

OA Reablement Service	OA Day Care	OA Residential Care	Domiciliary Services	DMH Day Services	DMH Supported Living	DMH Residential Services	EIA'd
✓	✓	✓	✓	✓	✓	✓	✓

# S14 SAFEGUARDING PROCEDURE

## POLICY

### INTRODUCTION

Adult safeguarding is about preventing and responding to concerns of abuse, harm and neglect of adults. Under the provisions of the Care Act 2014 there is the statutory requirement for all 'relevant agencies' to work together in partnership with adults at risk so that they are:

- Safe and able to protect themselves from abuse and neglect
- Treated fairly with dignity and respect
- Receive the support, protection and services they need.

### CONTEXT, PRINCIPLE AND VALUES

Cumbria Care is committed to ensuring that all staff (including volunteers) have undertaken sufficient training to recognise abuse/ harm and neglect and are able to respond to and raise any concerns with in line with the Cumbria Safeguarding Adults Board (CSAB) procedures.

Cumbria Care provides a service to older adults, adults with learning difficulties and disability and mental health. These procedures have been designed to ensure the welfare and protection of any 'adult **at risk**' who accesses services provided by Cumbria Care. **Cumbria Care will ensure that the 6 core principles of safeguarding will underpin all adult safeguarding work; empowerment, prevention, proportionality, protection, partnership and finally accountability.**

The fundamental shift in adult safeguarding realises that adult safeguarding follows the principles of Making Safeguarding Personal. This means that the adult at risk is central to all decision making in respect of the support to keep them safe. Adult safeguarding **MUST** be:

- Person led
- Engages the person through the process
- Focusses on the outcome for the person.

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### **PROCEDURE**

#### **1. Mental capacity, consent and best interests**

People must be assumed to have capacity to make their own decisions and be given all practicable help before they are considered not to be able to do so. Where an adult is found to lack capacity, then any action taken, or any decision made for, or on their behalf, must be made in their best interest. Professionals and other staff have a responsibility to ensure they understand and always work in line with the Mental Capacity Act. In all safeguarding activity due regard must be given to the Mental Capacity Act. In all cases where a person has been assessed as lacking capacity to make a decision, a best-interest decision must be made. Even when a person is assessed as lacking capacity, they must still be encouraged to participate in the safeguarding process.

#### **2 Deprivation of Liberty Safeguards (DoLS)**

The Deprivation of Liberty Safeguards (DoLS) provides protection to people in hospital and care homes. DoLS apply to people who have mental ill health and do not have the capacity to decide whether or not they should be accompanied in the relevant care home or hospital to receive care and treatment.

Requests for authorisation to deprive someone of liberty, if considered in the person's best interests, are made through the local authority as supervisory body. All decisions on care and treatment must comply with MCA and the DoLS Code of Practice. In case of serious dispute, it may be necessary for local authority to apply to the Court of Protection.

#### **3. Preventing abuse, harm and neglect**

Cumbria Care is committed to ensuring safeguards are in place and assess and reduce the likelihood of abuse/harm and neglect taking place within the services it offers.

Therefore this policy needs to be read in conjunction with the following corporate policies:

- Equal Rights and Diversity
- Volunteers
- Complaints
- Whistle Blowing
- Confidentiality
- Disciplinary and Grievance
- Data Protection
- Recruitment and Selection

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- **Position of Trust policy (POT)**

Cumbria Care is committed to safe recruitment policies and practices for paid staff and volunteers.

- This includes enhanced DBS disclosures for staff and volunteers
- Ensuring references are taken up and adequate training on Safeguarding Adults is provided for staff and volunteers

See the HR Recruitment policy for paid staff and Volunteers.

**Cumbria Care will fully comply with internal policies / legal requirements when responding to concerns regarding staff (or volunteers) in positions of trust (POT). In instances where POT concerns have been raised the Position of Trust lead for Cumbria Care (County Manager) should be accessed by the appropriate chain of management.**

All staff have a responsibility in the recognition and reporting of any suspicions they may have about any form of abuse and neglect. Abuse comes in many forms some of which are physical, verbal, mental / emotional, sexual and neglect. You must take seriously any concerns / complaints / allegations made by individuals, relatives, visitors or other professional and report them immediately. Allegations may be made about any other person. For all allegations of abuse you must record all your actions and any outcomes. **Every reported incident of abuse or suspected abuse will be taken seriously by all involved.**

#### 4. **Confidentiality**

Cumbria Care is committed to maintaining confidentiality wherever possible and information around safeguarding adults issues should be shared only with those who need to know.

For further information, please see The Safeguarding Adults at Risk Multi-Agency Policy and Procedures under information sharing.

#### 5. **Roles and Responsibilities for staff**

**Immediately report any concerns to your manager or a senior member of staff on duty. If the concerns are about that senior member of staff contact either the Operations Manager or the County Manager.**

**This will be taken seriously. The line manager or Operations manager will ensure that the safeguarding team are informed and where appropriate police and CQC. Duty of Candour must also be adhered to. The safeguarding team will be on hand to support you as necessary through the Safeguarding Adults**

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**Managers (SAM).** More information about safeguarding and County Council Safeguarding procedures can be found by using the link:  
<http://www.cumbria.gov.uk/healthandsocialcare/adultsocialcare/safe/default.asp>

### 6. Responding to people who have alleged, are experiencing, or may have witnessed abuse.

All incidents of abuse or neglect and any concerns that a service user may have been hurt or harmed by another person must be responded to as follows:

- Ensure the safety of those involved
- Immediately alert the manager and or supervisor on duty
- If the alleged abuse or neglect involves the manager, report this immediately to your operations manager.
- Ascertain the facts
- Refer as a safeguarding issue, or telephone the safeguarding team for advice
- Refer to Appendix 2 for out of hours referrals

It is important to record basic facts on the S14 reporting possible safeguarding issues Appendix 1 form and if applicable the service user daily records. These records must be factual and could include:

- What you saw or heard
- When you saw it / heard it
- Whether others were present
- Is it first hand information?

For further information on recording see The Safeguarding Adults at Risk Multi-Agency Policy and Procedures. The manager and or supervisor must consider the seriousness of the situation and carry out the following as appropriate:

- Notify the police immediately if a crime may have been committed
- Protect the 'crime scene'
- Consider the need to request a GP visit
- Seek a view from the service user where possible, and / or family if applicable, about the issue of concern
- Gather information from the relevant parties without asking leading questions. If the allegation involves a member of staff, do not question the staff member at this stage. A senior manager must be informed.
- Report to Operations Manager / Manager on call

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- Notify Care Quality Commission and **complete a statutory notification form (if applicable)** and in the timescale required as per CQC guidance.
- Inform the Social Worker
- You must record your actions / outcomes in any or all of the above stages.
- The information should be factual and not based on opinions.
- Record what the person tells you, what you have seen and any witnesses.
- The information that is recorded will be kept secure and will comply with data protection.

### 7. In situations where the incident involves more than 1 service user:

Follow the procedure in all of the above, plus:

- Consider how you are going to protect the service user's for example moving one service user into another bedroom / unit / area, or for day services, possibly asking the services user to stay at home
- Record all issues in the service user daily records
- Record what was done to defuse the situation
- Service users have the right to request assistance from the police

### 8. Situations where the incident involves staff to service user:

Follow the procedures above plus:

The Operations Manager / Manager on call must consider the following courses of action depending on the severity of the incident:

- The possibility of moving the staff member into a temporary position (following advice from HR and authority from the Assistant Director of Cumbria Care).
- Suspend from duty (following advice from HR / Senior Management). You may need to send the person home following advice. During out of hours, on call managers have the authority to send someone home to safeguard the individual.
- The **Cumbria Care Position of Trust lead will liaise with the Position of Trust lead for adult services** to discuss the best course of action and to ensure that the Cumbria County Council Disciplinary Procedures are coordinated with any other enquiries taking place as part of the ongoing management of the allegation.

For all allegations of abuse/ harm or neglect you must record all actions and any outcomes.

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Any allegation involving police intervention may result in the member of staff being arrested and interviewed under caution.

The line manager needs to ensure they give the appropriate support to (maybe whistle blowing investigation) anyone involved in a safeguarding investigation.

**Cumbria Care will positively respond to the Common Law Police Disclosures scheme which supersedes the Notifiable Occupation scheme.**

### 9. **DBS Disclosure and barring services** (Formally known as ISA Independent safeguarding authority)

Check out the following information before referring to the DBS:

- Wait for the outcome of the disciplinary hearing and gain advice from HR and County Managers.
- Is a referral to DBS required?
- If it is thought that a referral to the DBS may be appropriate, then it must be discussed and authority given by the Assistant Director of Cumbria Care or the County Managers in their absence).

### 10. **Staff Competency**

All staff must attend training as identified for their job role. All staff must complete the relevant competencies within the Safeguarding Adults Passport and once finished the completion information must be recorded on the staff members training records and / or "My HR".

#### **APPROVED BY**

- Following clearance by the Cumbria Care Senior Management Team (see meeting minutes dated: 11<sup>th</sup> December 2012).
- SMT / JC safeguarding lead
- **ESMT Dated:**

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