



Policy name: **Safeguarding Adults at Risk Policy & Procedures**

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Policy

Overview

Safeguarding means 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 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.

(The Care Act, 2014)

These procedures for the safeguarding of adults apply to all paid staff at NTAS, all members of NTAS's Board of Trustees, volunteers working on behalf of NTAS and all individuals and organisations under contractual obligation to NTAS.

The Protection of Freedoms Act 2012 removed the assumption that an adult is vulnerable due to personal characteristics (such as disability, age or illness). Instead, an adult will be considered vulnerable at the particular time that they require regulated activity. The Act also redefined regulated activity (*see Appendix A*). These changes mean that studio users are no longer considered vulnerable adults *per se* and the activity provided at NTAS is no longer classed as regulated activity. However, NTAS remains committed to the prevention of abuse through raising awareness and providing a clear framework for action when abuse is suspected. . The definition of Regulated Activity relating to adults is contained in *Appendix A*.

Adult at Risk now replaces the term "Vulnerable Adult". Any adult can be abused but only an adult at risk will be able to get help through the safeguarding adult's process. The safeguarding duties apply to an adult who:

- Is age 18 and over; and
- 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
- Duties apply equally to those adults with care and support needs regardless of whether those needs are being met, regardless of whether the adults lack mental capacity or not, and regardless of setting

Types of Abuse

Abuse is about the misuse of power and control that one person has over another person. Intent is not an issue at the point of deciding whether an act or failure to act is abuse; it is the impact of the act on the person and the harm or risk of harm to that individual.

Physical abuse includes hitting, shaking, throwing, poisoning or misuse of medications, burning or scalding, drowning, suffocating or otherwise causing physical harm.

Sexual abuse including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, sexual exploitation and sexual assault or sexual acts to which the vulnerable adult has not consented, could not consent to or was pressured into consenting.

Psychological or Emotional abuse includes threats of harm, bullying or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, withholding affection, shouting and deprivation of privacy or unreasonable or unjustified withdrawal from services or support networks.

Neglect and acts of omission include ignoring medical or physical care needs, failure to provide access to appropriate health care, social care or educational services. Withholding of the necessities of life such as medication, adequate nutrition and heating.

Financial or material abuse includes theft, fraud and internet scamming exploitation. Pressure that is applied in connection with wills, property or inheritance, financial transactions, or the misuse, or misappropriation of property, possessions or benefits.

Self neglect covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

Professional abuse is the misuse of power or trust and the failure of professionals to act on suspected abuse / crimes.

Organisational abuse is neglect and poor care practice within an organisation, care setting or in relation to care provided in a person's own home. This may be one-off incidents or ongoing ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Domestic abuse includes psychological, physical, sexual, financial, emotional and so called 'honour' based violence.

Modern Slavery encompasses slavery, human trafficking, forced labour and domestic servitude.

Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals. It can feature in any form of abuse of an Adult at Risk. It can result from situations which exploit a person's vulnerability by treating them in a way that excludes them from opportunities or services they should have as an equal citizen. It is important to note that an individual may be targeted because of a particular characteristic and this may result in actions which are considered **Hate Crime (also known as Mate Crime)**. This can be verbal abuse, threatening behaviour, deliberate 'outing', criminal damage, physical attack.

Responsibilities and Rights

Trustees, Staff and Volunteers have an individual responsibility to protect people from immediate and continuing harm by making known their concerns about abuse in order that full consideration can be given to whether or not further action is required. This responsibility is in addition to any other procedures within other organisations, which aim to ensure the safety of vulnerable adults.

Studio users have the right to:

- Be made aware of this Policy.
- To be asked what they want from the safeguarding process
- To get help and support to report abuse to the extent they want it
- Have information about what abuse is, how to recognise the signs and how to seek help
- Have professionals provide support that works in their interest and only get involved as much as needed
- Have information treated in confidence, only sharing what is helpful or necessary and work together to get the best results
- Understand the role of everyone in their life, and for them to understand their role

Procedures

General

NTAS will:

- Ensure staff and volunteers are aware of the Safeguarding Adults at Risk Policy & Procedures and are adequately trained.
- Notify the appropriate agencies if abuse is identified or suspected. **See page 6 for useful contacts**
- Support and, where possible, secure the safety of individuals and ensure that all referrals to services have full information in relation to identified risks.

Staff and Volunteers will:

- Ensure they are familiar with the Safeguarding Adults at Risk Policy & Procedures.
- Take appropriate action in line with the policies of NTAS.

Dealing with Concerns or Allegations

If any member of NTAS's staff, board of trustees, volunteers working on behalf of NTAS and or individuals and organisations under contractual obligation to NTAS is made aware of a concern or allegation of abuse they should proceed as follows:

- Listen carefully to what is being said.
- Assure the person that you are taking them seriously
- Not give promises of confidentiality or to keep any secrets.

- Explain that you have a duty to tell your manager or other designated person and that their concerns may be shared with others who have a part to play in protecting them.
- Reassure them that they will be involved in the decisions about what will happen
- Establish, if possible what has occurred, when and where (tell me, explain to me, describe to me....).
- Only ask questions for clarity, not suggesting a particular answer
- Don't make a judgement about whether the abuse has taken place or not
- Be aware of not contaminating any physical evidence that may be used in an investigation
No information should be disclosed or discussed with the alleged perpetrator

If you have any concerns about the health or wellbeing of any adult you must discuss this with your line manager immediately.

If the line manager is suspected of being involved report to the Chair or Vice Chair of the Board of Trustees.

The **North Tyneside Safeguarding Adults Initial Enquiry** form must be used for both low level and more serious safeguarding concerns. There is a cut off point half way down the page where providers decide whether or not an incident is low level and the rest of the form is only completed in cases of a significant or critical nature using the **Safeguarding Adults Risk Threshold Tool** (appendix ?) and professional judgement.

The **Safeguarding Adults Initial Enquiry form** and full instructions on how to complete it can be found on North Tyneside's Safeguarding Adults webpage:

http://www.northtyneside.gov.uk/browse-display.shtml?p_ID=533408&p_subjectCategory=421

The **Risk Threshold Tool** is also available on-line and is intended to help staff with decision making.

Completed forms must be **faxed to the Gateway** (instructions are on the last page of the form). The provider must keep copies for their records.

Considerations of confidentiality must be balanced between maintaining the confidentiality of all parties concerned with a concern or allegation, and the right of adults to be protected from harm. All written records must be stored in accordance with the *NTAS's Confidentiality Policy & Procedures*.

Never ignore a concern or allegation of abuse or risk of abuse.

Studio users should be given immediate protection from the risk of reprisals or intimidation and staff given support and afforded protection if necessary in line with the Public Interest Disclosure Act 1998.

Recruitment

When recruiting staff, NTAS will always follow the process set out in its *Recruitment Policy & Procedures* and all recruitment paperwork will make it clear that a satisfactory **Enhanced Disclosure and Barring Service (DBS) Check** will be a requirement of a successful appointment.

Note: Under the Protection of Freedoms Act 2012, the work activity that the studio provides with adults is no longer classed a regulated activity, but the studio is able to continue to request an Enhanced DBS Check (but NOT a barred list check) because the activity was previously classed as regulated.

A DBS check does not replace or remove the requirement for satisfactory references. The DBS check is only available to UK citizens over the age of 16 years.

DBS Checks will now only be issued to the individual to whom it relates. This means that the studio must ensure that the individual provides a copy of the certificate and must confirm the certificate correctly relates to that individual.

The Disclosure and Barring Service has now implemented an update service. Individuals will need to subscribe to this system and pay a small annual fee. Subscription to the Update Service will provide the individual with a *portable DBS check* so that the prospective appointee will provide the studio with a copy of their latest DBS Check certificate, together with a unique reference number that will enable the studio to carry out an online check to see if their status has changed.

Once a DBS check has been received the information it contains must only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given. The DBS check should not be copied and should be kept in a secure, lockable container with limited access for **no longer than 6 months after receipt**. DBS checks must be disposed of securely. Regular checks should be made via the update service for any employees that subscribe to that service, as the police will update this information weekly. In accordance with the Protection of Freedoms Act 2012, it is now a criminal offence to:

- Fail to inform the DBS if you dismiss or remove someone from regulated activity because they harmed or posed a risk of harm to vulnerable groups;
- Pass DBS check information to those not entitled to receive it.

See also: Recruitment Policy & Procedures and Disclosure and Barring Service Policy & Procedures.

Physical Contact

All members of NTAS's staff, board of trustees, volunteers working on behalf of NTAS and all individuals and organisations under contractual obligation to NTAS must always maintain a safe and appropriate distance from studio users, only touching them if it is absolutely necessary in relation to a particular arts activity and then only with the prior agreement of the user.

Conduct

All studio users must be treated with respect and dignity at all times. NTAS's staff, board of trustees, volunteers working on behalf of NTAS and all individuals and organisations under contractual obligation to NTAS should act as role models, gaining the trust of the users and never abusing that trust.

No member of NTAS's staff, board of trustees, volunteers working on behalf of NTAS and all individuals and organisations under contractual obligation to NTAS should:

- Spend time alone with adults engaged in regulated activity, or take them in their car or other vehicle alone or meet with them other than during organised activities.
- Video adults engaged in regulated activity without the express permission of that person.

Managing Information

Any images of studio users must be stored safely according to the guidelines contained in *Appendix B* and any web-based display of material or information must be carefully considered, particularly in relation to the potential for its misuse by those not involved with the Studio.

Useful Contact Numbers

Police			
Emergency	999	Non-urgent	101
Social Services:			
Day Services	643 2777	Out of hours	200 6800
Adult Protection Team	643 7646		
Local Authority Gateway Team	6432569	Confirmation of report	6432777
Community Mental Health Teams:			
North Tyneside West CMHT		North Tyneside East CMHT	
Wallsend	220 5975	North Shields	219 5960
Longbenton	220 5750	Whitley Bay	219 7740

Appendix A: Regulated Activity

Regulated activity relating to adults

- (i) Providing health care: any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.
- (ii) Providing personal care: anyone who provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the

skin, hair or nails because of an adult's age, illness or disability; and anyone who prompts and then supervises an adult to undertake the above activities; and anyone who trains, instructs or offers advice and guidance relating to the above activities.

- (iii) Providing social work: the provision by a social care worker of social work which is required in connection with any health or social services to an adult who is a client or potential client.
- (iv) Assistance with cash, bills and/or shopping: the provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.
- (v) Assistance in the conduct of a person's own affairs: anyone who provides various assistance in the conduct of an adult's own affairs, for example by virtue of an enduring power of attorney.
- (vi) Conveying: a person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received such care. This will not include family and friends or taxi drivers.

Appendix B: Guidelines for Recording & Publishing Images (including moving images)

Recording Images

- (i) All subjects must give their permission, or the permission of their parent or guardian must be given, before images are recorded. When seeking permission, the subject must understand why and where the images will be used.
- (ii) All subjects must be appropriately dressed.
- (iii) Recorded images should focus on an activity and, where possible and appropriate, feature groups rather than individuals.
- (iv) Photographers and filmmakers should never be left unsupervised.
- (v) Any complaints or concerns about inappropriate or intrusive images should be reported and considered seriously.

Publishing Images

- (i) Only use first names of subjects unless the use of surnames has been specifically approved in writing.

- (ii) Do not reveal too much detail about where subjects live, their schools or institutions, their local environment or their interests and hobbies.
- (iii) Wherever possible try to use images that represent a broad range of subjects (male, female, different ages, abilities and ethnic groups).
- (iv) Always bear in mind that images placed on a web site (including social media sites) can be downloaded by anyone without your knowledge and may remain available in perpetuity, and subjects and/or guardians should be advised of this.

