

# Safeguarding Adults at Risk Policy



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<b>Version level</b>	<b>Details of changes</b>	<b>Date</b>
01	New policy	14.02.06
02	Review carried out, new format no changes to content	30.04.06
03	Review and update, amendment	05.07.07
04	Review and update to reflect current legislation and practice	03.07.08
05	Review and update to reflect current legislation and practice	02.07.09
06	Review and update to reflect current legislation and practice / status	06.05.10
07	Review and update to reflect current legislation and practice / status	19.05.11
08	Amendments made to categories of abuse in Section 3	07.07.11
09	Reviewed and updated, author changed	05.07.12
10	Reviewed and updated, amendment to terminology	15.10.13
11	Reviewed and updated, change of title, amendment to terminology and definition.	17.04.15
12	Updated to included reference to Prevent	09.06.15
13	Updated reference to Local Authority safeguarding documents. Included reference to six key principles underpinning all adult safeguarding work.	16.06.16
14	Review and update to reflect current legislation and practice	07.11.16
15	Added 'dignity' to list of aims, reference material regarding mental capacity and deprivation of liberty, detail of record keeping.	01.02.17
16	Checked references to guidance/legislative documents for updates – no changes necessary	06.03.18
17	Updated reference to statutory guidance – Care and support statutory guidance. Updated reference to DPA 2018.	11.03.19
18	Added details of escalation in respect of a staff concern that safeguarding is not being addressed correctly within the college or by other agencies.	26.11.19
19	Added reference to guidance document updates.	10.03.20

20	Referenced that concerns raised under this policy will be addressed as Prevent/Safeguarding concerns and not a disciplinary concern. Updated reference to Prevent Duty Guidance for Further Education Institutions in England and Wales – April 2019.	15.05.20
21	Reviewed by college solicitors  Updated to incorporate definition of abuse and updated to reflect current legislation and guidance.	23.09.21
22	Reviewed  Removal of external webpage that no longer exists  Updated to reflect changes from Gateshead Council categories of abuse	22.07.21
26	Reviewed by solicitors on 28/07/2022  Insertions accepted from solicitors in sections 2.3, 5.1 and 6.2	28/07/22
27	Reviewed by solicitors 24.08.2023  Updates to Section 2.3,	24.08.23

Monitor Changes – This front page is for monitoring and dissemination purposes only. It does not form part of this Policy document

## Safeguarding Adults at Risk Policy

### 1. Aims and Objectives

The aim of this policy is to safeguard and promote the welfare of adults at risk. Although the safeguarding process will be used when abuse has occurred, the aim is to be proactive rather than reactive.

This policy has been informed by:

- o Gateshead Council Multi-Agency Policy and Procedures
  - Care and support statutory guidance
  - Revised *Prevent* Duty guidance for England and Wales: Guidance for specified authorities in England and Wales on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.
  - *Prevent* Duty Guidance: for further education institutions in England and Wales.
- o <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/prevent-and-address-harassment-and-sexual-misconduct/statement-of-expectations/>

The legal framework for safeguarding is contained in a wide range of Acts and other law including:

- The Care Act 2014
- Equality Act 2010
- Safeguarding and Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Sexual Offences Act 2003
- Data Protection Act 2018
- Mental Health Act 1983
- Mental Capacity Act 2005
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Theft Act 1968.

Gateshead College will work within the legal framework in safeguarding and promoting the welfare of adults at risk.

### 2. Scope

- 2.1 All adults at risk who undertake employment, work placement, training or education directly or indirectly with Gateshead College are covered by the Safeguarding Adults at Risk Policy.
- 2.2 All staff and volunteers are expected to embrace the policy and comply with associated procedures. (Refer to section 4 Related Documents).
- 2.3 Definitions and aims of adult safeguarding

The essence of safeguarding is to protect the rights of an adult to live in safety and to be free from abuse and neglect. Each and every case will present its own complexities and challenges but crucially, the wishes of the adult at the centre of the process must be

determined and considered when deciding how to tackle any issues of abuse or neglect.

The primary aims of adult safeguarding are as follows:

- To stop abuse or neglect wherever possible;
- To promote wellbeing and dignity;
- To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- To safeguard adults in a way that supports them in making choices and having control about how they want to live by promoting an approach that concentrates on improving life for the adults concerned;
- To raise public awareness so that communities as a whole, as well as professionals, can contribute by preventing, identifying and responding to abuse and neglect;
- To promote an approach that concentrates on improving life for the adults concerned;
- To provide information and support that is accessible and helps people to understand the nature of abuse, how to stay safe and how to raise a concern regarding the safety or well-being of an adult; and
- To address the causes of any abuse or neglect.

Definition of Adult in Section 42 the Care Act 2014:

An adult who may be vulnerable to abuse or maltreatment is deemed to be someone aged 18 or over, who is in an area and:

- Has needs for care and support (whether or not the authority is meeting any of those needs);
- Is experiencing, or is at risk of, abuse or neglect; and
- As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Definition of Adult at risk:

A person aged 18 or over who is in need of care and support, regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect.

Where a Local Authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident) and that adult:

- a) has needs for care and support (whether or not the authority is meeting any of those needs) and
- b) is experiencing, or is at risk of, abuse or neglect, and
- c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Then the Local Authority must make (or cause to be made) whatever enquiries it

thinks necessary to enable it to decide whether any action should be taken in the adult's case and if so, what should happen and who should do it. This then constitutes a statutory Section 42 enquiry. Within the scope of this definition are:

- All adults who meet the above criteria regardless of their mental capacity to make decisions about their own safety or other decisions relating to safeguarding processes and activities
- Adults who manage their own care and support through personal or health budgets
- Adults whose needs for care and support have not been assessed as eligible or which have been assessed as below the level of eligibility for support
- Adults who fund their own care and support
- Children and young people in specific circumstances

Abuse is defined widely but should generally be regarded as behaviour by an individual, which violates or could violate the human or civil rights of an adult with needs for care and support. This could include financial abuse, domestic abuse and self-neglect. The duties apply regardless of whether the adult lacks mental capacity.

The Care Act 2014 states; 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.

The Care Act introduced a legal duty on local authorities to make enquiries about safeguarding concerns. The safeguarding duties apply to an adult who is in the local authority's area (whether or not ordinarily resident there).

- Has needs for care and support (Whether or not the local authority is meeting any of those needs) and
- Is experiencing, or at risk of, abuse or neglect and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The Lord Chancellor's Department core definition of "vulnerable adult" is a person aged 18 years or over 'who is or may be in need of community care services by reason of disability, age or illness; and 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 does not mean that just because a person is old or frail or has a disability they are inevitably 'at risk'. For example, a person with a disability who has mental capacity to make decisions about their own safety could be perfectly able to make informed choices and protect themselves from harm. In the context of Safeguarding Adults, the vulnerability of the Adult at Risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort, and to protect themselves from abuse, neglect and exploitation. It is important to note that people with mental capacity can also be vulnerable.

***The Mental Capacity Act (MCA)*** is designed to protect and empower individuals who may lack the mental capacity to make their own decisions about their care and treatment. It is a law that applies to individuals aged 16 and over.

**Deprivation of liberty Safeguards (DoLS)**- In certain cases, the restrictions placed upon an individual who lacks capacity to consent to the arrangements of their care may amount to "deprivation of liberty". This must be judged on a case-by-case basis. Where it appears a deprivation of liberty might occur, the provider of care (usually a hospital or a care home) has to apply to their local authority, who will then arrange an assessment of the individual's care and treatment to decide if the deprivation of liberty is in the best interests of the individual concerned. If it is, the local authority will grant a legal authorisation. If it is not, the care and treatment package must be changed – otherwise, an unlawful deprivation of liberty will occur. This system is known as the Deprivation of Liberty Safeguards. If you suspect a deprivation of liberty may occur, the first step should be to talk to the care provider and then possibly the local authority.

An adult at risk's vulnerability is determined by a range of interconnected factors including personal characteristics, factors associated with their situation or environment and social factors. Some of these are described in the table below.

An adult at risk may therefore be a person who:

- is elderly and frail due to ill health, physical disability or cognitive impairment
- has a learning disability
- has a physical disability and/or a sensory impairment
- has mental health needs including dementia or a personality disorder
- has a long-term illness/condition
- misuses substances or alcohol
- is a carer such as a family member/friend who provides personal assistance and care to adults and is subject to abuse
- is unable to look after their own wellbeing, property, rights or other interests
- is in need of care and support but is unable to demonstrate the capacity to make an informed decision about themselves

(This list is not exhaustive.)

Regulated activity for adults is divided into six categories, each with detailed sub-categories and a definition of who is to be treated as a vulnerable adult recipient in each case.

- Providing health care
- Providing personal care
- Providing social work
- Assistance with general household activities
- Assistance with conduct of a person's own affairs
- Conveying (transporting from one place to another)

Regulated activity includes the supervision of any person carrying out regulated activity.

The definition of regulated activity does not include such activities carried out in the course of family relationships, and personal, non-commercial relationships.

### **Six key principles underpin all adult safeguarding work**

The following 6 principles apply to all sectors and settings including care and support services, further education colleges, commissioning, regulation and provision of health and care services, social work, healthcare, welfare benefits, housing, wider local authority functions and the criminal justice system. The principles should inform the ways in which professionals and other staff work with adults. The principles can also help SABs (Safeguarding Adult Board), and organisations more widely, by using them

to examine and improve their local arrangements. The main objective of a SAB is to assure itself that local safeguarding arrangements are in place and partners help and protect adults in its area who meet the criteria of an adult at risk.

**Empowerment** - People being supported and encouraged to make their own decisions and 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. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

**Accountability** - Accountability and transparency in delivering safeguarding.

## Categories of Abuse

Fifteen categories of abuse are recognised by Gateshead's multi-agency Procedural Framework;

- Physical abuse
- Sexual abuse and sexual assault
- Psychological and emotional abuse
- Financial and material abuse
- Neglect and acts of omission
- Institutional abuse
- Discriminatory abuse
- Domestic abuse
- Modern slavery and human trafficking
- Self-neglect
- Coercive behaviour
- Controlling behaviour
- Forced marriage
- Hate crime
- Radicalisation
- Female genital mutilation

## Policy statement

- 3.1 The Governing Body of Gateshead College respects an individual's rights: the right to independence, to be safeguarded from harm, to make decisions and to take risks. Gateshead College is committed to safeguarding and promoting the welfare of all adults at risk and to working with relevant external agencies to achieve this commitment.

## Principles Underpinning the Policy

- 4.1 The following principles underpin the policy:
  - the safeguarding of an adult at risk is paramount
  - the duty of confidentiality will be balanced against the risk to the adult at risk or others, their wishes and our judgements of their mental capacity
  - prompt and timely action is essential to minimise risk to the adult at

- risk welfare
- it is important to recognise that any concerns regarding a learner being at risk of radicalisation and/or extremism will be managed as a Prevent/Safeguarding matter rather than a disciplinary concern.
- primary responsibility and investigation is the duty of Social Services and the Police. The role of the College is to identify safeguarding issues, refer and support the adult at risk and work with relevant agencies, as appropriate
- accurate recording is essential and must include evidencing decision making
- records must be dated, signed and fully reflect the situation at the time
- all staff have a responsibility to follow the policy and procedures throughout the process
- where staff have concerns that their child safeguarding concerns are not being addressed correctly within the organisation or by other agencies these concerns can be raised with the Head of Student Services and Customer Experience who operates as Designated Lead Safeguarding Officer. If there are circumstances where the member of staff believes that the DLSO is not addressing these concerns correctly the Head of People and Organisational Development will respond to these concerns.

## **The Strategy for Safeguarding and Protecting Adults at Risk**

### 5.1 Gateshead College will:

- act in a legal and ethical manner
- have a clear line of accountability and governance within and across the organisation for the commissioning and provision of services designed to safeguard and promote the welfare of all students;
- have recruitment and human resources management procedures and processes, including contractual arrangements, that take account of the need to safeguard and promote the welfare of all students;
- have arrangements to ensure that all staff undertake appropriate training to equip them to carry out their responsibilities effectively, and keep this up to date by regular refresher training;
- comply with the Disclosure and Barring Service
- produce and review annually a procedure for dealing with allegations or concerns about the abuse of Adults at Risk
- identify safeguarding issues, support the Adult at Risk and refer to other agencies, as appropriate
- respond to concerns and allegations in a considered and proportional manner
- empower adults at risk and involve them as fully as possible in all situations
- act in accordance with the adult's wishes, balanced with our judgements of their mental capacity, their best interests, and our duty of care to others (including children)
- work with other agencies to safeguard and promote the welfare of adults at risk
- work effectively with partner organisations to reduce the risk of people being radicalised and/or being drawn into extremism
- hold safeguarding group meetings with the nominated governor, and safeguarding steering group meetings will take place on a termly basis
- welcome comments that may help to improve practice and achieve best outcomes
- promote this policy and related safeguarding procedure and regularly review it
- keep records in the college secure electronic safeguarding system which is accessible to the safeguarding team. Records should not be kept in student records held by course teams.



## Information Sharing & Confidentiality

Legally staff can share confidential information with the student's consent. If the information is in the public interest it is legal to share the information without the student's consent. Staff should always record the reason for disclosing information and whether disclosure was made with or without consent.

## Police Consultation

*Consent* - In all cases staff should attempt to obtain the consent of the person before calling the police. This is not always appropriate and the requirement to obtain consent may be overridden or dispensed with, depending on the following points:

- The seriousness of the incident
- Potential risk to other people
- The capacity of the person to make the decision,
- Where a person refuses to allow contact with the police, an assessment as to what would be in the best interests of the person and/or other adults at risk or children must be made and recorded.

*Overriding Consent* - Consent can be overridden in cases where:-

- The allegation is against a paid carer
- Where there are concerns for other adults and/ or children at risk
- Where there is a clear public interest and it is alleged that a serious crime has been committed.

## Monitoring and Reporting

- 6.1 Compliance with procedures will be monitored through the usual management arrangements.
- 6.2 An annual report will be produced for the Board of Governors to include the following:

- Any legislative changes in new guidance that is relevant
- Outcomes of the policy review (annually).
- Designated senior member of staff: has there been appropriate training? What resources and time is allocated to ensure the role is fulfilled adequately?
- Staff Training: what training has been delivered to relevant staff
- Cases: how many cases, were they dealt with appropriately, are any changes in practice needed or identified training needs?
- Allegations against staff: As above, including outcomes
- Summary view of the College's response to safeguarding adults at risk
- Any recommendations that the Governing Body must endorse

Allegations of institutional abuse or abuse by staff must be treated particularly seriously given that potentially they involve:

- A breach of trust
- A failure in the duty of care
- Danger to other students
- A failure in governance systems
- Legal action against the College

- Adverse publicity.

Any allegation of misconduct by a member of staff to an adult at risk must be referred to the relevant Local Authority. The College HR and senior managers must be kept informed. If such misconduct could give rise to a criminal offence, it must be referred to the police.

The investigative process will vary from case to case, but must not bypass the Local Authority multi-agency process, which will include consideration of any need criminal investigation if this has not already been initiated. A decision must be reached between agencies as early in the process as possible as to the most expedient way of conducting the investigation.

Duplication of processes, and in particular repetition of the same questions of witnesses through uncoordinated parallel processes, should be avoided. As with the investigation of other types of incident, where there is a need for disciplinary investigations and proceedings it is essential that the rights of the member of staff are not infringed, and that the disciplinary process is not compromised.

### **Review**

This policy and the associated procedures will be reviewed on an annual basis or bi-annual basis and be amended in accordance with legislative changes, changes to locally agreed inter-agency procedures and best practice in the further education sector.

### **Useful Contacts**

#### **Designated Safeguarding Lead**

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#### **Deputy Safeguarding Officer**

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### **Related Documents**

EQY-POL-001	Equality and Diversity Policy
STM-PRO-006	Dealing with allegations or suspicions of mistreatment and abuse either to or by a Vulnerable Adult
STM-PRO-009	Student Harassment / Bullying Procedure
HR-PRO -017	Dealing with Allegations of Abuse Against Staff Procedure
GC-PRO-001	Public Interest Disclosure Procedure – Procedure for raising concern at work
GC-POL-007	Prevent Policy
FIN-IT-POL-001	Information Technology and Communication Policy
HAS-POL- 001	Health and Safety Policy
STM-PRO- 008	Supporting students with prescribed medication
HAS-GDE- 001	Organisation of trips and visits
HAS-PRO- 005	Work based learning (health and safety) Procedure
HR-POL- 005	Recruitment and Selection Policy
HR-POL- 015	Policy Statement on Recruitment of Ex-offenders
HR-PRO- 013	Vetting Procedure for Visitors and New Employees.
HR GDE- 015	Using Volunteers Guidance Note