

Safeguarding Adults Policy & Procedure

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Safeguarding Adults Policy

1. Purpose of policy

The purpose of this policy is to ensure that everyone working for YMCA East Surrey takes appropriate and proactive responsibility to safeguard adults at risk of harm (including vulnerable adults and adults with care needs) in accordance with local and national guidelines and procedures.

Our commitment includes promoting organisation-wide awareness and understanding of adult safeguarding, undertaking best practice in the safe recruitment of employees and volunteers, and carrying out our legal and moral duties to respond to related concerns, disclosures, or allegations appropriately.

This Safeguarding Adults policy relates to adults who:

- Have a need for care and support by reason of mental or other disability, age or illness
- Are experiencing, or at risk of experiencing neglect or abuse
- As a result of care needs are unable to protect themselves from either the risk of, or the experience of abuse or neglect

Having a need for care and support can apply to:

- ▶ People with a learning disability
- ▶ People with physical disabilities
- ▶ People with autism
- ▶ People with sensory impairment
- ▶ People with mental health needs including dementia
- ▶ People who misuse substances or alcohol
- ▶ People who are physically or mentally frail

If in doubt, always discuss this with your line manager and make any decisions jointly and where necessary in consultation with others

This policy applies to all staff including senior managers and the board of trustees, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of YMCA East Surrey.

YMCA East Surrey is fully committed to safeguarding the welfare of adults and achieve this through a multi-disciplinary approach with consultation and the sharing of information. This policy and procedural guidance should be used in conjunction with Local Safeguarding Adults Board procedures and guidance.

YMCA East Surrey recognises the importance of its support services to families, children, young people and adults and its responsibilities to safeguard and promote the welfare of those who have care needs or are at risk.

This requires us to:

- ▶ Listen to, value, encourage and support those we work with.
- ▶ Provide clear internal procedures for identifying and dealing with concerns about possible abuse and ensure their implementation.
- ▶ Provide effective management for staff, students and volunteers through supervision, support and training.
- ▶ Adopt and promote a code of conduct for staff.
- ▶ Include continuous risk assessment within our work with service users.
- ▶ Recruit safely, ensuring all necessary checks are made.
- ▶ Share information about adult protection and good practice with service users, staff, students and volunteers.
- ▶ Develop and maintain effective information sharing with statutory services and other agencies, involving service users as appropriate.
- ▶ Work collaboratively with Local Adult Safeguarding Boards.

This policy applies to those adults we work with who have care needs and who may be at risk of abuse or neglect. It also applies to all trustees, staff, students and volunteers working for YMCA East Surrey. Any allegation or concern about abuse must be acted upon.

All work undertaken by YMCA East Surrey will be subject to continuous risk assessment and comply with YMCA East Surrey's Risk Policy and Procedures.

The responsibility to report any concerns rests with the individual regardless of their place within the organisation, any concern that an adult with care needs is at risk of abuse must be discussed with the line manager without delay and further action taken as necessary.

Every effort will be made to ensure that trustees, staff, students and volunteers recruited to work for YMCA East Surrey are suitable to do so. Those who are responsible for appointing staff will be trained in safe recruitment practices. All references will be robustly scrutinized and other checks sought at the appropriate level e.g. DBS, SOVA etc.

YMCA East Surrey is committed to training all staff, students and volunteers in this policy and procedure and code of behaviour, as part of the induction process. It requires all those working with adults with care needs to address safeguarding within the induction programme, and to undertake Safeguarding Adults Training within their probationary period. In addition, they will be required to undertake either refresher training or more advanced training (as appropriate) at least every two years.

2. Responsibilities and Monitoring

Approved:	September 2020
Reviewed:	September 2021
Review due:	September 2022
Monitor:	CEO
Approve:	Board of Management

3. Legal procedural framework

YMCA East Surrey will ensure it recognises its duty of care and meets its legal responsibilities as outlined in the following legislation relating to Safeguarding Adults:

- ▶ Human Rights Act 1998
- ▶ Sexual Offences Act 2003
- ▶ Disability Discrimination Act 2003
- ▶ Domestic Violence Crime and Victims Act 2004
- ▶ Mental Capacity Act 2005
- ▶ Safeguarding Adults - National Framework of Standards 2005
- ▶ Mental Health Act 2007
- ▶ Information Sharing Guidance for Safeguarding Practitioners 2015
- ▶ Care Act 2014
- ▶ Anti-Social Behaviour, Crime and Policing Act 2014
- ▶ Serious Crime Act 2015
- ▶ Counter-Terrorism and Security Act 2015

3.1 National guidance

- ▶ [No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse](#) (Department of Health, 2000)
- ▶ [Care & Support Statutory Guidance, Care Act 2014](#)
- ▶ [Statement of government policy on Adult Safeguarding](#) (Department of Health, 2011)
- ▶ [Safeguarding adults at risk of harm: A legal guide for staff](#) (Social Care Institute for Excellence, 2011)

YMCA East Surrey will also work closely with, and adhere to the guidelines issued by the relevant Local Safeguarding Adults Board in areas where YMCA East Surrey delivers services (currently Surrey and West Sussex) details of which can be found here:

<https://www.surreysab.org.uk/> and <https://www.westsussexsab.org.uk/>

4. Relevant YMCA East Surrey policies and procedures

This policy should be read in conjunction with a number of other key YMCA East Surrey policies, which contribute to YMCA's management of safeguarding issues:

- ▶ Behaviour management
- ▶ Bullying and Harassment
- ▶ Code of conduct
- ▶ Complaints
- ▶ Confidentiality
- ▶ Data Protection Policy
- ▶ Equality and diversity
- ▶ E-safety policy

- ▶ Health and safety
- ▶ Inclusion
- ▶ Information sharing and confidentiality policy
- ▶ Lone working policy
- ▶ No smoking, drugs and alcohol
- ▶ Personal and intimate care
- ▶ Recruitment and selection
- ▶ Safeguarding children policy
- ▶ Safer recruitment process
- ▶ Staff disciplinary policy
- ▶ Staff handbook
- ▶ Whistleblowing

In addition to the above, there are a number of other policies that contribute towards safeguarding, which can be found in the relevant folders here: G:\AllStaff\Policies, Procedures and Handbooks.

5. Safeguarding accountability within YMCA East Surrey

Safeguarding is the responsibility of us all. When dealing with the concerns discussed in this policy, the lines of accountability for responding appropriately apply to all members of staff.

Members of staff are expected to consult their Line Manager when they have any concerns for the welfare of an adult. These managers will consult, if needed, with their Heads of Services.

If a staff member has concerns about the attitudes and/or behaviours of a YMCA East Surrey colleague/volunteer, they have a duty to comply with [YMCA East Surrey's Whistle Blowing policy and Code of Conduct](#).

5.1 Safeguarding accountability framework within YMCA East Surrey

Trustees

- ▶ Accountable for YMCA East Surrey and therefore all safeguarding within the organisation
- ▶ Ensure appropriate policies and procedures are in place
- ▶ Can identify and handle concerns in an open manner
- ▶ Ensure there are clear systems for reporting concerns to relevant organisations e.g. HSE, ICO or LA Adult Social Care
- ▶ Identifies risks and how to mitigate these in a risk register
- ▶ Is quick to respond to concerns and carry out investigations
- ▶ Receive regular reports on safeguarding
- ▶ Receive annual safeguarding training and updates.

Safeguarding Designated Trustee

- ▶ Accountable to the Board of Trustees for the development of safeguarding within the organisation
- ▶ Meets quarterly with the Chief Executive (Head of Safeguarding)
- ▶ Acts as independent resource that can offer advice, on request, to management that are dealing with and reporting safeguarding incidents

- ▶ Offers challenge to ensure the organisation is at all times doing all it can to safeguard the service users, staff etc.
- ▶ Provides reports to Trustees at each Trustee Board meeting
- ▶ Regularly receives and collates information in respect of safeguarding activity to inform a corporate assessment of risk
- ▶ Reviews the Safeguarding Adults policy and procedure, with the support of Heads of Services
- ▶ Is informed of any significant safeguarding incident within the organisation

Chief Executive

- ▶ Accountable to the Trustees for safeguarding within the organisation
- ▶ Meets quarterly with the Safeguarding Designated Trustee
- ▶ Ensures a clear framework for the management accountability for safeguarding
- ▶ Accountable for safeguarding in all projects and services within the various service lines
- ▶ Commissions specific time limited work to address safeguarding issues
- ▶ Together with HR ensure that safe recruitment practices are fully employed & that staff appointed have the necessary skills and experience in safeguarding appropriate to their role
- ▶ Ensures that a range of appropriate safeguarding training and budgets are available to meet the needs of the workforce
- ▶ Reviews the quality and content of YMCA East Surrey's Safeguarding training to meet the needs of the organisation and to ensure any new learning can be fully integrated into working practices

Heads of Services – Senior DSLs

- ▶ Line management responsibility for the safe delivery, quality and effectiveness of services
- ▶ Ensures that staff and volunteers receive relevant safeguarding training and support
- ▶ Ensures that effective supervision supports safeguarding at all levels within the department
- ▶ Ensures that there is a clear framework for risk assessments and escalation of concerns as required
- ▶ Makes adult protection referrals to Adult Social Care as necessary

Project Managers

- ▶ Accountable to the Heads of Services for safeguarding in projects and services within their region
- ▶ Together with the HR Department ensure safe recruitment practices are fully employed in the recruitment of both staff and volunteers and that they have the necessary skills and experience in safeguarding, appropriate to the role
- ▶ Line management responsibility for the safe delivery, quality and effectiveness of the services within their service
- ▶ Ensure that safeguarding practice is regularly discussed in supervision to identify any training needs and is included within the staff appraisal process
- ▶ Ensure all members of staff within their region receive the level of safeguarding training appropriate to their role and responsibilities
- ▶ Ensure effective supervision supports safeguarding in their service

- ▶ Reports on the practice and management of safeguarding in their service and responds to safeguarding audits, as required
- ▶ Offer advice and support to staff on safeguarding issues
- ▶ Ensure the development of a safeguarding culture within the context of their services
- ▶ Undertake management reviews when there are concerns about quality and effectiveness in relation to safeguarding and take corrective action where necessary
- ▶ Responsibility to establish and maintain effective relationships with other agencies locally in relation to safeguarding and to challenge when appropriate
- ▶ Ensure that safeguarding is integral to all YMCA East Surrey processes for the assessment, analysis, planning and reviewing of outcomes, in our work with service users
- ▶ Make referrals to Adults Social Care, as necessary

Designated Safeguarding Leads

YMCA East Surrey will identify individuals with the requisite experience to act as the named Designated Safeguarding Lead (DSL).

The named person will be required to offer consultation and advice on safeguarding matters to other staff members.

The DSLs must have:

- ▶ Significant experience of working with protection issues
- ▶ A thorough and current knowledge of safeguarding guidance and legislation
- ▶ Undertaken safeguarding training which has been appropriately updated
- ▶ A sound understanding of their Local Safeguarding Adults' Board's Procedures
- ▶ A comprehensive knowledge of local networks
- ▶ The confidence and ability to use sound professional judgement.

It is for the DSL to work together with the project manager to make any decisions in respect of the case and to ensure that both the consultation and any decisions have been properly recorded.

YMCA East Surrey's Senior DSLs are:

Ian Burks | CEO
T: 01737 779979 (Reception)
M: 07764 819182
E: ian.burks@ymcaeast Surrey.org.uk

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T: 01737 784974
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Lee Fabry | Head of Housing (Hillbrook House)
T: 01737 773089
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Stuart Kingsley | Deputy Head of Children and Young People
01737 222859
07442 011483
E: stuart.kingsley@ymcaeastsurrey.org.uk

Front line members of staff

- ▶ Accountable to their project or service manager for safeguarding within their work
- ▶ Responsibility for the safe delivery, quality and effectiveness of the services they provide
- ▶ Are alert to safeguarding issues in all aspects of their work
- ▶ Keep accurate and timely records which are signed and dated and comply with YMCA East Surrey's procedures in relation to file format and management
- ▶ To alert their line management any concerns they may have for the welfare of an adult
- ▶ Use supervision and appraisal to reflect on practice in relation to safeguarding
- ▶ Undertake safeguarding training as required

Safeguarding Adults Procedure

Approved: September 2020
Reviewed: September 2021
Review due: September 2022

Purpose of procedure

The purpose of this procedure is to ensure a speedy and effective response for dealing with concerns about adult abuse. Adherence to these procedures is mandatory for all YMCA East Surrey staff and volunteers. All new staff to YMCA East Surrey will be made aware of this policy and procedures through the induction process.

This procedure applies to all staff, including senior managers and the Board of Trustees, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of YMCA East Surrey. Please note, all references to “members of staff” should be interpreted as meaning all staff, whether they are in a paid or unpaid capacity.

YMCA East Surrey is committed to training all staff, students and volunteers in this policy and procedure and code of behaviour, as part of the induction process. It requires all those working with adults with care needs to address safeguarding within the induction programme, and to undertake Safeguarding Adults Training within their probationary period. In addition, they will be required to undertake either refresher training or more advanced training (as appropriate) at least every two years.

Appendices

The following appendices provide more detailed guidance for YMCA trustees, managers, and members of staff that should be referred to when dealing with issues relating to safeguarding.

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App 1 Definition of Abuse

Abuse is described as “a violation of an individual’s human or civil rights by any other person or persons” (No Secrets, Department of Health - 2000).

Abuse can occur in any relationship, context or environment irrespective of whether the adult with care needs lives in his or her own home, with their family or on their own, in residential care, shared or supported housing. Those who perpetrate abuse on others are often well known to their victims. Abuse occurs where there is an imbalance of power and that power is misused. The seriousness of abuse varies and can range from behaviour that is violent and criminal to passive abuse, which is neglectful, unintentional and less deliberately exploitative in character.

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Self-Neglect

Some adults may be at risk from their own self neglect. This is a serious issue which must be addressed; however, arrangements for responding to Self-Neglect differ across local areas. Please check Local Safeguarding Adults Board (LSAB) procedures to understand the required response in your area. Should the LSAB website have no information on what to do in situations of Self Neglect, a referral should be made to Adult Services to initiate an assessment.

Physical abuse:

This can include being assaulted, hit, slapped, pushed, restrained, being denied food or water, or not being helped to go to the bathroom needed. It can also include misuse of medication.

Sexual abuse:

This includes indecent exposure, sexual harassment, inappropriate looking or touching, as well as rape. Sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts, and sexual acts that were not consented to or where pressured into consenting to all count as sexual abuse.

Psychological and 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 abuse:

Including theft, fraud, exploitation, pressure in connection with wills, or the misuse or misappropriation of property, possessions or benefits.

Neglect and acts of omission:

This may involve ignoring medical or physical care needs, 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 abuse

This includes some forms of harassment, slurs or similar unfair treatment relating to race, gender and gender identity, age, disability, sexual orientation, or religion.

Institutional abuse

Neglect and poor professional practice may in some circumstances constitute abuse. This may take the form of isolated incidents of poor practice or unsatisfactory professional practice at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other.

New technologies and abuse

This may involve abuse through bullying and intimidation using texting, mobile phones and emails. Exposure to inappropriate materials via internet sites and games and predators making contact with people through social networking sites.

Incidents of abuse may be multiple, either to one person in a continuing relationship or service context or to more than one person at a time. This makes it important to look beyond the single incident or breach in standards to the underlying dynamics and pattern of harm.

Some instances of abuse will constitute a Criminal Offence. In this respect adults with care needs are entitled to the protection of the law in the same way as any other adult. Alleged criminal offences differ from all other types of non-criminal forms of abuse in that the responsibility for initiating action invariably fall on the state in the form of the police or CPS. They need to be contacted immediately, as a criminal investigation by the police takes priority over any other line of enquiry.

All service users are potentially open to abuse, but that those defined as 'adults with care needs' are particularly at risk.

Safeguarding adults means protecting a person's right to live in safety, free from abuse and neglect.

The Care Act requires that each Local Authority must:

Make enquiries, or ensure others do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. The Care Act lists the following criteria for Local Authorities to determine if such an enquiry must be initiated.

- ▶ Has a need for care and support by reason of mental or other disability, age or illness; and
- ▶ Is experiencing, or at risk of experiencing neglect or abuse and
- ▶ As a result of those care needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect

Care Act 2014

Remember, service users outside of this definition may also be at risk of abuse due to low self-esteem, social isolation, drug or alcohol misuse, offending history, homelessness, ethnicity, immigration status, gender or sexuality.

Domestic Abuse, as defined as "any incident of threatening behaviour, violence or abuse between adults who are or have been intimate partners or between family members regardless of gender, disability or sexuality".

Honour Based Violence and Forced Marriage can also involve the abuse of an adult with care needs. The Association of Chief Police Officers (ACPO) definition of Honour Based

Violence is; "A crime or incident, which has or may have been committed to protect or defend the honour of the family and/or the community."

SEND – Code of Practice

Department of Health’s Special Educational Needs and Disability Code Of Practice 2015: 0 to 25 years

YMCA East Surrey delivers a range of services and activities for children and young people with special educational needs and disabilities and recognises its responsibilities to deliver these services in accordance with the Department of Health’s Special Educational Needs and Disability Code of Practice 2015: 0 to 25 years. As a voluntary sector provider of Early Years funded by the local authority we have a statutory duty to follow this code.

Significant Harm

In determining how serious the degree of abuse must be to justify intervention it is helpful to consider whether the person has suffered or is likely to suffer significant harm. It is helpful to consider the following:

- ▶ The nature and extent of the abuse
- ▶ The length of time over which it has occurred i.e. records of previous concerns or incidents
- ▶ The impact on the individual
- ▶ The risk of repeated acts involving this or other people

In practice it will be necessary to assess if:

- ▶ The person is suffering significant harm
- ▶ The person suffering harm is a person with care needs
- ▶ The intervention is in the best interests of the person
- ▶ Other people may be at risk of harm or exploitation
- ▶ Consideration has been given to the feelings of the person alleging the abuse

In determining if harm is ‘significant’, it is helpful to consider what the harm ‘signifies’ and not simply the seriousness or severity of the harm. E.g. Relatively minor injuries/distress may be a sign of abuse and significant harm.

NB: WHO DECIDES Law Commission (1997) - " Harm should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment that are not physical) but also the impairment of physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development"

Who may be the abuser?

Adults with care needs may be abused by a wide range of people including relatives and family members, professional staff, paid care workers, volunteers, other service users, neighbours, friends and associates. Some people deliberately exploit strangers that they view as less likely to recognise the exploitation or less likely to seek help.

Where might abuse take place?

- ▶ A person's home
- ▶ A relative or friend's home
- ▶ A day centre or support service
- ▶ Within a supported living scheme
- ▶ Within an adult placement
- ▶ An educational establishment
- ▶ A hospital
- ▶ A care home
- ▶ In employment
- ▶ Whilst volunteering

YMCA East Surrey will also work closely with, and adhere to the guidelines issued by, the relevant Local Safeguarding Adults Boards in areas where YMCA East Surrey delivers services (currently Surrey and West Sussex).

App 2 Indicators of abuse

There are a variety of ways that somebody in the organisation may become aware of the actual or likely occurrence of abuse of an adult at risk.

These include:

- ▶ An adult might tell them
- ▶ Someone else might report that an adult has told them or that they strongly believe that an adult has been or is being abused
- ▶ An adult might show some signs of physical injury for which there appears to be no satisfactory explanation
- ▶ An adult's behaviour may indicate to them that it is likely that she or he is being abused
- ▶ Something in the behaviour of one of the workers, or in the way that a worker relates to an adult at risk, alerts them or makes them feel uncomfortable in some way
- ▶ Observing one adult at risk abusing another

Whenever anyone has concern that an adult may be at risk of abuse they should follow YMCA East Surrey's Safeguarding Procedures, unless they have been superseded by those of the Local Safeguarding Adults Boards.

Adults considered particularly vulnerable to abuse

An older person, a person with a disability or a person with mental health needs may be particularly at risk of abuse because:

- ▶ The nature of their disability may mean they are unable to protect themselves from the actions of others
- ▶ They may live or come into contact with people who for one reason or another inflict harm upon them or take advantage of their care needs to exploit them
- ▶ The place where they live or the services they receive are of poor quality

It is usually the circumstances that surround a person, rather than something about them personally, that provides the potential for harm. The nature of a person's disability, ability to communicate or mental capacity may however, increase the likelihood of abuse

remaining undiscovered. In some cases it may be a factor in increasing the risk of being targeted by someone who wishes to take advantage of a person's perceived vulnerability.

There is some evidence that people with challenging behaviour may also be more likely to be the target of abuse.

App 3 Responding to disclosure of abuse

Staff and volunteers should always take seriously any disclosure concerning an allegation of abuse.

They should listen carefully and not interrupt or stop someone telling them their story. They should not interrogate the details but should be empathetic and reassuring. The service user should be enabled to remain empowered and in control and should be asked what action they would like taken (presuming they do not lack mental capacity), however, the member of staff must report this to their Line Manager.

The person should be made aware of the possibility that medical or other forensic evidence may be required. They should also be informed of any actions that may need to be taken including steps to protect and support them. Information should be recorded as soon as possible and definitely within 24 hours.

Staff should not contact the alleged abuser or discuss the allegations with them nor should they pass the information to anyone other than those with a legitimate need to know, such as their Line Manager or member of the Heads of Service group.

In some particular circumstances a Project/Service Manager, having heard details of the allegations and having discussed the matter with their Head of Service may determine that the allegations although logged will not be further investigated. This may be because the allegation reiterates an ongoing concern expressed by the service user already previously investigated or it may be seen as a symptom of their current mental health, which has already been addressed within the current risk assessment management plan.

Remember: It is important that everyone in the organisation is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred, this decision is the responsibility of others.

Capacity and consent

All action, including referrals to Adult Social Services and the Police, must be subject to the consent of the service user. In every situation it will be assumed that a person can make their own decisions and action will only be taken in the absence of consent from the service user:

- ▶ If other people appear to be at risk of harm (adults or children)
- ▶ If there is a 'legal restriction' or an overriding public interest
- ▶ If the adult is exposed to life threatening risk and they are unreasonably withholding their consent
- ▶ If the adult has impaired capacity or decision making in relation to the safeguarding issues and the withholding of consent.

A **“Legal Restriction”** in this context means that there may be exceptional circumstances where a service user makes a decision or intends to act in a way that is unlawful or where their need for care should be addressed under the Mental Health Act 1983.

“Overriding public interest” refers to a situation where it is essential to share information in order to prevent a crime or to protect others from harm (e.g. “Hate Crimes”, for which there is a statutory responsibility to report). This is supported by the Crime and Disorder Act, 1998

Information sharing and confidentiality

YMCA East Surrey’s Information Sharing and Confidentiality policies and procedures will be followed in all cases where information is received concerning the possible abuse of one of our service users.

When making decisions with regard to information sharing and confidentiality, staff should always:

- ▶ Take advice from their line Manager
- ▶ Ensure that they are working within locally agreed information sharing protocols and national guidance
- ▶ Remember that, when necessary, contact can be made with the Local Authority Safeguarding Adults team, for advice purposes, whilst maintaining the anonymity of the service user
- ▶ Ensure that decisions are in line with current legislation

The basic principles of information sharing and confidentiality are:

- ▶ All staff should be aware of their responsibilities to respect confidentiality and comply with the law (NB: The Data Protection Act 1998 does not preclude the sharing of information to protect a person from harm, danger and abuse)
- ▶ A person’s consent should always be sought (apart from in exceptional circumstances – see above Capacity and Consent), prior to information about them being discussed or disclosed to another party
- ▶ Consent should always be recorded, together with the purpose for which the information will be used.
- ▶ Information given for one purpose should not be used for another, without further consent being obtained. Access to person identifiable information should be on a strict needs to know basis
- ▶ Clear documentation and record keeping must support these communications and any decision-making processes. Service users must be kept informed and updated.

App 4 What to do if you have concerns

Stage 1

- ▶ Staff should contact the emergency services immediately if a service user appears to be in immediate physical danger and take any necessary action to prevent any further harm to the individual. They should also be aware of the need to preserve/retain any forensic evidence.

- ▶ If there appears to be no immediate physical danger, proceed directly to Stage 2.

Stage 2

- ▶ Staff should discuss the situation and courses of action available with the service user who has had abuse perpetrated upon them.
- ▶ Staff should contact their Project Manager (PM) immediately except where that individual is the alleged abuser. If the PM is unavailable staff should contact their Head of Service (HOS); or if they are unavailable, another member of the HOS Group, to report the full facts and circumstances of the situation and to discuss required actions including:
 - ▶ Making a decision to take no further action. The process, (who was involved) and justification (reasoning) for making that decision would need to be recorded and to be transparent.
 - ▶ Deciding if the person is an adult with care needs, determining if they have mental capacity and whether consent has been obtained.
 - ▶ Determining if a referral to the Police or Adults Social Care is required
 - ▶ If it is agreed that the matter is to be investigated internally, it should be logged with Adults Social Care and they should be properly informed.
 - ▶ If there is any requirement to inform the bodies for registration, regulation or inspection (e.g. Care Quality Commission) or if the allegation is against a member of staff or volunteer, the Designated Person for Managing Allegations within the Safeguarding Adults team of the Local Authority must be informed within 24 hours of the concerns being raised/becoming apparent
 - ▶ Is there a need to contact partner care/support agencies?
 - ▶ Review of relevant records, particularly similar incidents of the same kind
 - ▶ Consider the immediate health/welfare needs of the alleged victim or any other adult with care needs who may be affected and methods for supporting the service user, including access to counselling services

The alleged perpetrator should not be spoken to without consultation with the Local Authority unless immediate action is required, such as suspending a member of staff. In these circumstances, the only information that can be provided is that an allegation has been made. No details of the allegation can be given at this time, so as not to compromise any potential investigate.

Stage 3

- ▶ Staff having obtained the views of the service user, will establish the known facts of the abuse and with the support of their PM/HOS, must document all known details in full.

Prior to making a referral to the Local Authority, only information about the alleged abuse should be sought. No investigation should take place, and only actions to mitigate immediate significant risk should be taken prior to consultation.

It is essential that all documentation is dated and completed in a manner that is:

- ▶ Clear and factual.
- ▶ Reflects the words and phrases used by the person disclosing.

- ▶ Describes the circumstances in which the disclosure came about i.e. the context, setting and anyone else who was there at the time.
- ▶ Contains factual information only and not your own opinions. Any third party opinions or information must be clearly identified as such.

Stage 4

There may be no further action, or if there is, the process will differ depending on whether the allegation is about someone internal or external to YMCA East Surrey. But in either case it will be necessary to consider:

- ▶ Who do you need to inform?
- ▶ Who needs to be involved?
- ▶ Does the service user require an advocate? Confidentiality issues
- ▶ Storage of information.

If no referral is made to Social Services or no further action taken, including contacting the police, in line with a service user's wishes, the staff member and PM must:

- ▶ Keep records of all decisions, including why no further action is to be taken
- ▶ Review the service user's Risk Management Plan with the service user and appropriate partner professionals
- ▶ Regularly monitor the situation and review the agreed action plan
- ▶ Discuss with the service user, as appropriate, any help-line or counselling services that are available.

Stage 5

If a referral is made to Adult Social Care this should be made by phone and followed by written notification on the form produced by the local Social Services department.

NB: It is strongly advised that a request is made by you for written confirmation that your referral has been received and acted upon. All correspondence must be logged and stored appropriately by the service in accordance with confidentiality procedures and YMCA East Surrey's recording standards.

Investigating Allegations of Abuse

When investigations into alleged abuse of service users are undertaken it is crucial that the individual's privacy, dignity, independence and choice are taken into consideration throughout the entire process. Therefore, the organisation aims to ensure that the service user is fully supported and has access to all the relevant information to enable them to make informed decisions, regarding possible follow-up action.

App 5 Reporting concerns or allegations against staff

This section illustrates the statutory definition of allegations in regards to safeguarding adults and how to respond. An allegation may relate to a person who works with adults who has:

- ▶ behaved in a way that has harmed an adult, or may have harmed an adult;
- ▶ possibly committed a criminal offence against or related to an adult;
- ▶ behaved towards an adult in a way that indicates they may pose a risk of harm to them.

Allegations can be made in relation to restrictive physical interventions and restraint but can also relate to inappropriate relationships between members of staff and adults with care needs, for example:

- ▶ having a sexual relationship with an adult with care needs if in a position of trust in respect of that person, even if consensual;
- ▶ “Grooming”, i.e. meeting an adult with intent to commit a relevant offence;
- ▶ Other 'grooming' behaviour giving rise to concerns of a broader nature e.g. inappropriate text/e-mail messages or images, gifts, socialising etc.;
- ▶ Possession of indecent images/pseudo-photographs.

In addition, these procedures should be applied when there is an allegation that any person who works with adults with care needs:

- ▶ Has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate but could, for example, include arrest for possession of a weapon or indecent images;
- ▶ As a parent/carer, has become subject to child protection procedures;
- ▶ Is closely associated with someone in their personal lives (e.g. partner, member of the immediate family or other household member) who may present a risk of harm for whom the member of staff is responsible in their employment/volunteering.

Initial action by person receiving or identifying an allegation or concern The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- ▶ Investigate or ask leading questions if seeking clarification
- ▶ Make assumptions or offer alternative explanations
- ▶ Promise confidentiality, but give assurance that the information will only be shared on a “need to know” basis.

They should:

- ▶ Make a written record of the information where possible in the child/adult’s own words including the time, date and place of incident(s), persons present and what was said;
- ▶ Sign and date the written record;
- ▶ Immediately report the matter to their Line Manager and DSL;
- ▶ If the allegation is against the individual’s manager then the matter should be reported direct to the DSL or to the CEO.

If you have concerns about a member of staff/volunteer you must bring this to the attention of your Line Manager. If the concern or allegation is about your Line Manager, please speak to their manager, or the Human Resources Manager.

For further information on Managing Allegations, see Appendix 3B (page 25).

For more information and guidance: <https://surreyscb.procedures.org.uk/gkpph>

When YMCA East Surrey believes an employee or volunteer has caused harm or poses a future risk to adults or children; and this has led to the employee's/volunteer's dismissal, they are required to refer this information and the decision to dismiss, to the DBS. Within YMCA East Surrey this is the responsibility of the Human Resources Department. When an individual's name is placed on the Barred List, that person is not able to work with adults with care needs until his or her name is removed from the list.

Appendix 6 Recording

Accurate case records are essential. YMCA East Surrey, through its induction process, will ensure that staff know what is expected of them in terms of style, content and the timely production of case records. It will make sure that there are systems in place for checking that case records are accurate and up to date.

Any allegations of abuse must be recorded in writing and placed on the case file, as soon as possible but definitely within 24 hours. If the alleged abuser is a user of the same service, any relevant information about their behaviour or demeanour should also be recorded.

Staff must ensure that all data is kept safe and secure and make sure the information is:

- ▶ Used lawfully;
- ▶ Used for limited, specifically stated purposes;
- ▶ Used in a way that is adequate, relevant and accurate;
- ▶ Not excessive;
- ▶ Handled according to people's data protection rights (see the [Data Protection policy](#));
- ▶ The DSL will keep all records involving adult protection concerns;
- ▶ Records concerning a member of staff must be held in their personnel file and a copy given to the member of staff (where applicable). This information must be retained on file until the person reaches retirement age or for 10 years if that is longer.

It is imperative that any concerns are accurately recorded as the matter could go on to case conference and/or legal proceedings. The record should include the context, a detailed account of the concerns, what was said or seen and by whom. It is important to record the actual words used by the child or the referrer. The record should indicate:

- ▶ Who was present;
- ▶ Who was consulted;
- ▶ How any decisions were made and the reasoning behind them and by whom;
- ▶ Any actions taken.

If a decision was made, to take no action, then the reasoning for that decision must also be recorded. All records must be clearly signed and dated.

Tipp-ex or another correction fluid must never be used, if a mistake is made or an amendment required, a line should be made through the original so that the wording remains clearly visible, and it should be initialled by the author.

Remember: more minor incidents, concerns and conversations should also be recorded to ensure that there is an accurate picture of the adult's lived experience and to assist in the developing picture of potential abuse and risk

Appendix 7 Whistleblowing

All staff must be familiar with YMCA East Surrey's Whistleblowing policy.

Where a member of staff wishes to disclose alleged abuse perpetrated by a colleague, they must immediately contact their Manager.

Their Manager will discuss the issue with their HOS with advice from the HR department. An investigation will be set up immediately and this may involve the colleague being suspended from work.

The Manager will discuss the options for action, including approaching the police, if appropriate. All staff will take reasonable steps to respect the confidentiality of the person disclosing the alleged abuse.

YMCA East Surrey will ensure that the staff member making the disclosure is supported and protected from reprisals or victimisation as a result of an expression of concern. The Public Disclosure Act (1998) provides protection for staff who raise concerns about poor practice, institutional abuse or other organisational failings that pose a risk to service users or are causing them harm.

Initial action by person receiving or identifying an allegation or concern

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

They should not:

- ▶ Investigate or ask leading questions if seeking clarification
- ▶ Make assumptions or offer alternative explanations
- ▶ Promise confidentiality but give assurance that the information will only be shared on a "need to know" basis.

They should:

- ▶ Make a written record of the information where possible in the child/adult's own words including the time, date and place of incident(s), persons present and what was said
- ▶ Sign and date the written record
- ▶ Immediately report the matter to their Line Manager and DSL
- ▶ If the allegation is against the individual's manager then the matter should be reported direct to the DSL or to the CEO.

If you have concerns about a member of staff/volunteer you must bring this to the attention of your Line Manager. If the concern or allegation is about your Line Manager, please speak to their manager, or the Human Resources Manager.

For more information and guidance: <https://surreyscb.procedures.org.uk/gkpph>

Appendix 8 YMCA East Surrey Safer Recruitment Process

YMCA East Surrey is committed to [Surrey County Council's Safer Recruitment](#). All new employees must have a role relevant DBS check and also three years' worth of references. Any gaps in employment/activity over one month must be explained and verified.

YMCA East Surrey will carry out the following to minimise the risk of employing (or engaging on a voluntary basis) an individual who poses a predictable risk to children and young people:

- ▶ Methodically applying techniques which are accepted as helpful in identifying unsuitable individuals
- ▶ Analysing rigorously all the information which is available about the candidate and, whenever possible, verifying through references, information which is provided by the candidate

To ensure that those involved in selecting staff are able to successfully test the candidates' ability and experience against a clearly defined person specification the YMCA will make sure managers can access:

- ▶ Specific training in respect of safe recruitment and selection
- ▶ Supervised / supported experience of recruitment
- ▶ Periodic evaluation of performance by their supervisors

Disclosure and Barring Service (DBS) checks

The [Protection of Freedoms Act 2012](#) sets out the foundation for the Disclosure and Barring Service. It has an Independent Barring Board (IBB) with responsibility for taking barring decisions on new referrals and the management of two barred lists which replaced List 99, PoCA and PoVA Lists. The system aims to provide employers with a quicker and more effective vetting and barring service. All disclosures for work with children and vulnerable persons are to be at an enhanced level for Regulated Activity. The new organisation, DBS, will provide a service combining criminal records checking and the barring functions:

- ▶ The barring part of the DBS will provide caseworkers, who receive and process referrals about individuals, who have harmed, or who pose a risk of harm to, children, young people or vulnerable adults
- ▶ The checking part of the DBS will allow employers to check and access the criminal record history of people working, or applying to work (whether paid or unpaid) in certain positions, especially those that involve working with children and vulnerable adults
- ▶ The [Disclosure and Barring Service \(Home Office\)](#) provides a range of advice, guidance and relevant forms.

Disclosure of any convictions, cautions, bind-overs which they have received should be requested on the job application form. Any such details must be declared even if they would be considered 'spent' in other circumstances. If a person who has made such disclosures is selected for appointment, they should be asked to apply for an Enhanced DBS Disclosure to verify their declarations.

Training

YMCA East Surrey recognises the complexity of the safeguarding work undertaken by members of staff, and the emotional impact it can have upon them. All staff, as part of induction, are introduced to Safeguarding, and their responsibilities in relation to it.

All members of staff who have any contact with adults with care needs receive safeguarding training at basic or more advanced level according to their role.

Furthermore, all professionals at YMCA East Surrey require a general awareness of known indicators and predisposing factors of abuse as well as detailed knowledge of agreed policies and procedures.

Operational staff are required to undertake annual internal refresher training, to ensure they are updated on changes to best practice and legislation. Additionally, managers will examine the Local Safeguarding Adults Board Training for their area and identify the prescribed levels and topics of training required by the LSAB. This will be incorporated into the training plans for individual staff and whole teams where relevant.

The [Surrey Safeguarding Adults Board \(SSAB\) training](#) for staff engaged in Safeguarding Adults

Managers must keep records of training attended and assess the training needs of staff continuously, ensuring that staff are trained to undertake their roles effectively.

Appendix 9 Expectations of staff and volunteers

This is intended to avoid misunderstandings, which might give rise to disciplinary action including summary dismissal.

Staff and volunteers must:

- ▶ Ensure they have an understanding (appropriate to their role), and comply with,
- ▶ YMCAES's procedures for promoting and safeguarding the welfare of children and adults with care needs in line with Department for Children, Schools and Families, "Guidance for Safer working practice for adults who work with children and young people".
- ▶ Work well and diligently to support the aims and values of YMCAES including its Equal Opportunities Policy and to comply with legal statutes including environmental, safety and fair dealing laws, relevant professional standards as well as the policies and procedures of YMCAES.
- ▶ Declare immediately to the Human Resources department any convictions, cautions, reprimands or warnings or pending ones. Details of these will only be retained if considered relevant.
- ▶ Take reasonable care of own and others' health and safety.

- ▶ Treat all those they come into contact with at, or through, work in a professional manner and with appropriate respect and courtesy. YMCA ES won't allow any kind of discriminatory behaviour, harassment or victimization. They should conform with
- ▶ our equal opportunity policy in all aspects of their work, from recruitment and performance evaluation to interpersonal relations
- ▶ Deal properly with property and money of YMCAES or its service users and money that shall be deposited in their custody by a third party for YMCAES or its service users
- ▶ Carry out those tasks, duties and responsibilities that fall within their job descriptions or tasks reasonably allocated to them.
- ▶ Promote and maintain the good name and reputation of YMCAES.
- ▶ Report any business interests of themselves their family or friends at the very earliest opportunity to the Chief Executive, where such business is being or is likely to be conducted with YMCAES or which may give rise to a conflict of interest in the performance of their duties.
- ▶ Uphold and comply with such YMCAES policies and procedures as may be issued from time to time.

Staff and volunteers must not:

- ▶ Abuse their position of power or responsibility in relation to other staff, volunteers, service users or other contacts of YMCAES.
- ▶ Solicit, or use the name or reputation of YMCAES to obtain any preferential treatment, benefits, gifts or money from service users or contacts of YMCAES for personal gain or the gain of their relatives or friends.
- ▶ Engage in inappropriate relationships with, or inappropriate contact with the users of its services, including personal and sexual relationships.
- ▶ Receive any preferential treatment, benefits, personal gifts in kind or money from any service users or other person contacted at or through work other than in strict accordance with any guidelines, policies, rules or procedures specified by YMCAES from time to time.
- ▶ Make use of the property or equipment of YMCAES other than for the purpose(s) for which it is intended.

App 10 Escalation process Resolving Interagency agreements

Problem solving is an integral part of interagency working and particularly in relation to safeguarding. Professional disagreements are to be expected as part of a dynamic

process and only become dysfunctional if not resolved in a transparent, constructive and timely fashion.

Effective 'working together' can only be achieved when agencies establish an open and honest relationship based on a genuine commitment to partnership working. As part of this, there needs to be an agreement and an agreed system in place, to enable disagreements to be resolved promptly and hopefully to the satisfaction of all parties. The aim should be to resolve difficulties at the level at which they occur e.g. if two practitioners from different agencies disagree, in the first instance they should try and resolve the difficulty themselves. If this proves impossible, then the matter should be escalated until it is resolved.

Disagreements may arise in a number of areas, but often it can be in relation to thresholds and differing opinions about the need for action, communication difficulties between agencies and a lack of clarity about roles and responsibilities. It is really important to:

- ▶ Avoid professional disputes that put adults with care needs at risk of continuing harm
- ▶ Ensure the focus on the adult with care needs is not lost and does not become obscured
- ▶ Resolve difficulties within and between agencies quickly and transparently

Identify problem areas in partnership working and amend, where necessary, any joint protocols or procedures

What to do when difficulties arise

When problems first arise, initial attempts to resolve the difficulty should be made by the people immediately involved. Differences in status and experience may impact on a worker's confidence to pursue this unsupported, in which case, it is imperative that they discuss the matter and get any necessary support from their line Manager, in a timely manner.

Each Local Safeguarding Adults Board (LSAB) ought to have an agreed procedure and process for resolving professional disputes. Please refer to LSAB website for your local area.

Most typically, this procedure will state that:

- ▶ If the matter remains unresolved then it should be referred to the line Manager for resolution at the next level. It may then be necessary for that line Manager to discuss the issue with their opposite number in the other agency in an attempt to achieve resolution. This may include a face to face meeting between the Managers and workers involved in an attempt to explore the problem openly and transparently and to gain resolution.

If the problem remains unresolved, then the matter will need to be referred upwards in each agency until a resolution is found.

A clear written record should be kept at all stages and by all parties and should upon resolution, include written confirmation between the parties about the agreed outcome of the disagreement and how any outstanding issues will be dealt with.

If it proves impossible to reach an agreement and the matter is of a safeguarding nature, then the matter should be referred to the Chair of the Local Safeguarding Adults Board for mediation.

In order to promote continuing good working relationships between agencies, it may be helpful after some disputes to have a debrief meeting for those who have been involved.

Appendix 11 Death of an adult with care needs

Offsite

When a member of staff becomes aware that a service user known to YMCA East Surrey Action has unexpectedly died or been seriously injured they must immediately notify their Line Manager who will inform the CEO.

The CEO, having heard the detail of the case and any involvement we may have had, will advise as to whether the file should be secured.

Staff are expected to co-operate fully with any subsequent enquiries made by the Local Safeguarding Adults Board, Police or other statutory agencies.

Onsite

In the event of finding adult with care needs who is unconscious or suspected to have died the first priority is to obtain urgent medical assistance by ringing the emergency services and beginning first aid (All YMCA buildings have a qualified first aider on duty).

Resuscitation once commenced should be continued according to [the UK Council Resuscitation Guidelines 2015](#) until an experienced doctor has made a decision that it is appropriate to stop.

Professionals should notify the Police if they are not already present.

All professionals must ensure that they retain a written record of the initial referral to them and take note of:

- ▶ The position of the adult, the clothing worn and the circumstances of how they were found;
- ▶ Explanations for any injury and any discrepancies;
- ▶ Comments made by the carers;
- ▶ Background history, any possible alcohol/drug misuse and the conditions of the living accommodation;
- ▶ Any known underlying medical condition the adult may have.

All professionals should provide all the above information and, where applicable, any suspicions must be provided to the receiving Doctor and the Police immediately.

The comments of carers if present or available must be noted in detail.

Anyone who contributes to the written records must legibly sign, date and put their designation/role.

If there is a death of an adult with care needs at a YMCA East Surrey project or setting it may be necessary for a YMCA professional to contribute to the rapid response planning meeting /discussion. The Line Manager and the DSL should be consulted to ensure that the most appropriate staff member contributes to this meeting.