

## Safeguarding Adults At Risk – Policy and Guidance

### **1 Introduction to Safeguarding Policy and Guidance**

Hesley Group offers a person centred culture which aims to develop independence and create a safe environment to maximise potential. The philosophy includes warmth, security, consistency, understanding and trust. This is the purpose for the service and safeguarding arrangements sit in this context. Hesley Group values are “person centred, outcome focused and quality driven”. We treat every person using our services as an individual, and we work hard to ensure each person receives care that is safe, effective, caring, responsive and well led.

As a provider of care to adults with learning disabilities, Hesley Group has a key role in keeping people safe, preventing abuse and ensuring early intervention. Sound safeguarding arrangements balanced with promoting independence, good person centred care and health planning and positive behaviour support will actively ensure the support needed to keep people safe is in place.

Robust and comprehensive safeguarding and protection processes, which include listening to people supported by Hesley Group services and ensuring employees and others are able to speak up, and their concerns are acted upon, will demonstrate standards that are supported by law and national guidance.

Abuse is a violation of an individual’s human and civil rights by any other person or persons. Effective safeguarding systems are person centred.

This is why Hesley Group makes safeguarding a priority and will maintain an open and transparent approach to reporting and learn from concerns and incidents in order to increase quality of practice, taking account of feedback from people who use our services on feeling safe. These procedures fit with those of the Local Safeguarding Adults Boards. They exist to demonstrate to Hesley Group employees their responsibilities and explain the correct processes they must follow if they are concerned about a person’s safety and wellbeing.

*Chris McSharry*  
**Chief Executive Officer**

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### 1.1 Scope of Policy

Please also see the procedures document situated at [ReS 2.1.2](#) and your Safeguarding Booklet, [ReS 2.1.1](#). This policy refers to people we support in our registered care services for adults. In addition to this policy there is a separate policy for each of our Children's Services, [ReS 2.1A](#) / [ReS 2.1B](#), based on the national guidance as set out in "Keeping Children Safe in Education", other departmental guidance and the regulations pertaining to children's homes and independent schools. **If in exceptional circumstances a young person approaching the age of eighteen is accommodated in an adults residential care service, any allegation should be managed by contacting one of the designated safeguarding leads in children's services as set out in [ReS 2.1A.1](#) / [ReS 2.1B.1](#).**

This policy applies to all employees, people we support, visitors, volunteers and contractors, without exception.

Hesley Group undertakes to ensure this policy and guidance is provided to employees on commencement and training given and refreshed regularly.

All employees, therefore, have responsibility for ensuring they work within the remit of this policy and in the manner in which they have been trained.

Hesley Group employees have a duty to provide people using the service with the best possible care at all times, never to engage in any action or activity that could be construed as abusive and to report any suspicions they have that abuse is occurring.

All actions taken to support people must demonstrably be taken either with their consent or, if they are unable to consent, in their best interests and in line with all relevant aspects of the Mental Capacity Act 2005.

Failure by Hesley Group employees to fulfil these responsibilities and undertake any of these duties may result in disciplinary proceedings and possible dismissal.

This policy links to a number of other Hesley Group policies and the Hesley Group Code of Conduct for Employees, [Per 4.9.1](#). Please see the final page of this document for references/links.

A link to the South Yorkshire (Barnsley and Doncaster) Safeguarding Adults Procedures is situated in Section 2 of this policy.

### 1.2 Outcome

People will receive services that are safe, effective, caring, responsive and well led. This includes protecting everyone we support from abuse and harm, or the risk of abuse and harm.

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### **1.3 Why we Need a Policy**

Social care services providers play an important role in the protection of people from harm and are responsible for ensuring that services and support are delivered in ways that are high quality and safe.

At Hesley Group we support people who may be at a higher risk than most in society. Many individuals have difficulty or are unable to express their concerns and fears verbally, or report things that have had a negative impact on their lives.

This could include episodes of physical abuse (including inappropriate use of restraint, medication or restriction/deprivation of liberty), sexual or emotional abuse (including discriminatory, psychological abuse) by individuals. But it could also include neglecting to support someone in the way they should be supported, for example not giving people the right support and care with their health or personal care needs, failing to give people their medication, the right food and drink, etc., or financial and material abuse.

If Hesley Group did not have proper procedures in place to check out new employees or have proper policies in place or did not manage the service properly and this resulted in people coming to harm, this could be considered to be organisational (previously referred to as institutional) abuse.

In addition to the moral responsibility for protecting people, we are also required by law to do our utmost to protect people from harm and abuse. This includes having a working policy and guidance for employees in relation to Safeguarding Adults in our care.

## **2 Safeguarding Adults at Risk**

### **2.1 The Care Act 2014 and Safeguarding**

Until October 2015 safeguarding adults was not set out in law. There was guidance in a document called "No Secrets" which authorities and providers of care services were expected to comply. "No Secrets" has now been withdrawn and is replaced by guidance within Chapter 14 of the Care Act 2014 (The Care Act). This is replicated within the South Yorkshire Safeguarding Adults Procedures, which should be considered an integral part of this policy (see <http://www.proceduresonline.com/southyorks/sab/> for Doncaster and Barnsley areas and <http://www.nypartnerships.org.uk/sab> for the Easingwold area.

The Care Act places responsibility for the management of safeguarding adults with the local authority (Sections 42-47). It also places a duty on other agencies to participate and cooperate with enquiries.

The Act sets out clear criteria for what would constitute the need for a safeguarding enquiry. These are:

- The person has needs for care and support (whether or not the local authority is meeting any of those needs); and

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- The person is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs the person is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Safeguarding in this context 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 or unconcerned about their personal circumstances.

**2.2 The six key principles that underpin all adult safeguarding** work as set out in Section 42-46 of the Care Act 2014 are:

- **Empowerment**  
Personalisation and the presumption of person-led decisions and informed consent.
- **Prevention**  
It is better to take action before harm occurs.
- **Proportionality**  
Proportionate and least intrusive response appropriate to the risk presented.
- **Protection**  
Support and representation for those in greatest need.
- **Partnership**  
Providing 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.

The voice of the person must guide our actions and the person's wishes and feelings remain at the centre of what we do. Please also see our policy and guidance on Communication, [ReS 5.5](#), Capacity and Consent, [ReS 6.4A](#) and People's Rights and Having a Say, [ReS 5.8](#).

**2.3 The Main Categories of Adult Abuse** are as follows:

- **Physical**
- **Psychological**
- **Neglect and Acts of Omission**
- **Sexual**
- **Financial**
- **Organisational (previously Institutional)**

Discriminatory abuse is motivated by discriminatory and oppressive attitudes towards people on the grounds of disability, gender and gender identity and reassignment, age, race, religion or belief, sexual orientation, and political beliefs. It includes verbal abuse and racist, sexist, homophobic or ageist comments, or jokes or any other form of harassment. It also includes not

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responding to dietary needs and not providing appropriate spiritual support.  
**Discriminatory abuse can manifest itself in any or all of the above.**

Other areas of concern may include any or all of the above and include Domestic Violence, Female Genital Mutilation, Sexual Exploitation and Modern Slavery. Please see

- South Yorkshire Procedures at:  
<http://www.proceduresonline.com/southyorks/sab/>
- North Yorkshire Procedures at:  
<https://www.northyorks.gov.uk/safeguarding-vulnerable-adults>

**2.4** The PREVENT strategy was set up by the Government to try and identify children and young people at risk from extremism and radicalisation. It may be that we identify such risks in adult services because of the vulnerability of people we support. Please see the additional guidance - Hesley Group Guidance on Extremism and Radicalisation – PREVENT, [ReS 2.1.12](#).

**2.5** **Everyone has a responsibility** to ensure that a concern about the alleged abuse of an Adult at Risk is addressed. The Care Act 2014 places the lead responsibility for *managing* adult safeguarding within the 'Local Authority' working with the police who will lead on any criminal concerns relating to an Adult at Risk.

**2.6** **A Safeguarding Adults Enquiry** is now known as a Section 42 enquiry. In order to protect people, prevent abuse and harm and empower the people using our services we must provide safe and effective services that meet a whole range of needs for individuals. People need to be supported appropriately to take positive risks. We also must make sure our employees are safely recruited and properly trained, supervised and managed. Enquiries may be carried out by a representative of the local authority or CCG; alternatively the enquiry may be passed back to managers in Hesley Group to investigate and report back.

**2.7** **Information will only be shared on a 'need to know' basis** when it is in the interests of the adult. Confidentiality must not be confused with secrecy. Informed consent should be obtained but, if this is not possible and other adults are at risk of **Abuse** or **Neglect**, it may be necessary to override the requirement; and it is inappropriate for Hesley Group employees to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other adults may be at risk. See also Information Sharing and Confidentiality Policy, [ReS 2.4](#), Information Governance Policy, [Corp 2.1](#); Being Open – Duty of Candour, [Corp 8.1](#); and Speaking Up Policy and Guidance, [Corp 5.1](#).

**2.8** **Mental Capacity and Safeguarding** - Does the Adult at Risk lack specific capacity to make a decision – is there a Best Interest Decision required? The **Mental Capacity Act 2005 (MCA 2005)** is designed to protect and restore power to **adults** who may lack or have reduced **Capacity** to make certain decisions at certain times. One of the ways it does this is by putting adults at the heart of the decision-making process.

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Capacity describes a person's ability to make a specific decision at a specific time. An individual is deemed to lack Capacity if at the time, a decision is required, and he/she is unable to make that decision because of an impairment or disturbance in the functioning of the mind or brain. This may be temporary or permanent.

Mental capacity is frequently raised in relation to adult safeguarding. The requirement to apply the MCA in adult Safeguarding enquiries challenges many professionals and requires utmost care, particularly where it appears an adult has capacity for making specific decisions that nevertheless places them at risk of being abused or neglected.

Where a person's care arrangements present a restriction of a person's liberty that could be deemed "deprivation", i.e. if someone is under continuous supervision and control and is not free to leave the service, or subject to restrictive practices such as restraint, we must think about Deprivation of Liberty Safeguards 2007 (DoLS). This applies in adult residential services and only to people aged 18 and above. Applications are made to the supervisory authority (usually the person's funding authority) as set out in Hesley Group MCA Deprivation of Liberty Safeguards Policy and Guidance, [ReS 6.4B](#) .

For people who are aged 16 or 17 living in an adult care home, DoLS do not apply. Contact, therefore, will need to be made with the person's funding authority with a view to seeking authorisation from the Court of Protection (also set out in Hesley Group MCA Deprivation of Liberty Safeguards Policy and Guidance, [ReS 6.4B](#)).

**2.9 Offences of Treatment and Wilful Neglect** – Section 44 of the MCA created the criminal offences of ill treatment and wilful neglect in respect of people who lack the ability to make decisions, however this legislation was amended to include people who have capacity to make decisions. The offences can be committed by anyone responsible for that adult's care and support - paid employees but also family carers as well as people who have the legal authority to act on that adult's behalf (i.e. persons with power of attorney or Court-appointed deputies). These offences are punishable by fines or imprisonment. Ill treatment covers both deliberate acts of ill treatment and also those acts that are reckless which results in ill treatment. Wilful neglect requires a serious departure from the required standards of treatment and usually means that a person has deliberately failed to carry out an act that they knew they were under a duty to perform.

## **2.10 Responsibilities for all Employees**

Everyone working for Hesley Group has a responsibility to safeguard adults and children who use our services. Hesley Group will be fully compliant with the law and guidance in relation to safeguarding people using our services. This includes the CQC Fundamental Standards and the Health and Social Care Act (HSCA) 2008 (Regulated Activities) Regulations 2014 and HSCA Registration Regulations 2009 and all other relevant legislative requirements such as the Health and Safety at Work Act.

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Hesley Group will operate sound recruitment procedures that are designed to exclude people who are not fit to be placed in a position of trust and responsibility in relation to people who use our services. We expect as part of this process potential employees will disclose information as requested and undertake a DBS criminal records and Vetting and Barring check as required for their post. These will be renewed three-yearly.

We should always aim for a culture of openness, honesty and awareness among employees, children and young people in our services and their relatives and other stakeholders. This should enable people we support, our employees and others to raise concerns about behaviour that they suspect is abusive. People raising concerns will be reassured they will not be victimised for speaking out. Please see Speaking Up Policy, [Corp 5.1](#), and Being Open Policy, [Corp 8.1](#). Managers will maintain an open and transparent approach when reporting and sharing appropriate information with others.

Hesley Group will work to ensure everyone using our services will be supported to express concerns and will have access to an advocate or other skilled professional, appropriate communication tools and support with these, in order to assist them in alerting people to distress, or describing what happened in a safe and supportive environment.

All Hesley Group employees and managers follow the local Safeguarding Adults procedures. All employees will be made aware that the Guidance in 'Safeguarding Adults – South Yorkshire Adult Protection Procedures' are regarded as integral parts of this policy. Please see Flowchart, [ReS 2.1.2a](#), for incidents that occur in our residential care services.

All Hesley Group employees will have and keep safe a personal copy of Hesley Group Safeguarding Adults – Guidance and Instructions for Employees, [ReS 2.1.1](#), and should understand that failure to follow the correct procedures on protection, prevention and safeguarding matters may lead to disciplinary action and possible dismissal.

All Hesley Group employees will receive and keep safe a copy of the Hesley Group Code of Conduct for Employees, [Per 4.9.1](#), which sets out clearly the standards of practice we expect.

All Hesley Group employees will receive training, instructions and guidance in this Safeguarding policy, procedures and guidance and that required by the Care Certificate and Level 2 or Level 3 Diploma in Social Care/Diploma in Children and Young People.

All Hesley Group employees will understand the procedures for reporting suspicions or allegations to management and if necessary to external bodies.

Hesley Group expects our employees and managers will work closely with other agencies as required.

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The Hesley Group Workforce Development Team will ensure all Hesley Group employees receive training in safeguarding children and adults during their induction and receive their personal copy of the HG safeguarding procedures ([ReS 2.1.1](#)).

Safeguarding Adults is covered as a part of the Care Certificate and Level 2 Diploma in Social Care. Refreshers are also provided as a part of individual mandatory CPD.

The training covers identifying abuse and types of abuse, people at risk, signs and symptoms, Speaking Up, Mental Capacity and Hesley Group procedures.

Safeguarding booklets and Code of Conduct Booklets are issued at the induction and are updated and redistributed where there are major changes.

Hesley Group employees will receive training/undertake learning as appropriate in the delivery of safe care and support (please see Staff Learning and Development Policy, [Per 3.1](#)).

**2.12 Delivering safe and effective care and support** is fundamental to this policy. This includes:

- Consultation involvement and consideration of the wishes of people we support.
- Respecting people's dignity and privacy.
- Involvement of parents, family carers and legal representatives where appropriate.
- Each person's Support Plans must be followed and regularly reviewed. This includes the person's individual risk assessment and their behaviour support plans.
- People must live in an environment that reflects their personal style and preferences, that is safe and meets their needs.
- All managers and their employees must follow Hesley Group policies, procedures and guidance that enable them to give safe and appropriate support. Our policies are there to help. (See policy and guidance section at the end of this document.)
- Application of the HELP programme and the principles of Positive Behaviour Support outlined in Positive and Proactive Care.

**2.13 Referral to the DBS Barring List** must be undertaken by the Registered Manager or their Deputy (or the Operations Director if necessary) when someone is dismissed or leaves before they could be dismissed when an allegation of abuse is considered to be upheld.



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Please note that a Flowchart has been appended to the Safeguarding Adults policy at [ReS 2.1.8](#), in order to provide easier access than having to navigate the DBS website. This makes clear the DBS process and our responsibilities as an employer and referrer to undertake investigations and as much of a disciplinary process as is feasible when someone resigns before due process is complete. The DBS do not conduct investigations, they base their decisions on evidence that is provided by us as a referrer.

Referrals should be sent in the first instance to Adele Spivey, Administrator Central Services. The Head of Policy and Regulation will counter-check each referral before it is processed by Central Services administration. A central record is made of all DBS referral documentation and stored securely on the server. Should mail come direct to the referrer as a result of making a referral they should scan and send a copy to Adele for the central record. People who are being referred must be informed by Hesley Group of the intention to refer at the time of their dismissal or resignation, either by letter or in person and followed up in writing. For further information please see the link to the DBS Guidance at <https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>.

### **3 Standard Forms, Letters and Documents**

- 3.1 [Safeguarding Booklet – Summary for Employees, ReS 2.1.1](#)
- 3.2 [Procedures for Managing Allegations of Abuse, ReS 2.1.2](#)
- 3.3 [Flow Chart for Reporting and Managing Adults’ Safeguarding Alerts and Referrals, ReS 2.1.2a](#)
- 3.4 [Report of Concern Form, ReS 2.1.3](#)
- 3.5 [Index Form for Safeguarding File, ReS 2.1.4](#)
- 3.6 [Body Map for Recording Injuries, H&S 1.2.4](#) (in Accidents Policy)
- 3.7 [Final Outcome Form, ReS 2.1.6](#)
- 3.8 [DBS Referrals: Form and Guidance, ReS 2.1.7](#)  
<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>
- 3.9 [DBS Referrals Flowchart, ReS 2.1.8](#)
- 3.10 [Record of Safeguarding Strategy Discussion/Strategy Meeting or Case Conference, ReS 2.1.9](#)
- 3.11 [Safeguarding Action Plan, ReS 2.1.10](#)
- 3.12 [Easy Read Summary of Policy, ReS 2.1.11](#)
- 3.13 [Hesley Group Guidance on Extremism and Radicalisation – PREVENT, ReS 2.1.12](#)

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3.14 [Doncaster Safeguarding Adults Board – Safeguarding Adults Decision Support Guidance, ReS 2.1.13](#)

**4 Other Documents to be Referred to**

4.1 Barnsley Safeguarding Adults Procedures

<https://www.barnsley.gov.uk/social-care-wellbeing-and-community-information/keeping-safe/adult-abuse>

4.2 South Yorkshire Safeguarding Adults Board Procedures Manual

<http://www.proceduresonline.com/southyorks/sab/>

4.3 Doncaster Safeguarding Adults Procedures

[www.doncaster.gov.uk/safeguardingadults](http://www.doncaster.gov.uk/safeguardingadults)

4.4 North Yorkshire Safeguarding Adults Procedures

<https://www.northyorks.gov.uk/safeguarding-vulnerable-adults>

4.5 [Statutory Notifications to Ofsted and CQC of Significant Events \(all services\), ReS 2.6](#)

4.6 CQC Notification Guidance and Form, (Allegations of Abuse)

<http://www.cqc.org.uk/content/notifications>

4.7 [Hesley Group Speaking Up Policy and Guidance, Corp 5.1](#)

4.8 [Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care, Corp 5.1.3](#)

4.9 [Being Open – Hesley Group Duty of Candour Policy, Corp 8.1](#)

4.10 Positive and Proactive Care; reducing the need for restrictive interventions (DH 2014)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300293/JRA\\_DoH\\_Guidance\\_on\\_RP\\_web\\_accessible.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300293/JRA_DoH_Guidance_on_RP_web_accessible.pdf)

4.11 Fundamental Standards and HSCA Regulated Activities Regulations 2015

<http://www.cqc.org.uk>

4.12 [Compliments and Complaints, Policy Corp 10.1](#)

4.13 [Recruitment, Selection and Appointment of Support Workers and APS Workers using CARES Values Based Recruitment, Per 2.1](#)

4.14 [All other Employees – Recruitment, Selection and Appointment, Per 2.1A](#)

4.15 [Disclosure and Barring Service \(DBS\) Checks on Potential and Current Employees, Per 2.5](#)

4.16 [Positive Behaviour Support – Adult Services, ReS 5.1A](#)

4.17 [Hesley Group Restrictive Intervention Reduction Guidance, ReS 5.2](#)

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- 4.18 [Individual Risk Assessment and Management, Policy ReS 6.11](#)
- 4.19 [People's Rights and Having a Say, Policy ReS 5.8](#)
- 4.20 [E-Safety and Media Policy and Guidance, Policy ReS 6.17](#)
- 4.21 [Health and Safety, Policy H&S 1.1](#)
- 4.22 [Accidents, Policy H&S 1.2](#)
- 4.23 [Near Miss Reporting, Policy H&S 1.3](#)
- 4.24 [Appointment and Management of Contractors, Policy H&S 1.5](#)
- 4.25 [Fire Safety, Policy H&S 1.14](#)
- 4.26 [First Aid, Policy H&S 1.15](#)
- 4.27 [Infection Control, Policy H&S 1.17](#)
- 4.28 [Moving and Handling of People, Policy H&S 1.22B](#)
- 4.29 [Working Practice for Health & Safety Checks, Policy H&S 1.23](#)
- 4.30 [Personal Protective Equipment \(PPE\), H&S 1.24](#)
- 4.31 [Risk Assessment, Policy H&S 1.27](#)
- 4.32 [Emergency and Service Continuity Planning, Policy H&S 1.37](#)
- 4.33 [Planning and delivery of Health and Care Support, Policy ReS 5.3](#)