

Safeguarding Policy & Procedural Guide – Adults

At The Joy in Simple CIC we are committed to keeping people safe from harm, this includes our staff, facilitators, volunteers and participants.

If you or someone else is in immediate danger always phone 999.

Below are our safeguarding policies, please note, this deals with sensitive subject matter. Please be sure to seek support if the following causes you any distress.

Values

The Joy in Simple recognises the value of individuals in their unique life situation. We firmly believe that all individuals should be treated with dignity, respect and compassion. Our desire is for each individual to be given every opportunity to develop and recognise their own positive value and sense of self worth.

The Joy in Simple Safeguarding Statement

The Joy in Simple believes that all individuals have the right to live a life free from exploitation, harm and mistreatment, the right to feel and to be safe. The Joy in Simple will seek to ensure that all of its programmes and staff/volunteers promote this, creating an environment where all individuals are protected from abuse. If abuse occurs, or is suspected or alleged, The Joy in Simple will respond with speed, sensitivity and with our focus on protecting anyone at risk from further harm. We will ensure that all staff and volunteers are trained to be competent and feel confident in dealing with safeguarding issues.

Rationale

The Joy in Simple recognises that abuse of children or 'vulnerable adults' can occur in our society. Therefore it is acknowledged that our staff and volunteers may come across issues of abuse at some point during their work. As an organisation we recognise that we have a duty of care towards those who join our programmes/workshops. It is the responsibility of each individual within The Joy in Simple to work in a way that safeguards and promotes the wellbeing of all who participate at all times. We will do this by taking all reasonable measures to ensure the risks of mistreatment and abuse are minimised.

1. Introduction

The Safeguarding Adults at Risk Policy and Procedure represent The Joy in Simple's commitment to safeguard adults at risk of harm.

The policy and procedure apply to ALL Joy in Simple staff and volunteers. They represent The Joy in Simple's commitment to:

- working together with other agencies to prevent and protect adults at risk of abuse
- empower and support people to make their own choices
- investigate actual or suspected abuse or neglect
- support adults and provide programmes/workshops to adults at risk who are experiencing exploitation, abuse or neglect

2. Context

Unlike Child Protection, there is no statutory protection for, or definition of adults at risk of abuse.

There is a presumption that adults have the mental capacity to make informed decisions about their lives. If someone has been assessed as not having mental capacity, then decisions should be made in their best interests as set out in the Mental Capacity Act 2005.

Adults at risk should be given information, advice and support in a form they can understand and have their views included when decisions are being taken about their lives. All decisions taken about another person's life should be timely, reasonable, justified, proportionate and ethical.

- All staff have a duty to report any concerns or suspicions that an adult at risk is being, or is at risk of being, abused.
- Actions to protect the adult from abuse should always be given a high priority by all organisations involved. Concerns or allegations should be reported without delay and given high priority.
- The Joy in Simple will work to safeguard adults at risk, making their dignity, safety and wellbeing a high priority.
- All staff have a duty to understand their role and responsibilities in regard to this policy and procedure.
- Every effort should be made to ensure that adults at risk are afforded appropriate protection under the law.

Safeguarding Policy – Continued

3. Definitions

'Adult at risk'

'Adult at risk' means adults who need community care services because of mental or other disability, age or illness and who is, or may be, unable to take care of themselves against significant harm or exploitation.

An adult at risk may therefore be a person who:

- is unable to look after their own wellbeing, property, rights or other interests
- misuses substances or alcohol
- has a learning disability
- has a physical disability and/or a sensory impairment
- has mental health needs including dementia or a personality disorder
- has been groomed, trafficked or exploited
- has a long term illness or condition
- is in need of care and support but is unable to demonstrate the capacity to make an informed decision about themselves
- is elderly and frail due to ill health, physical disability, or cognitive impairment

Actions to protect the adult from abuse should always be given high priority. The dignity, safety and wellbeing of an individual should be a priority within any action taken.

In the context of safeguarding adults, the extent to which the adult is at risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort, and to protect themselves from abuse, neglect and exploitation. It is important to note that people with capacity can also still be 'at risk'.

It is always essential in safeguarding to consider whether the adult at risk is capable of giving informed consent. If they are, their consent to any course of action should be obtained. This may be in relation to whether they give their consent to:

- an activity that may be abusive – if consent to abuse or neglect was given under duress, for example, as a result of exploitation, pressure, fear, intimidation – this apparent consent should be disregarded.
- A Safeguarding Adults investigation going ahead in response to a concern that has been raised. Where an adult at risk with capacity has made a decision that they do not want action to be taken and there are no public interest considerations, their wishes must be respected. The person should be given information and have the opportunity to consider all the risks and fully understand the likely consequences of their decision over the short and long term.
- If after discussion with the adult at risk who has mental capacity, they refuse any intervention, their wishes must be respected unless:
- there is a public interest – eg not acting will put other adults or children at risk
- there is a duty of care to intervene eg a crime has been, or will be, committed

We recognise that there are often complex issues and factors that many of the individuals may have experienced throughout some point in their lives. Such factors should be taken into consideration when looking at who an adult at risk may be.

At all times The Joy in Simple will consider the welfare of the Adult at Risk to be of high importance. We are committed to achieving this by:

- believing and promoting that all individuals have the right to be able to live their lives free from exploitation, fear, abuse, harm or degrading treatment. All individuals have the right to protection from any such mistreatment and harm.
- believing and promoting that all individuals have the right to make choices and that their right to independence is actively encouraged. We acknowledge that such choices may at times involve an element of risk and taking all reasonable measures to ensure risks are minimized wherever possible.
- being committed to respecting equal opportunities, anti-discriminatory practise and diversity issues.
- all staff and volunteers are required not to share any private information or photos in any context.
- Ensuring that the law and statutory requirements which relate to adults at risk are known and put into practice.
- Safe recruitment, supervision and training for all those working with adults at risk within The Joy in Simple.

'Abuse'

'Abuse' is an emotive term and can be subject to interpretation, The Joy in Simple recognises that abuse can be "a violation of an individual's human and civil rights by any other person or persons" ("No Secrets", Department of Health 2000).

Abuse may be:

- A single or repeated act
- An act of neglect; lack of appropriate action taking place
- Multiple acts; an adult at risk may be neglected and also financially abused

Safeguarding Policy – Continued

'The Abuser'

It is important to recognise that the 'abuser' could be anyone, including friends, relatives, family members, other Service Users, professional paid staff, volunteers and persons unknown to the adult at risk. They may also themselves be an adult at risk.

'Exploitation'

Exploitation is exerting undue influence or forcing an adult at risk to perform services for the benefit of others.

'Significant Harm'

The Law Commissioner's Green Paper 'Who Decides' 1997 builds on the concept introduced in the Children Act, 1989 and suggests:

"Harm should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment that are not physical); but also the impairment of, or an unavoidable deterioration in physical or mental health, and the impairment of physical, intellectual, emotional social or behavioural development."

'No Secrets' also uses the concept of significant harm. This refers to:

- ill treatment
- impairment of physical or mental health
- impairment of physical, intellectual, emotional social or behavioural development

'No Secrets' puts forward the following factors to be taken into account when making an assessment of the seriousness of the risk to the person:

- vulnerability of the person
- nature and extent of the abuse or neglect
- length of time the abuse or neglect has been occurring
- impact of the alleged abuse
- impact of the alleged abuse
- risk of repeated or increasingly serious acts of abuse or neglect
- risk that serious harm could result if no action is taken
- illegality of the act

4. Categories of abuse: signs and possible indicators

Physical abuse

Is the physical mistreatment or non-accidental injury of an adult. Some possible signs of abuse are detailed as follows:

- slapping
- kicking
- punching
- shaking
- bruising
- burns
- cutting

Indicators of possible physical abuse may include, but are not limited to:

- an injury not fitting the explanation given
- unexplained or unusual fractures in various stages of healing
- bruises or burns in the shape of objects e.g. cigarette burns, belt buckles or water
- bruising in well protected areas e.g. behind the ears, on face, inside of the upper arms or thighs, buttocks, breasts, genital or rectal area
- lacerations
- unlawful or inappropriate use of restraint and/or deprivation of liberty is physical abuse

Neglect or acts of omission

This includes deliberate refusal to meet basic needs. Signs of neglect can include individuals experiencing the following:

- lack of choice, denied diversity
- poor judgemental attitudes
- derogatory terms used about the adult or their situation
- failure to ensure appropriate privacy and dignity
- poor surroundings e.g. neglect of repairs, inadequate heating
- over or under protective practices

Safeguarding Policy – Continued

Behaviour that can lead to neglect includes:

- ignoring medical or physical needs
- failing to allow access to appropriate health, social and educational services

Indicators of possible neglect or omission may include, but are not limited to:

- Loss of weight
- Clothing in a poor condition
- failure to access appropriate health, educational services or social care

Unintentional neglect could result from a professional failing to meet the needs of the adult at risk because they do not understand the needs or may not know about the services available. It may also occur if the individuals are unaware of or do not understand the possible effect of the lack of action on the adult at risk.

Psychological or emotional abuse

This includes threats of harm, abandonment, isolation or humiliation which may result in the adult feeling in low mood, undervalued and perhaps unnecessarily dependant.

Some ways in which psychological/emotional abuse can take the form of are detailed below:

- failure to respond adequately to emotional needs
- failure to protect from the emotional abuse of others
- harassment or humiliation (bullying)
- intimidation
- failure to meet cultural requirements
- unreasonable demands
- denial of choice
- controlling or creating over dependence
- verbal abuse
- cyber bullying
- mental distress
- negating the right of the adult at risk to make choices and undermining their self esteem
- isolation and over dependence

Indicators of possible psychological or emotional abuse may include, but are not limited to:

- low self esteem
- tearfulness
- alteration in psychological state e.g. may appear to be withdrawn, agitated or anxious in general
- aggressive or challenging behaviour
- attention seeking behaviour
- self harm
- depression
- insomnia
- unexplained paranoia

Sexual abuse

This is the involvement of any individual in any sexual activity to which they either cannot or have not given their consent or does not truly comprehend and so cannot give consent. Or where the other party is in a position of trust, power or authority and uses this to override or overcome lack of consent. Sexual abuse includes:

- rape or sexual assault
- inappropriate touching
- sexual intercourse/buggery or attempted sexual intercourse/buggery
- inflicting pornography on an individual
- offensive or inappropriate language including sexual innuendos and sexual teasing

Indicators of possible sexual abuse may include, but are not limited to:

- change in usual behaviour
- overt sexual behaviour/language
- bleeding or pain in the genital/rectal area
- disturbed sleep pattern
- torn, stained or bloody underwear
- self-harming

Safeguarding Policy – Continued

Financial or material abuse

This can be considered as unauthorised extraction of the adult at risk's resources or their resources being withheld or misused by someone else and including:

- misuse, embezzlement or theft of a person's money, property or possessions
- failing to account satisfactorily for the use of a person's money, property or possessions, fraudulent use of money
- extortion of money, property, possessions through theft

Indicators of possible financial or material abuse may include, but are not limited to:

- lifestyle does not reflect known income
- unexplained withdrawals from account
- unexplained/sudden inability to pay service charge/bills etc.

Financial abuse is a crime.

Discriminatory abuse

The inappropriate treatment of an adult at risk because of their age, gender, race, religion, cultural background, sexuality, disability, etc. Discriminatory abuse exists when values, belief or culture result in a misuse of power that denies opportunity to some groups or individuals. Discriminatory abuse links to all other forms of abuse and can include:

- unequal treatment
- inappropriate use of language:
 - racist remarks
 - sexist remarks
 - derogatory remarks or verbal abuse
 - comments about disability
 - bullying or other forms of harassment
 - deliberate exclusion

Indicators of possible discriminatory abuse may include, but are not limited to:

- inappropriate remarks or comments
- lack of respect shown to people
- staff member/volunteer may avoid being with certain groups of people

Institutional abuse

Institutional abuse is the mistreatment or abuse or neglect of an adult at risk by individuals within an organisational setting where routines, systems and practices result in denying, restricting or curtailing the dignity, privacy, choice, independence or fulfilment of an adult at risk. A number of inquiries into institutional abuse have shown that abuse is most likely to occur when staff:

- receive little support from management
- are inadequately trained
- are poorly supervised
- receive inadequate guidance

5. Responsibilities

Duty of care

All staff & volunteers of The Joy in Simple have a 'duty of care' towards those who participate in our programmes/workshops. This means taking action whenever there is a concern of possible mistreatment or abuse to an adult at risk. The procedural guidelines supporting this Policy are intended to provide a good practice framework and to support staff; staff are therefore expected to comply with them.

Failure to report any concerns may be viewed as being negligent or agreeing with the abuse, which in some cases could lead to disciplinary action.

All staff should:

- be aware that they must call the police/ambulance where appropriate
- now they must inform the appropriate safeguarding officer
- know that they must make a clear, factual record of their concern and the action taken
- to ensure that the alleged victim is safe
- to ensure that information is provided in a timely manner
- operate safe recruitment practices and ensure reference checks are made
- support staff who raise concerns

Safeguarding Policy – Continued

All staff have a crucial role in helping to identify welfare concerns and indicators of possible abuse at an early stage. The Joy in Simple and the Take 7 Simple Steps programme is committed to referring these concerns via the Nominated Safeguarding Person (NSP) to the Richmond Single Point of Access (SPA) The Nominated Safeguarding Person for The Joy in Simple and the Take 7 Simple Steps programme is Susie Bush.

6. Procedural Guide introduction

This Procedural guide has been developed to give staff and volunteers clear guidelines to cover the following areas:

- what to do in the event of witnessing, suspecting or receiving information about abuse to adults at risk of harm.
- how to raise an alert and the responsibilities of the person doing it
- factors to consider when raising an alert
- a clear framework regarding consultation with the Director and Nominated Safeguarding Person for The Joy in Simple
- guidance on recording Mechanisms.

This procedure applies to all employees and volunteers, or any other person acting in the name of The Joy in Simple.

'Alerting' refers to the duty of all staff working with adults at risk to inform The Nominated Safeguarding Person of a concern that an adult at risk has been, is being, or is at risk of being harmed.

6a. Process: responding to allegations of abuse.

Under no circumstances should a member of staff or volunteer carry out their own investigation into the allegation or suspicion of abuse.

A concern can be raised either by:

- a direct disclosure from an adult at risk
- a member of staff or volunteer, programme participant or a member of the public
- an observation of the behaviour of the adult at risk or the behaviour of another towards the adult at risk

6c. Responsibilities of a person raising an alert

The person raising an alert will do the following:

- make an immediate evaluation of the risk and take steps to ensure that the adult is in no immediate danger
- where appropriate dial 999 for an ambulance if there is a need for emergency medical treatment
- consider contacting the police if a crime has been, or may have been, committed
- do not disturb or move articles that could be used as evidence
- contact the children section if a child is also at risk
- if possible make sure that other programme participants are not at risk

6d. Responding to an adult at risk making a disclosure

Staff/volunteers should listen if an adult at risk describes or discloses apparent abuse. Staff should not prompt or ask leading questions.

It should always be explained that legal guidelines and The Joy in Simple's Confidentiality Policy require that a Director is told and that their concerns may be shared with others who could have a part to play in protecting them. Staff/ volunteers should never agree to complete secrecy or indicate they themselves will initiate an investigation.

- reassure them that they will be involved in decisions about what will happen
- do not appear shocked, angry, or disgusted. Do not be judgemental or jump to conclusions.
- do not discuss the concern with the person alleged to have caused harm, unless the immediate welfare of the adult at risk makes this unavoidable.
- make an immediate record of the time, place and details given in disclosure, completing the Disclosure Form using the exact words and language of the adult at risk. The record should be as accurate as possible, including:
 - Date and time of incident
 - Exact words used to describe incident
 - Appearance and behaviour of the adult at risk
 - Any observed injuries
 - Any witness statements
- Written records of the conversation, or noted concerns, should initially be completed within 24 hours, dated and signed.
- Concerns must be reported as soon as possible to the Nominated Safeguarding Person, Susie Bush. It is The Joy in Simple's NSP's role to deal with any allegations or suspicion of abuse reported including referring the matter on to the statutory authority.
- The NSP should discuss the concerns at the first opportunity. It is vital that full details and any evident injuries to the adult at risk be reported and a record made of the telephone conversation, e.g. time of call, who was spoken to and content of conversation: including any actions immediately undertaken by Social Care.

Safeguarding Policy – Continued

- The NSP should speak with the adult at risk to inform them about the process, explaining how they will be kept informed and supporting them to ask questions and to make their wishes and feelings known.
- All actions undertaken by The Joy in Simple staff must be fully recorded. Safeguarding records and logs will be kept in a secure, lockable, non-portable unit.

6f. Factors to consider when raising an alert

Below are some of the factors that you should consider when raising an alert.

- is there any doubt about the mental capacity of an adult at risk to make decisions about their own safety? Assume capacity unless there is evidence to the contrary (Capacity can be undermined by the experience of abuse and where the person is being exploited, coerced, groomed or subjected to undue influence or duress).
- how vulnerable is the adult at risk? What personal, environmental and social factors contribute to this?
- what is the nature and extent of the abuse?
- is the abuse a real or potential crime?
- how long has it been happening?
- what impact is this having on the individual – immediate and longer term?
- what impact is the abuse having on others?
- what is the risk of repeated or increasingly serious acts?
- is a child at risk?

6g. Getting consent at the referral stage

The mental capacity of the adult at risk and their ability to give informed consent to a referral is a significant, but not the only factor in deciding what action to take.

The test of capacity is to find out if the adult at risk has the capacity to make decisions about the referral and about their own safety, including an understanding of longer term harm as well as immediate effects and ability to take action to protect themselves from future harm.

If the adult at risk has capacity and does not consent to a referral and there are no public or vital interest considerations:

- the adult at risk should be given information about where to get help if they change their mind.
- the referrer must assure themselves that the decision by the adult at risk to withhold consent is not made under undue influence, coercion or intimidation.
- a record must still be made of the concern and the adult at risk's decision not to refer.
- a record should also be made of what information they were given.

6h. Making a decision to refer without consent

If there is an overriding public interest or if gaining consent would put the adult at risk at further risk, a referral should be made. This would include situations where:

- other people or children could be at risk from the person or situation causing harm
- it is necessary to prevent a crime
- where there is a high risk to the health and safety of an adult at risk
- the person lacks capacity to consent

The adult at risk would normally be informed of the decision to refer, unless telling them would jeopardise their safety or the safety of others.

6i. Individuals alleged to have caused harm: where this is an employee or volunteer

The NSP will liaise with police regarding the management of the risk involved.

An immediate decision has to be made whether to suspend the employee where allegations amount to gross misconduct.

Depending on the seriousness of the allegations, the staff member concerned may be suspended on full pay pending further investigations. Whether a staff member should be suspended will be determined by carrying out a risk assessment.

Suspension does not imply guilt. Suspension is a neutral act, not a sanction. Alternatives to suspension can be considered, including leave of absence, transfer of duties or additional supervision. The employee has the right to know, in broad terms, what allegations or concerns have been made about them.

Where suspension is being considered a meeting will normally be arranged with the staff member. Staff/volunteers have the right to be accompanied to the interview by a representative or a friend. The meeting is not concerned with examination of the evidence but rather an opportunity to discuss possible suspension.

Safeguarding Policy – Continued

In making the decision, it is useful to bear in mind that investigations into abuse can sometimes be lengthy, and it will be appropriate to review the suspension from time to time throughout the process.

The Joy in Simple has a duty to ensure that any staff or volunteer who has caused risk or harm is not in contact with other programme/workshop participants and others who may be at risk, e.g. whistleblowers.

6j. Support offered to staff when an allegation has been made

Whether a staff member is suspended or not, it is vitally important that staff/volunteers are supported throughout this process. The Joy in Simple will ensure that staff are supported by:

- being given the name of a work contact, usually a Director who will keep them up to date about work activities outside of the investigation. Social contact with colleagues should not be precluded unless it is considered detrimental to any investigation. The type of information and frequency of contact should be agreed between the parties. The point of contact may keep the staff member up to date with the investigation where this has been agreed with the NSP.
- offered a counselling service and/or Occupational Health.
- The Joy in Simple recognises that having an allegation made against a staff member is a very stressful situation. Staff/volunteers are strongly advised to contact their GP if they feel their health is being affected.

6k. False/unfounded/malicious allegations

Where an allegation is made against a member of staff that is clearly malicious and /or demonstrably without foundation, no suspension will occur and the decision and evidence will be recorded.

Without foundation means that there is clear evidence to show that the person making the allegation clearly misinterpreted events, or misunderstood what they saw. Alternatively, they may not have been aware of all the circumstances.

A malicious allegation is where there is a deliberate attempt to deceive and there is clear evidence of this.

However, it may be that the details of the allegation will still be referred to the Local Authority Safeguarding Adults Team as false allegations are sometimes made because abuse is occurring somewhere else in the adult at risk's life. The justification for referring or not referring will be recorded.

6l. Individuals alleged to have caused harm: where this is another programme participant

- consider liaison with the police regarding the management of risks
- consider what actions should be taken, including removing them from contact with the adult at risk
- arrangements should be put in place to ensure that the needs of the person causing harm are also met

7. Code of Conduct for our programmes

The Joy in Simple / Take 7 Simple Steps have a specific code of behaviour designed to protect participants. Our key focus is ensuring that vulnerable groups are always kept safe. We require our staff to:

- Create an environment where self-esteem, self-respect and self-confidence will grow.
- Be friendly, courteous, and kind always.
- Treat everyone with dignity and respect.
- Respect other people's privacy and boundaries.
- Communicate with others in an open and respectful way.
- Be responsible and accountable in the way a role is carried out.
- Ensure that social media/personal phone numbers are not to be shared, and photography is only allowed with the written consent, and then only used for the express purposes detailed in that consent.
- When offering programmes at an external venue (e.g., LiveWell Kew) adhere to that venue's appropriate policies, procedures, and rules.
- Not act fraudulently or dishonestly or do anything that brings or is likely to bring Take 7 Simple Steps / The Joy in Simple into disrepute.