

## B05a

# Safeguarding adults' policy (England)

This document is provided to *Carers Trust Tyne and Wear* (now referred to as 'the organisation') as a Network Partner of Carers Trust.

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## 1.0 SCOPE

- 1.1 The following documents set out the organisation's approach to safeguarding adults aged 18 and over, and are mandatory for ALL staff, volunteers, and agency Workers.
- policy (B05a)
  - procedure for managers (B05b)
  - guidance for staff (B05c)
  - guidance for volunteers (B05d)
  - abuse of adults; factors, types and indicators (B05e).
- 1.2 In this policy:
- the term 'staff' refers to employees and volunteers<sup>1</sup> throughout the organisation
  - the term 'service user' refers to carers as well as to people with care needs.
- 1.3 The intended outcome of these documents is to protect adults at risk<sup>2</sup> from experiencing abuse, harm or neglect, to promote their wellbeing and to respond promptly and effectively to any concerns.
- 1.4 As staff who work primarily with adults may also encounter children and young people in the course of their work, they are required to read the safeguarding and child protection documents (C01) alongside the adults' suite. See 7.3 below.
- 1.5 Providers of both regulated and non-regulated services will read this policy alongside their organisation's documentation concerning:
- confidentiality and disclosure (providers of regulated services see D05)
  - whistleblowing
  - diversity and equality
  - code of conduct
  - compliments and complaints
  - professional boundaries.
- 1.6 Organisations that provide regulated services and have access to the care practice Operational Policy Framework will also read:
- adults' personal care (B01) - includes duty of candour
  - adults' medication (B02) - includes medicines-related safeguarding
  - positive behaviour (D03) - includes use of restrictive practice
  - autonomy and independence (D04) – includes consent, Mental Capacity Act, Deprivation of Liberty Safeguards (DoLS) / Liberty Protection Safeguards (LPS)<sup>3</sup>
  - financial protection (D07)
  - missing persons (model policy - AT18).

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<sup>1</sup> The National Council for Voluntary Organisations states that 'volunteers give their time, carrying out activities that aim to benefit community or society. Volunteers are unpaid and choose how they wish to give their time'. Central to this definition is the fact that volunteering must be a choice freely made by each individual.

<sup>2</sup> Definition of 'adult at risk' is provided in Appendix 1

<sup>3</sup> The government has not said when DoLS will be replaced by LPS.

## 2.0 LEGISLATION

2.1 The organisation seeks to comply in all respects with:

- Human Rights Act 1998
- Mental Capacity Act and Code of Practice 2005
- Mental Capacity (Amendment) Act 2019
- Equality Act 2010
- Protection of Freedoms Act 2012
- Health and Social Care Act (2008) Regulations 2014
- Care Act 2014
- Counter-Terrorism and Security Act 2015
- General Data Protection Regulation (GDPR) 2018<sup>4</sup>
- Data Protection Act 2018
- Domestic Abuse Act 2021<sup>5</sup>

2.2 See also:

- [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [National Council for Voluntary Organisations \(NCVO\) guidance on safeguarding](#)
- [The eight Caldicott principles of good information sharing](#)
- [Safeguarding in Gateshead - \(gatesheadsafeguarding.org.uk\)](http://gatesheadsafeguarding.org.uk)

## 3.0 POLICY STATEMENT

3.1 The organisation:

- endorses a person-centred approach to safeguarding adults (see 3.3 below)
- recognises that each person has a right to live in safety free from abuse or harm, regardless of their age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation, and that by being and feeling safe, their wellbeing and quality of life is improved
- recognises that safeguarding adults at risk is everybody's responsibility, that everyone involved in service provision, including front-line staff, managers, trustees and volunteers, has a role to play in protecting and promoting their welfare and that everything possible must be done to prevent, report, and tackle abuse, in line with Local Authority Safeguarding policies and Procedures; for more information visit [Safeguarding in Gateshead - \(gatesheadsafeguarding.org.uk\)](http://gatesheadsafeguarding.org.uk)
- is committed to fostering an honest, open, transparent culture for staff at all levels, ensuring they feel empowered to raise concerns in potential or actual abusive situations involving service users, fully recognising that abuse can be carried out by friends, family or strangers as well as by those providing care

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<sup>4</sup> UK GDPR and Data Protection Act are not a barrier to sharing information in relation to safeguarding, but rather provide a framework to ensure that personal information about living persons is shared appropriately. See Social Care Institute of Excellence [Safeguarding adults: sharing information](#).

<sup>5</sup> [Domestic Abuse Act statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- is committed to preventing the development of a ‘closed culture<sup>6</sup>’ which is defined as a poor culture that can lead to harm, including human rights breaches such as abuse, which can be intentional or unintentional.
  - Ensures that if any staff member hasn’t got access to the internet they will be provided with hard copies, of all policies and procedures at the time of induction and after reviews have been completed.
- 3.2 The organisation also recognises that people who lack mental capacity are particularly vulnerable to abuse, harm and exploitation. In this context, it is committed to following the principles and practice guidance of the Mental Capacity Act 2005 and Mental Capacity (Amendment) Act 2019, including where appropriate, signposting to the advocacy support to which all service users are entitled.
- 3.3 The organisation seeks to comply with the six principles of safeguarding, as set out in the Care Act 2014, in line with the Care Act Statutory Guidance namely:
- **Empowerment** - people being supported and encouraged to make their own decisions and to give informed consent.
  - **Prevention** - it is better to take action before harm occurs.
  - **Proportionality** - the least intrusive response appropriate to the risk presented.
  - **Protection** - support and representation for those in greatest need.
  - **Partnership** - local solutions through services working with their communities.
  - **Accountability** - accountability and transparency in safeguarding practice.

#### 4.0 RESPONSIBILITIES OF TRUSTEES

- 4.1 Safeguarding is a key governance concern for all charities. The Charity Commission states that trustees ‘must put safeguards in place to protect those who come into contact with your charity’. See Charity Commission publication: [Safeguarding and protecting people for charities and trustees](#)<sup>7</sup> (updated June 2022).
- 4.2 The organisation’s trustees have a personal responsibility to familiarise themselves with the content of this policy and to be aware of the associated procedure and guidance documents. Responsibility for having detailed knowledge of the procedure and guidance and monitoring the organisation’s compliance with them may be carried out by a nominated board member or delegated to a senior member of the management team.
- 4.3 Trustees are responsible for ensuring managers have safe and effective systems in place whereby staff at all levels of the organisation:
- work according to the adults’ safeguarding policy documents
  - receive training that is relevant to and at a suitable level for their role
  - are clear about their responsibilities and accountability in relation to preventing, identifying and reporting abuse
  - know how to escalate safeguarding concerns
  - receive appropriate supervision and support, including following a safeguarding incident.

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<sup>6</sup> [How CQC identifies and responds to closed cultures - Care Quality Commission](#)

<sup>7</sup> The publication includes a section on managing safeguarding risks when operating online. It also updates some terminology and links to other sources of support.

- 4.4 Specifically, trustees have a responsibility to:
- promote a culture of openness and candour at all levels of the organisation
  - ensure senior managers are fully committed to safeguarding adults at risk
  - ensure their organisation operates zero tolerance to all forms of abuse, including unlawful discrimination, degrading or inhuman treatment, excessive or inappropriate use of restraint or restrictions on movement and activities
  - ensure robust systems of scrutiny and internal inspection are in place to monitor and review safeguarding practice on an ongoing basis across the organisation, to inform continued development, quality assurance and improvement
  - oversee performance and risk in relation to safeguarding adults
  - ensure adequate support for staff who raise concerns (whistleblowers).
- 4.5 In addition, trustees will ensure managers establish and operate robust systems to:
- engage with the relevant Safeguarding Adults Boards (SABs) within the geographical area/s in which they operate, working in accordance with the local safeguarding arrangements as set out by them
  - implement local authority inter-agency agreements, including information sharing<sup>8</sup> protocols that support the supply / exchange of information with SABs
  - work co-operatively and in an integrated manner with other agencies in the statutory, voluntary and independent sectors
  - select/ recruit/ vet staff in compliance with legal requirements and good practice
  - make checks against and referrals to the [Disclosure and Barring Service](#) (DBS)<sup>9</sup>
  - deal with allegations against, and concerns about, staff who may have harmed an adult at risk or behaved in a way that indicates they may pose a risk of harm, in line with local authority protocols (see also 6.0 below)
  - follow reporting requirements of safeguarding incidents as set out in the accompanying procedure (B05b).
- 4.6 Trustees are responsible for ensuring that:
- a senior staff member (suitably trained and competent to handle safeguarding issues) is appointed as the organisation's designated safeguarding adults officer
  - the designated person maintains an up-to-date knowledge of national changes and developments in adults' safeguarding policy and disseminates this information across the organisation in a format that is relevant to the intended audience, as appropriate
  - service users are informed of their right to independent professional advocacy under the Care Act 2014.
- 4.7 It is recommended good practice to appoint to the organisation's board of trustees a person who is suitably trained / experienced in safeguarding to act as adults' safeguarding lead, to:
- work with the organisation's designated safeguarding adults officer, ensuring all necessary safeguarding protocols are in place
  - bring to the board's attention where safeguarding protocols need revision following any issue / incident that identifies weaknesses or has policy implications.

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<sup>8</sup> Organisations must be transparent and accountable in relation to information shared and must also record all decisions about whether they are sharing information, what they are sharing, with whom and why.

<sup>9</sup> [DBS checks: detailed guidance - GOV.UK \(www.gov.uk\)](#)

In the absence of such an appointment, these duties will fall by default to the chair of the organisation's board of trustees, who will receive appropriate safeguarding training and access to ongoing support to carry out the role.

## **5.0 RECOGNISING ABUSE AND RAISING SAFEGUARDING CONCERNS**

- 5.1 Staff will be trained to be vigilant regarding the welfare of adults at risk, to recognise the early signs of abuse (B05e) and to understand the importance of taking speedy action to prevent problems escalating.
- 5.2 The organisation will ensure safeguarding training stresses that abuse may be prevented or diminished by good staff vigilance at all levels, from a staff team that is open to raising an alert in all potential as well as actual risk situations to best protect their service users.

## **6.0 ALLEGATIONS OF ABUSE AGAINST STAFF**

- 6.1 Trustees will ensure managers have robust systems in place whereby allegations of staff abusing service users are listened to, taken seriously, dealt with promptly in line with local protocols and reported to the relevant authorities as detailed in the accompanying procedure (B05b).

## **7.0 LEARNING AND DEVELOPMENT**

- 7.1 All staff will receive training in safeguarding children as well as safeguarding adults. From Highspeed training and MCQ Training. Depending on the role of the employee, and level required this may be delivered via E-learning or Face to Face. i.e Office members will complete Level 1 Awareness; Service Managers will complete Level 3 and the Safeguarding lead will receive Level 3 Designated Safeguarding Lead training. All courses are refreshed every 3 year or following significant legislation changes. Although you may not be working directly with children or young people, you may encounter them in the course of your work and so be in a position to flag up safeguarding concerns.
- 7.2 For employees involved in the provision of regulated care and support services, general learning and development requirements relating to safeguarding adults are contained in the learning and development policy documents (E13).
- 7.3 Employees who work only with adults may still encounter children or young people in the course of their work. Therefore, all employees involved in the planning or provision of services to adults will also receive training in the safeguarding and protection of children<sup>10</sup>. In addition, the local authority has a statutory duty to consider the needs of any children and young people in a household where adult safeguarding issues have been raised and this will be highlighted in both adults' and children's safeguarding training.

## **8.0 ADOPTION**

- 8.1 To formally adopt this policy, the organisation's board of trustees will document in the minutes of the appropriate board meeting its name, reference number and date it was adopted. The minutes will be signed by the chair of the trustees on behalf of the board.

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<sup>10</sup> As well as being good practice, this is an insurance requirement for those organisations insured by a company brokered through Gallaghers.

## APPENDIX 1 - DEFINITIONS

### Safeguarding

'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 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 ([Care and Support Statutory Guidance](#)).

### Adult at risk (Care Act 2014, section 42)

Adults at risk are people aged 18 or over who:

- a) have needs for care and support (whether or not a local authority is meeting any of those needs)
- b) are experiencing, or are at risk of, abuse or neglect, and
- c) are unable to protect themselves against the abuse or neglect or the risk of it.

So safeguarding is for people who, because of issues such as dementia, age-related frailty, learning disability, autism, mental ill-health or substance abuse, have care and support needs that may make them more vulnerable to abuse or neglect.

### Abuse

Abuse is a violation of an individual's human and civil rights by any other person or persons. It can happen anywhere that people interact with other people, in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Abuse can be intentional or unintentional. There are many forms of abuse, and incidents can involve several categories. The different types of abuse are covered in detail in B05e (abuse of adults: factors, types and indicators)

### Harm

"Harm includes ill treatment (including sexual abuse, exploitation and forms of ill treatment that are not physical); the impairment of health (physical or mental) or development (physical, intellectual, emotional, social or behavioural); self-harm and neglect; unlawful conduct which adversely affects a person's property, rights or interests (for example financial abuse)." Care Certificate Framework (2015). Harm may also include the intentional misuse of medication and unlawful restraint.

### Abuser

To best protect their service users from possible abusers, staff should be alert to potential as well as actual risk situations across each person's contacts. Abuse can be carried out by any of a wide range of people, and no-one can be excluded. Examples of abusers include:

- relatives, family members, friends, neighbours, those in a person's social network
- professional paid staff, volunteers (including befrienders<sup>11</sup>) in an institutional or community setting, including a person's own home
- other service users

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<sup>11</sup> Befrienders are usually volunteers from a variety of organisations or mental health charities who provide support and companionship to lonely, or emotionally distressed people.

- someone known to the person or strangers.

## ENDORSEMENT

This document has been approved and endorsed by Pauline Steele (CEO) and Anne Moore (Chairperson of the board of Trustees) on 23<sup>rd</sup> May 2024.

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