

Merton Mencap

**Safeguarding Adults at Risk
Policy & Procedure**

August 2017



Merton Mencap

SAFEGUARDING ADULTS AT RISK POLICY & PROCEDURE

This policy and procedure has been adopted by Merton Mencap through its Executive Committee which remains responsible for its review.

Original signed version is kept at the Merton Mencap office.

Signed: _____ Date: _____

Name: _____

Chair of Executive Committee

Signed: _____ Date: _____

Name: _____

Chief Executive

Record of adoption and review of this policy and procedure:-

Adopted:	16 September 2009
Reviewed:	2 June 2011
Reviewed:	2 November 2011
Reviewed:	29 April 2014
Reviewed:	8 August 2017

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1. Definitions

In this Policy & Procedure:

“staff and staff members”	means all Merton Mencap employees, bank workers and volunteers (including trustees)
“Protecting Adults at Risk”	means the document “Protecting Adults at Risk: London Multi-Agency Policy & Procedures to Safeguard Adults from Abuse (Jan 2014)”, produced by the Social Care Institute for Excellence with the Pan London Adult Safeguarding Editorial Board

2. Legislation

This Policy & Procedure has been drawn up on the basis of law and guidance which seeks to protect adults at risk, in particular:

- Care Act 2014
- Protection of Freedoms Act 2012
- Sexual Offences Act 2003
- Data Protection Act 1998

and on relevant government guidance on safeguarding adults at risk, in particular:

- London Multi-Agency Adult Safeguarding Policy & Procedures
- Protecting Adults at Risk

3. Scope

This Policy & Procedure applies to all staff of Merton Mencap.

4. Purpose

The purpose of this Policy & Procedure is to ensure:

- safeguarding is embedded in all aspects of Merton Mencap’s work

- all staff at Merton Mencap understand the importance of safeguarding and know how to respond appropriately with concerns
- the organisation understands and fulfils its role of working with other agencies to safeguard and promote the welfare of adults at risk
- the organisation complies with legal, regulatory and contractual responsibilities in relation to safeguarding

5. Responsible Person for Safeguarding Adults at Risk

Merton Mencap has nominated key individuals to lead on safeguarding adults at risk who have responsibility for

- acting as the first point of contact within the organisation and externally
- ensuring staff are provided with training (at a level appropriate to their role), support and supervision in relation to safeguarding
- monitoring and reporting on safeguarding practice within the organisation
- providing a single point of contact between the police and/or the local authority adults social care.

The Responsible Person is Andrew Whittington (Chief Executive) and, in their absence, their Deputy is Astrid Spencer (Trustee).

6. Policy Commitments

1) Merton Mencap believes it is always unacceptable for an adult at risk to experience abuse of any kind and recognises its responsibility to safeguard their welfare by committing to practice which protects them.

2) Merton Mencap recognises that:-

- the welfare of the adult at risk is paramount
- all adults at risk have the right to equal protection from all types of harm or abuse
- working in partnership with adults at risk, their parents, responsible carers, and other agencies is essential in promoting the welfare of adults at risk

3) Merton Mencap is committed to protecting and promoting the safety of adults at risk with whom it works and recognises the need to work with those agencies charged with statutory duties for the protection of adults at risk.

4) Merton Mencap will ensure its recruitment and working practices reflect these policy commitments.

7. Safeguarding Adults at Risk

Definition of an Adult at Risk

An Adult at Risk is a person aged 18 years or over 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation' (this definition is taken from the current Department of Health guidance to local partnerships).

In this context "community care services" includes all care services provided in any setting or context, by any agency. This includes statutory, voluntary and independent organisations in health and social care including hospitals, housing agencies and advice agencies.

What constitutes abuse

Abuse is defined as:

"a violation of an individual's human and civil rights by any other person or persons which results in significant harm" (ref: *Protection of Adults at Risk*).

Abuse can be viewed in terms of the following categories:

- Physical
- Sexual
- Psychological/emotional
- Financial and material
- Neglect and acts of omission
- Discriminatory
- Institutional.

Abuse may be:

- a single act or repeated act
- an act of neglect or a failure to act
- multiple acts, for example, an adult at risk may be neglected and also being financially abused.

Abuse is the misuse of power and control that one person has over another. Intent is not an issue at the point of deciding whether an act or a 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.

Who may be an abuser

Abuse may take place in domestic, institutional or public settings and it takes place in all cultures, religions and at all levels of society. An abuser may be anyone including a member of the person's family, friend, neighbour, partner, carer, care worker, manager, volunteer, another service user, or any other person who comes into contact with an adult at risk.

8. Responding to potential abuse or neglect: general

- 1) All staff have a duty to protect adults at risk from abuse, be alert to the possibility of abuse and act on any concern of abuse.
- 2) The first priority should always be the safety of the adult at risk. Where there is an immediate risk of harm, staff should take all reasonable steps to offer the adult immediate protection.

9. Response procedures: the role of staff

- 1) Concerns about actual or potential harm to an adult may arise from observation of the person or as a result of something said by them or by another person.
- 2) If staff have any concerns about any actual or potential harm to an adult at risk, they must contact the Responsible Person immediately to discuss the matter. The Responsible Person will advise on the appropriate course of action; if they are not available, staff should contact the Deputy as stated in section 5, above.
- 3) In cases of emergency, staff may need to contact the police, accident and emergency services (for urgent medical treatment) or the local authority Adult Social Care directly.
- 4) If concern arises from something an adult at risk has said:-
 - Listen carefully; staff may need to clarify something but do not press the person for information or prompt
 - If urgent, seek medical attention; if in immediate danger, contact the police

- Offer reassurance; staff may need to explain to the person how they will be kept safe
- Explain what action will be taken; if the person can understand the significance and consequences of the proposed action, staff should ask for their view, explaining that whilst their view will be taken into account, staff are responsible for ensuring their safety and the safety of others
- Do not give false assurances of confidentiality; staff may need to tell the person that what he/she has said cannot be kept secret.

Staff should record word-for-word what has been disclosed on the Incident Report Form (originals of completed Incident Report Forms will be kept securely at the Merton Mencap office to enable easy reference to the number and nature of all occurrences).

5) If a staff member discloses concerns about another member of staff, it is essential that this is referred immediately to the Responsible Person (or to their Deputy in their absence or if the concern is about the Responsible Person). See Contact Details, below.

7) If a member of staff feels a reported concern is not being dealt with appropriately by Merton Mencap, they should contact the local authority designated officer for this purpose. See Contact Details, below.

10. Response procedures - the role of the Responsible Person

1) When a concern is referred to the *Responsible Person*, the *Responsible Person* will be able to offer advice and will decide whether to make a referral to the Local Authority, Adults Social Care.

2) Such a referral will be made if there is an allegation or suspicion of abuse of an adult at risk.

3) Merton Mencap will ensure that all concerns about abuse identified by it or disclosed to it are appropriately recorded, securely stored and retained indefinitely.

11. Confidentiality and sharing of information

1) Personal information about an adult at risk should not generally be shared without the consent of the person concerned. Please refer to Merton Mencap's *Data Protection, Confidentiality and Security of Information Policy and Procedure*.

However, in the context of safeguarding adults at risk, confidential information may need to be shared without such consent.

2) Save in cases of emergency, staff who feel information relating to an adult at risk needs to be shared must refer to the *Responsible Person for guidance*. Staff should, in any event, however, note the following points in relation to the sharing of information.

3) Not all personal information is confidential. Confidential information is, broadly, information of some sensitivity, which is not already public and which has been shared in a relationship where the person giving it understood that it would not be shared with others.

4) Seeking informed consent to the sharing of confidential information from the person who gave it or to whom it relates should be the first option, if appropriate. A refusal of consent or lack of informed consent should not necessarily, however, preclude the sharing of confidential information.

5) All staff have a responsibility to share information on a “need to know” basis where it is in the best interests of an adult at risk.

6) The amount of confidential information disclosed and the number of people to whom it is disclosed should be no more than is necessary to safeguard the vulnerable adult. This approach applies whether any proposed disclosure is within Merton Mencap or to an outside agency.

7) The context in which information is shared, the information requested, the information shared and with whom, and the justification for sharing the information must be recorded.

In this context, staff should also refer to *Merton Mencap’s Data Protection, Confidentiality and Security of Information Policy and Procedure*.

12. Codes of conduct

In addition to observing the provisions of this Policy and Procedure, all staff must observe the provisions of Merton Mencap’s *Staff Code of Conduct* and *Annual Staff Declaration*.

13. Risk assessments

Merton Mencap recognises that the assessment and management of risk contributes to safeguarding. Merton Mencap’s *Risk Assessment Policy* should be

referred to for full details but, in summary, Merton Mencap will complete the following:-

- all staff conducting risk assessments will receive appropriate training
- a risk assessment will be completed for each service and activity
- an Individual Care Plan & Risk Assessment will be completed for each individual accessing a service or activity
- will be completed for each individual accessing a service or activity

14. Recording images

Reference should be made to Merton Mencap's '*Managing Images of Service Users Policy*' which sets out the conditions for obtaining consent for recording images at our projects and services.

15. Recruitment, selection and vetting procedures

Reference should be made to Merton Mencap's '*Recruitment Policy and Procedure*' which sets out the conditions of our safe recruitment of staff.

16. Providers

1) All third party providers contributing to Merton Mencap's services or activities (e.g. sports instructor) must be agreed by the relevant manager beforehand.

Providers, or their relevant representatives, are required to sign the relevant *Provider Declaration Form* which sets out the conditions of their involvement at our services and activities, all of which act as safeguards.

If a provider or the relevant representative is unable to meet the provisions set out in the *Provider Declaration Form*, above, they will not be allowed to access to the service or activity.

2) The staff in charge on the day (e.g. Team Leader) will ensure providers are supervised by an identified member of staff at the service or activity to ensure they do not have unsupervised access to adults at risk.

17. Visitors and guests

- 1) Any visitors and guests will need to be agreed by the relevant manager (e.g. Projects Manager). Should a visitor or guest arrive unexpectedly the person in charge of the activity (e.g. the Team Leader) should not allow them access until advice has been obtained from their line manager.
- 2) Visitors and guests at any activity are required to sign the register and record of attendance on their arrival. The person in charge of the activity must also ensure that the visitor or guest has no unsupervised access to the service users.

18. Staff induction, training, supervision and appraisal

- 1) Merton Mencap will ensure that all staff working with adults at risk receives the following (according to the type, level and frequency of their role):-
 - an induction
 - training in safeguarding adults at risk, including the use of this Policy and Procedure
 - supervision, in which safeguarding is a regular agenda item
- 2) Merton Mencap will ensure all trustees have received training in safeguarding adults at risk.
- 3) Safeguarding will feature as a standard item at supervisions and appraisals, and written record of which is stored.
- 4) Staff who have received safeguarding training through another agency (e.g. their employer) will be required to provide written confirmation of this, such as a certificate of attendance, which may be accepted as training.

19. Staff ratios

Risk assessments are completed to determine the precise staffing ratios needed to deliver an activity for adults at risk.

The minimum ratio for a service or session will be clearly recorded on the session staffing list, risk assessment or other session record. The date of the event or session should be clearly documented so that there is no doubt about the minimum levels of supervision at any service. Some attendees need 1:1 or

nursing support. This will be recorded on individual care plans. 1:1 support needs will not be included in the calculation of an overall service staffing ratio.

20. Lone working

All our services and activities for adults at risk will have at least two members of staff present.

An exception to this will be a service which is provided specifically on 1:1 basis, e.g. independent travel training or personal assistant. In these cases, specific consent is gained from the parent or carer before any service is provided and a risk assessment is conducted for each person using the service. Reference should also be made to our *Lone Working Policy & Procedure*.

21. Written records of our services and activities

Written records are completed to show the services and activities we provide. These include a written register of the adults at risk, the staff, any visitors and a de-brief of the session. These records are kept in a relevant filing system in the Merton Mencap office. Please also refer to our *Data Protection, Confidentiality and Security of Information Policy & Procedure*.

22. Team meetings

Staff based at the Merton Mencap office will have a team meeting each month. Safeguarding is a regular agenda item at every meeting and is reflected in the minutes.

23. Executive Committee Meetings

The Chief Executive and Executive Committee (Board of Trustees) will include Safeguarding as an agenda item at each of their Executive Committee Meetings, which will be reflected in the minutes.

24. Revision

Merton Mencap will revise this Policy & Procedure every 2 years.

SAFEGUARDING ADULTS AT RISK
Contact numbers

- **Merton Mencap**

Responsible Person

Andrew Whittington, Chief Executive

Direct: 020 8646 0965

Mobile: 07767 670 134

Email: chief.exceutive@swlondomencap.nhs.uk

Deputy Responsible Person

Astrid Spencer, Trustee

Mobile: 07719 914956

Email: a.spencer@kcs.ork.uk

- **Adult Care Services (Merton Council)**

Merton Learning Disabilities Duty Officer 020 8545 4529

Merton's Out of Hours Duty Social Worker 020 8770 5000

Merton's Safeguarding Adults 24-hotline 0845 618 9762

Internal Audit Guidance

Check	Evidence
<p>Staff know where to find a copy of this safeguarding policy and procedure</p> <p>Staff have been provided with the Staff & Induction Handbook</p>	<p>Ask project staff whether they were provided with a copy of this policy</p> <p>Ask staff where they could get a new copy if they needed one</p> <p>Check that copies of the latest policy are available at the office</p> <p>Check in staff HR file for evidence that Staff & Induction Handbook has been signed for</p>
<p>Staff know who the nominated person(s) for safeguarding adults at risk is, and how to contact them</p>	<p>Ask staff this question</p> <p>Ask staff what they would do if that person was unavailable</p> <p>Ask staff what they would do if they had a safeguarding concern which related to the nominated person</p>
<p>Staff are aware of types of abuse e.g. physical, emotional, sexual, financial, neglect, institutional, discriminatory</p>	<p>Ask staff this question</p> <p>Ask staff what could indicate signs of abuse</p> <p>Ask staff about confidentiality and safeguarding (e.g. what they would do if a person who was being abused disclosed this to staff and they asked that staff keep it a secret)</p>
<p>Staff know how to record a safeguarding concern</p>	<p>Ask staff what form they would use to record a safeguarding concern</p> <p>Ask staff what is important about making a record of a safeguarding concern</p> <p>Look at the Incident Forms and check their quality and whether safeguarding alerts have been followed up</p>

Safeguarding is a standard feature of supervision and appraisal meetings	Ask to see a supervision/ appraisal forms and check whether safeguarding was discussed
Safeguarding is a standard feature of Team Meetings at the office	Ask to see the minutes of team meetings to check whether this is the case
Safeguarding incidents are reported to the Board of Trustees at each ECM	Ask to see the CEO's report for ECMs to check whether safeguarding is a standard reporting item
Safeguarding is a standard agenda items for all trustee meetings at ECMs	Ask to see minutes of ECMs to check that safeguarding is always dealt with as a standard item
All staff (including volunteers and trustees) have completed safeguarding training	Ask to see the main training records in the office