

## Safeguarding Policy

version 1.1, 01.09.20

**NB: This Policy is to be read in conjunction with “ A Multi-Agency Policy for the Protection of Vulnerable Adults from Abuse” which is the Devon Countywide Policy and Procedures which clearly set out the processes that should be followed when identifying and reporting incidents of suspected abuse.**

### 1. Purpose

- To ensure that abuse of service user rights is avoided.
- To comply with the Disclosure Barring Service (DBS) requirements.
- To comply with Regulation 18 of the CQC (Registration) Regulations 2009.
- To comply with the Protection of Freedoms Act 2012.
- To comply with the Mental Capacity Act 2005.
- To comply with the Safeguarding Vulnerable Groups Act 2006.
- To ensure awareness of wider safeguarding powers.
- To underpin the application of “A Multi-Agency Policy for the Protection of Vulnerable Adults from Abuse”

### 2. Scope

All workers.

### 3. Policy for preventing persons barred from working in the Care sector from being offered employment as a Care worker

Definition of a Care worker, from the CQC publication "Scope of Registration"

*“The definition of personal Care is broader than that used in previous registration systems. It covers:*

(a) Physical assistance given to a person in connection with:

- Eating or drinking (including the administration of parenteral nutrition);
- Toileting (including in relation to menstruation);
- Washing or bathing;
- Dressing;
- Oral care;
- The care of skin, hair and nails (with the exception of nail care provided by a chiropodist or podiatrist).

(b) The prompting and supervision of a person to do any of the types of personal Care listed above, where that person is unable to make a decision for themselves in relation to performing such an activity without such prompting and supervision. “Prompting and supervision” means that services whereby staff prompt and directly supervise a person when they are carrying out the above actions (i)-(vi). Supervision will normally include direct observation of the action as it is carried out or otherwise checking on how it was carried out, but will not normally include merely encouraging someone to perform the

activity, or checking at some point afterwards on whether it has been done. “

- While this policy is mainly concerned with the definitions of abuse, and the actions which should be taken when abuse is suspected or discovered, the policy and the flow chart in particular are also concerned with the wider issue of ensuring that only appropriately recruited and checked employees come into contact with vulnerable adults. The required actions are embedded in the recruitment system (Recruitment Pack - Induction and Job Start) and must be followed for the recruitment of any Care worker, in order to prevent a person included on the DBS register of individuals barred from gaining employment in a proscribed position.
- The CQC will be notified immediately of any persons who apply for a post as a Care worker who are discovered to be on the DBS Vetting and Barring scheme register.
- Employees who are proposed to be transferred from non-care positions to Care will be DBS Vetting and Barring scheme system-checked before the transfer is confirmed, and may not be transferred if the DBS check is positive.
- All the provisions which apply to employees also apply to volunteers.

#### **4. Policy for the prevention of abuse during employment**

Abuse is a violation of an individual's human and civil rights by any other person or persons.

The main range of different forms of abuse are:

- Physical abuse;
- Sexual abuse;
- Psychological abuse;
- Financial or material abuse;
- Neglect and acts of omission;
- Discriminatory abuse.
- Amongst many others

Seaview Haven will ensure that service users are safeguarded from physical, financial, material, psychological, racial, medication or sexual abuse, neglect, discriminatory abuse, self-harm, and inhuman or degrading treatment.

Allegations of misconduct from any source will be taken seriously by Seaview Haven and must be immediately reported to a senior manager for investigation. It will be fully and openly investigated by Seaview Haven. The objectives of the investigation will be to:

- Establish facts;
- Assess the needs of the vulnerable adult for protection, support and redress;
- Make decisions regarding what follow-up actions should be taken with respect to the perpetrator and the service or its management if they have been culpable, ineffective or negligent.
- Allegations of misconduct against an individual will normally result in the immediate suspension of that person from duty, pending an investigation of the allegations.
- On the suspension of an individual, the Registered Manager will carry out a thorough internal investigation. On completion of the investigation a decision will be made by the Registered Provider as to whether it is appropriate to report the matter to the

appropriate authority. The appropriate authority in relation to the services provided by Pivotal Home Care Limited is Devon Multi Agency Adult Safeguarding Team.

- Allegations of misconduct resulting in actual or potential harm to a service user will be notified to the Safeguarding Adults Team immediately and to the CQC within 48 hours.

## **5. Procedure for preventing persons barred from working in the Care sector from being offered employment**

### **Background:**

The DBS Vetting and Barring scheme is designed to identify those people who are considered as 'unsuitable' to work with vulnerable adults and are therefore prevented from obtaining employment in such positions. A responsibility is placed upon employers to identify such people and notify the DBS. They will also be required to check the DBS Vetting and Barring scheme list before offering employment to any new staff who are likely to have regular contact with vulnerable adults.

### **Checking the list:**

There is a statutory requirement on providers who are registered for a regulated activity including Care Home Services to check the DBS Vetting and Barring scheme list before employing a new member of staff who is likely to have regular contact with a vulnerable adult, or in cases whereby an existing member of staff moves into such a position. The only way of making this check will be as part of a Disclosure Service application.

Employees may not be offered a post before a satisfactory DBS Vetting and Barring scheme check has been received. The DBS Adult First check may only be used in circumstances whereby recruitment is required in order to meet statutory levels of staffing.

### **Referral to the list:**

There is a statutory requirement for providers of Care to refer workers to the DBS for inclusion on the DBS Vetting and Barring scheme list if they consider that the person is guilty of misconduct such that a vulnerable adult was harmed or placed at risk of harm. This requirement covers both existing employees and those who leave their employment, and whose conduct comes to light at a later date.

A referrer will need to provide full details of the individual concerned, the nature of the allegation, any investigation which has taken place and any action taken as a result. Referral forms are available on the DBS web site.

An individual who is included on the DBS Vetting and Barring scheme list as a confirmed (but not provisional) listing would be guilty of a criminal offence if they applied for a position as a Care worker. If a provider discovered that a person they offered employment to was on the list, they must cease to employ that person.

It will be the duty of the employer to consider when a member of staff is suspended pending an allegation, whether they should be referred to the list (this is not a requirement at this stage). There will be a need to weigh up evidence. In some cases there may be a narrow tightrope between duty of Care to a member of staff and duty of Care to a vulnerable person. Best practices assert that a vulnerable person always has to be safeguarded first. If

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*Registered Office – Seaview Haven, Oak Tree Gardens, Ilfracombe, Devon, EX34 9JP*

you do refer and subsequently find no evidence, the person's name will immediately be removed. The details of the referral will be passed on to the person concerned, so you should not pass on any information to the DBS Vetting and Barring scheme which cannot be shared with the person concerned.

## **6. Referral Procedure**

The first priority should always be to ensure the safety and protection of vulnerable adults and if medical attention is required this must be sought immediately.

## **7. Report**

- Staff should report suspicion or evidence of abuse to their Registered Manager, who in turn will report to the Social Services Safeguarding Adults Team.
- If staff suspect or have evidence the Registered Manager is involved in abuse, they should report directly to the Social Services Safeguarding Adults Team. They should also go directly to the Social Services Safeguarding Adults team if there is an obvious failure by management to respond appropriately to suspicion or evidence of abuse.
- It is the responsibility of everyone to act on suspicion or evidence of abuse or neglect (see Public Interest Disclosure Act 1998 and in-house procedures) and refer to the local Social Safeguarding Adult Team.
- If after referral to the Social Services Adult Protection Team, you do not feel the concerns have been adequately addressed, you may wish to report to the CQC.

## **8. Lead Responsibility**

The Social Services Safeguarding Adults Team will take the lead and be responsible for managing the process by establishing the facts of the case, identify those that need to be involved and coordinate the response.

## **9. Consult with the Police**

When complaints about alleged abuse suggest that a criminal offence may have been committed it is imperative that reference should be made to the police as a matter of urgency. The CQC must also be notified. Early referral or consultation with the police will enable them to establish whether a criminal act has been committed and this will give them the opportunity of determining if, and at what stage they need to become involved. Early involvement of the police will help ensure that forensic evidence is not lost or contaminated and this may prevent the abused adult being interviewed unnecessarily on subsequent occasions. Notification of the Police may be done either by the referring individual/agency or by the Devon Multi Agency Adult Safeguarding Team. This will be dependent upon the information received at the initial point of concern and following any subsequent preliminary enquiry, and at what point the lead agency was alerted. To prevent any possibility of failure to alert the police at the proper time the person/agency making the referral should identify whether or not the police have been informed. When Social Services receive the initial referral they will identify and record whether or not the police have been informed. Constabularies have Family Protection officers whose role it is to investigate allegations of the abuse of Vulnerable Adults where the person responsible is a family member or in a position of Care. Where the person responsible is not a family member or Support Worker or Carer or where the reported incident is one of financial abuse, then the

matter will be investigated by local officers. Criminal investigation by the police takes priority over all other lines of enquiry; however, police investigations may proceed alongside those dealing with health and social Care issues.

## 10. Inform Inspection Unit

- By regulatory law service providers must notify the CQC without delay incidents of abuse and allegations of abuse, as well as any incident which is reported to or investigated by the police.
- Service providers must notify the CQC about abuse or alleged abuse involving a person(s) using the service, whether the person(s) are the victim(s), the abuser(s), or both. Please refer to the Essential standards of quality and safety for information about what must be notified in relation to abuse.
- Service providers must also alert the relevant local safeguarding authority when notification is made to the CQC about abuse or alleged abuse.
- The forms are available on the CQC website.
- The execution of the statutory responsibilities of the CQC relies on timely and considered intervention by their officers. It is therefore essential that enquiries into allegations involving domiciliary Care services are undertaken in collaboration with the appropriate inspectorate. The CQC must satisfy themselves that Devon Multi Agency Adult Safeguarding Team is aware of incidents or allegations of abuse which come to the attention of the CQC from other sources.

## 11. Inform the Disclosure and Barring Service (DBS)

- Do not assume that referral through to the Police or Adult Protection Team will lead to a referral to the DBS within an acceptable time, or at all. If an employer comes to the conclusion, based on the evidence available to them, that a referral of an employee to the DBS is required, then they must immediately do so.
- Make the referral as soon as the evidence available to you, as the employer, indicates that a referral is required under DBS guidance (see below).
- Suspension pending enquiry may not trigger referral because of presumption of innocence until all evidence is reviewed and a decision as to culpability arrived at. Suspension following a hearing at which culpability has been determined, pending a disciplinary award, may be appropriate if the offence falls within the DBS remit.
- Further information about referral to the DBS, including referral factsheets and appropriate forms is available on their website:
- <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>
- The DBS referral flowchart is attached to this document for information, but must be supplemented by a current check on the DBS web site as above.

## 12. Establish Working Arrangements

The enquiry must take account of other agencies and identify those who need to be involved. Where there is a joint interest or responsibility an early agreement regarding lead responsibility and on working arrangements must be clarified. Where agreement cannot be reached or where difficulties are being experienced, Devon Multi Agency Adult Safeguarding Team should be asked to obtain clarification at a senior level with the agencies involved.



### 13. Involve the Alleged Victim

The process of the enquiries should be carefully explained to the allegedly abused person and their consent to proceed with the enquiry obtained if possible. Arrangements should be made to have a relative, friend or independent advocate present if the person so desires. The relative, friend or independent advocate should not be a person suspected of being in any way involved or implicated in the abuse.

A review of a service users Care Support Plan should be undertaken to ensure that they are properly supported following the alleged abuse incident, and they should be supported by the service to take part in the safeguarding process to the extent to which they want or are able to do, or to which the process allows, and they are kept informed of progress.

### 14. Contact Advocacy Services

#### **ADVOCACY SERVICE**

Devon County Councils policy states that adults in Devon may be entitled to the support of an independent advocate to help them with health and social care issues, if they meet the threshold for eligibility and priority for the advocacy service. Advocacy is taking action to help people say what they want, secure their rights, represent their interests and to get the services they need. They can visit the person in the care home.

The local Authority must involve people in decisions made about them and their care and support in the care home.

The advocacy duty will apply from the point of first contact and at any subsequent stage of the assessment, planning, care review, safeguarding enquiry or safeguarding adult review. The advocacy duty will apply from the point of first contact and at any subsequent stage of the assessment, planning, care review, safeguarding enquiry or safeguarding adult review. If it appears to the authority that a person has care and supports needs, then a judgement must be made as to whether that person has substantial difficulty in being involved and if there is an appropriate individual to support them. It will be unlawful not to provide someone who qualifies with an advocate.

Contact

**DEVON ADVOCACY CONSORTIUM 0300 343 5707**

[dac@seap.org.uk](mailto:dac@seap.org.uk)

Devon county council make their referrals through the Devon Advocacy Consortium and they provide advocacy in relation to the following legislation

- **Statutory advocacy under the Mental Capacity Act for people who lack capacity**
- **Statutory independent advocacy under the care act**

## 15. Bring in Specialist Skills

Consideration must be given to enlisting the services or advice or personnel with specific skills or knowledge, particularly where people involved have limited communication skills, or where English is not their first language.

## 16. Coordinate

Devon Multi Agency Adult Safeguarding Team, as the lead agency, coordinating the response, must notify other agencies and identify those who need to be involved and ensure the following processes are addressed:

- Investigation of the incident using the guidance;
- Action to ensure immediate safety of the alleged victim;
- Early involvement of key agencies through a strategy meeting or discussion (by telephone if appropriate);
- Agreement with other agencies who should take the lead in the investigation;
- Assessment and Care Planning for the vulnerable person who has been abused;
- Action with regard to criminal proceedings;
- Action by employers, such as, suspension, disciplinary proceedings, use of complaints and grievance procedures and action to remove the perpetrator from the professional register;
- Arrangements for treatment or Care of the abuser, if appropriate;
- Consideration of implications relating to regulation, inspection and contract monitoring;
- Appropriate measures to reassure and support carers and in keeping them informed;
- Development, implementation and monitoring of a Care Plan;
- Maintain appropriate records.

## 17. Investigation

For a variety of reasons, agencies other than the Police may need to conduct investigations into incidents of alleged abuse. This is because absence of (or insufficient evidence to substantiate) criminal activity cannot be taken as confirmation that abuse has not taken place. Investigation is a process that focuses on gathering “good evidence” that can be used as a basis for the decision whether or not abuse has occurred. It must be a rigorous process and the evidence must be capable of withstanding close scrutiny, as it may later be required for formal proceedings. Such proceedings may be against the perpetrator of the abuse or against other individuals or organisations in positions of responsibility and accountability. In these circumstances any decision made on the facts that arise from the investigation is made on the civil standards of proof i.e. on the balance of probabilities.

## 18. Case Conference

Following the investigation or if deemed necessary at any time during the process; it may be necessary to call a case conference involving all relevant agencies and parties. One of the purposes of the case conference would be to make multi agency decisions about future action to address the needs of the individual. An agency involved in the case may ask for a case conference to be held, although the final decision to call a conference rests with Devon Multi Agency Adult Safeguarding Team.

## 19. Confidentiality

Reporting incidences of alleged abuse may involve disclosing confidential personal information.

The Data Protection Act makes important requirements about how information about individuals is stored 'processed' and shared, appropriate measure must be taken by the service to protect personal data. Notifications about individuals must not include their name or other details that a third party could use to identify them. Advice is to use codes instead of names, even where codes are used, they should not easily identify an individual such as room number or date of birth. A record of agreed codes should be established and kept secure, should the CQC require more information regarding an incident.

## 20. Feedback

The accepted good practice concerning recording, minuting and circulation will be observed and Devon Multi Agency Adult Safeguarding Team must ensure that feedback is given to the referring organisation and family as appropriate.

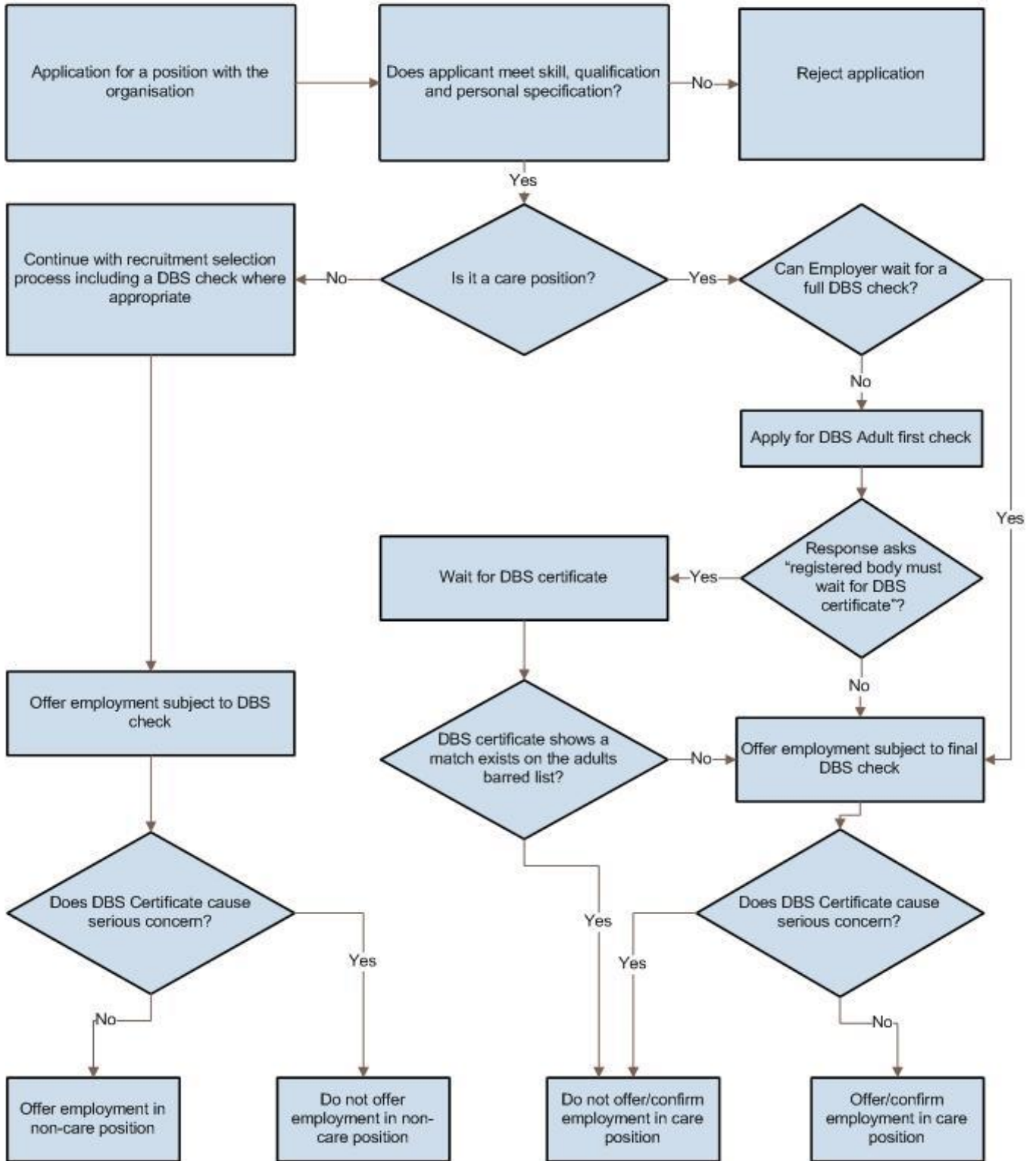
## 21. General procedures for the prevention of abuse during employment:

- The whistle blowing policy will be drawn to the attention of all employees during induction.
- Managers will ensure that they have a clear understanding of the contents of "No Secrets", the relevant documents published by the Dept. of Health.
- During induction training, all employees will complete the "Understanding Abuse" workbook.
- The person responsible for training new employees will verify that they have a clear understanding of the possible forms of abuse, their responsibility to prevent and report such abuse, and the avenues open to them for reporting.
- Allegations of abuse will be dealt with according to the procedures set.
- The service users' Finances Policy and Procedure will be made available to all employees during induction.
- All service users will receive a copy of the 'Service User Guide'.
- Refer to Seaview Havens Complaints Policy and Procedure, Whistle-blowing Policy and Procedure for detailed procedures if allegations of abuse are made.
- Formal supervisions will take place at least every two months, and the results recorded (see Employee Supervision Policy and Procedure). The supervision format will ensure that employees are asked, at every instance of supervision, whether they have received a criminal conviction or warning, or notice of referral to the DBS register, which has not yet been declared to the employer.

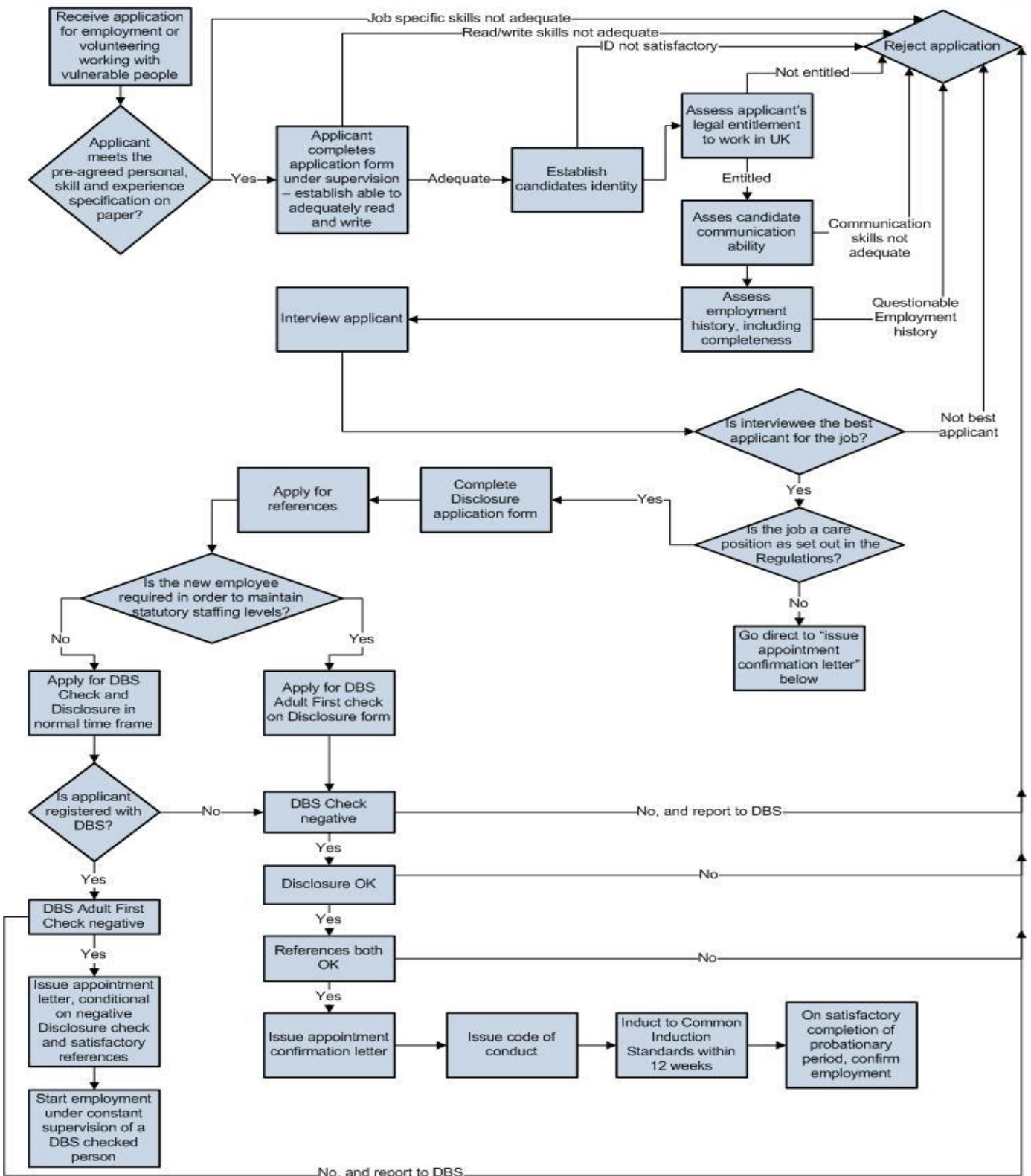




System Flowchart for Recruitment to Meet Regulations



## Employee and Volunteer Verification Flow Chart, England and Wales



## 22. Safeguarding Incident Log



Name of witness(es):

Details of any injuries/was medical attention required?:

What decision has been reached as a result of investigating the incident?

Name and designation of witness/advocate/support for service user during discussion/report taking

*Use additional sheets if necessary*



What immediate action was taken?

What lessons have been learned from this incident and investigation?

Were any outside agencies contacted? If so, who?

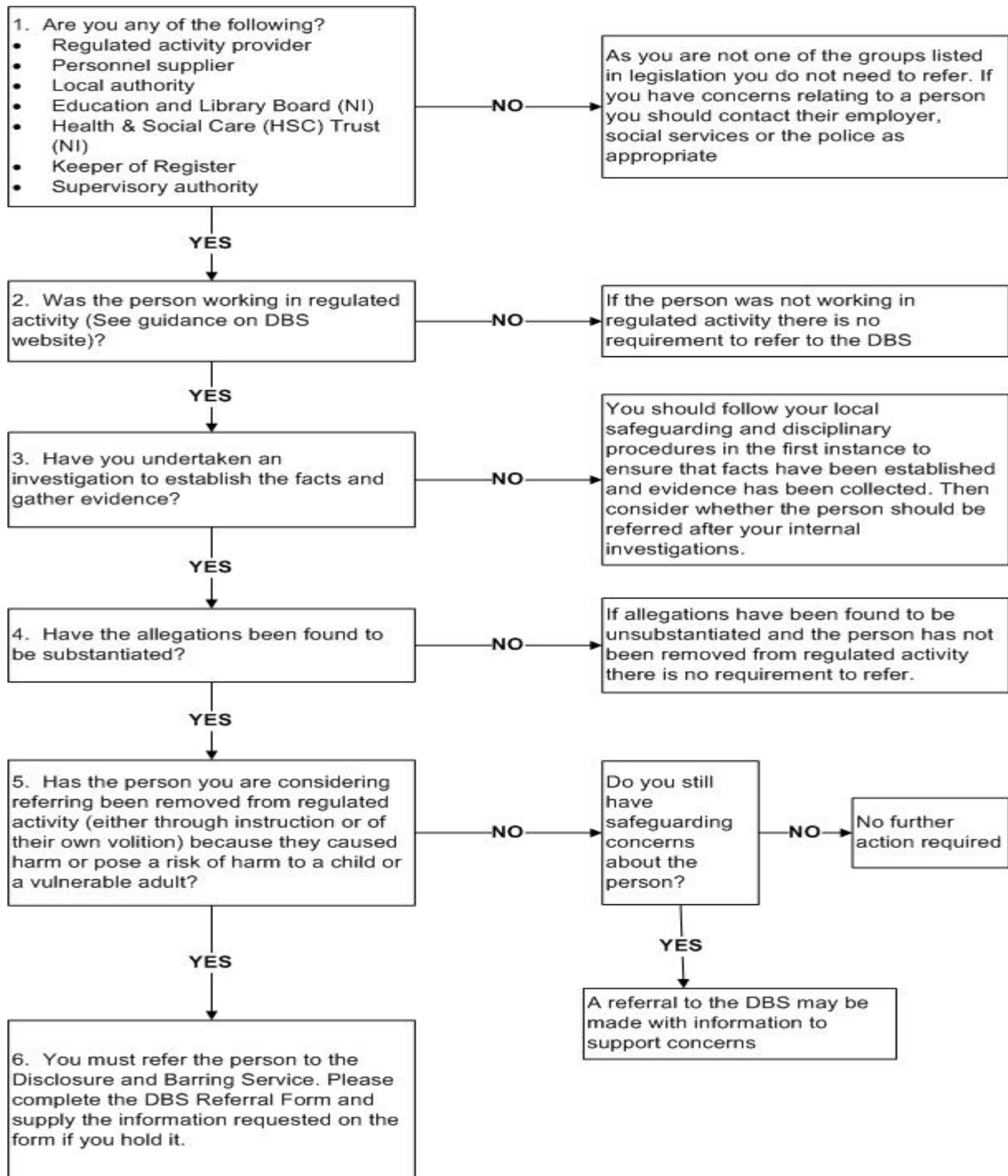
*Use additional sheets if necessary*

Registered Manager recommendations, including Care Plan changes:			
What actions will be taken to prevent further incidents?:			
Signature :			
Print Name:			
Title:			
Date:			
Reported to Management Meeting by:		Date:	

*One copy of this form to be held in the service user's personal file, one copy in the Safeguarding Incident file.*

*Use additional sheets if necessary.*

## 23. DBS Referral flowchart



## 24. Key Lines of Enquiry Table

Key Line of Enquiry	Primary	Supporting	Mandatory
How are people protected from bullying, harassment, avoidable harm and abuse that may breach their human rights?	✓		✓
How are risks to individuals and the service managed so that people are protected and their freedom is supported and respected?	✓		✓
How does the service promote a positive culture that is person-centred, open, inclusive and empowering?		✓	✓
How does the service work in partnership with other agencies?	✓		