

Welwyn Hatfield Borough Council Safeguarding Adults at Risk Policy

1. INTRODUCTION

Welwyn Hatfield Borough Council is committed to the safeguarding of vulnerable people. This policy sets out our approach to ensuring that the people we work with and provide services to have the chance to live a life free from harm, exploitation and abuse, have their rights protected and are able live in an environment where they can realise their full potential.

Our council recognises the key role it plays within the borough, working alongside other agencies, to ensure the wellbeing of residents. We will be proactive in encouraging and supporting local public services and partner agencies to do the same in safeguarding adults.

Our approach to safeguarding is led from the top of the council, and this is reflected by the high-level membership of our corporate Safeguarding Steering Group. The work of the steering group includes safeguarding children and vulnerable adults. The group's membership includes the Executive Director for Housing and Communities, the Lead Member for Sports and Heads of Service drawn from all areas of the council.

The Steering Group takes the strategic lead on safeguarding within the council, and is responsible for developing and reviewing the council's safeguarding policies and, through their implementation, ensuring the council meets it's legal and moral obligations. Importantly the steering group makes sure that safeguarding is embedded across all areas of our organisation and that employees and elected members are clear about the council's commitment and responsibility to safeguard those vulnerable members in our communities.

Cllr Tony Kingsbury
Executive Member, Policy and Culture

Simone Chinman Russell
Executive Director, Housing and Communities

2. VALUES AND PRINCIPLES

The purpose of this policy is to set out the council's approach to safeguarding adults and promoting their welfare. It provides a strategic framework for the procedures which the council has adopted to ensure that we deliver on our commitment in a consistent way across the organisation.

Our approach to safeguarding adults links to our corporate priorities, which includes a commitment to maintain a safe and healthy community, to be achieved by

- Working with partners to keep people safe
- Helping to improve and maintain the health and wellbeing of residents

The council has a set of core values. Our values demonstrate what is important to us in our dealings with residents, businesses, partners and employees.

2.1. Our Values

Integrity: We will be honest, clear and consistent about what we do

Transparency: We will be approachable, accountable and transparent in the way we communicate and conduct our business

Respect: We will have respect for residents, businesses, partners and employees

Fairness: We will fair in our policies and decision making, listening to the views and feedback we receive

2.2. The six principles of safeguarding

This policy is based on six principles, which together drive our approach to safeguarding. These are:

1. Empowerment – presumption of person-led decisions and informed consent.
2. Prevention – it is better to take action before harm occurs.
3. Proportionality – proportionate and least intrusive response appropriate to the risk presented.
4. Protection – support and representation for those in greatest need.
5. Partnership – local solutions through services working with their communities, who have a part to play in preventing, detecting and reporting neglect and abuse.
6. Accountability – responsibility and transparency in delivering safeguarding.

For adults at risk of abuse and neglect this means that they will:

- be asked about what outcomes they want from the safeguarding process and these outcomes directly inform the action taken as appropriate;
- receive simple and clear information about what abuse is, how to recognise the signs and where to seek help and support;
- be assured that professionals are working in their interest and will only get involved when needed;
- receive help and support to report abuse and neglect and that they can take part freely, as much as they want, in the safeguarding process;

- know and understand that professionals will work together to get the best result to support them;
- understand the role of everyone supporting them.

Our council is an extended partner of the Hertfordshire Safeguarding Adults Board (HSAB). Our Safeguarding Adults at Risk Policy has been developed in line with the HSAB County wide guidance, *Safeguarding Adults at Risk: The multi-agency policy, procedure and practice for working with adults at risk of abuse and neglect in Hertfordshire 2017*.

2.3. Making safeguarding personal

Welwyn Hatfield Borough Council will always aim to make safeguarding personal so that it is person led and outcome focused. This will be done by engaging the adult at risk in the decision making process to improve their quality of life, wellbeing and safety.

We provide a range of support services to adults. To ensure adults at risk are safeguarded, we will actively seek to make communities safer by identifying and responding to any signs of abuse, neglect and suspected criminal offences.

The council will also work with adults at risk of abuse and neglect to ensure they are aware of the support options available to them, taking care to consult with them fully before any action is taken. The only situation where consultation will not take place is where reasonable justification is evidenced to suggest that the adult may not have the personal capacity to make any decisions or actions in their own best interest.

We will also ensure that any support offered is carried out in partnership with relevant agencies and that a collective approach is taken to provide this.

The core aims of developing a culture of safeguarding adults is to prevent abuse and neglect wherever possible, whilst promoting an approach that focuses on improving life for the adults concerned. To do this, awareness must be raised so that communities, alongside professionals, play their part in preventing, recognising and responding to abuse and neglect.

3. DEFINITIONS

For the purpose of this policy the following definitions have been adopted:

3.1. Who is an adult at risk?

An adult at risk of abuse and neglect is any person aged 18 years or over who:

- has perceived needs for care and support;
- is experiencing or is at risk of abuse and neglect;
- as a result of a person's needs they are unable to protect him/herself against abuse or neglect, or the risk of it.

3.2. What is abuse?

The Department of Health defines abuse as "a violation of an individual's human and civil rights by another person or persons". This can be recurrent and frequent or can be a single incident.

3.3. Categories of abuse

There is no exhaustive list of what constitutes abuse. The most commonly occurring types of abuse includes:

- **Physical abuse** – including assault, hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions on the person.
- **Domestic abuse** – including psychological, physical, sexual, financial and emotional abuse.
- **Honour-based abuse** - a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community.
- **Female genital mutilation** - a range of procedures which involve partial or total removal of the external female genitalia for non-medical reasons.
- **Forced marriage** - a marriage conducted without the valid consent of one or both parties and where duress is a contributing factor.
- **Sexual abuse** - including rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressured into consenting, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts or subjected to indecent exposure.
- **Psychological/emotional abuse** - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber abuse, isolation or unreasonable and unjustifiable withdrawal of services or supportive networks.
- **Financial or material abuse** - including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Modern slavery** – encompasses slavery including human trafficking, forced labour, debt bondage, sexual exploitation, criminal exploitation and domestic servitude.
- **Discriminatory abuse** – including forms of harassment, personal slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation or religion.
- **Organisational abuse** - including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or in relation to care provided in one's own home.
- **Neglect and acts of omission** - including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition, clothing and heating.
- **Self-neglect** – a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.
- **Radicalisation** – the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.
- **Hate crime** – a crime (or threat of harm) directed towards an individual on the basis of their protected characteristics including race, gender, sexual orientation, and disability.

Abuse and neglect take many different forms and may be identified as potential criminal activity. In any case abuse and neglect will not be tolerated and any suspected criminal activity will be reported appropriately.

4. HOW THE LAW PROTECTS ADULTS

4.1. Care Act 2014

The Care Act 2014 sets out a clear legal framework for local authorities and other statutory agencies on how to protect adults with care and support needs at risk of abuse or neglect. It encompasses the need for professionals to: prevent care needs becoming serious; inform and advise adults on making good decisions about their care and support; and also outlines the duty for professionals to cooperate with each other in order to protect adults. The *Care Act 2014* is designed to transform adult social care by ensuring greater multi-agency collaboration as directed by the Hertfordshire Safeguarding Adults Board. This gives Hertfordshire County Council (as the local authority) responsibility for:

- promoting individual well-being;
- preventing needs for care and support;
- promoting integration of care and support within health services;
- providing information and advice;
- promoting diversity and equality in provision of services.

As a partner of Hertfordshire County Council, Welwyn Hatfield Borough Council must co-operate with Hertfordshire County Council with any enquiries they make into an adult at risk, where Welwyn Hatfield Borough Council is providing them with a service.

4.2. Mental Capacity Act 2005

The Mental Capacity Act 2005 provides a framework to empower and protect people who may lack capacity to make some decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future.

Someone who lacks capacity, due to an illness or disability (such as a mental health problem, dementia or a learning disability) may have one or more of the following issues:

- cannot understand information given to them in order to make a particular decision;
- cannot retain that information long enough to be able to make the decision;
- cannot use or weigh up the information to make the decision;
- have difficulty in communicating their decision.

The Mental Capacity Act 2005 defines who can take decisions, when they can take them and how they should go about it. This is regardless of whether it is a major decision such as those about personal finance, social care or medical treatment or an everyday decision, such as what an individual has to eat or wear. The underlying philosophy of the Mental Capacity Act 2005 is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made, or action taken, on their behalf is made in their best interests and protects them from harm. People may go through stages where they have capacity at particular points in time and then may lack capacity at other times depending on their circumstance. Some people may also have the capacity to make particular decisions in some areas of their life but not in others, for example being able to decide what to eat and wear but not being able to decide what medical treatment to take.

4.3. Deprivation of Liberty Safeguards 2008

The Mental Capacity Act 2005 and Deprivations of Liberty Safeguards (MCA DoLS) will protect people who need to be cared for in a restrictive way and cannot make decisions about their care or treatment. MCA DoLS must be used if people need to have their liberty taken away in order to receive care and/or treatment that is in their best interests and protects them from harm. The Government are currently reviewing the DoLS legislation, with an update to be provided in March 2016 (need to update this section).

5. SAFER RECRUITMENT

5.1. Employing and maintaining safer staff

We are committed to safer recruitment and will take reasonable steps to ensure that staff working with adults are safe to do so. Posts will be appropriately assessed to determine their level of contact with adults at risk.

Where required we will vet potential employees using the Disclosure and Barring Service (DBS) to support safer recruitment decisions and prevent unsuitable people from working with at risk groups. There are three types of checks which can be conducted:

- Standard check - this will check for spent and unspent convictions, cautions, reprimands and final warnings.
- Enhanced DBS check - the same as the standard check plus any additional information held by local police which is reasonably considered relevant to the post being applied for.
- Enhanced with list checks – same as the enhanced check, but includes a check of the DBS Barred lists.

All disclosures for unsupervised work with adults at risk, that meet the definition of regulated work, will be at an enhanced level.

Additionally, all individuals recruited to Welwyn Hatfield Borough Council undergo pre-employment referencing covering a three year period.

Further information on the Recruitment Process and pre-employment checks can be found in the Welwyn Hatfield Borough Council Recruitment Policy.

5.2. Training for staff and Members

Council employees will be trained appropriately for their level of contact with adults to be able to recognise abuse and neglect, along with how to raise concerns using the agreed internal reporting procedures. There are two levels of safeguarding adults at risk awareness training to accommodate staff with infrequent contact (level 1) and those staff with regular and intensive contact (level 2). In addition to this all new staff will receive a brief awareness session as part of the Corporate Induction designed to welcome new staff.

Additionally, Members will receive an appropriate level of briefing to ensure that they fully understand their responsibilities.

5.3. Contracted services

In line with the core standards set out by the HSAB, we will ensure that in any services we commission, safeguarding adults' standards are in place. We will monitor the ability of the contracted provider to meet these standards through the contact/compliance monitoring process. This includes ensuring that:

- Commissioned services know about, and adhere to, relevant safeguarding adults at risk guidance.
- Senior managers of commissioned services are aware of their leadership role in ensuring quality of the service provided; supervision and support of staff; and responding to concerns about an adult at risk.
- Service users and carers are provided with relevant safeguarding information.
- The views of the adults at risk are taken into account on any action to be taken, with their consent given.
- Full name and job title of the staff member raising the concern and making the record is declared.

6. SHARING INFORMATION WITH OTHERS

We are committed to working with our partners to ensure information is not withheld unnecessarily as this may lead to abuse and neglect not being dealt with in a timely manner. The seven golden rules for information sharing must be considered when sharing information to protect adults at risk.

The seven golden rules are:

1. Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.

6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The *Data Protection Act 1998* and *General Data Protection Duty 2018* provide a framework to ensure that personal information about living persons is shared appropriately.

Consent will be shared where appropriate and the well-being of the customer will always be considered when deciding whether to share information.

Data sharing decisions will be based on the consideration of the safety and wellbeing of the person and others who may be affected by their actions.

Our data processing will be proportionate, relevant, accurate, timely and secure and fully compliant with all prevailing data protection regulations regarding the holding and sharing of information with others.

7. CONSENT

When implementing this policy we will always consider whether the adult at risk is capable of giving informed consent in relation to the investigation and safeguarding plan. If they are capable, their verbal and ideally their written consent will be sought. Where an adult at risk with capacity has made a decision that they do not want action to be taken and there are no concerns with public interest (others are not placed at risk of harm) then their wishes will be respected. The adult at risk will be given information and have the opportunity to consider all the risks and fully understand the likely consequences of that decision over the short and long term. If they still refuse any intervention, their wishes will be respected unless there is a:

- public interest concern and not acting will put other adults or children at risk; or
- duty of care to intervene, for example, a crime has been or may be committed.

8. RELATED COUNCIL POLICIES

- Safeguarding Children Policy
- Whistle Blowing Policy
- Training Policy
- Recruitment Policy
- Disciplinary Policy
- Recruitment and Selection Policy
- Disciplinary Procedure
- Code of Conduct
- Health and Safety Policy
- Equality Policy
- Data Protection Policy
- Complaints Procedure

9. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment was carried out by the Equality and Diversity Steering Group on 10 January 2018. No negative impact was identified on any of the protected groups under Equalities legislation.

10. MONITORING AND REVIEW

This policy sets out our approach up to 2020. We will review our Safeguarding Adults at Risk Policy by the end of March 2020 or at such time that new legislation or codes of practice require us to do so.

11. USEFUL RESOURCES

Linked/related legislation and policy guidance

[Safeguarding Adults at Risk: The multi-agency policy, procedure and practice for working with adults at risk of abuse and neglect in Hertfordshire 2015](#)

[Care Act 2014](#)

[Care Act 2014: statutory guidance for implementation](#)

[Adult Safeguarding: Statement of Government Policy 2013](#)

[Handling cases of forced marriage: multi-agency practice guidelines 2014](#)

[Female genital mutilation: guidelines to protect children and women 2014](#)

[Serious Crime Act 2015](#)

[Human Rights Act 1998](#)

[Equalities Act 2010: guidance](#)

[Safeguarding Vulnerable Groups Act 2006](#)

[Disability Discrimination Act 1995](#)

[Data Protection Act 1998](#)

[Making every contact count: A joint approach to preventing homelessness 2012](#)