

The Knapp Foundation
Charity Registration Number 1200294

Safeguarding Policy – Vulnerable Adults

Introduction

1. This policy applies to all staff including trustees, volunteers, students and anyone working on behalf of the Foundation. It will be reviewed regularly, and in light of changes to legislation.

Purpose of the policy

2. The purpose of this policy is: to protect vulnerable adults who receive the Foundation's services, and to provide staff and volunteers with the overarching principles that guide our approach to safeguarding.

3. The Foundation believes that a vulnerable adult should never experience abuse of any kind. We have a responsibility to promote the welfare of all vulnerable adults and keep them safe. We are committed to provide our services in a way that protects them. This is done by acting together in a coordinated and supported manner and requires the Designated Safeguarding Officer and Staff to make timely responses to concerns.

4. If there is something that makes anyone feel uneasy, please talk it through with the Designated Safeguarding Officer (DSO), who will always make themselves available to respond to any safeguarding concerns.

5. In respecting the dignity and value of every person we are committed to:

- the care, nurture and education of all children and all adults
- the safeguarding and protection of all children, young people and adults when they are at risk
- establishing safe, caring communities which provide a loving environment and a culture of 'informed vigilance' and action towards safeguarding everyone

6. We will seek to fulfil these through:

- the production of clear policy and procedures to which all will comply
- the safer recruitment, training and support of those in positions of responsibility and trust
- responding without delay to concerns and complaints regarding actual or potential harm or maltreatment (advice to be sought / action taken within 24 hours)
- cooperating with professionals and implementing the processes necessary to ensure proper safeguards and pastoral care

Scope

7. This safeguarding policy and associated procedures applies to all individuals involved in the Foundation including Board members, staff and volunteers; and to all concerns which may arise about the safety of adults while taking part in our activities.

Guiding Principles

8. The principles below will guide all elements of safeguarding activity delivered by the Foundation:

- care which is respectful and informed
- timely safeguarding action – advice to be sought / action to be taken within 24 hours
- the involvement of others on a need to know basis only
- the early identification and management of actual or potential risks
- the discharging of duties to the highest level of behaviour
- the active commitment of all in promoting and keeping our community safe

Implementation

9. The Foundation is committed to developing and maintaining its capability to implement this policy and procedures. In order to do so the following will be applied:

1. A clear line of accountability for the safety and welfare of all adults.
2. Access to relevant legal and professional advice.
3. Regular management reports to the Board detailing how risks to adult safeguarding are being addressed and how any reports have been addressed.
4. Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice.
5. A Designated Safeguarding Officer
6. Processes for referral of cases.
7. Policies and procedures which address the following areas and which are compatible with adult safeguarding: Safeguarding Children and equality, diversity and inclusion

Legislation

10. Legislation concerning the safeguarding of adults is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018

11. The practices and procedures in this policy are based on the relevant legislation and government guidance - The Care Act 2014 & Care and Support Statutory Guidance (especially chapter 14) 2014. Many other pieces of UK and home nation

legislation also affect adult safeguarding. These include legislation about different forms of abuse and those that govern information sharing. This includes legislation dealing with:

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

12. The circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves are covered by:

- England and Wales - Mental Capacity Act 2005
- Scotland - Adults with Incapacity Act 2000

13. There are specific offences applying to the mistreatment of and sexual offences against adults who do not have sufficient 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.

14. There is a legal duty on Local Authorities to provide support to 'adults at risk'. The Safeguarding Adults legislation creates specific responsibilities for Local Authorities, Health authorities, 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. In Scotland and Wales, the Local Authority can gain access to an adult to find out if they are at risk of harm for example, if that access is being blocked by another person.

15. Adults at risk are defined in legislation. Under the England Care act (2014) an adult at risk is an individual aged 18 years and over who: has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect, and; 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.

16. 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 in all four home nations 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 also provides a framework for all organisations to share information and cooperate to protect adults at risk.

Abuse and neglect

17. 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:

- Physical
- Sexual
- Psychological
- Neglect
- Financial

18. 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 home nation legislations. Abuse or neglect outside 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.

Signs and indicators of abuse and neglect

19. An adult may confide to a member of staff, volunteer that they are experiencing abuse inside or outside of the organisation’s setting. 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. The signs and symptoms include but are not limited to:

- 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 their involvement with the Foundation. You may notice that a participant has been missing and is not responding to reminders.

- Someone losing or gaining weight / an unkempt appearance.
- A change in the behaviour or confidence of a person.
- Self-harm.
- A fear of a particular group of people or individual.
- A parent/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

Personal Safeguarding

20. 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 actions agencies take to help them to protect themselves.

21. 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.

22. 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).

Mental Capacity and decision-making

23. We make many decisions every day, often without realising. UK Law assumes that all people over the age of 16 have the ability to make their own decisions, unless it has been proved that they can't. It also gives us the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider them to be unwise. We make so many decisions that it is easy to take this ability for granted. The Law says that to make a decision we need to:

1. Understand information
2. Remember it for long enough
3. Think about the information
4. Communicate our decision

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

24. Most adults have the ability to make their own decisions given the right support however, some adults with care and support needs have the experience of other people making decisions about them and for them. Some people can only make simple decisions like which colour T-shirt to wear or can only make decisions if a lot of time is spent supporting them to understand the options. If someone has a disability that means they need support to understand or make a decision this must be provided. A small number of people cannot make any decisions. Being unable to make a decision is called "lacking mental capacity". Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves. For example:

- A person with epilepsy may not be able to make a decision following a seizure.
- Someone who is anxious may not be able to make a decision at that point.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

25. Mental Capacity is important for safeguarding for several reasons. Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their parent who is their carer won't allow them to and will not provide the support they would need. Conversely the adult may not seem to be benefiting from an activity other people are insisting they do. Another situation is where an adult is being abused and they are scared of the consequences of going against the views of the person abusing them. It is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'. Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened, however, in some situations the adult may not have the mental capacity to understand the choice or to tell you their views.

26. Principles governing when and how we can make decisions for people who are unable to make decisions for themselves include:

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If the decision can wait, wait – e.g. to get help to help the person make their decision or until they can make it themselves.
- If we have to make a decision for someone else then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes.
- If the action we are taking to keep people safe will restrict them then we must think of the way to do that which restricts to their freedom and rights as little as possible.

27. Many potential difficulties with making decisions can be overcome with preparation. A person needing support to help them make decisions whilst taking part in a sports organisation will ordinarily be accompanied by someone e.g. a family member or formal carer whose role includes supporting them to make decisions. It is good practice to get as much information about the person as possible. Some people with care and support needs will have a 'One page profile' or a 'This is me' document that describes important things about them. Some of those things will be about how to support the person, their routines, food and drink choices etc. but will also include things they like and don't like doing. It's also important to have an agreement with the person who has enrolled the adult in the sports activity about how different types of decisions will be made on a day to day basis. If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected you will need to refer the situation to the Local Authority, and this should result in health or social care professionals making an assessment of mental capacity and/or getting the person the support they need to make decisions.

Recording and Information sharing

28. 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 person's 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.

29. 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. 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 or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are over-riding reasons for sharing.

30. 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).

31. 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.

Designated Safeguarding Advisor

32. The DSA is responsible for ensuring the coordination of any concerns about a vulnerable adult, or the behaviour of an adult working with vulnerable groups. Their role is to ensure that these are appropriately reported both to the statutory agencies. They should attend the Board at least twice a year and work with them to ensure the proper implementation of the safeguarding policy. Where the DSA becomes aware of a suspicion or concern about possible abuse the following steps should be followed:

- if the adult is in immediate need of medical treatment or protection, contact the ambulance service or the police (very few situations will fall into this category, it is only when injuries have been received needing urgent medical intervention or you believe that their safety and welfare will be endangered if they return to their home / living arrangements that this would need to be done)
- inform the relevant Trustee (unless there is a valid reason not to, i.e. the concern is related to them)
- inform the Adults Social Care Department within 24 hours. This will allow the DSO to discuss their concerns further with someone experienced, and seek advice and guidance to agree the most appropriate action to take in the best interests of the child, young person or vulnerable adult, in line with policies and procedures.

Allegations against Foundation staff or Trustees

33. The guidance below relates to circumstances where it is alleged that a Foundation Trustee or member of staff has:

- behaved in a way that has harmed, or may have harmed, a child / vulnerable adult
- possibly committed a criminal offence against, or related to, a child / vulnerable adult
- behaved in a way that indicates that he or she is unsuitable to work with children / vulnerable adults

34. Where there are concerns about the behaviour of, or allegations against, a Foundation worker these should be directed immediately to the DSA. These concerns must be reported to the Local Children's / Adults Social Care Department within 24 hours and will be addressed drawing on the relevant policy procedures guiding paid and voluntary workers. This may involve: providing advice, supervision and training, the use of disciplinary and statutory processes (including suspension from their role if there is a police investigation) or a combination of these. A referral must be made to the police and / or local authority where it appears that a criminal offence has occurred against a child or vulnerable adult.

Contact details

Designated Safeguarding Advisor (DSA) [Mrs E. Dalby]

Senior Trustee Lead for Safeguarding [Dr. Stephen Sklaroff]

Adopted by a meeting of the Trustees on 1st February 2023

Information and support

Action on Elder Abuse

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research and collecting and disseminating information.

Tel: 020 8765 7000

Email: enquiries@elderabuse.org.uk

www.elderabuse.org.uk

Ann Craft Trust (ACT)

A national organisation providing information and advice about adult safeguarding. ACT have a specialist Safeguarding Adults in Sport and Activity team to support the sector

Tel: 0115 951 5400

Email: Ann-Craft-Trust@nottingham.ac.uk

www.anncrafttrust.org

Men's Advice Line

For male domestic abuse survivors

Tel: 0808 801 0327

National LGBT+ Domestic Abuse Helpline

Tel: 0800 999 5428

National 24Hour Freephone Domestic Abuse Helplines

Tel: 0808 2000 247

www.nationaldahelpline.org.uk/Contact-us

Rape Crisis Federation of England and Wales

Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.

Email: info@rapecrisis.co.uk

www.rapecrisis.co.uk

Respond

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

Tel: 020 7383 0700 or

0808 808 0700 (Helpline)

Email: services@respond.org.uk

www.respond.org.uk

Stop Hate Crime

Works to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties. 24 hours service:

Telephone: 0800 138 1625

Web Chat: www.stophateuk.org/talk-to-us/

E mail: talk@stophateuk.org

Text: 07717 989 025

Text relay: 18001 0800 138 1625

By post: PO Box 851, Leeds LS1 9QS

Susy Lamplugh Trust

The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological.

Tel: 02083921839

Fax: 02083921830

Email: info@suzylamplugh.org

www.suzylamplugh.org

Victim Support

Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.

Tel: 0808 168 9111

www.victimsupport.com

Women's Aid Federation of England and Wales

Women's Aid is a national domestic violence charity. It also runs a domestic violence online help service.

www.womensaid.org.uk/information-support