

# Safeguarding Policy- Merged Child and Adult HO52 (CA)

## 1. Policy Principles

- 1.1. bpha is committed to the safeguarding requirements laid out in the Care Act 2014 and any successor legislation.
- 1.2. bpha recognises its responsibility to safeguard adults, young people and children experiencing or at risk from abuse and neglect and to take action when made aware of the risk of harm. The purpose of this policy is to outline our approach to preventing and reducing safeguarding risk.
- 1.3. This policy relates to all children, young people and adults who use or are connected to our services. It also applies to all bpha employees, board members, involved residents, contractors or managing agents (in the context of providing services to bpha customers).

## 2. How we deliver the Policy

- 2.1 We recognise that safeguarding children, young people and adults at risk is a shared responsibility, with a need for effective joint working across both statutory and non-statutory services.
- 2.2 We understand our legal obligations in safeguarding and take a proactive organisation wide approach to meeting these obligations.
- 2.3 Our approach will incorporate the six key principles of safeguarding as follows:
  - 2.3.1 **Empowerment** – presumption of person led decisions and informed consent.
  - 2.3.2 **Prevention** – it is better to take action before harm occurs.
  - 2.3.3 **Proportionality** – proportionate and least intrusive response appropriate to the risk presented.
  - 2.3.4 **Protection** – support and representation for those in greatest need
  - 2.3.5 **Partnerships** – local solutions through services working with their communities.
  - 2.3.6 **Accountability** – accountability and transparency in delivering safeguarding.
- 2.4 We have a duty to co-operate with local authorities and other statutory agencies in implementing their statutory duties around safeguarding (Care Act 2014, Part 1, Section 6) and will work with them and other partner agencies to effectively safeguard vulnerable people by minimising risk and ensuring that where any safeguarding concerns are identified, they are swiftly and appropriately raised.
- 2.5 Safeguarding information will be effectively recorded and shared in accordance with our Data Protection Policy. All reporting to management and governance of the safeguarding process will be appropriately anonymised.
- 2.6 We will recruit, support, manage and supervise employees, board members, involved residents, contractors or managing agents appropriately.
- 2.7 We will review performance on our safeguarding approach and management. We review safeguarding cases and learn from these reviews to ensure that safeguarding is managed within a culture of continuous improvement.

## 2.8 Awareness

- 2.8.1 This policy is available on our website, and for employees via the bpha intranet.

- 2.8.2 We raise awareness of safeguarding so that children, young people and vulnerable adults are aware of our approach and our responsibilities.
- 2.8.3 We ensure that all employees are made aware of this policy, their responsibility to be vigilant about safeguarding issues, their own conduct, and how to respond to any concerns or suspicions they may have.
- 2.8.4 We ensure appropriate employees are aware of relevant procedures and are aware of the signs and indicators of abuse.

## 3. Policy Statement

- 3.1 bpha will continue to maintain clear lines of responsibility and accountability for the detection, recording and reporting of safeguarding concerns and will ensure leadership responsibility at a senior level for our safeguarding arrangements.

### 3.2 Safeguarding Leads

- 3.2.1 There are strong and clear lines of responsibility and ownership, with a Board Lead, an ELT Lead and an organisation wide Safeguarding Lead overseeing and directing bpha's management of safeguarding.
- 3.2.2 The Safeguarding Lead will produce quarterly reports for the Executive team and the Audit and Risk Committee and an annual report for Board that provides assurance that:
  - bpha is working effectively to safeguard children, young people and adults at risk.
  - bpha is meeting its duties and obligations in relation to safeguarding.
  - processes are in place to learn lessons from any serious cases reviews.
  - trends are identified and measures are put in place to address any concerns.

### 3.3 Recording and Reporting

- 3.3.1 All bpha employees have a duty to record and report adult and child safeguarding concerns in accordance with procedures and guidance. All safeguarding actions must be person-centred and must focus on outcomes rather than process.
- 3.3.2 Any concerns and actions relating to safeguarding must be recorded, reviewed and audited.

### 3.4 Training

- 3.4.1 bpha will continue to ensure that employees across the organisation receive training to give them an understanding of safeguarding and enable them to fulfil the requirements of this policy and relevant procedures.
- 3.4.2 Training will be appropriate to individual roles and the requirements of these roles in relation to 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.
- 3.4.3 bpha will also provide training to Board members, involved residents and contractors as appropriate.

### 3.5 Employees

- 3.5.1 bpha will ensure that employees are appropriately recruited to roles and will ensure relevant role recruitment procedures include a Disclosure and Barring Check. This check will be repeated at three yearly intervals.
- 3.5.2 We will provide supervision and support for employees dealing with safeguarding cases, including confidential counselling if appropriate, creating an environment where they feel able to raise concerns and feel supported in their safeguarding role.
- 3.5.3 Where bpha receives an allegation about an employee that constitutes a 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 employee may be suspended pending the outcome of the investigation.

### 3.6 Multi Agency Approach

- 3.6.1 Our role in safeguarding supports the functions of statutory agencies, including local authorities and the police. [We will engage in multi-agency work and fulfil requests made by statutory agencies where appropriate.](#)
- 3.6.2 We will maintain clear lines of communication with relevant agencies wherever there are safeguarding concerns about a child, young person or adult.
- 3.6.3 We will work in partnership with lead agencies and relevant partners, including making referrals, as appropriate and attending multi agency meetings to review adult and child safeguarding cases as required.
- 3.6.4 We will refer all concerns and suspicions or allegations of abuse or neglect to the appropriate safeguarding department in the local authority (in line with section 42 of the Care Act 2014), and or the police if appropriate. Any referrals will be made with the consent of the adult or the child’s guardian, unless doing so places them at greater risk.

### 3.7 Information sharing

- 3.7.1 bpha will share information with other agencies appropriately and in accordance with our Data Protection Policy and all statutory requirements.
- 3.7.2 Where appropriate, information sharing agreements exist or will be agreed and regularly reviewed to ensure that they are fit for purpose and legislatively compliant. bpha will only share information without an information sharing agreement where there is an immediate risk of harm or criminal activity is taking place or we have a legal obligation to do so.

### 3.8 Mental Capacity

- 3.8.1 The Mental Capacity Act 2005 is key to when decisions are made, and actions are taken when safeguarding adults (people aged 18 years or over) and is underpinned by five key principles. When an employee has safeguarding concerns about a resident, they must work in line with the five principles, especially if they are making a referral to another agency:
- 3.8.2 **A presumption of capacity:** Every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise. This means that you cannot assume that someone cannot make a decision for themselves just because they have a particular medical condition or disability.
- 3.8.3 **Individuals being supported to make their own decisions:** A person must be given all practicable help before anyone treats them as not being able to make their own decisions. This means you should make every effort to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important that you involve the person as far as possible in making decisions.
- 3.8.4 **Unwise decisions:** People have the right to make decisions that others might regard as unwise or eccentric. You cannot treat someone as lacking capacity for this reason. Everyone has their own values, beliefs and preferences which may not be the same as those of other people.
- 3.8.5 **Best interests:** Anything done for or on behalf of a person who lacks mental capacity must be done in their best interests.
- 3.8.6 **Least restrictive option:** Someone deciding or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person’s rights and freedoms of action, or whether there is a need to decide or act at all. Any intervention should be weighed up in the particular circumstances of the case.
- 3.8.7 If an employee has concerns about an individual but they choose not to accept any offer of support and do not wish for any referrals to be made, e.g. referral to safeguarding team, these decisions

should be respected, unless they are assessed to be a risk to themselves or others. When decisions are made to share or withhold information, this will be recorded, and advice will be taken from bpha's Data Protection Officer where appropriate.

- 3.8.8 bpha's policy is that the balance of risk should be in favour of sharing data to protect those 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.

### 3.9 Contractors

- 3.9.1 Contractors delivering services on behalf of bpha will be obliged to report concerns about adult and child safeguarding to bpha in accordance with the contract of engagement.
- 3.9.2 bpha will provide appropriate training at regular intervals to our main contractors who have access to our customers' homes to enable them to spot the signs of abuse or neglect.
- 3.9.3 All contractors who 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.

### 3.10 Involved Residents

- 3.10.1 Involved residents with bpha who have contact with our customers will be obliged to report concerns about adult and child safeguarding to bpha in accordance with the volunteer agreement. The volunteer agreement will contain clauses that oblige the volunteers to adhere to this policy.
- 3.10.2 bpha will provide appropriate training during the induction process and at regular intervals to involved residents who have contact with our customers to enable them to spot the signs of abuse or neglect.

### 3.11 Properties Managed by Others

- 3.11.1 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 share (or at least make available) their safeguarding policy.
- 3.11.2 This requirement will be included in all future leases and management agreements.

### 3.12 Raising Awareness

- 3.12.1 bpha will raise awareness of safeguarding with customers, offering clear information on how to report any safeguarding concerns.

### 3.13 Perpetrators of Abuse

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

## 4. Associated Legislation, National Standards and Regulation

- 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
- Department of Health’s Care and Support Statutory Guidance 2017 issued under the Care Act 2014
- Regulatory standards for registered providers of social housing in England.
- Working Together to Safeguard Children 2015/18?

## 5. Monitoring, Reviews and Evaluation

- 5.1 We will undertake regular audits to ensure policy and procedures have been followed.
- 5.2 The success of this policy will be monitored in the following ways:
- review of cases on a quarterly basis by bpha’s safeguarding panel.
  - quarterly reporting to the Executive Leadership Team.
  - regular reporting to the Audit and Risk Committee.
  - annual reporting to Board.
  - internal review, with recommendations following any Serious Case Reviews.
- 5.3 This policy will be reviewed every 2 years or more frequently if there are changes to legislation, good practice or in line with business need.

## 6. Associated Documents

- Antisocial behaviour policy and procedures
- Arrears prevention and management policy and procedures
- Domestic abuse policies
- Allocations policy
- Data Protection policy
- Recruitment policy and procedures
- Speaking Up Whistleblowing Policy and Process
- Employees code of conduct
- Procurement policies and procedures
- Disciplinary policy and procedures
- Retirement Living procedures

<b>Approved by</b>	Board
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<b>Owner</b>	Director of Customers and Services
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