

Safeguarding Policy and Procedure

Business Impact	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

Summary:	Addition of emphasis on well-being and edit of content including addition of preventative steps, update of protected Characteristics and deletion of ISA reference. Update with Criminal Justice and Courts Act 2015 information.
Relevant Legislation	<ul style="list-style-type: none"> • The Criminal Justice and Courts Act 2015 section 20-25 • Public Interest Disclosure Act 1998 • The Care Act 2014 • Care Quality Commission (Registration) Regulations 2009 • Equality Act 2010 • The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015 • Human Rights Act 1998 • Mental Capacity Act 2005 • Protection of Freedoms Act 2012 (links to) The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 • Safeguarding Vulnerable Groups Act 2006
Underpinning Knowledge - What we have used to ensure that the policy is current	<ul style="list-style-type: none"> • Department of Health, (2016), Safeguarding - Care and support statutory Guidance. [Online] Available from: https://www.gov.uk/guidance/care-and-support-statutory-guidance/safeguarding • SCIE, (2014) Guide to Sharing Information regarding safeguarding concerns Social Care Institute for Excellence 2014 [Online] Available from: http://www.scie.org.uk/care-act-2014/safeguarding-adults/sharing-information • The Ministry of Justice, (2015), Criminal Justice and Courts Act Explanatory notes. [Online] Available from: http://www.legislation.gov.uk/ukpga/2015/2/notes/contents
Suggested action	<ul style="list-style-type: none"> • Notify all staff of changes to policy • Share key facts with professionals involved in the service • Share key facts with people involved in the service

1. Purpose

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1.1 Dementia Care TLC is committed to safeguarding and promoting the welfare of Service Users. This policy sets out Dementia Care TLC's commitment to the principals of effective safeguarding.

1.2 To support Dementia Carte TLC in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
SAFE	S1: How are people protected from bullying, harassment, avoidable harm and abuse that may breach their human rights?
SAFE	S2: How are risks to individuals and the service managed so that people are protected and their freedom is supported and respected?
EFFECTIVE	E2: Is consent to care and treatment always sought in line with legislation and guidance?

1.3 To meet the legal requirements of the regulated activities that Dementia Care TLC is registered to provide:

- The Criminal Justice and Courts Act 2015 section 20-25
- Public Interest Disclosure Act 1998
- The Care Act 2014
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015
- Human Rights Act 1998
- Mental Capacity Act 2005
- Protection of Freedoms Act 2012 (links to) The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012
- Safeguarding Vulnerable Groups Act 2006

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Service Users may be affected by this policy:

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- All service users

2.3 The following stakeholders may be affected by this policy:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

3. Objectives

3.1 The policy and procedures are designed to equip staff in understanding their role and responsibilities, such as:

- Recognising risks and safeguarding concerns
- Acting on those risks and concerns
- Playing a part in preventing incidents

3.2 Safeguarding is everybody's business. This policy should give clear expectations of the providers' responsibilities to other stakeholders and Service Users.

4. Policy

4.1 Dementia Care TLC's aim is to effectively promote and support the well-being of Service Users. In doing this, it is paramount to prevent harm and report concerns of abuse and neglect appropriately. Dementia Care TLC is committed to achieving these aims through this safeguarding policy and procedure.

4.2 The organisation will ensure that Service Users are safeguarded from abuse in all forms. This duty to safeguard adults applies to Service Users who:

- Have needs for care and support.
- Are experiencing or at risk of abuse, and
- As a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse.

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

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4.4 Types of abuse are described in the statutory guidance accompanying the Care Act 2014 as:

- Physical abuse.
- Domestic violence
- Sexual abuse
- Psychological abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational abuse
- Neglect and acts of omission
- Self-neglect

4.5 Dementia Care TLC also has a duty by law under the Equality Act 2010 to protect people from discrimination, harassment and victimisation with a 'protected characteristic'.

4.6 The following six principles as set out in guidance to the Care Act 2014 should inform practice with all Service Users:

- **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
- **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

4.7 The organisation will promote the well-being of its Service Users and provide a safe and supportive environment for all upholding their human rights. It will ensure this through active Care Planning that involves and informs the Service User and their family and carers. Dementia Care TLC's Care Planning process will include the ongoing management of risk.

5. Procedure

5.1 Organisation with Lead Responsibility

The local Safeguarding Adults Team has the lead responsibility for Safeguarding. Their contact details are:

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SOCIAL SERVICES, SOMERSET COUNTY COUNCIL, COUNTY HALL, TAUNTON,
SOMERSET, TA1 4DY - Telephone - 0300 1232224

They will take the lead and be responsible for managing the process by:

- Establishing the facts of the case (through enquiry if necessary)
- Identify those that need to be involved and
- Coordinate the response

5.2 Dementia Care TLC's safeguarding Lead

The safeguarding Lead for Dementia Care TLC is the Registered Manager (their contact details are listed below) their role is to:

- Lead for safeguarding and Mental Capacity Act matters including acting as the main contact with the Local Authority Safeguarding Team and the Care Quality Commission
- Monitor the recording of information on incident forms and address training needs from this
- Effectively disseminate relevant information updates and training on Safeguarding and the Mental Capacity Act
- Ensure Service Users are involved in their safeguarding through effective, individualised Care Planning

Registered Manager: Jacqui Archer

Registered Manager Contact Number: 07587154331

5.3 Staff Responsibility

- To contribute to preventing abuse and neglect by reporting potential risk
- To be vigilant to the signs of abuse and the procedure on how to act on them
- To keep current with any training or information required to be undertaken
- Understand the principles of confidentiality and information sharing

5.4 Prevention: Providing Information to Support Service Users

- Dementia Care TLC will support Service Users by providing relevant, easy to understand information on what abuse is and what signs to look out

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for. This will include Service Users rights and how to get help and support if they need it through the Care Planning process

- Identify risks early and act to remove them.

5.5 Referral of a Possible Safeguarding Incident

- The first priority should always be to ensure the safety and protection of vulnerable adults. Dementia Care TLC should ensure that the Service Users are removed from any immediate harm and if medical attention is required, this must be sought immediately

5.6 Report

- Staff should report suspicion or evidence of abuse to their Registered Manager, who in turn will refer to the Adult Social Care Safeguarding Adults Team.

5.7 If staff suspect or have evidence the Registered Manager is involved in abuse, or if there is an obvious failure by management to respond appropriately to suspicion or evidence of abuse, they should report directly to the Safeguarding Adults Team.

5.8 It is the responsibility of everyone involved with The Company to act on suspicion or evidence of abuse or neglect and refer to the local Safeguarding Adults Team (staff must report firstly to the Registered Manager or their appointed second unless there is a reason they cannot).

5.9 If after referral to the Safeguarding Adults Team, you do not feel the concerns have been adequately addressed, you may wish to report to the Care Quality Commission.

5.10 Consult with the Police

- If a criminal offence is suspected the Police should be notified immediately as well as Care Quality Commission.
- Notification of the Police may be made by the referring individual/provider or by the local Adult Social Care Area Team
- To prevent any possibility of failure to alert the police at the proper time the person/company making the referral should check whether or not the police have been informed and do so if they have not.

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- Criminal investigation by the police takes priority over all other enquiries; however, police investigations may proceed alongside those dealing with health and social care issues.

5.11 Inform Relevant Inspectorate

- By regulatory law service providers must notify the Care Quality Commission 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 CQC about abuse or alleged abuse involving a person(s) using the service, whether the person(s) are the victim(s), abuser(s), or both
- 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.

5.12 Enquiry

- The local authority will coordinate an enquiry to establish the facts and let Dementia Care TLC know how to proceed
- In some cases, there may be several agencies involved.
- Where agreement cannot be reached as to agencies roles within an enquiry or where difficulties are experienced, the Adult Social Care Team should be contacted to provide further clarity

5.13 Involve the Service User concerned throughout the process

- The process of the enquiry should be explained to the Service User in a way they will understand 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 User's Care Plan should be undertaken to ensure individualised support following the incident
- The individual should be supported by the service to take part in the safeguarding process to the extent to which they wish, or are able to do having regard to the decisions and opinions, and kept informed of progress

5.15 Contact Advocacy Services

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- The local authority must arrange, where appropriate, for an Independent Advocate to represent and support an adult who is the subject of a Safeguarding Enquiry or Safeguarding Adult Review where the adult has 'substantial difficulty' in being involved in contributing to the process and where there is no other appropriate adult to assist
- Dementia Care TLC shall use the Advocacy Policy and Procedure, and the Complaints section of the Service User's Handbook for further information about advocacy contacts, and how to involve advocates

5.15 Investigation

- Agencies other than the Police may need to conduct civil investigations into incidents of alleged abuse - see definitions of Investigation

5.16 Case Conference

- Following the investigation or at any time during the process, a case conference with all relevant agencies may be called to make decisions about future action to address the needs of the individual
- Any agency involved in the case may ask for a case conference to be held but the final decision to hold a conference is with the Adult Social Care Safeguarding Adults Team Manager.

5.17 Confidentiality

- Reporting incidences of alleged abuse or neglect may involve disclosing confidential personal information. Organisations and their workers will need to make reference to their organisation's information sharing policies.
- The Data Protection Act makes important requirements about how information about individuals is stored 'processed' and shared, appropriate measures 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.
- The Care Act 2014 requires information to be shared with Safeguarding Adults Boards when they request it from any individual or organisation.

5.18 Feedback

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- The accepted good practice concerning recording, minuting and circulation will be observed and the case conference chair must ensure that feedback is given to the referring organisation and family as appropriate.

5.19 In the event of Allegations of Misconduct by Staff

- The misconduct policy will be followed. Allegations of misconduct from any source will be taken seriously by the organisation and must be immediately reported to the registered manager for further enquiry.
- Where appropriate the matter will be reported to the necessary authority; this may be/include the Safeguarding Adults Team in their role as lead organisation for safeguarding.

5.20 Disclosure and Barring Service Referral

- 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. Please see the DBS/Disclosure Policy for further protocol regarding initial employment and referral.

5.21 Prevention: Staff Training

- Induction and refresher training will ensure the cover of Safeguarding.
- Familiarisation training on the Whistleblowing Policy and Procedure with care to appropriately convey the intent of the Criminal Justice and Courts Act 2015 section 20-25 relating to ill-treatment or wilful neglect.
- Managers will ensure that they have a clear understanding of the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014 and;
- During induction training, all employees will complete the "Understanding Abuse" workbook, and have an opportunity to read the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014.
- Allegations of abuse will be dealt with according to the procedures set out in the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014.
- Staff should receive training on the Mental Capacity Act 2005.
- The Service Users' Finance Policy and Procedures will be made available to all employees during induction

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- All Service Users will receive a copy of the Service Users Handbook
- Refer to the organisation's Complaints Policy and Procedure, Whistleblowing Policy and Procedure and for detailed procedures if allegations of abuse are made.

6 Definitions

6.1 Enquiry

- An enquiry is any action that is taken (or instigated) by a Local Authority, under Section 42 of the Care Act 2014, in response to indications of abuse or neglect in relation to an adult with care and support needs who is at risk and is unable to protect themselves because of those needs.
- An enquiry can also refer to similar action but not undertaken under section 42. It should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by whom.

6.2 Care and Support Needs

- According to the Care Act 2014; an older person, a person with a physical disability, a learning difficulty or a sensory impairment. Someone with mental health needs, including dementia or a personality disorder; a person with a long-term health condition, someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.

6.3 Safeguarding

- Safeguarding means protecting an adult's right to live in safety, without suffering abuse and or neglect. It is multi-agency in approach to prevent and stop both the risks and experience of abuse or neglect, whilst supporting the adult's well-being including their views, wishes, feelings and beliefs on the action to be taken where possible.

6.4 Investigation

- 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.

6.5 Referral

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- Referral is when you pass information of a possible safeguarding incident on to another person for their direction. In the case of this policy, from the provider to the Adult Social Care Team. Sometimes this may be referred to as 'Reporting'.

6.6 Well-being

- The Care Act 2014 defines Well-being as:

"Well-being", in relation to an individual, means that individual's well-being so far as relating to any of the following:

- (a) Personal dignity (including treatment of the individual with respect.
- (b) Physical and mental health and emotional well-being
- (c) Protection from abuse and neglect
- (d) Control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided).
- (e) Participation in work, education, training or recreation.
- (f) Social and economic well-being
- (g) Domestic, family and personal relationships
- (h) Suitability of living accommodation
- (i) The individual's contribution to society

6.7 Multi-Agency

- More than one agency coming together to work for a common purpose. This could include partners of the Local Authority such as:

NHS England
CCGs
NHS Trusts and NHS foundation trusts
Department of Work & Pensions
The Police
Prisons
Probation Services

And/or other agencies such as:

General Practitioners
Dentists
Pharmacists
NHS Hospitals
Housing, Health & Care providers

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6.8 Protected Characteristic

- Under the Equalities Act 2010 the protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief and sex.

6.9 Abuse and Neglect

- The Safeguarding Care and Support Statutory Guidance provides an extensive explanation of the different types of Abuse and Neglect and can be found at:
<https://www.gov.uk/guidance/care-and-support-statutory-guidance/safeguarding>
- Ill treatment or wilful neglect: has been captured within Section 20-25 of the Criminal Justice and Courts Act 2015 as a criminal offence. Both relate to deliberate or reckless motivation by providers and individual care workers and are not intended to target genuine mistakes. More information can be found at:
<http://www.legislation.gov.uk/ukpga/2015/2/notes/contents>. This goes wider than the legislation for people who lack capacity found in section 44 of the Mental Health Act 2005.

Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Safeguarding is everybody's business. Agencies have a duty to report Safeguarding concerns to the Local Safeguarding Adults Team.
- Staff of Dementia Care TLC will report safeguarding concerns to the Registered Manager
- The Registered Manager will refer safeguarding concerns to the Local Authority Safeguarding Adults Team,
- If it is suspected that a crime has taken place, the reporter of the incident should call the police immediately.
- Dementia Care TLC will be led by the Local Authority Adult Safeguarding Team as to 'next steps' such as enquires
- If the alleged victim requires immediate removal from harm or medical attention, this will be done immediately.
- The Service User who the incident has happened to, will be consulted and supported to be involved in the safeguarding process and provided with information they understand throughout.
- Dementia Care TLC is committed to supporting and protecting the well-being of Service Users through prevention of harm and reporting and dealing with incidents of abuse through a property process.

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Key Facts - People affected by the Service

People affected by this service should be aware of the following:

- Dementia Care TLC has a duty to safeguard people using their service.
- Dementia Care TLC will provide information and Care Planning to help you understand safeguarding and what to look out for.
- If something happens that may be a safeguarding incident which involves you, Dementia Care TLC will make sure you understand your choices and the next steps and are included as much as you want and can be.
- If you need extra support such as an advocate, one will be provided for you.
- Other agencies may be involved in getting to the facts of the incident.
- If it seems a crime has taken place, the police will be called immediately.
- When the facts are brought together and a way forward has been decided with your input if possible, you will be talked through the findings.
- Dementia Care TLC will have reviewed your Care Plan and worked with you to support you through the enquiry process and moving on in the future.

Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet, it is recommended that you add to your understanding in this policy are by considering the following materials:

Important note - where your Local Authority publishes a local set of guidelines on safeguarding arrangements, those local guidelines must take precedence over this policy. You should obtain a copy of the local guidelines and attach a copy to this policy in the manual. The Care and Support Guidance that accompanies the Care Act 2014 requires local authorities to establish adult safeguarding arrangements.

- Where reference is made to the Disclosure Barring Service reporting processes and requirements, be aware that the following policy and procedure is generic, and intended to set out general principles and courses of action where no local guidelines apply.

OTHER RELEVANT POLICIES WHICH SHOULD BE READ IN CONJUNCTION WITH THIS POLICY

- Advocacy Policy and Procedure
- Deprivation of Liberty Safeguards Policy and Procedure

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- Mental Capacity Act 2005 Policy and Procedure
- Restraint Policy and Procedure
- Challenging Behaviour Policy and Procedure
- DBS Disclosure Policy and Procedure
- Accident and Incident Reporting Policy and Procedure
- Discipline Policy and Procedure
- Employee Handbook
- Harassment Policy and Procedure
- Complaint Policy and Procedure
- Equality and Diversity Policy and Procedure
- Human Rights Policy and Procedure
- Assessment and Care Planning policies.
- Complete the DBS Referral Form, which can be downloaded from <https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>
- Whistleblowing Policy and Procedure

OTHER REFERENCES

- Gaining access to an adult suspected to be at risk of neglect or abuse: a guide for social workers and their managers in England Social Care Institute for Excellence 2014 which clarifies existing power relating to access to adults suspected to be at risk of abuse or neglect <http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-suspected-at-risk-of-neglect-abuse/>
- Adult Safeguarding and Housing materials produced for housing providers Housing and Safeguarding Adults Alliance 2014 <http://www.housinglin.org.uk/Topics/browse/CareAndSupportatHome/AdultSafeguarding/?parent=9016&child=8914>
- Making Safeguarding Personal: Local Government Association March 2014 <http://www.scie.org.uk/publications/misc/makingsafeguardingpersonal.pdf>
- This procedure should be used in conjunction with the decision making tree in Diagram 1b contained in Chapter 14 of the Care and Support Statutory Guidance issued under the Care Act 2014 which refers to the duty to investigate suspicions of abuse

Notes on Police

- In some areas the Police have determined that Providers must carry out an initial investigation before referral, in order to avoid the Police becoming involved in large numbers of investigations of reports which prove to be groundless. Check your local policy.
- In some areas, the Police demand that their investigations takes precedence over internal disciplinary procedures of the employer. However, the employer is entitled, indeed obliged, to take such action as

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may be necessary to safeguard the well-being of the Service Users, wherever they may be being cared for. This may include dismissal and referral to appropriate agencies for banning from working with vulnerable people. It is unlikely that this responsibility is discharged simply by referral of the case to the Police.

Notes on Safeguarding Lead Local Authority

The Local Authority when coordinating a response should coordinate:

- 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 is 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 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

Outstanding Practice

To be 'outstanding' in this policy area you could provide evidence that:

- Care Planning includes tailored information to support individual Service Users make safe choices to promote independence and well-being.
- Where an incident is not deemed a safeguarding incident by the Local Authority, Dementia Care TLC updates training and disseminates learning from the incident.
- Records kept in regard to safeguarding are extremely clear, transparent and well ordered.
- The same issues do not reoccur, and robust measures and systems have been put in place to address the original safeguarding concern.
- Staff report that the service is fully aware of responsibilities with regard to safeguarding and that they are encouraged to report incidents and are fully supported through the process.

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- The Local Safeguarding Team are highly complimentary about the service and how safeguarding matters are reported, managed and resolved.
- Reports from people using services confirm that they feel extremely safe and well supported.
- People using services report that if they are involved in a safeguarding incident then they are supported to be involved as much as they would like.

Forms

The following forms are included as part of this policy:

Title of Form	When would the form be used?	Created by
Safeguarding Incident Log	To record safeguarding incidents	Dementia Care TLC