

WARGRAVE HOUSE

THE AUTISM SPECIALISTS

**Safeguarding Vulnerable Adults
Policy**

November 2020



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This policy should be read in conjunction with the following policies:	
1	Child Protection and Safeguarding Policy
2	The Prevent Duty
3	Recruitment & Selection of Staff
4	Positive Planning for Supporting Student Behaviour
5	Anti-Bullying Policy Statement
6	Health & Safety (including Lone Workers Policy)
7	Curriculum Statement (includes Sex & Relationships Education Policy & Guidelines)
8	Partnership with Parents Policy
9	School as a Community: Objectives on Communication
10	Visitors to Wargrave House Policy
11	The Acceptable Use of Information Technology Policy
12	Mobile Phones Policy
13	Staff Grievance & Disciplinary Procedure
14	Whistle Blowing Policy
15	Intimate Care Policy
16	DBS Policy
17	Equal Opportunities Statement & Policy
18	Admissions, Discharges, Attendance and Review Procedures
19	Whole Staff Behaviour Policy (Code of Conduct)

20	Safe Storage and Administration of Medication
21	Complaints Policy
22	Data Control Policy including GDPR Policy

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1 Introduction

1.1 Wargrave House Limited is committed to safeguarding and promoting the welfare of the adults who are receipt of their services who are described as 'vulnerable'. All adults have the right to be safe from harm and should be able to live free from fear of abuse, neglect and exploitation.

Recognition of the signs and indicators of abuse poses considerable challenges for most professional staff who work with adults and who do not deal with protection and safeguarding issues on a day-to-day basis. This is, in part because the notion of adults being at risk of abuse or neglect is one which is relatively new to our society in comparison to the longer term acceptance of concerns of abuse for children and the now well established systems in place. Identifying abuse of adults with disabilities who may also present with a range of behaviours that challenge is not straightforward. It is crucial to effective safeguarding that all staff and volunteers are able to recognise signs and indicators of abuse and this requires acceptance that adults with autism are more likely to be abused than adults without disabilities.

The safeguarding vulnerable adults' policy is supported thought the effective delivery of the curriculum which provides personalised pathways which promote resilience, independence and employability. Preparation for adulthood skills underpin independence. The impact of this can be seen though purposeful employer links, enhancing engagement for our students.

LEAP Adult provision delivers a curriculum which enables adults to be successful learners who enjoy learning, make progress & achieve, confident individuals who are able to lead safe, healthy & fulfilling lives and responsible citizens who make a positive contribution to life.

1.2 The legal definition of an 'adult at risk' is anyone aged 18 or 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.

Care Act (DOH) 2014 para. 14.2

2 Purpose

The purpose of this policy is to outline the duty and responsibility of staff, volunteers, governors and trustees (hereafter collectively referred to as 'the workforce') working on behalf of Wargrave House Limited in relation to the protection of vulnerable adults from abuse within the context of the Care Act 2014. It is important to remember that adults at risk can also abuse and that such incidents fall into the remit of this policy.

3 Aims

The safeguarding vulnerable adults policy is designed to promote practice which:

- a) achieves or exceeds the Care Quality Commission (CQC) fundamental standards below which care should never fall. Regulation 13: Safeguarding service users from abuse and improper treatment.
- b) Upholds the six key principles which inform the way in which all of the workforce should work with adults (section 5).

And provides clear procedures to be followed should vulnerable adult protection issues arise.

4 Roles and Responsibilities

4.1 Designated/Deputy Designated Safeguarding & Prevent Lead (DSPL/DDSPL).

It is Everyone's responsibility to ensure they follow procedures relating to safeguarding and protecting adults who use Wargrave House School and College, Leap College services from abuse and neglect. This includes a responsibility to ensure they are informed and trained to an appropriate level.

The DSPL and the Deputy DSPL's are most likely to have the complete picture and be the most appropriate person to advise on the response to safeguarding concerns.

The DSPL should take lead responsibility for safeguarding and ensure that the WH Limited safeguarding vulnerable adults policy is fully implemented. The Deputy DSPLs are responsible for the day-to-day operational implementation of safeguarding practice. This includes:

- Ensuring all workforce members receive safeguarding training upon commencement of post and annually thereafter.
- Receiving information from any of the workforce, students, or any other personnel who have a safeguarding concern and ensure this is recorded accurately.
- Providing advice on action to be taken or consulting statutory safeguarding agency (Safeguarding Adults' Board (SAB), individual social worker) to test any doubts.
- Co-ordinating referral to the SAB and any other bodies as appropriate e.g. Ofsted, Independent Safeguarding Authority (ISA), placing authority, CQC.
- Collating reports in conjunction with the Senior DSPL detailing safeguarding activity, intervention and outcomes.
- Raise and monitor safeguarding concerns and actions through the weekly Internal Safeguarding Board meeting as appropriate.

Concerns can also be raised through external bodies such as the CQC, a union representative or the local police. see: www.cqc.org.uk/content/report-concern-if-you-are-a-member-staff.

The Public Interest Disclosure Act gives employees who suffer detrimental treatment, including dismissal, as a result of disclosing malpractice, the right to seek compensation in an Employment Tribunal.

4.5 Safeguarding Adults Board (SAB)

4.5.1 Wargrave House Limited reports to St Helens Safeguarding Adults Board.

In accordance with the Care Act (2014) the local authority must:

- Make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken or stop or prevent abuse or neglect, and if so, by whom.
- Set up a Safeguarding Adults Board with core membership from the local authority, the Police and the NHS (specifically the local Clinical Commissioning Group/s) and the power to include other relevant bodies.
- 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 the process and where there is no other appropriate to help them.

Any referral to the SAB **must be made within one hour.**

St Helens Safeguarding Adults Board: 01744 676600
(Monday to Friday 0900-1700)

St Helens Emergency Duty Team: 0345 0500148

Maureen Jolley – Independent person 07591 177507

4.5.2 The majority of vulnerable adults at Wargrave House are classed as 'out of borough' i.e.: their usual place of residence is beyond St Helens. The SAB in the area where the abuse occurred has the responsibility to carry out the duties under Section 42, Care Act 2014. There should be close liaison with the placing authority. The placing authority continues to hold responsibility for commissioning and funding a placement. Equally, a concern may arise in the student's family home or on a visit, requiring police action in that area or immediate steps to protect the person whilst they are in that area. In all such cases, regardless of location, the student's individual social worker will also be consulted.

4.6 Police

The Police play a vital role in safeguarding adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

Merseyside Police 0151 709 6010 or 101 24 hour line

5 Policy

5.1 Being alert to abuse means:

- Thinking about what see and asking if it is acceptable behaviour.
- Taking a person-centred approach and being mindful of discriminatory behaviour.
- Always taking seriously what you are told.
- Being mindful of any signs/signals/non-verbal communication that could suggest abuse or neglect.
- Being mindful that adults may be targeted by organisations or persons associated with terrorism, trafficking, slavery and forced marriage.

5.2 The Care and Support Statutory Guidance issued under the Care act 2014 outlines how abuse may take many forms and how individual circumstances should be considered.

Exploitation is a particular theme in the following list of types of abuse:

- Physical
- Domestic violence (including 'honour' based violence)
- Sexual
- Psychological
- Financial or material
- Modern slavery
- Discriminatory
- Organisational
- Neglect and acts of omission
- Self-Neglect

The workforce should ensure that they are cognisant with the ways in which people are abused and the signs and symptoms associated with these (appendix 1).

5.3 The Care Act is clear that all organisations working with adults at risk should uphold six key principles in their work with adults (appendix 2):

1. Empowerment
 2. Prevention
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3. Proportionality
4. Protection
5. Partnership
6. Accountability

6 Procedure

6.1 Sometimes there will be obvious signs and symptoms of abuse. At other times the indicators may be very difficult to detect. A combination of factors, which on their own might not cause concern, could be much more worrying when considered together. It is therefore paramount that all complaints, allegations or suspicions are taken seriously and recorded/reported following the correct procedure.

6.2 Cause for Concern Reports on school pod.

Any concern should be recorded as soon as possible using a 'Cause for Concern' form on school pod. If for some reason an individual with concerns is not able to access school pod (a visiting professional for example) they should make a written record of their concern which should include the below, as well as speak immediately to a DSPL/DDSPL;

- Who they have concerns about (name of adult at risk)
- In the view of the staff member does the adult at risk have the capacity to understand the concerns and that they may have been abused
- What has been shared with the adult at risk about the concerns and what response have they made
- If the adult at risk has capacity to understand the involvement of other agencies what have they said about this
 - Date and time they are making the record
 - Date and time the incident occurred (if this is known)
 - What was observed, heard or noted that led to the concern being raised
- Source of information (if the concern was not directly observed i.e. a parent informs a member of staff that he/ she has seen abuse indicators)
- Behavioural observations (noting that this is one of the most likely ways in which a member of staff is likely to note concerns)
- If an adult at risk has made an allegation or disclosure, what was said or communicated
- Which senior manager within Wargrave House School and College, Leap College, has been reported to (in line with procedures) and what initial actions were agreed
- This record must be signed and time/dated by the person making the recording and the DSL/DDSPL in the School or College. When reporting a concern to the local authority, the DSL/DDSPL will inform the Local Authority that a written record of the concern is available and will e-mail details of the

concerns to the Local Authority if requested. If this is a concern regarding a member of staff then the LADO (Local authority designated officer) would be informed.

Any details in relation to the adult concerned must be communicated in a secure way in line with our Data Protection Policy. If at any stage Wargrave House School and College, Leap College or the Local Authority decide that no further action is to be taken, then the reason for this and who made the decision will be recorded. All subsequent actions/events following the reporting of a concern should be recorded on schoolpod as should any documentation received from the Local Authority, police or other agencies.

Possible outcomes for the adult at risk

- Increased monitoring
- Removal from property/support, advice, services
- Assessment/services
- Application to Court of Protection
- Application to change appointeeship
- Referral to advocacy service
- Referral to counselling services
- Guardianship/use of Mental Health Act 2007
- Review of self-directed support
- Restriction/management of access
- No further action

Other Possible outcomes for the person alleged to have caused harm

- Criminal prosecution/formal caution
- Police action
- Assessment/services
- Removal from property/support, advice, services
- Management of access to adult at risk
- Referral to the Disclosure and Barring Service.
- Disciplinary action
- Action by OFSTED
- Continued monitoring
- Counselling/training
- Referral to court-mandated treatment

- Action under Mental Health Act 2007
- Exoneration
- No further action
- Other

6.3 In the event of an allegation against someone who works or volunteers for Wargrave House Limited the procedures as outlined in 6.4 will still apply. Further immediate additional action will be taken to make the situation safe. This may include:

- Suspension
- Redeployment
- Risk assessment of the individual or circumstances.
- Disciplinary procedures

There will always be action taken after the event to minimise any further risk whether the abuse is proven or otherwise.

6.4 Report the Abuse (appendix 4 & 5)

The DSPL or manager will telephone St Helens Contact centre **within 1 hour** of Receiving any concerns to make a safeguarding alert:

St Helens Council Contact Centre **01744 676600**

(0900-1700 – Monday to Friday)

Emergency Duty Team (EDT) **03450500148**
(Outside of above hours)

If the DSPL or manager is likely to be unavailable for more than 1 hour, then the concerned adult **MUST** telephone through the alert themselves.

6.5 A record of all actions and decisions must be made. Good record keeping is a vital component of professional practice. As a minimum, there should be an audit trail of the following. These should be completed by the person directly involved with each stage of the process:

- Dates and circumstances of concerns and subsequent action.
- Decision making processes and rationales.
- Risk assessments and risk management plans.
- Consultations and correspondence with key people.
- Advocacy and support arrangements.
- Safeguarding plans.

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- Outcomes.
 - Feedback from the adult and their personal support network.
 - Differences of professional opinion.
 - Notifications to other parties
- 6.6 Notification may also need to be given to the following:
- Care Quality Commission (CQC)
 - Independent Safeguarding Authority (ISA)
 - The authority with which the placement contract is made
 - Other relevant professional bodies (e.g.: NMC)
 - OFSTED
- 6.7 Confidentiality & Disclosures
- 6.7.1 Vulnerable adult protection raises issues of confidentiality which should be clearly understood by all. The workforce has a professional responsibility to share relevant information about the protection of vulnerable adults with other professionals, particularly investigative agencies and adult social services. The principles governing the sharing of information are based on the best interests of the adult at risk of abuse or neglect. (The Caldicott Committee Report on the Review of Patient – Identifiable Information (1997) DoH).
- Clear boundaries of confidentiality will be communicated to all.
- 6.7.2 All personal information regarding a vulnerable adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.
- 6.7.3 If an adult confides in a member of the workforce and requests that the information is kept secret, it is important that the member of the workforce tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies. Within that context, the adult should, however, be assured that the matter will be disclosed only to people who need to know about it.
- 6.7.4 Where possible, consent should be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the vulnerable adult is the priority.
- 6.7.5 Where a disclosure has been made, the member of the workforce should let the adult know the position regarding their role and what action they will have to take as a result. The workforce should assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing
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information should be fully considered and their wishes and feelings taken into account.

7 Legal Context

There are key pieces of legislation which should be adhered to when dealing with vulnerable adult safeguarding procedures:

- 7.1 **The Care Act 2014** makes it the duty of local authorities to make enquiries if someone is being abused or neglected, or is at risk of abuse or neglect in their area. They must also set up multi-agency safeguarding adult's boards to review cases when people die as a result of neglect or abuse and where it is suspected that agencies could have done more to safeguard them.
- 7.2 **The Mental Capacity Act 2005** aims to protect and empower people who are unable to make choices for themselves.
- 7.3 **The Human Rights Act 1998** gives specific rights to every person living in the UK, for example the right to life and freedom from torture and degrading treatment.
- 7.4 **The General Data Protection Act 2018** regulates the way in which personal data needs to be handled and therefore protects people's data from being placed in the wrong hands which might make them more vulnerable to abuse.
- 7.5 **The Equality Act 2010** protects people from discrimination and disadvantage due to protected characteristics including: race, gender, disability, sexual orientation, transgender, religion and age.

Policy Impact

We have a rolling programme for reviewing our Company policies. We regularly review the impact of our policies on the needs, entitlements and outcomes for students, service users, staff and parents.

References and Further Resources

<http://www.cqc.org.uk/content/fundamental-standards>

<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

www.gov.uk/equality-act-2010-guidance

www.gov.uk/government/collections/mental-capacity-act-making-decisions

www.gov.uk/government/publications/care-act-2014-statutory-guidance-forimplementation

www.legislation.gov.uk/ukpga/1998/42/contents

St Helens Safeguarding Adults Board (2015) *St Helens Multi-Agency Safeguarding Adults Policy, Procedures and Good Practice Guidance*. St Helens Council