Safeguarding Policy

Introduction

PMRGCAuk is committed to ensuring that vulnerable adults are safe in all respects when involved in the charity's activities and services. To achieve this, it is important to have a policy and procedures in place to enable all staff, trustees, volunteers, service users and carers to work together to ensure the safety of vulnerable adults who contact us and/or participate in charity meetings and events.

Policy Statement

- PMRGCAuk believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.
- PMRGCAuk is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.
- PMRGCAuk acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved.
- PMRGCAuk recognises that health, well-being, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points in people's lives.
- Actions taken by PMRGCAuk will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.
- As PMRGCAuk works mainly with older adults there is less reference to children however there is an expectation that if it is known that children are involved or implicated in any safeguarding concerns then action should be taken to ensure that they are protected.

Purpose

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

- The legislation, policy and procedures for safeguarding adults.
- Their role and responsibility for safeguarding adults.

- What to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult within the organisation.

Scope

This safeguarding adult policy and associated procedures apply to all individuals involved in PMRGCAuk including Trustees, Staff, and Volunteers and to all concerns about the safety of adults whilst taking part in our organisation, its activities and in the wider community.

Commitments

In order to implement this policy PMRGCAuk will ensure that:

- Everyone involved with PMRGCAuk is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult.
- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with PMRGCAuk Safeguarding Adults Policy and Procedures.
- The well-being of those at risk of harm will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve. Those views and wishes will be respected and supported unless there are overriding reasons not to (see the Safeguarding Adults Procedures).
- Any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm.
- Confidential, detailed, and accurate records of all safeguarding concerns are maintained and securely stored in line with the PMRGCAuk Confidentiality Policy and Procedures.
- PMRGCAuk will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult or child.
- All trustees, staff, and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.
- PMRGCAuk uses safe recruitment practices and assesses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in the organisation.
- PMRGCAuk shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Services, Police, Local Authority/Social Services.
- When planning activities and events PMRGCAuk includes an assessment of, and risk to, the safety of all adults from abuse and neglect and designates a person who will be in attendance as a safeguarding lead for that event.

- Actions taken under this policy are reviewed by the Board and senior management team on an annual basis.
- This policy and related policies (see below) and the Safeguarding Adults Procedures are reviewed no less than on a two-yearly basis and whenever there are changes in relevant legislation and/or government guidance.

Implementation

PMRGCAuk is committed to developing and maintaining its capability to implement this safeguarding policy and procedures. To do so the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of all adults. The person within PMRGCAuk with overall responsibility for Adult Protection and who will normally deal with any allegations or suspicions of abuse is the Director of the charity.
- A nominated Board/Trustee member who will champion the policy.
- Annual management reports to the Board detailing how any safeguarding concerns raised have been addressed.
- Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect.
- Policies and procedures (listed below) that address the following areas and are consistent with this Safeguarding Adults policy.
    - Safe recruitment and selection of staff and volunteers
    - Information policy, data protection and information sharing
    - Bullying and harassment
    - Equality, diversity and inclusion
    - Discipline and grievance
    - Concerns, Complaints and Compliments
    - Whistleblowing

Appendix 1

Key Points

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

Safeguarding Adults Legislation

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

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

The practices and procedures within this policy are based on the relevant legislation and government guidance.

- England - The Care Act 2014
  Care and Support Statutory Guidance (especially chapter 14) 2014
- Wales - Social Services and Well Being Act 2014
  Wales Safeguarding Procedures 2019

There is legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves – in England and Wales this is the Mental Capacity Act 2005

There are specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer:

Definition of an Adult at Risk

Abuse and Neglect

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

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

Safeguarding legislation in each home nation lists categories of abuse differently however, they all include the following types of abuse:

- Physical
- Sexual
- Psychological
- Neglect
- Financial

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.

Abuse or neglect could be carried out by:

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

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

Person Centred Safeguarding/ Making Safeguarding Personal

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

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand 'What matters' to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding'/'Making Safeguarding Personal' means engaging the person in a conversation about how best to respond to their

situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, well-being and safety. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many 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.

Mental Capacity and Decision Making

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:

→ Understand information
→ Remember it for long enough
→ Think about the information
→ 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.

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.

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 fear 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.

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

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

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know. Sharing information, with the right people, is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a 'need to know'.

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

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

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

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

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

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

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

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

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

Appendix 2 – Sources of 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

England	Wales
Tel: 0808 2000 247 www.nationaldahelpline.org.uk/Contact-us	Llinell Gymorth Byw HebOfn/ Live free from fear helpline Tel: 0808 8010 800 Type Talk: 18001 0808 801 0800 Text: 078600 77 333

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: 020 83921839
Fax: 020 8392 1830
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

Last reviewed: February 2024
Next review: February 2026