

Safeguarding Adults and Children Policy & Procedure

Version 13 – March 2020

1. Policy Statement

ESPA believes that every individual has the right to live and work in conditions which ensure they are free from abuse. We will work in collaboration with all relevant agencies to uphold the rights of the individual to ensure that they are protected from harm through abuse or exploitation.

This policy and procedure is distributed to; all ESPA staff, trustees, families and carers, professionals, service users and anyone else on request.

2. Context

ESPA supports individuals on the autism spectrum the vast majority of which are aged 16 years or over.

This document acknowledges and adheres to the content and context of:

Keeping Children Safe in Education 2016
Working Together to Safeguard Children 2015
The Prevent Duty 2015
The Care Act 2014
The Children Act 2004
The Children Act 1989
Adoption and Childrens Act 2002
The European Charter of Rights for Persons with Autism 1996
The Health and Social Care Act 2008
The Mental Capacity Act 2005
Deprivation of Liberty Safeguards 2007
Safeguarding Vulnerable Groups Act 2006
Protection of Freedoms Act 2012

7. Categories of Abuse and Neglect and important safeguarding issues for Children and Adults

ESPA recognises the following categories of abuse and neglect and safeguarding concerns.

Physical abuse: the physical ill-treatment of an individual which may or may not cause physical injury. Indicators may include changes in language or behaviour unexplained or repeated minor injuries, bruising in well protected areas, flinching at physical contact, sudden incontinence, evidence of over or under use of medication.

Sexual abuse

Discriminatory abuse: this is motivated by oppressive and discriminatory attitudes towards a person's disability, race, gender, age, religion/belief or sexual orientation. Indicators may take the form of any of those listed under any of the other categories of abuse. The difference lies in that the abuse is motivated by discriminatory attitudes, feelings or behaviour towards an individual.

Domestic Abuse: Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over, who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Modern Slavery: Encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

Female Genital Mutilation: Female Genital Mutilation (FGM) comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs. It is illegal in the UK and a form of abuse with long-lasting harmful consequences. Where it is suspected that a child is subject to FGM the police must be informed immediately.

Radicalisation: Protecting children and adults from the risk of radicalisation is part of ESPA's wider safeguarding duties, and is similar in

abuse. Further guidance on this matter is given later in this document.

Some instances of abuse will constitute a criminal offence. In this respect the people we support are entitled to the protection of the law in the same way as any other member of the public.

13. Bullying and Peer abuse

This form of abuse involves bullying, gender based violence and sexual assaults. It can occur in any group of children or adults whatever its type or size or the age of its members. There are many different forms of bullying; at one end of the scale it can be teasing and at the other it becomes serious assault or harassment. Verbal and psychological bullying can be just as harmful and hurtful as physical violence. Sexual and racial harassment are particularly serious forms of bullying. Bullying and peer abuse must be reported to a responsible person who will inform the designated lead.

14. Preventing and Detecting Radicalisation – The Prevent Policy

Background and context

The Counter Terrorism and Security Act 2015 includes a 'duty' on specified stakeholders: local authorities, communities, police forces, education, health and care providers to fully understand the need to prevent people from being drawn into terrorism. This is also known as **The Prevent Duty**.

The government has defined extremism in the Prevent Duty as: "vocal and active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs". This also includes calls for the death of members of the British armed forces.

British values are defined as "democracy, the rule of law, individual liberty and mutual respect and tolerance for those of different faiths and beliefs". Institutions are expected to encourage students to respect other people with particular regard to the protected characteristics set out in the Equality Act 2010.

15. Capacity and Consent

In line with the principles underpinning the Mental Capacity Act 2005, capacity must be presumed unless proved otherwise. Capacity will be determined by the ESPA Multi-disciplinary Team (and where deemed appropriate the individual will be supported by an Independent Mental

16. Confidentiality

Information will only be shared on a “need to know” basis when it is in the best interests of the individual.

Staff working with children will undergo training at least annually and must have receive regular updates in relation to safeguarding. The Designated Senior Lead, DSL must undergo training every two years as a minium and have a annual update. ESPA will source the best quality training available and ensure that it is where possible approved by the local authority. All staff working with children must be issued with part one of Keeping Children Safe in Education 2016.

Manager will complete an informal feedback form and discuss the candidate's suitability for the vacancy with the HR department.

Proof of identification and completion of the DBS disclosure form will be required following a successful informal interview.

Three references will be requested (two professional and one personal) for applicants who have successfully completed the first stage of the interview process unless otherwise stated on the job advert. ESPA will always require a reference from the candidate's present and/or previous employer.

Once a conditional offer of appointment has been made, the HR department will then continue with pre-employment checks, all of which must be satisfactory for the application to be complete; three references, health declaration, DBS check, evidence of eligibility to work in the UK and evidence of any qualifications that are required for the job role.

All references must be returned and signed by the referee. HR will validate all references that are received by telephone, in accordance with CQC guidelines. Reference request forms, both professional and personal, specifically ask about the applicant's suitability for the role, particularly working with vulnerable adults and children.

No external applicant can commence in a position within ESPA until all pre-employment checks have been received and are deemed to be satisfactory. This is due to the requirement to protect vulnerable adults and children.

22. Procedures and Guidelines

It is the legal responsibility and duty of care of every member of staff to respect the rights of individuals and protect them from harm at all times.

The ADASS (Association of Directors of Adult Social Services) gives clear guidelines on the thresholds of harm and neglect with each level initiated providing a graduated response according to the perceived level of risk.

All staff will be given "Safeguarding" training during induction. This will be updated to maintain current practice at a level consistent with their role/responsibility.

All staff have a responsibility to pass on information relating to possible abuse in their role of "Alerter." This concern will be received by the "Responsible Person" (typically the College Co-ordinator or Residential Manager). The "Responsible Person" then reports to the "Designated Organisational Lead" who liaises with the local Safeguarding Adults Team or Safeguarding Children Board.

The Responsible Person

The Responsible Person is the most senior person on duty within a unit or college site and would usually be the unit manager or assistant manager but could also be the senior support worker.

The Responsible Person **Should:**

Ensure that the vulnerable person is safe
Ensure that any evidence to support the alert is preserved
Report the matter immediately to a designated organisational lead verbally and in written form.

The Responsible Person **Should not:**

Delay reporting the alert other than to ensure that the vulnerable person is safe and evidence is preserved
Delay reporting the alert due to the time of day or day of the week.
Investigate the matter without further guidance from the designated organisational lead

The Designated Organisational Lead

The Designated Organisational Lead role is fulfilled by the ESPA Residential General Manager, The Development Manager, The Behaviour Nurse Specialist, The Occupational Therapist and the College Principal and

taken. The senior manager on-call system gives support to designated organisational leads in this important decision making by providing support from another senior manager.

Where an alert is clearly at level two or above then an internal strategy meeting must be called. This meeting will take place within 48 hrs and for urgent cases can be called immediately. However this does not preclude action being taken to ensure the safety of a service user or learner e.g. Informing the police service

The meeting will be attended by senior staff and where possible will include:

Designated Organisational Lead

ESPA CEO

Where appropriate a member of the MDT

Other senior staff where appropriate e.g HR Manager where a staff disciplinary issue is being considered

Where there is ambiguity regarding the level of the alert compared to the ADASS thresholds then the Designated Organisational Lead will consult with the local authority safeguarding team.

24. Recording and Storing information

It is essential that clear and accurate records are kept of all contacts and actions relating to cases of abuse. Records may need to be used at a range of safeguarding meetings or as part of legal action.

The recording of contacts and actions will be recorded chronologically and where possible immediately after any update using the form Sequential Safeguarding Record – Appendix C.

Where immediate updating of the form is not possible it should be completed as soon as practicable thereafter.

Safeguarding records will be kept separate from routine service user and learner records and within a secure setting. Access to the records will be restricted to appropriate senior staff and their administrative support.

Once the safeguarding matter is closed for further action the sequential log must be forwarded in confidence to Head Office for the attention of Michelle Elstob for both of residential service users and agency service users. In the case of college students then the sequential log should be forward in confidence to the admissions department for the attention of Pat Cahill.

25. Management, governance and reporting

Safeguarding arrangements and procedures will be managed by the safeguarding managers via the safeguarding committee chaired by the

CEO or their nominee. This committee will review the management of safeguarding throughout the organisation and has responsibilities to ensure that appropriate policies procedures and resources are in place to protect service users and learners. The policy and procedures will be reviewed at least every 3 years or when legislation or guidelines change.

Safeguarding policies, procedures and outcomes are audited by a highly qualified independent safeguarding consultant who attends the safeguarding committee.

A member of the board of directors will be appointed as the safeguarding lead and they will receive regular updates on safeguarding matters from the committee. The safeguarding lead will provide an oversight function of the safeguarding committee and will ensure that the full board of directors are systematically informed of safeguarding issues within the organisation.

SEQUENTIAL SAFEGUARDING RECORD

Date	Time	Action Taken	Staff Name
