

# Adult Safeguarding Policy

Policy Reference:

HO052(A)

Approved by:

Board

Date approved:

27/11/2018

## 1. Scope and objectives

- 1.1. The purpose of this policy is to ensure that bpha meets its legal obligations in the management and reporting of adult safeguarding.
- 1.2. This policy is organisational wide and applies to all bpha employees, board members, volunteers, contractors or managing agents providing services for or on behalf of bpha.
- 1.3. This policy is specifically for the safeguarding of adults. bpha's approach to safeguarding children is covered in the Child Safeguarding policy.

## 2. Policy Statement

- 2.1 Safeguarding means protecting adults who have care and support needs and may be vulnerable to abuse or neglect and supports the 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 (Care Act Statutory Guidance 2016).
- 2.2 bpha takes its legal obligations in adult safeguarding seriously and recognises the need to meet its legal obligations to ensure, wherever possible, that a proactive organisational wide approach to safeguarding is adopted. Our approach will incorporate the six key principles of safeguarding as follows:
  - **Empowerment** – 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

- **Partnerships** – local solutions through services working with their communities.
- **Accountability** – accountability and transparency in delivering safeguarding.

2.3. There is a large legal framework in place in relation to the safeguarding of adults. Registered Providers obligations in relation to adult safeguarding were introduced under the Care Act 2014:

- “(1) A local authority must co-operate with each of its relevant partners, and each relevant partner must co-operate with the authority, in the exercise of—*
- (a) their respective functions relating to adults with needs for care and support,*
  - (b) their respective functions relating to carers, and*
  - (c) functions of theirs the exercise of which is relevant to functions referred to in paragraph (a) or (b).*
- (2) A local authority must co-operate, in the exercise of its functions under this Part, with such other persons as it considers appropriate who exercise functions, or are engaged in activities, in the authority’s area relating to adults with needs for care and support or relating to carers.*
- (3) The following are examples of persons with whom a local authority may consider it appropriate to co- operate for the purposes of subsection (2)—*
- (a) a person who provides services to meet adults’ needs for care and support, services to meet carers’ needs for support or services, facilities or resources of the kind referred to in section 2(1);*
  - (b) a person who provides primary medical services, primary dental services, primary ophthalmic services, pharmaceutical services or local pharmaceutical services under the National Health Service Act 2006;*
  - (c) a person in whom a hospital in England is vested which is not a health service hospital as defined by that Act;*
  - (d) **a private registered provider of social housing.**”*  
(Care Act 2014, Part 1, Section 6)

2.4. In undertaking its role to report and manage adult safeguarding, bpha will:

- Ensure appropriate employees are aware of this policy and relevant procedures.
- Ensure appropriate employees are aware of the signs and indicators of abuse.
- In the course of providing services to adults, identify abuse where it is reasonable to do so.
- Alert the appropriate agency where there is an adult safeguarding issue.
- Keep records of safeguarding concerns and appropriately supervise staff.
- Share information with other organisations in line with the Data Protection Act and General Data Protection Regulation using agreed protocols.
- Recruit staff appropriately.
- Review safeguarding cases and learn from these reviews to ensure that safeguarding is managed within a culture of continuous improvement.
- Put in place performance measures.
- Raise awareness of safeguarding with customers.

- 2.5. All reporting to management and governance of the safeguarding process will be appropriately anonymised.

### **3. Regulatory and legal considerations**

- 3.1. Whilst safeguarding responsibilities sit with all staff, the responsibility structure at bpha is as follows:

#### **Board Lead**

The organisation is not required by law to have a safeguarding lead at Board level, but it wants to ensure that safeguarding is given appropriate consideration at all levels.

The Board lead is a Non-Executive Director to ensure that safeguarding is considered independently of operations.

The role of the Board Lead is to:

- Ensure that safeguarding is appropriately considered by the Board during relevant meetings.
- Present an annual report to the Board on bpha's management of safeguarding during the year.
- Assist the Strategic and Operational lead in learning lessons following serious case reviews.

#### **Strategic and Operational Lead**

The Head of Housing Operations is bpha's strategic and operational adult safeguarding lead.

The role of the strategic and operational lead is to:

- Ensure that any changes to legislation or good practice lead to corresponding policy and procedure updates.
- Ensure that bpha provides appropriate resource each year to adequately train and supervise staff managing and/or reporting safeguarding concerns.
- Notify the Board Lead in the event of a serious case review and report to the Board on an annual basis.
- Report to the Audit and Risk Committee on a regular basis.
- Review the adult safeguarding policy on an annual basis and ensure that other policies have regard to adult safeguarding as appropriate.
- Work with Learning and Development to ensure that processes are in place to ensure staff training is undertaken for new staff within 12 weeks of their start date and refreshed every two years or earlier if there are significant changes to legislation or good practice which result in changes to bpha's policy and procedures.

- Review the content of the training to ensure that it is fit for purpose and delivered appropriately having regard for value for money.
- Lead internal quarterly review meetings and maintain records.
- Report to the Executive Leadership team on at least a quarterly basis in relation to the number of safeguarding cases and any issues of note.
- Ensure that systems are in place to accurately and appropriately record and monitor safeguarding cases.
- Set objectives in relation to adult safeguarding.
- Measure bpha's performance in relation to adult safeguarding.
- Promote awareness and understanding of safeguarding within the organisation.
- Work with external organisations as appropriate in relation to adult safeguarding.

### **Operational Deputies**

The Regional Managers in Home and the Retirement Living Manager are bpha's Adult Safeguarding Operational Deputies.

The role of the Operational Deputies is to:-

- Write and review adult safeguarding procedures and ensure other procedures have regard to adult safeguarding as appropriate.
- Ensure that relevant staff record and report adult safeguarding cases in accordance with procedures.
- Ensure that staff are appropriately supervised.
- Ensure that safeguarding is regularly discussed at team meetings and in one to one meetings.
- Set staff objectives in relation to adult safeguarding.
- Attend quarterly safeguarding review meetings.
- Attend external multi agency meetings representing bpha.
- Promote safeguarding within the organisation.

### **3.2. Recording and Reporting**

All bpha staff have a duty to record and report adult safeguarding concerns in accordance with the organisation's procedures and guidance. All concerns relating to safeguarding must be recorded.

### 3.3. **Training**

- 3.3.1 bpha will ensure that staff across the organisation receive training to give them an understanding of adult safeguarding and enable them to fulfil the requirements of bpha's policy and relevant procedures.
- 3.3.2 Training will be appropriate to individual roles and the requirements of these roles in relation to adult safeguarding. Training will be refreshed every two years or earlier if there are significant changes to legislation or good practice which result in changes to bpha policy and procedures.
- 3.3.3 bpha will also provide training to Board members, volunteers and contractors as appropriate.

### 3.4. **Staffing**

- 3.4.1 bpha will ensure that staff are appropriately recruited to roles and will ensure relevant role recruitment procedures include a DBS check. This check will be repeated at three yearly intervals.
- 3.4.2 Support will be provided to staff dealing with safeguarding cases where necessary, including confidential counselling if appropriate.
- 3.4.3 Where bpha receives an allegation about a member of staff that constitutes an adult safeguarding issue, an investigation will be conducted in accordance with the disciplinary policy and procedure and a safeguarding referral made to the appropriate local authority. When allegations of this nature are received the member of staff may be suspended pending the outcome of the investigation.

### 3.5. **Multi Agency Approach**

- 3.5.1 bpha recognises its role in adult safeguarding as one that supports the functions of statutory agencies, including local authorities and the police.
- 3.5.2 bpha will ensure that records are kept of appropriate referral agencies. These records will be reviewed regularly to ensure they are up to date.
- 3.5.3 bpha will attend multi agency meetings to review adult safeguarding cases including the Safeguarding Adults Board (SAB) where appropriate to do so. Due to the number of local authority areas that bpha operates in it will not be possible or appropriate to send representation to all meetings across all areas of operation. Areas will be prioritised according to stock numbers. However, contact will be made to all local authority safeguarding boards across our areas of operation to ensure that they are aware bpha's policy and relevant contact details to enable information sharing to take place or to make a specific request that bpha attend a meeting.

### 3.6. **Information sharing**

- 3.6.1 bpha will share information with other agencies appropriately and in accordance with the Data Protection Act and the General Data Protection Regulations.

- 3.6.2 Information sharing agreements will be put in place and regularly reviewed to ensure that they are fit for purpose and legislatively compliant. bpha will only share information without an information sharing agreement being in place where there is an immediate risk of harm or criminal activity is taking place.
- 3.6.3 It is a fundamental principle of English law that adults have the right to make decisions on their own behalf and are assumed to have the capacity to do so. This is known as the 'presumption of capacity' and extends to decisions that may entail personal risks and that may not be in accordance with an objective view of their best interests. However, there may be occasions when an employee has safeguarding concerns about someone who does not want any help and refuses any requests for information about their situation to be shared with other safeguarding partners' e.g. local authority. In this situation, we should respect their wishes although it is perfectly acceptable to share such information with relevant persons within bpha e.g. with a line manager.
- 3.6.4 When decisions are made to share or withhold information, this should be recorded, and advice should be taken from bpha's Data Protection Officer where appropriate. bpha's policy is that the balance of risk should be in favour of sharing data to protect adults at risk of harm and that concerns about data sharing should never prevent or delay the sharing of data when there is any risk of immediate harm.

### 3.7. **Contractors**

- 3.7.1 Contractors delivering services on behalf of bpha will be obliged to report concerns about adult safeguarding to bpha in accordance with the contract of engagement.
- 3.7.2 bpha will provide appropriate training on an annual basis to our main contractors who have access to our customers' homes to enable them to spot the signs of abuse or neglect.
- 3.7.3 All contracts to deliver services in bpha properties or other activities where there is contact with bpha customers will contain clauses that oblige the contractor to adhere to this policy.

### 3.8. **Properties Managed by Others**

- 3.8.1 Where arrangements are in place for bpha owned properties to be managed by a third party for housing management, support, care or other services, the agent will be required to demonstrate how it manages safeguarding appropriately.
- 3.8.2 This requirement will be included in all future leases and management agreements.

### 3.9. **Raising Awareness**

bpha will raise awareness of adult safeguarding with customers in partnership with appropriate agencies.

### 3.10. **Perpetrators of Abuse**

Where appropriate, bpha will refer perpetrators of abuse to the relevant support agencies.

## **4. Monitoring, reviews and evaluation**

4.1. The success of this policy will be monitored in the following ways:

- Review of cases on a quarterly basis by bpha's safeguarding group.
- Quarterly reporting to the Executive Leadership team.
- Regular reporting to the Audit and Risk Committee.
- Annual reporting to Board.
- Outcomes and recommendations following Serious Case Reviews.

## **5. Regulatory and Legal Considerations**

The adult safeguarding legal framework is:

- Care Act 2014
- Equalities Act 2010
- Mental Capacity Act 2005
- Deprivation of Liberty Safeguards (DoLs 2007)
- The Human Rights Act 1998
- Safeguarding Vulnerable groups Act 2006 - Disclosure and Barring Service
- Family Law Act 1996
- Sexual offences Act 2003
- Female Genital Mutilation Act 2003 updated 2015
- Domestic Violence Crime and Victims Act 2004
- Homelessness Act 2002 2018
- Data Protection Act 2018
- General Data Protection Regulations
- Anti-Social Behaviour, Crime and Policing Act 2014
- Care Standards Act 2000

## **6. Associated documents and procedures**

The following policies and procedures must have reference to this policy (this list is not exhaustive):

- Child Safeguarding policy
- Adult Safeguarding procedure

- Antisocial behaviour policy
- Arrears prevention and management policy
- Domestic abuse policy
- Allocations policy
- Data Protection policy
- Recruitment policy and procedures
- Whistleblowing policy
- Staff code of conduct
- Procurement policies and procedures
- Disciplinary policy and procedures

<b>Status</b>	Version 2
<b>Responsible</b>	Head of Housing Operations
<b>Equality impact issues</b>	Detail
<b>Next review date</b>	30/11/2020