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CoActive Arts

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Registered Charity Number: 1150805

## **POLICY: ADULT SAFEGUARDING**

**“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”**

**(Article 5, Universal Declaration of Human Rights.)**

**A policy’s objective is to prevent and reduce the risk of significant harm to vulnerable adults from abuse or other types of exploitation, whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion.**

**(Department of Health Statement of HM Government Policy on Adult Safeguarding, 16 May 2011)**

The welfare and safety of all people is central to

### **CoActive**

It is the responsibility of

#### **The Designated Person for Safeguarding for the Organisation**

to ensure all trustees, staff and volunteers are adequately prepared to enable them to respond appropriately to any situation where an adult is suspected to be suffering or likely to suffer abuse, or where allegations of abuse past or present are made. We have a duty to pass on any concerns about the welfare of an adult in such circumstances through contact with Social Care Direct.

This Policy refers to staff and volunteers over the age of 18 years working with adults, that is, those who have attained the age of 18 years.

**Signature:**

**Date:**

**(Chair of the Trustees on behalf of CoActive)**

# Policy: Adult Safeguarding

## **All adults can be at risk of abuse and adults who are vulnerable face particular and increased risk.**

This policy document is consistent with HM Government's policy on safeguarding adults. It also recognises the following legislation: the Children Act 1989, the Human Rights Act 1998, the Mental Capacity Act 2005, Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.

CoActive is committed to preventing the abuse of people with learning disabilities and will do all that it can to help and assist members and participants (that is: those attending activities, staff, volunteers and trustees) who witness, disclose, experience or are in fear of abuse.

Staff and volunteers will be trained and supported to be vigilant in recognising the signs of abuse when they are witnessed or suspected of happening. They will know the action to be taken in such circumstances and also when abuse is disclosed. The designated person for safeguarding will be informed as soon as practicable of any allegation, suspicion, concern or disclosure so that it can be dealt with by working in partnership with other agencies and only when advised as appropriate, with relatives and carers.

The other agencies are the Local Authority Adult Social Care and the Police. CoActive will seek constantly to develop its strategies to protect vulnerable people with advice from the other agencies.

The changes in definitions brought about by the Protection of Freedoms Act 2012 to safeguarding and the criminal record regime are incorporated in this document.

### **1. Vulnerable Adult (Definition)**

A vulnerable adult is any person aged 18 years or over for whom a 'regulated activity' is provided relating to vulnerable adults.

#### **(Section 65 of the Protection of Freedoms Act 2012)**

This definition appears rather a circular description but it is important to note:

- An adult is no longer defined as permanently vulnerable.
- An adult is vulnerable at the time they are being provided with a specified activity that they require (i.e. a regulated activity).
- The focus is upon the person providing the regulated activity regardless of the setting or service.
- The reason for a person's care, supervision, assistance, advice or guidance being provided is because of the adult's vulnerability.

## 2. Regulated Activity (Definition)

The 2012 Act has changed the definition of a vulnerable adult and it now focuses on activities rather than characteristics.

‘..... the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics or circumstances of the adult receiving the activities. There is also no longer a requirement for a person to do the activities a certain number of times before they are engaging in Regulated Activity’

**Section 66(2)** of the 2012 Act amends the existing paragraphs 7(1) to (3) of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 by inserting new paragraphs 7(1) to (3E). These new paragraphs redefine a “regulated activity” in relation to vulnerable adults to include:

- *the provision of health care treatment in any setting by a health care professional, or by a person acting under the direction or supervision of a health care professional such as a health care assistant in a hospital or care home . This includes first aid provided by organisations such as St John’s Ambulance, as is the case for children;*
- *the provision of relevant personal care in any setting to a person who needs the care because of age, illness or disability. Relevant personal care is defined at new subparagraph (3B) of Schedule 4 to the SVGA and includes physical care such as assistance with eating, drinking, toileting, washing and dressing; prompting, together with supervision, for those activities, where such prompting and supervision are necessary for their execution; and any training, instruction, advice or guidance necessary for those activities (for example, a person given training on how to manage successfully their own chronic illness or disability);*
- *the provision of relevant social work by a social worker to clients or potential clients;*
- *the provision of assistance, in relation to general household matters, to a person who requires it because of age, illness or disability. This is defined as day to day assistance with paying bills, shopping or managing the person’s cash;*
- *the provision of assistance to a person where there is a formal arrangement in place which allows a person to make welfare and/or financial decisions on behalf of another person ;*
- *the transportation of individuals where that transport is provided because of age, health or disability. The Government has stated that regulations will set out the specific circumstances when this subsection applies, but broadly it is intended to cover ambulance services, transport to and from day care services where the transport is arranged by (or on behalf of) the day care provider, hospital porters and patient transport.*

### 3. Those Subjected to Abuse

The law regarding safeguarding vulnerable adults is complex and targets ‘regulated activity’. However CoActive adheres to the principle that all adults are at potential risk of abuse and have formulated a policy for the organisation.

This policy relates to those who have attained the age of 18 years. Some situations of abuse or risk of harm in relation to adults, whether vulnerable or not, can also have an impact upon children. An example is the significant amount of crossover between domestic violence against an adult and other forms of child abuse within the same household. Where there is such a concern the designated officer for safeguarding must be informed.

CoActive, consistent with The Government’s policy objective aims to prevent and reduce the risk of significant harm to vulnerable adults from abuse or other forms of exploitation, whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion. CoActive also believes that safeguarding is everyone’s business with communities playing a part locally to protect those least able to protect themselves.

The Government sets out the following **outcomes and principles**, which it encourages all organisations to use as a benchmark for services towards adults who may be vulnerable.

**The outcomes** seen from an individual’s perspective should be:

*“People worked together to reduce risk to my safety and well being”*

and

*“People worked together and helped when I was harmed.”*

This approach is accepted by CoActive and the policy reflects how the staff, volunteers and trustees must work for the good of individuals.

**The principles** are:

- Empowerment – Presumption of person led decisions and informed consent.
- Protection – Support and representation for those in greatest need.
- Prevention – It is better to take action before harm occurs.
- Proportionality – Proportionate and least intrusive response appropriate to the risk presented.
- Partnership – Local solutions through services working with their communities.
- Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability – Accountability and transparency in delivering safeguarding.

## 4 Capacity and Consent

Throughout adult safeguarding it is important to attempt to establish whether persons have the capacity to make an informed decision themselves. A decision is for them to make.

If they lack that capacity, the decision needs to be made on their behalf by someone else and it must be made according to **their** best interests.

The Principles of Section 1 of the Mental Capacity Act 2005 are to be applied:

- Persons must be assumed to have capacity unless it is established that they lack capacity.
- Persons are not to be treated as unable to make a decision unless all practical steps to help them have been taken without success.
- Persons are not to be treated as unable to make a decision merely because they make an unwise decision.
- An act done, or decision made, for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person rights and freedom of action.

## 5 Practice Statement

CoActive has procedures when suspected cases of abuse against adults come to notice, but the responsibility for investigating such cases lies with the Local Authority Adult Social Care and the Police.

### **CoActive:**

- has put in place procedures for handling cases of actual or suspected abuse (including allegations against workers and volunteers) which are consistent with local authority guidance, and are easily available to all workers and volunteers for reference;
- will respect the wishes of adults who are competent to make decisions;
- has appointed a designated person to co-ordinate action within the organisation and liaise with other agencies on cases of abuse and suspected abuse;
- will ensure that all staff receive appropriate training and support;
- will ensure that all staff are trained and alert to signs of possible abuse and know to whom to report any concerns or suspicions through attendance at appropriate safeguarding awareness training; and
- will publicise our organisation's Adult Safeguarding policy by having it available at its regular operating centres.

**CoActive** has separate recruitment and vetting procedures for staff, volunteers and trustees before they are appointed.

All staff and volunteers are made aware of this policy and the appendices, which have the same standing as the policy document. The appendices are issued to all staff and volunteers.

### **1. RECOGNITION OF ABUSE AND PROCEDURES**

### **2. 'GOOD PRACTICE' GUIDELINES**

### **3. ADULT SAFEGUARDING INFORMATION STATEMENT**

## Appendix 1

### RECOGNITION OF ABUSE AND PROCEDURES

**Abuse is a violation of an individual's human and civil rights by any other person or persons.**

(‘No Secrets’, Department of Health, 2000)

There are many different forms of abuse to which an adult may be subjected, but for ease these are combined into six major categories, the following or similar definitions can be found in all documents relating to the protection of adults who may be vulnerable. They are very similar, but have additional aspects, to those for children and young people.

#### Categories of abuse:

- **PHYSICAL:** including hitting, slapping, punching, kicking, misuse of medication, restraint, or inappropriate sanctions.
- **SEXUAL:** including rape and sexual assault or sexual acts to which the vulnerable adult has not consented or could not consent or was pressured into consenting.
- **PSYCHOLOGICAL:** including emotional abuse. Threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **FINANCIAL OR MATERIAL:** including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions or misappropriation of property, possessions or benefits.
- **NEGLECT and ACTS of OMISSION** also referred to as **INSTITUTIONAL:** including isolated or repeated instances of poor care or poor professional practice and pervasive ill treatment or gross misconduct, and ignoring medical or physical care needs and failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **DISCRIMINATORY:** including comments which are racist, sexist, and/or based on a person's disability, and other forms of harassment, slurs or similar treatment.

#### Signs of abuse:

The following *may* indicate abuse, but do not jump to conclusions. There could be other explanations. Workers and volunteers are not expected nor should they investigate if they suspect abuse. They must however be observant and pass on concerns and/or suspicions to the appropriate person as set out following. The following are indicators which may draw attention to possible abuse:

- **PHYSICAL:** Unexplained injuries, injuries where the explanation offered does not seem believable or lack of medical attention.
- **SEXUAL:** A need to talk about inappropriate things being done to them, things they don't like.
- **PSYCHOLOGICAL:** Unwillingness to talk openly. Confused or disorientated. Sudden anger or changes in behaviour. Upset, agitated or unusual behaviour. Unexplained fears May be withdraw and non-communicative.

- **FINANCIAL:** Talk about having to hand over money or possessions or they repeatedly go missing. Suddenly no cash available for usually items purchased.
- **NEGLECT:** looking ill-cared for and unhappy, being withdrawn or aggressive, having lingering injuries or health problems. Unnecessary delays by staff in attending
- **DISCRIMINATORY:** Hearing comments showing prejudice towards a person's age, gender, disability, race, colour, sexual or religious orientation.

**When an adult wishes to disclose they have been abused:**

The consent of the adult must be given for the disclosure to be passed on. This is not an easy area to resolve as the right and wishes of the individual must be taken into consideration. The ability to make a decision has to be assessed. However to begin with, it is important to listen to what the individual is telling you.

There are a number of important things you must try not to do.

**You must not:**

- Agree to keep a secret.
- Show disbelief or horror.
- Give an interpretation.
- Give or suggest information that the person has not offered.
- Make promises that suggest that you can stop the abuse.
- Investigate any allegations.
- Ask probing questions

Then there are some important things you can say.

**You can:**

- Say things that show you are listening.
- Say things that reassure.
- Ask for clarification about things that don't seem clear to you.
- Keep questions to a minimum and encourage the person to use their own words. Abuse cases can be dismissed if it appears the person has been led or words and ideas suggested to them.
- Say that you may have to tell other people, in order to stop what is happening.
- Ask if you can agree together what should be done next.

**N.B. you must always record what has been said and keep these notes in a safe place. The notes should be dated and signed by you and the adult where possible.**

**When you observe abuse or suspect abuse is occurring the appropriate parts of above advice should be followed.**

**When abuse has been disclosed or observed you need to act:**

Having followed the above guidelines then you now do the following:

- Do not delay.
- Do not act alone – advise immediately the **designated** person for safeguarding or Adult Social Care Direct on 08458 503503 or in an emergency the Police on 999.
- It will not be normally the role of the worker to speak to carers or relatives.
- Do not start to investigate
- Do not gossip

## **What will happen next?**

The process of professional involvement in cases of abuse will usually follow this course:

- A strategy discussion involving Adult Social Care, Police, other significant professionals and the person suspecting the abuse or to whom the person had talked.
- A decision will be taken as to whether an investigation is warranted; if so, it will then be planned.
- The investigation may include:
  - an informal talk with the adult
  - a formal police (and/or Adult Social Care) video recorded interview following disclosure.
  - medical examination
  - preliminary assessment
- If there is sufficient concern, a Conference may be held to decide the best course of action to protect the adult. There may be a criminal prosecution of the abuser.

**‘GOOD PRACTICE’ GUIDELINES****Good Practice Principles to be followed:**

Information should only be disclosed to avert or reduce risk.

- Selective information-sharing can be an important element of a comprehensive adult protection plan.
- Balance the protection of vulnerable adults against individuals’ right to a private life.
- Disclose only if the person(s) affected have given informed consent, or there is an overriding reason to disclose without consent following consultation with the Safeguarding Officer.

**For those working with adults who are legally vulnerable, CoActive will ensure that:**

- As far as possible the worker is not alone with an adult who are vulnerable where their activity cannot be seen. On any premises this may mean leaving doors open or two groups working in the same room.
- In a counselling situation where privacy and confidentiality are important try to ensure that another adult knows what is taking place and with whom. Another adult should be in the building and the adult who may be vulnerable aware they are there.
- Ensure that the building used is safe and access to it is well lit.
- Organise quarterly meetings of staff and volunteers to discuss:
  - Any/all current matters of adult safeguarding
  - Situations where adults are favoured or harshly treated by leaders or by their peer group
  - Any signs of or concerns about abuse

**For those working with any adult who may be vulnerable must:**

- Treat all people with respect and dignity and treat them appropriately to their age; watch your language, tone of voice and how you use your body.
- Not engage in any of the following:
  - invading the privacy of adults who may be vulnerable when they are showering or toileting.
  - rough, physically or sexually provocative games
  - making sexually suggestive comments about, with, or to any person, even in ‘fun’.
  - inappropriate or intrusive touching of any sort
  - any scapegoating, ridiculing or rejecting of any person.
- Not use any form of physical punishment.
- Never invite an adult who may be vulnerable into your home alone other than for an arranged group meeting.
- Not give lifts to people who may be vulnerable on your own other than for short journeys.
- Never let people who may be vulnerable involve you in attention seeking behaviour which is overtly sexual or excessively physical in nature.

**ADULT SAFEGUARDING INFORMATION STATEMENT  
FOR STAFF AND VOLUNTEERS**

Working with a group or an individual adult the CoActive Staff and Volunteers are responsible for carrying out their work with due regard to the Guidelines on Safeguarding set down by the CoActive Trustees.

By adhering to these Guidelines the workers will:

- Safeguard themselves.
- Ensure that the people in their care are treated appropriately.
- Be able to ensure that any person requiring support is given it through the appropriate channels.

This Statement is written to conform to the requirements of the relevant legislation and HM Government Guidelines.

It follows guidelines for good practice produced by other bodies.

If you believe that you, or another person, has been:

- Physically abused - body hurt or injured.
- Emotionally abused – fear of threats or taunts
- Sexually abused - where adults abuse others to satisfy sexual desires.
- Neglected - where adults fail to care for children and young people and adults protect them from danger, seriously impairing health and development.

Then do not delay or act alone. Speak to a leader or the designated person for safeguarding in the first instance who will then advise you how the matter will be handled.

- Do not start to investigate
- Do not gossip

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