of relevant local authorities
- Receive colleague concerns about Safeguarding and respond to all reports seriously, swiftly, and appropriately as per procedures.
- To ensure accurate and comprehensive recording of all safeguarding concerns that are identified.
- Ensure appropriate, timely and comprehensive enquiries are made, with HR Business Partner support.
- Monitor all Safeguarding concerns on the safeguarding register to ensure they are investigated as appropriate in accordance with this policy and procedure.
- Take the lead in supporting colleagues with complex cases and support colleagues as they carry out the fact-finding process when requested.
- Take the lead role in coordinating any formal investigations into allegations of abuse that have occurred within the Group's remit, where requested by the local authority safeguarding team.
- Ensure HR Business Partners are immediately notified of any implications for any colleague and liaise throughout any Safeguarding enquiries.
- Review cases and ensure our processes are effective and continuously improved with dissemination of 'lessons learnt'.
- Provide regular reports to Group Board of all Safeguarding incidents, where they have come from, how many, the nature of them and outcomes achieved.
- Keep up to date with local arrangements as required for Safeguarding.
- Jointly with the Director of People Services and relevant Line Management, make sure that any allegations of colleague conduct around Safeguarding is investigated and reported immediately to the Local Authority Safeguarding Team.
- Jointly with the Head of Service/ Director, ensure that CQC notifications are undertaken as appropriate.
- Jointly with the relevant Line Manager and HR Business Partner ensure appropriate , referral to the Disclosure and Barring Service (DBS) where a colleague has been dismissed on the grounds of abuse or leaves before the disciplinary process has concluded.
- Develop and maintain effective links with relevant agencies such as local Safeguarding Adult Boards.
- Lead on the review of the policy and procedure to make sure it is up to date and effective.

### Referrals to the Local Authority

Where it is believed that the adult experiencing the abusive situation potentially meets the criteria of an adult at risk (Appendix B), the Group will ensure the appropriate referral is made to the local authority.

Referrals will usually be undertaken by the colleague who has identified the concern. The Designated Safeguarding Leads team will advise and support regards making the referral as required.

In making the referral to the local authority, the Group will endeavour to do so with the consent of the adult at risk, and provide an explanation as to why referral is believed necessary.

Where the adult does not consent to the referral this decision will usually be respected, and the reason for the lack of a referral recorded within the safeguarding case record, unless there are doubts as to mental capacity or

there are circumstances under which a referral may be undertaken without the consent of the adult at risk (see Appendix E). As far as practicable, when consent is to be overridden the adult at risk will be made aware and given the rationale for this decision.

### Position of Trust

'People in a Position of Trust' (PoT) are defined as *'those who work with adults, whether in a paid or a voluntary basis and that may hold a position of authority over a person'*. Therefore, all colleagues working for the Group are people in a PoT and colleagues should be aware that a breach of their position of trust could lead to disciplinary action and, in some instances, to criminal prosecution if they have:

- behaved in a way that has harmed or may have harmed an adult;
- possibly committed a criminal offence against or related to an adult;
- behaved towards an adult in a way that indicates she or he is unsuitable to work with such adults;
- behaved in a way that has harmed children or may have harmed children which means their ability to provide a service to adults should be reviewed;
- been subject to abuse themselves, and there is evidence that this impacts on their suitability to work with adults.

### Information Sharing

All colleagues must be aware that they have a professional duty to share information with other agencies in order to safeguard adults. The public interest in Safeguarding adults may override confidentiality interests. However, information will be shared on a need to know basis only, as judged by the Designated Safeguarding Leads. If an allegation is made towards another colleague, full support will be given in line with the Group's Whistleblowing Policy.

### Vetting and Barring and Referral to 'Disclosure and Barring Service' (DBS)

The Group will ensure all colleagues who work with adults have a DBS check in line with current legislative requirements before working alone with customers, and that these DBS checks are repeated at three yearly intervals. The Group will exercise its duty under the Safeguarding Vulnerable Groups Act (SVGA 2006), to refer colleagues to DBS as required. The Group requires incumbent colleagues to declare immediately if they are cautioned or convicted of any offence.

The Group's approach to allegations made against colleague/s or service/s is detailed in the Safeguarding Adult's Procedure Appendix B

### Prevent

The Group will work with partner organisations to contribute to prevention of terrorism by, safeguarding and protecting vulnerable individuals; making safety a shared endeavour and providing appropriate training as necessary. Any concerns that an individual may be at risk of radicalisation, will be dealt with in the same way as any other Safeguarding issue.

### Adults and Mental Capacity

The Group recognises that capacity and consent are key themes in Safeguarding practice and that every adult has the right to make their own decisions. A person is assumed to have capacity to do so unless it is proven that they do not.

If a customer does not have the capacity to make a decision relating to a Safeguarding concern, then colleagues have a duty to report the matter, following the organisation's Safeguarding procedures.

There is a separate policy (Mental Capacity and Deprivation of Liberty Policy), procedure guidance and training to ensure all colleagues understand how to apply the Mental Capacity Act 2005 to their duties and act in the customer's 'best interests'.

### Deprivation of Liberty Safeguards

Colleagues must be aware of their duty to raise a concern if they believe someone is being deprived of their liberty, regardless of whether the customer complies, or it is deemed an appropriate intervention. Only the Local Authority can authorise whether a deprivation of liberty can be applied in a care home or hospital setting (or the Court of Protection for other 'domestic settings').

Concerns should initially be raised with line managers, but if colleagues still do not feel appropriate actions are being taken and liberty is being deprived, then they should contact the Designated Safeguarding Leads.

**See Appendix C** - The principal pieces of legislation governing this policy.

### Managing the Safeguarding Adults Policy

It is essential that managers ensure that all colleagues are made aware of their role and responsibilities under this policy. The policy will be communicated to colleagues through inductions, team meetings, 1:1s, job specifications and the Group intranet. Managers will ensure all colleagues have access to associated procedures and reporting forms.

### Roles and Responsibilities

There are clear roles and responsibilities for all colleagues detailed in this document to ensure, as far as possible, that customers are effectively safeguarded against all forms of abuse, neglect, discrimination, embarrassment, or poor treatment. All colleagues need to act competently, confidently, and with courage to concerns about safety and wellbeing of customers.

Every colleague within Longhurst Group, regardless of their role and level of authority, has the following responsibilities to:

- promote the welfare of adults within our services.
- fulfil their legal and moral 'duty of care' to customers as a person in a position of trust.
- acknowledge and understand the potential of risk presented by colleagues to customers and to understand the importance of maintaining professional boundaries and relationships and the potential for allegations of abuse.
- follow Risk management and Lone Working procedures in place to reduce the potential of risk to customers from colleagues and to pass on any welfare concerns using the required reporting procedures.
- be aware of and adhere to adult Safeguarding policies and procedures informed by the Local Authority policy and procedure, Safeguarding Adult Board.
- implement learning and promote good practice by being an excellent role model, contribute to discussions about Safeguarding and to positively involve people in developing safe practices.
- be vigilant in their day to day work and immediately report any concerns.
- listen to customers, work in partnership with customers and stakeholders (this could include family members, advocates, and external agencies).

## Monitoring, Evaluation and Review

The Group is committed to providing high quality services and has a number of monitoring arrangements in place to validate this.

Specifically, in relation to Safeguarding, this includes

- A register of all concerns raised internally and alerts raised externally under multi-agency guidelines. This is overseen by the Designated Safeguarding Leads who recommend changes are made to systems and procedures as a consequence of lessons learned.
- Regular reporting to the Group Board on Safeguarding activities, incidents, actions, and outcomes. Analysis of patterns or trends that will lead to practice, policy, and procedure reviews.
- Confidential reporting of allegations regarding colleagues or contractors to the Group Board, including the outcomes of any investigations.
- Disseminating case studies, recommendations for amendments to policy and procedures and updating colleague training requirements.
- Ensuring risk assessment and management procedures are in place to ensure predictable risk is mitigated within an ethos of positive risk taking. In relation to Safeguarding processes all decisions about risk are made as close as possible to the adult at risk upholding the principles of the Mental Capacity Act 2005.
- Ensuring that colleague supervision and Performance Management processes are in place so that colleagues receive the necessary support and guidance from managers to fulfil their Safeguarding role and responsibilities.

Group People Services ensure that colleague files are maintained in line with current employment practice, these are audited and evidence that:

- Safe recruitment practices have been applied to all appointments.
- DBS checks are undertaken where appropriate (see recruitment procedure).
- Two suitable references are received prior to appointment where appropriate (see recruitment procedure).
- Records are made and kept of supervision sessions.
- Training records are maintained of colleague training on Safeguarding.

## Equality and Diversity

All adults will have the same protection, regardless of age, disability, race, sex, sexual orientation, gender reassignment, religion or belief, marriage and civil partnership and pregnancy and maternity. The Group is committed to anti-discriminatory practice and recognise that some of our customers from minority ethnic groups or with particular disabilities may have additional needs and communication barriers.

## Summary of Local Variations

None.

# PART THREE

---

## Appendices

- A. Policy Approval Control
- B. Definitions
- C. Sources of further information and national guidance
- D. Safeguarding Principles
- E. Overriding the need for consent in adult safeguarding concerns



## Appendix B

### Definitions

**Safeguarding Adults** – defined in the Care Act statutory guidance as:

‘Protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.’

**Adult at risk** - any person aged 18 years old or over and who:

- has needs for care and support;
- is experiencing, or at risk of abuse and neglect; and
- as a result of their care and support needs, is unable to protect themselves from the risk or experience of abuse and neglect.

For some individuals being an adult at risk is permanent; however it is also recognised that this may be dynamic and for many people being an adult at risk fluctuates. It is possible for any person to experience an episode of being an adult at risk.

**Abuse** - a violation of an individual’s human and civil rights by any other person or persons. A single or repeated act, or lack of appropriate actions, occurring within any relationship where there is an expectation of trust, which causes harm or distress. Abuse may be perpetrated because of deliberate intent, ignorance, or negligence.

#### **Abuse is defined as:**

‘...a violation of an individual’s human or civil rights by another’ [which may result in significant harm].

Abuse can also be defined as ‘a lack of action occurring within a relationship where there is an expectation of trust, which causes harm or distress to a person.’ This relates directly to the role and responsibilities of staff who work with adults at risk in a **position of trust**.

#### **Forms of Adult Abuse**

The main forms of abuse are:

- **Physical Abuse** – including rough handling, hitting, slapping, pushing, kicking, locking someone in a room, misuse of medication, unreasonable restraint or inappropriate sanctions;
- **Sexual Abuse** – including inappropriate touching, forcing someone to take part in or witness a sexual act which the adult has not consented, or could not consent or was pressured into consenting;
- **Psychological/Emotional Abuse** – including bullying, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks;
- **Financial or Material Abuse** – including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits;
- **Neglect and Acts of Omission** – including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating;

- **Discriminatory Abuse** – including ill-treatment or harassment based on someone’s age, disability, race, religious beliefs, or ethnic group, sex, sexuality
- **Organisational Abuse** – mistreatment or abuse by a ‘regime’ within an institution or service, a rigid and imposed routine or any care/support that is delivered in a way that suits the needs of the organisation or staff team rather than the person being supported. Also lack of resources, lack of dignity and respect for service users.
- **Domestic Violence and Abuse** - “any incident of threatening behaviour, violence or abuse between adults who are or have been in a relationship together, or between family members, regardless of gender or sexuality” This includes any violent or abusive behaviour, whether physical, sexual, psychological, emotional, financial, or verbal, which is used by one person to control and dominate another with whom they have had an intimate or family-type relationship. This includes so called ‘honour’ based violence. Forced marriage would be included in this category of abuse. A forced marriage *‘is a marriage where one or both people do not (or in the case of some people with learning or physical disabilities, cannot) consent to the marriage and pressure or abuse is used.’*
- **Modern slavery** – including human trafficking, forced labour and domestic servitude (further information available in the Group’s Modern Slavery policy).
- **Self-neglect** – whilst this is not a direct form of abuse as it is not “perpetrated by another” there is still a ‘duty of care’ to be aware of how to respond and support the person who is self-harming. This could also include self-neglect which is characterised by an inability to meet one’s own basic needs, hoarding and failure to maintain property in a safe condition which can be intentional or unintentional. Where there is serious risk to the health or well-being of an adult with care and support needs, it may be appropriate to raise self-neglect as a Safeguarding concern.

In addition to the categories above as prescribed by the Care Act 2014 there are other emerging concerns, and these are also detailed below.

**Radicalisation** - The Longhurst Group recognise that adults with care and support needs may be susceptible to exploitation and radicalisation. To support the Government, PREVENT strategy, The Longhurst Group are aware of the role frontline staff could have, in identifying signs that someone may be being drawn into terrorism.

To this end The Longhurst Group will ensure staff are briefed on:

- recognising vulnerability (to radicalisation)
- raising concerns (through existing Safeguarding procedures)
- supporting the service user through effective multi-agency working

The Designated Safeguarding Lead will advise and oversee referrals to the local Channel Police Practitioner for consideration and response. Channel is a national Home Office

Safeguarding project which aims to prevent adults from being drawn into [violent] radicalisation or becoming involved in terrorist related activity.

Managers will ensure that basic awareness is cascaded to frontline staff through discussion, literature, and access to training.

**Hate Crime** – A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim’s:

- disability
- race
- religion or belief

- sexual orientation
- transgender identity

Hate crime can take many forms including:

- physical attacks such as physical assault, damage to property, offensive graffiti, and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, messages or internet postings, groups hanging around to intimidate and unfounded, malicious complaints

**Mate crime** - i.e. where someone befriends a person at risk deliberately to take advantage of them. As the person may be isolated or alone, they are often grateful to have a new 'friend' and not realise they are being exploited.

**Antisocial Behaviour** - people who fall within the definition of 'at risk' (also referred to as 'vulnerable') are likely to be less able to cope with what may traditionally be regarded as low-level harassment/antisocial behaviour. We must never underestimate the impact of low-level abuse on people at risk and always treat this seriously. For example, antisocial behaviour against someone with a learning disability should be regarded as a disability hate crime.

## Appendix C

### Sources of further information and national guidance

- Adult Safeguarding: Multi-agency Policy & procedures for the protection of adults with care & support needs in the West Midlands. (working draft 1.4.15).
- Care and Support Statutory Guidance Issued under the Care Act 2014. Department of Health (October 2014) including Mental Capacity Act 2005.
- Care Quality Commission [2014] Fundamental Standards, London: CQC.
- Department of Health [2005] The Mental Capacity Act 2005.
- Department of Health [2008] Mental Capacity Act 2005: deprivation of liberty safeguards code of practice to supplement the main mental capacity act 2005 code of practice, London: DH.
- Department of Health [2011] statement of Policy on Safeguarding Adults.[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_126748](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_126748).
- Department for Constitutional Affairs [2007] Mental Capacity Act 2005: code of practice, London: TSO.
- Law Society - Deprivation of Liberty: A practical guide (April 2015).
- Social Care Institute of Excellence [2012] Adults' Services Report 60 - Safeguarding adults: multi-agency policy and procedure for the West Midlands (July 2012).
- Social Care Institute of Excellence: Adult Safeguarding Practice questions (March 2015).
- Social Care Institute of Excellence: Mental Capacity Act resource.

## Appendix D

### Safeguarding Principles

The Longhurst Group recognises the importance of the 'Making Safeguarding Personal' agenda which places the wishes of the individual at the centre of safeguarding activities.

The Government has issued a policy statement on adult safeguarding which sets out six principles for safeguarding adults. Whilst not legal duties, these do represent best practice and provide a foundation for achieving good outcomes and have been endorsed by the Care Act 2014:

- **Empowerment** – presumption of person led decisions and informed consent
- **Prevention** – it is better to take action before harm occurs
- **Proportionality** – proportionate and 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 abuse
- **Accountability** – accountability and transparency in delivering safeguarding

## Appendix E

### Overriding the need for consent in adult safeguarding concerns

Where an adult has the capacity to consent to a safeguarding referral being made, but declines, there are circumstances under which a referral may be undertaken without consent.

- It is believed there is a serious risk to the individual's wellbeing and safety;
- Other adults or children are, or may be, at risk;
- A serious crime has been committed;
- Sharing the information could prevent a serious crime;
- The alleged perpetrator has care and support needs and may also be at risk ;
- Staff/colleagues are implicated;
- The adult has the mental capacity to make that decision but they may be under duress, fearful of reprisals or being coerced;
- A court order or other legal authority has requested the information.

As far as practicable, when consent is to be overridden the adult at risk will be made aware and given the rationale for this decision unless it is believed that doing so could increase risks to the individual.

The adult must be informed that a safeguarding referral has been made, unless it is unsafe or impractical to do so.