



Safeguarding Adults from Abuse

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Name of originator/author:	Angela Duce
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1. Introduction

Harpenden Mencap regards the safeguarding and protection of the people we support to be of the highest priority. Everyone has the right to live a life that is free from harm and abuse and Harpenden Mencap alongside its commissioning partners are committed to ensuring an environment within its services which is free from abuse, harassment, violence and aggression. Adult abuse can happen to anyone, anywhere at any time, and responsibility for recognising, reporting and recording lies with us all.

Safeguarding is not the responsibility of one person or one organisation. It is **'everybody's responsibility and everybody's business'** which includes staff, visitors, trustees, volunteers, commissioners and students.

Everyone working for, or on behalf of Harpenden Mencap must be able to recognise, respond and act efficiently and proportionally when abuse or neglect occurs, is witnessed or suspected.

Harpenden Mencap will ensure the guidance within the Care Act 2014 statutory guidance (which replaces the 'No Secrets' guidance) and the Hertfordshire Safeguarding Adults Board (HSAB) policy is integrated within this organisational policy and available to all staff. This will help to ensure Harpenden Mencap raises and keeps the awareness of all its staff, trustees and volunteers on 'Safeguarding' in everything they do and ensures Harpenden Mencap and its employees work in a collaborative manner with other agencies and individuals to 'safeguard adults at risk'.

2. Policy Statement

This safeguarding policy sets out the:

- principles and values underlying Harpenden Mencap's approach to the safeguarding of people we support;
- ways in which the organisation does this
- steps taken to avoid abuse/harm taking place
- actions taken to deal with abuse/harm if it occurs
- how it learns from incidents of abuse to prevent reoccurrence.

Harpenden Mencap works on the principle that it is the right of vulnerable people receiving care to be kept safe from all forms of abuse/harm. Being and feeling safe will contribute a great deal to their wellbeing and quality of life. It therefore recognises that it must at all times protect people receiving care and identify and deal with specific instances of abuse/harm if they occur, following the required procedures and best practice guidance.

Harpenden Mencap aims to provide the very best quality of care and will not be satisfied with anything that falls short of this. We take every possible action to prevent abuse/harm and associated risks and to deal with the issues as promptly and effectively as possible when they arise.

Harpenden Mencap recognises that the people we support who lack mental capacity are particularly vulnerable to abuse/harm and exploitation. We are mindful of the need to follow the principles and practice guidance that has accompanied the Mental Capacity Act 2005. These apply particularly to investigations of possible abuse/harm in which it is important to seek means of ascertaining the experiences and views of any victim or indeed alleged perpetrator who might lack capacity, eg through the services of independent advocates.

3. Principles and Values

Harpenden Mencap shares and is committed to the vision of the Hertfordshire Safeguarding Adults Board (HSAB) and the guidance within the Care Act 2014 which empowers and protects adults who are at risk of abuse and neglect. Our policy is based on the **Six Principles of Safeguarding** that underpin all adult safeguarding work:

Table 1 - Six Principles of Safeguarding

Principle	Description	Person's view
Empowerment	Adults are encouraged to make their own decisions and are provided with support and information.	I am consulted about the outcomes I want from the safeguarding process and these directly inform what happens
Prevention	Strategies are developed to prevent abuse and neglect that promotes resilience and self – determination.	I am provided with easily understood information about what abuse is, how to recognise the signs and what I can do to seek help
Proportionality	A proportionate and least intrusive response is made balanced with the level of risk.	I am confident that the professionals will work in my interest and only get involved as much as needed.
Protection	Adults are offered ways to protect themselves, and there is a co-ordinated response to adult safeguarding	I am provided with help and support to report abuse. I am supported to take part in the safeguarding process to the extent to which I want and to which I am able.
Partnerships	Local Solutions through services working together within their communities	I am confident that the information will be appropriately shared in a way that takes into account its personal and sensitive nature. I am confident that agencies will work together to find the most effective responses for my own situation.
Accountability	Accountability and transparency in delivering a safeguarding response.	I am clear about the roles and responsibilities of all those involved in the solution to the problem

4. Roles and Responsibilities

4.1. Chair of Trustees

On behalf of the Board of Trustees, the Chair is responsible for ensuring that Harpenden Mencap Society is compliant with Safeguarding legislation as set out in the Care Act 2014 by:

- Ensuring that there is a fit-for-purpose and up-to-date Safeguarding Policy in place;
- Nominating a trustee to oversee safeguarding matters and who is up to date with the current legislation;
- Liaising with the CEO to ensure effective management of safeguarding;
- Ensuring that the Board of Trustees understand and discharge their legal responsibilities to those employed by Harpenden Mencap.

4.2. Chief Executive Officer (CEO)

As the most senior representative of Harpenden Mencap the CEO is the lead for all safeguarding matters on a day to day basis by:

- Promoting a culture where adults we support are protected from abuse;
- Ensuring effective organisational arrangements for recruitment and selection of staff and volunteers;
- Ensuring effective arrangements for the training, development and supervision of staff and volunteers that promotes a culture where adults are protected from abuse;
- Ensuring that action is taken in all cases of suspected or actual abuse;
- Ensuring that Managers uphold their responsibilities in recording, informing and monitoring the safety of the people they support by providing regular 1:1 and group supervision;
- Provide assurance to the trustee board on safeguarding matters.

4.3. Registered Managers and Senior Staff

The Registered Managers are responsible and accountable to the CEO, providing expertise in their area and speciality which includes the safeguarding of the people we support. They will:

- Ensure compliance with the HSAB and Harpenden Mencap's policies and procedures for safeguarding adults at risk of abuse;
- Foster a culture and ethos that is hostile to any type of abuse or harm;
- Ensure that recruitment procedures are fully adopted to minimise the risk of potential or actual abusers;
- Ensure that all staff are inducted and trained annually in safeguarding procedures;
- Take the lead role in safeguarding the adults we support through ensuring the quality of the service provided, the supervision and training of staff and responding to concerns about adults at risk;
- Informing the CEO when they suspect or are made aware of any potential abuse or neglect and to ensure that action is taken swiftly in line with the HSAB policy;
- Effectively monitor and record safeguarding issues, alerts and concerns.
- Seek feedback from staff under their responsibility on safeguarding matters and areas of concern;
- Ensuring that the people we support are empowered and are aware of their rights to live without fear of abuse;
- Notify the Care Quality Commission of all instances of abuse, alleged or suspected abuse using the CQC's online reporting system.

4.4. Staff and Volunteers

Staff and volunteers need to be aware that safeguarding is everyone's business and responsibility. All staff and volunteers must:

- treat people receiving care with sensitivity and respect at all times;
- never engage in any abusive/harmful action in relation to people receiving care;;
- report anything they witness which is or might be abusive/harmful;
- co-operate in every possible way in any investigation into alleged abuse;
- participate in training activities relating to abuse/harm and protection from harm.

4.5. Safeguarding Champion

In line with best practice, the each service has a safeguarding lead or "champion", who provides a one-stop point of contact for addressing initially all safeguarding concerns in the service and in

corresponding and communicating with external agencies, particularly the local authority adult safeguarding team. The name of the champion is prominently displayed in each service.

5. Safe Recruitment Practices

Harpenden Mencap takes great care in the recruitment of staff, carries out all possible checks on recruits to ensure that they are of a high standard, and co-operates in all initiatives regarding the sharing of information on care workers who are found to be unsuitable to work with people at risk.

The home ensures that new employees employed in regulated activity have been checked against Disclosure and Barring Service (DBS) criminal records and barred lists in line with the current requirements.

6. Defining Abuse

Harpenden Mencap works to definitions of abuse that have been developed nationally and included in the Care Act 2014 statutory guidance and which have been adopted locally. It recognises that abuse/harm of people using services may take many forms including:

- actual physical abuse/harm;
- social abuse, including bullying, cyberbullying, harassment and personal exploitation;
- social isolation/scapegoating/ostracism/stigmatisation;
- financial or material exploitation/abuse/harm;
- psychological or emotional abuse/harm;
- sexual abuse/harm/exploitation;
- neglect and acts of omission;
- discriminatory abuse/harm;
- self-harm, including self-neglect;
- inhuman or degrading treatment;
- inappropriate or excessive restraint and restrictions on movement and activities;
- organisational abuse/harm.

There are also various forms of antisocial behaviour that intentionally or unintentionally can result in being abused or harmed. These include general rowdiness, creating lots of noise, keeping people awake, interfering and invasions of people's privacy.

The scope of local authority statutory safeguarding responsibilities includes domestic abuse and violence, modern slavery, female genital mutilation and forced marriage as forms of abuse that will need to be addressed by the organisation if it has evidence that any person using services was experiencing any of these forms of abuse..

7. Preventing Abuse

Harpenden Mencap is committed to taking all possible steps to prevent the abuse or harm of people receiving care including:

- setting out and making widely known the procedures for responding to suspicions or evidence of abuse/harm;
- operating HR policies which ensure that all potential staff involved in regulated activity are rigorously checked, by the taking up of references and clearance through DBS criminal records and barred list checks, with equivalent checks for staff employed from overseas;
- incorporating material relevant to abuse/harm into staff training at all levels;

- maintaining vigilance concerning the possibility of abuse/harm of people receiving care and support from any source;
- encouraging among staff, people receiving care and all other stakeholders a climate of openness and awareness that makes it possible to pass on concerns about behaviour that might be abusive or that might lead to abuse/harm;
- devising systems that minimise the risk of abuse of people receiving care and support by others by understanding and dealing appropriately with any form of aggression;
- maintaining effective procedures for regulating any contact the staff need to have with the property, money or financial affairs of people receiving care;
- communicating any concerns to Hertfordshire Safeguarding Adults Board;
- helping people receiving support and care as far as possible to avoid or control situations or relationships that would make them vulnerable to abuse/harm;
- having a clear whistleblowing policy (Freedom to Speak Up) that informs staff of their rights and responsibilities when reporting concerns to management or an appropriate outside agency.

8. Identifying Actual or Possible Abuse

Harpenden Mencap will identify any instances of actual or possible abuse/harm of people receiving care by all possible means including:

- fostering an open and trusting communication structure so that staff, people we support and others feel able to discuss their concerns with someone authorised to take action;
- ensuring that all staff and the people we support know whom they may turn to for advice and action if they become aware or suspect that abuse/harm is occurring;
- encouraging staff to recognise that a commitment to the highest possible standards of care must, when necessary, overrule loyalty to colleagues individually or corporately;
- making it clear to staff that failing to report incidents or suspicions of abuse is itself abusive and may lead to disciplinary or criminal proceedings;
- operating systems of management, supervision, internal inspection and quality control that have the potential to reveal abuse/harm where it exists.

9. Procedures following Actual or Suspected Abuse

If abuse/harm is clearly occurring or is alleged to have occurred, Harpenden Mencap takes swift action to limit the damage to the people we support and to deal with the abuse, as follows.

9.1. Initial procedures

A staff member who witnesses a situation in which a person receiving care or support is in actual or imminent danger must use their judgement as to the best way to stop what is happening without further damage to anyone involved including themselves.

It is not possible to be prescriptive about this because the circumstances might be different in each case. The staff member could act by immediately intervening personally or by summoning help from the nearest source, which could be from spectator or colleague, use of a panic alarm, phoning a line manager or 999.

The service will carry out risk assessments so that it has contingency plans for responding to the more likely events or when anyone is most likely to be in danger from acts of harm. Staff will be trained in emergency procedures, for example, in responding to violent behaviour.

Any staff to whom actual or suspected abuse/harm is reported — usually the manager or a senior staff member — must immediately take any further action necessary to provide protection, support or additional care to a person who has been harmed

The manager will discuss with the known or suspected abused/harmed person what actions they consider to be appropriate. In some circumstances, the person might not wish any action to be taken or agree to a referral being made on their behalf.

In such cases, the manager will consider whether there are reasons for overriding the person's wishes, eg because it is in the public interest and to prevent further harm. This could include seeking advice from the Hertfordshire Safeguarding Adults Board.

Any "victim" whom it is thought might lack mental capacity to give their consent for the abuse/harm to be reported will be assessed for their capacity to decide and a "best interests" decision will be taken in line with Mental Capacity Act procedures.

9.2. Referring incidents of abuse or of alleged abuse

Once a person has consented to further action being taken, or for someone unable to give their consent it has been decided that it is in their best interests to do so, the senior staff member or manager (or whoever has authority at the time) will then alert the local authority through the online portal and follow its procedures and guidance from that point on. This could involve a strategy meeting and an action plan to be implemented from the strategy meeting.

The specific procedures to be followed and referral forms are those available on the HSAB website at [Report a Concern](#). In some instances, the registered manager/person responsible for safeguarding might need to report the matter directly to the police and take guidance from them on the measures to be taken. When referring incidents of abuse or alleged abuse:

- The registered manager must ensure that there is no further risk of the victim being abused/harmed by the alleged or suspected perpetrator;
- The registered manager must address the needs of the alleged victim of the abuse/harm for any special or additional care, support or protection or for checks on health or wellbeing as set out in the person's safeguarding plan;
- If the alleged abuser is a staff member and there is sufficient evidence that abuse/harm has or might have occurred, the manager will suspend the person from duty pending the outcome of a disciplinary investigation;
- The manager will receive guidance on the steps to be taken following the local safeguarding adults authority strategy meeting, which will be held following the reporting of the abuse or suspected abuse/harm;
- If the evidence is insufficiently strong to warrant suspension, the staff member against whom the allegation has been made will be instructed not to have further unsupervised contact with any people using services until the matter is resolved.

It should be noted that in the event of a referral being made to the police because a criminal offence might have been committed the police investigation will take precedence and no action should be taken that might jeopardise its enquiries, which might contaminate the evidence it is seeking and collecting.

9.3. Enquiring into alleged abuse

Enquiries are based on a person-centred approach in which the wellbeing of the victim or alleged victim is the central focus of all the activities involved. In many cases, an investigation will be carried out or led by a member of an external agency in line with the action plan determined by the initial strategy meeting convened by the local SAB. If a staff member is expected to carry out an investigation, the following guidance should be followed.

- The person appointed to make the enquiries will usually consult the person who may have been abused/harmed to hear their account of what has occurred and their views about what action should be taken, involving the person's relatives, friends or representatives if that is appropriate and in line with the wishes of the person receiving care.
- The enquiries should take into account:
 - the fears and sensitivity of the abused/harmed person
 - any risks of intimidation or reprisals
 - the need to protect and support witnesses
 - any confidentiality or data protection issues
 - the possible involvement of other agencies, including the police, local safeguarding team and the CQC
 - the obligation to keep the abused/harmed person and in specific instances the alleged perpetrator informed on the progress of the investigation.
- It will be important to assure the person who may have been abused/harmed that they will be taken seriously, that the comments will as far as possible be treated confidentially, that they will be protected from reprisals and intimidation, and that they will be kept informed of actions taken and of the outcome.
- It will be important to consider if the person needs independent help or representation, including the services of an independent advocate, in presenting their evidence and, in conjunction with the registered manager if necessary, will arrange for the appropriate help or support to be made available.
- If the abused/harmed person expressly states a wish that no further action should be taken, the investigating officer will consider whether:
 - a danger to others exists from not investigating further
 - in the light of that assessment it is possible to follow the person's wishes
 - in any case precautionary measures should be taken to protect others from the possibility of abuse from the same source.

The person will be informed of what is to happen.

- If it is decided that an investigation should proceed, the investigating officer will, as discreetly and confidentially as possible, look into all aspects of the situation.
- The enquiry could include interviewing the staff involved in the incident or circumstances up to that point, hearing and assessing evidence from any others who might be in a position to supply information, exploring every other possible source of evidence, maintaining appropriate contact with any other agencies involved, and if necessary seeking expert advice on any technical aspects of the situation which are outside the knowledge or expertise available within the organisation.
- Any staff from whom evidence is taken will be assured that they will be dealt with in a fair and equitable manner and informed of their employment, legal and procedural rights.

- The alleged victim of the abuse/harm, and where appropriate their relatives, friends or representatives, will at all times be kept as fully informed as possible of what is happening regarding the suspected abuse/harm.
- The investigation will be carried out within an agreed timescale.
- The findings will usually be presented to the local safeguarding adults strategy group, which will then decide what further action to take, eg that a safeguarding plan should be developed and implemented.

9.4. Following the Enquiry

If it seems from the enquiries that on the balance of probabilities abuse/harm did indeed take place, the manager will, if the abuser is a staff member, initiate and carry through proceedings according to Harpenden Mencap's disciplinary policy or, if the abuser is not a member of staff, take action to involve other responsible bodies.

If abuse/harm is proved against a care staff member, the manager will initiate appropriate action, which most likely will be dismissal and referral to the DBS to prevent them from being employed further in regulated activity. Other employment sanctions could apply depending on whether there might have been mitigating or extenuating circumstances. In some cases, retraining could be appropriate.

The person receiving care or representatives will be informed of the outcome of the investigation and any further action and will be consulted about whether any redress or apology would be appropriate and helpful to them in line with the service's duty of candour.

The manager will take appropriate steps to inform the DBS for possible inclusion of the person on its barring lists as someone who is unsuitable to work again in regulated activity with at-risk adults and/or children.

Where relevant to the resolution of the situation, a plan will be drawn up to address the issues with the alleged or known perpetrator(s), particularly if they will be continuing to form part of the victim's life, directly or indirectly.

At all stages of the process, a careful record will be kept of all actions taken, paying particular attention to the sensitivity of the abused/harmed person.

9.5. Planning further action

At the end of an incident involving possible or actual abuse/harm, managers should review what has happened with a view to assessing whether the home or its management has been in any way culpable, ineffective or negligent, learning lessons for the way the Harpenden Mencap should operate in the future, and passing on any appropriate information to other agencies.

If necessary the Harpenden Mencap will review and revise the organisation's policies, procedures and training arrangements in response to any material that has emerged from the incident or the investigation. This may be carried out with advice and guidance from the HSAB.

Through regular audits, Harpenden Mencap will review its care records to identify hidden or outstanding safeguarding concerns, for which further action is required.

10. Record Keeping

Harpenden Mencap ensures that all details associated with allegations of abuse/harm are recorded clearly and accurately. The records are kept securely and the home's rules on confidentiality are

carefully followed. Reports are made as required to the CQC and other safeguarding agencies involved. There is an auditing schedule for all relevant safeguarding records.

11. Referrals to DBS Barred Lists

Harpenden Mencap always complies with its legal requirement to refer a support worker, where it has evidence that the staff member in question has been guilty of misconduct by harming or putting at risk of harm a person receiving care or other person at risk, during the course of their work, to the DBS barred lists following the procedures issued by the DBS.

12. Training

All staff receive training in recognising abuse or harm and carrying out their responsibilities under this policy as part of their induction programme and further training in line with their training needs as identified from their supervision and appraisals and policy developments and changes. The training is updated on a regular scheduled basis at least annually.

All training, including induction training, is in line with the guidance and standards produced by the relevant social and health care workforce development organisations and the local safeguarding authority training policies and NICE NG189 (2021) guidance.

Harpenden Mencap's safeguarding training strategy aims to ensure that:

- Staff new to care work must achieve Standard 10: Safeguarding Adults and Standard 11: Safeguarding Children to achieve the Care Certificate;
- Other new staff will have a baseline training level, which is at least the equivalent of the Care Certificate standards 10 and 11 from previous or current induction training;
- Harpenden Mencap will check organisational knowledge and competencies to ensure it meets the required standard and provide additional training if needed;
- All staff receive training to ensure that they are familiar with Hertfordshire Safeguarding Adults Boards policies and procedures;
- All staff following induction are expected to achieve a standard of competence that is at a Level 2 award and/or a multi-agency (Level 3) training in safeguarding;
- Managers and staff responsible for safeguarding will receive Specialist Safeguarding Training (Level 4) and, where appropriate, to their roles and responsibilities, achieve the Multi-agency Safeguarding Leaders Development Programme (Level 5).
- The registered managers will include the Safeguarding unit (LMAC5C/S) in their Level 5 Diploma in Leading and Managing Adult Care Service.

Contact Details

Harpenden Mencap

Telephone: 01582 460055

Email: office@harpendenmencap.co.uk

Hertfordshire County Council

Telephone: 0300 123 4040

Website: www.hertfordshire.gov.uk

Urgent social care referral

If someone is at immediate risk of harm or care arrangements have broken down and they require an urgent response:

Telephone: **0300 123 4042.**

Lines are open 24 hours a day.

Care Quality Commission

Telephone: 03000 616 161

Website: www.cqc.org.uk/contact-us