



Safeguarding Adults Policy

Safeguarding Policy Framework

Approved by	The Board of trustees
Date	03/09/2024
Date for Review	03/09/2026
Version Number	2.0
Document Control	This document will be updated from time to time to reflect current legislation and best practice. Always download or view from OTR-South - General Documents - All Documents (sharepoint.com) to ensure the most up to date version is being viewed

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Part 1 - Safeguarding Adults Policy

Introduction

This Policy is part of the Safeguarding Policy framework and should be read in conjunction with related policies and procedures, particularly Procedures for Responding to and Reporting Concerns.

Off The Record has contact with many different adults in the course of carrying out its work. This includes clients aged 18 and above, client's parents and families, staff, volunteers, trustees, supporters, and other stakeholders. OTR takes seriously its responsibilities to be aware of the safeguarding needs of adults and to be able to provide an appropriate and supportive response where abuse is known or suspected.

Off The Record is committed to Safeguarding Adults in line with national legislation and relevant national and local guidelines.

We will safeguard adults by ensuring that our activities are delivered in a way which keeps all adults safe.

Off The Record is committed to creating a culture of zero-tolerance of harm to adults which necessitates: the recognition of adults who may be at risk and the circumstances which may increase risk; knowing how adult abuse, exploitation, or neglect manifests itself; and being willing to report safeguarding concerns.

This extends to recognising and reporting harm experienced anywhere, including within our activities, within other organised community or voluntary activities, in the community, in the person's own home and in any care setting.

Off The Record is committed to best safeguarding practice and to uphold the rights of all adults to live a life free from harm from abuse, exploitation, and neglect.

Policy Statement

Off The Record believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.

Off The Record is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

Off The Record acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved.

Off The Record recognises that health, well-being, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points in people's lives.

Off The Record recognises that there is a legal framework within which we need to work to safeguard adults who have needs for care and support and for protecting those who are

unable to take action to protect themselves and will act in accordance with the relevant safeguarding adult legislation and with local statutory safeguarding procedures.

Actions taken by Off The Record will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

Purpose

The purpose of this policy is to demonstrate the commitment of Off The Record to safeguarding adults and to ensure that everyone involved in Off The Record is aware of:

- The legislation, policy, and procedures for safeguarding adults.
- Their role and responsibility for safeguarding adults.
- What to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult within the organisation.

Scope

This safeguarding adult policy and associated procedures apply to all individuals involved in Off The Record including trustees, staff, volunteers, and other workers and to all concerns about the safety of adults whilst taking part in our organisation, its activities and in the wider community.

We expect all organisations we may partner with to adopt and demonstrate their commitment to the principles and practice as set out in this Safeguarding Adults Policy and associated procedures.

Commitments

In order to implement this policy Off The Record will ensure that:

- Everyone involved with Off The Record is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult.
- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with Off The Record Safeguarding Adults Policy and Procedures.
- The well-being of those at risk of harm will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve. Those views and wishes will be respected and supported unless there are overriding reasons not to (see the Safeguarding Procedures).
- Any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm.
- Confidential, detailed, and accurate records of all safeguarding concerns are maintained and securely stored in line with our policies and procedures
- Off The Record acts in accordance with best practice advice, for example, from NSPCC, Ann Craft Trust.
- Off The Record will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.

- All trustees, staff, volunteers, and other workers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.
- Off The Record uses safe recruitment practices and continually assesses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in this organisation.
- Off The Record shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Police, Local Authority/Social Services.
- When planning activities and events Off The Record includes an assessment of, and risk to, the safety of all adults from abuse and neglect and designates a person who will be on call for the duration of the event.
- Actions taken under this policy are reviewed by the Board and senior management team on an annual basis.
- This policy, related policies (see below) and the Safeguarding Procedures are reviewed no less than on a two yearly basis and whenever there are changes in relevant legislation and/or government guidance as required by the Local Safeguarding Partnership, or as a result of any other significant change or event.

Implementation

Off The Record is committed to developing and maintaining its capability to implement this policy and procedures. In order to do so the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of adults.
- Access to relevant legal and professional advice.
- Regular management reports to the Board detailing how risks to adult safeguarding are being addressed and how any reports have been addressed.
- Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice.
- A Safeguarding Lead and Designated Safeguarding Officer.
- A delegated Safeguarding Lead/DSO for events and trips.
- A process for forming a Case Management Group on a case by case basis within clear terms of reference.
- Arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.
- Codes of conduct for Board members, Staff, and Volunteers that specify zero tolerance of abuse in any form.
- Risk assessments that specifically include safeguarding of adults.
- Training and other CPD opportunities for staff and volunteers to enable them to fulfil their responsibilities
- Policies and procedures that address the following areas and which are consistent with this Safeguarding Adults policy including:

Safeguarding Children and Young People Policy	Safer Recruitment Policy
Safeguarding Procedures: Responding to and Reporting Concerns	Managing Allegations Policy
Unfair Treatment Policy and Procedures	Whistleblowing Policy and Procedures
Social Media Policy and Guidelines	IT Policy

<u>Equality and Diversity Policy</u>	<u>Data Protection Policy</u>
<u>Risk Assessment Guidance</u>	<u>Confidentiality Policy</u>
<u>Professional Boundaries and Conduct Policy</u>	<u>Management Supervision Policy and Agreement for Non-Clinical Staff</u>
<u>Disciplinary Policy and Procedure</u>	<u>Staff Training and Development Policy</u>
<u>Complaints Policy</u>	<u>Grievance Policy and Procedure</u>
<u>Counsellor's Guide</u>	

Part 2– Background Information - Safeguarding Adults

Definitions

Adult	A person over the age of 18
Adult at risk	Definition used in legislation for adults who the Local Authority has a responsibility to support to prevent them from experiencing (further) harm caused by abuse and neglect.
Abuse	A violation of a person’s physical, emotional, or mental integrity by any other person.
Case Management Group	A group created by an organisation to ensure the organisation carries out its role(s) in individual cases of abuse or neglect AND to maintain an overview of the implementation of the organisation’s safeguarding functions.
Harm	Damage done to a person’s well-being.
MASH	Multi-Agency Safeguarding Hubs are used as a one point of contact/safeguarding referrals in some areas. Where they exist a referral to MASH benefits from the information held by and the expertise of various agencies e.g. Local Authority, Police and Health.
Mental Capacity	The ability to consider relevant information, make and communicate a decision.
Safeguarding	Work to prevent and to stop abuse and neglect.
Safeguarding Adult Team	A team set up to manage the safeguarding of adults at risk within an organisation or more commonly across a Local Authority district.
Safeguarding Adults Board (SAB) (England and Wales)	A statutory body set up in line with national legislation. Statutory membership includes the Local Authority, Police and NHS. Representatives from the voluntary sector and of ‘citizens’ e.g. a representative from a disabled people’s forum are often also included. Their role is to coordinate safeguarding work across the Local Authority district.

Further definitions can be found on the Hampshire Safeguarding Adults Board website in their [‘jargon buster’](#) section.

Key Points

- There is a **legal duty on Local Authorities** to provide support to ‘adults at risk’.
- **Adults at risk** are defined in legislation
- The safeguarding legislation applies **to all forms of abuse** that harm a person’s well-being.
- The law provides a framework for good practice in safeguarding that makes the overall **well-being** of the adult at risk a priority of any intervention.
- The law emphasises the importance of **person-centred safeguarding**, (referred to as **‘Making Safeguarding Personal’** in England).
- The law provides a framework for making decisions on behalf of adults who can’t make decisions for themselves (**Mental Capacity**).
- The law provides a framework for organisations to **share concerns** they have about adults at risk with the local authority.

- The law provides a framework for all organisations to **share information and cooperate** to protect adults at risk.

Safeguarding Adults Legislation

Safeguarding Adults is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018
- Counter Terrorism and Security Act 2015

The practices and procedures within this policy are based on the relevant legislation and government guidance including those listed in this policy

- England - The Care Act 2014
- Care and Support Statutory Guidance (especially chapter 14) 2014

Many other pieces of legislation also affect adult safeguarding. These include legislation about different forms of abuse and those that govern information sharing. For example, legislation dealing with:

Murder/attempted murder	Theft and Fraud
Physical Assault	Modern slavery and Human exploitation
Sexual Offences	Hate crime
Domestic Abuse/Coercive control	Harassment
Forced Marriage	Listing and Barring of those unsuitable to work with adults with care and support needs
Female Genital Mutilation	

There is also legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- England and Wales - Mental Capacity Act 2005
- There are specific offences applying to the mistreatment of, and sexual offences against, adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer: e.g. wilful neglect and wilful mistreatment.

Definition of an Adult at Risk

The Safeguarding Adults legislation creates specific responsibilities on Local Authorities, Health, and the Police to provide additional protection from abuse and neglect to Adults at Risk.

When a Local Authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult.

The actions that need to be taken might be by the Local Authority (usually social services)

and/or by other agencies, for example the Police and Health. An organisation may need to take action as part of safeguarding an adult, for example, to use the disciplinary procedures in relation to a member of staff or volunteer who has been reported to be harming another adult. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

An Adult at risk is

An individual aged 18 years and over who:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs)
AND
- (b) is experiencing, or at risk of, abuse or neglect,
AND
- (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect (England, Care Act 2014)

Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all of the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission, or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

Abuse can take place in any relationship and there are many contexts in which abuse might take place, e.g. Institutional abuse, Domestic Abuse, Forced Marriage, Human Trafficking, Modern Slavery, Sexual Exploitation, County Lines, Radicalisation, Hate Crime, Mate Crime, Cyber bullying, Scams. Some of these are named specifically within legislation.

Abuse can take place within any context and the person causing harm might be any other person.

Abuse or neglect could be carried out by:

- A spouse, partner, or family member
- Neighbours or residents
- Friends, acquaintances, or strangers
- People who deliberately exploit adults they perceive as vulnerable
- Paid staff, professionals or volunteers providing care and support

Often the perpetrator is known to the adult and may be in a position of trust and/or power.

Categories of abuse

The Safeguarding Adults Legislation in England defines categories of adult abuse and harm as follows.

- **Physical abuse** – including assault, hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions

- **Domestic abuse and violence** – including psychological, physical, sexual, financial, emotional abuse, coercive control; so called ‘honour’ based violence
- **Sexual abuse** – including rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressured into consenting, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography, witnessing sexual acts or indecent exposure
- **Psychological/emotional abuse** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber abuse, isolation or unreasonable and unjustified withdrawal of services or supportive networks
- **Financial or material abuse** – including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions, or benefits
- **Modern slavery** – encompasses slavery, human trafficking, forced labour and domestic servitude
- **Discriminatory abuse** – including forms of harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation, or religion
- **Organisational/institutional abuse** - including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or in relation to care provided in one’s own home
- **Neglect and acts of omission** – including ignoring medical or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition, and heating
- **Self-neglect** - a wide range of behaviour including neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.

Other forms of abuse:

- **Hate crime** - crime that is motivated by hostility on the grounds of race, sexual orientation, disability, religion, or gender identity.
- **Mate crime** - exploitation, abuse, or theft from any person at risk from those they consider to be their friends. Those that commit such abuse or theft are often referred to as ‘fake friends’. Mate crime can also be a form of disability hate crime with individuals who have a physical or learning disabilities or who are experiencing poor mental health being most at risk.
- **Forced marriage** - one or both people do not or cannot consent to the marriage, and pressure or abuse is used to force them into marriage.
- **‘Honour’-based violence** - a range of practices used principally to control and punish the behaviour of a member of a family or social group, in order to protect perceived cultural and religious beliefs in the name of ‘honour’.
- **Female genital mutilation** – any procedure that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.

The Social Care Institute for Excellence (SCIE) provides a comprehensive list of the types of abuse that fall under each of these categories along with specific signs and indicators. All OTR staff and volunteers should ensure they have read and are familiar with these as part of their safeguarding responsibilities and in keeping with OTR’s commitment to continuous professional development.

Signs and Indicators of Abuse and Neglect

An adult may confide to a member of staff, volunteer, or client that they are experiencing abuse inside or outside of our organisation, this is called a disclosure. Similarly, others may suspect that this is the case.

There are many signs and indicators that may suggest someone is being abused or neglected. There may be other explanations, but they should not be ignored. Below are some of the signs and symptoms to look out for however this list is not exhaustive:

- Unexplained bruises or injuries – or lack of medical attention when an injury is present.
- Person has belongings or money going missing.
- Person is not attending / no longer enjoying attending or responding to reminders to attend.
- Someone losing or gaining weight / an unkempt appearance, a deterioration in hygiene.
- A change in the behaviour or confidence of a person. For example, looking quiet and withdrawn when a friend or family member comes to meet them in contrast to other people whom they greet with a smile.
- Self-harm.
- A fear of a particular group of people or individual.
- A carer always speaks for the person and doesn't allow them to make their own choices
- They may tell you / another person they are being abused – i.e. a disclosure

Wellbeing Principle

The concept of 'well-being' is threaded throughout UK legislation and is part of the Law about how health and social care is provided. Our well-being includes our mental and physical health, our relationships, our connection with our communities, and our contribution to society.

Being able to live free from abuse and neglect is a key element of well-being.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For this reason, any actions taken to safeguard an adult must take their whole well-being into account and be proportionate to the risk of harm.

Person Centred Safeguarding/ Making Safeguarding Personal

The legislation also recognises that adults make choices that may mean that one part of our well-being suffers at the expense of another – for example we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety, we need to understand what matters to them and

what outcomes they want to achieve from any action agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding'/'Making Safeguarding Personal' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice, and control, as well as improving their quality of life, well-being, and safety. Organisations work to support adults to achieve the outcomes they want for themselves.

The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity, and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).

The Care Act 2014's principles are:

- **Empowerment** - People being supported and encouraged to make their own decisions and informed consent.
- **Prevention** – It is better to take action before harm occurs.
- **Proportionality** – The least intrusive response appropriate to the risk presented.
- **Protection** – Support and representation for those in greatest need.
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse
- **Accountability** – Accountability and transparency in delivering safeguarding.

Mental Capacity and Decision Making

In Hampshire, concerns are reported to [Adult Social Care](#) at Hampshire County Council.

There may be times when an organisation needs to make decisions on behalf of an individual in an emergency. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them.
- Stopping them being in contact with the person causing harm.

Recording and Information Sharing

All organisations must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information, with the right people, is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a 'need to know'.

- This does **NOT** automatically include the persons spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation
- Case management meetings can take place to agree to co-ordinate actions by the organisation

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they:

- Fear repercussions from the person causing harm
- Are scared that they will lose control of their situation to statutory bodies
- Feel stupid or embarrassed.

Their wishes should be respected unless there are over-riding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk.
- you believe they or someone else is at risk, including children.
- you believe the adult is being coerced or is under duress.
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- the adult does not have mental capacity to consent to information being shared about them.
- the person causing harm has care and support needs.
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the Local Authority).

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information, seek advice, e.g. seek legal advice and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with the reasons to share or not share information.

Multi-Agency and partnership working

Safeguarding adults' legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations.

OTR may need to cooperate with the Local Authority and the Police including to:

- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals e.g. Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.
- Provide a safe environment for the adult to continue their involvement with OTR

If we are required by the Safeguarding Adults Board to take part in a Safeguarding Adult Review, or to participate in a Domestic Homicide review, we will take this obligation seriously and provide the support and resources necessary to enable our staff to fully participate in the process.