MacIntyre
Providing support...your way

Safeguarding Adults at Risk Policy

All MacIntyre policies are formally reviewed by the Policy Owner and Lead Reviewer and are subject to 3 yearly reviews, or sooner when there is a change to relevant legislation or the organisation

- For the date of, or evidence of, the most recent review, please see *'MacIntyre policy and associated guidance list'*.
- Link: Policies and Resources | MacIntyre (macintyrecharity.org)

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1 Introduction

This policy and procedures have been drawn up in recognition that there is an ever-present risk of abuse happening. It is our duty to minimise the risk of abuse by providing a safe and positive environment for people, and to take effective action when abuse is suspected or disclosed.

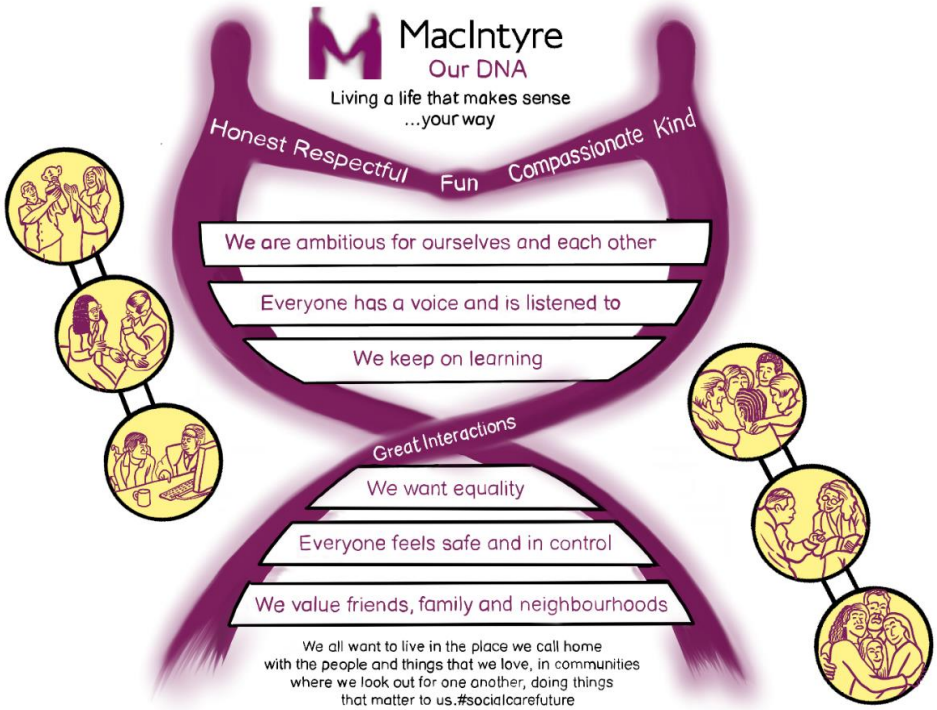
- **Nobody should be abused.**
- **Abuse is unacceptable in all circumstances.**
- **People with learning disabilities are more vulnerable to abuse.**

This policy represents MacIntyre's statement of purpose (as recommended in the Care Act 2014 Statutory Guidance Care and support statutory guidance - GOV.UK (www.gov.uk) relating to promoting wellbeing, preventing harm and responding effectively if concerns are raised. It is consistent with the Social Services and Well-being (Wales) Act 2014 'Working Together to Safeguard People' working-together-to-safeguard-people-volume-i-introduction-and-overview.pdf (gov.wales)

The best defence that we have against abuse, and our best assurance of a safe and positive environment for people, is the strength of values incorporated in organisational and local cultures.

MacIntyre's DNA shows the importance we put on ensuring each person is at the centre of their support. People who draw on MacIntyre's support have gloriously ordinary lives, living the life they choose, using their gifts, skills and passions to contribute and connect to the people in their local neighbourhood. MacIntyre invests in, and helps shape, neighbourhoods to be inclusive and welcoming spaces for everyone.

This is evident in our distinctive philosophy and way of working that underpins all our activities. It is the very essence of what we do, and that is why we refer to it as our DNA.



1.1 Safeguarding, protection and making safeguarding personal

'Safeguarding' is the word that applies to the work we do to provide a safe and positive environment for people. 'Protection' refers to the procedures that come into force when there is a particular concern or incident. Effective safeguarding minimises the risk of abuse occurring but it is vital to have rigorous and clear procedures in place in case a problem arises.

Safety is embedded within good sound support practice and the growing ability of people who draw on our support to protect themselves, make their views known and be listened to. MacIntyre endeavours to create a 'supporting environment' that will most effectively protect people from abuse, while also having robust procedures to deal with concerns.

Staff need to understand how diversity, inclusion, and beliefs and values of people who draw on our support or their families can influence the identification, prevention and response to safeguarding concerns.

The key principles (from the Care Act 2014 Statutory Guidance) that underpin all MacIntyre's adult safeguarding work are;

- Empowerment - People being supported and encouraged to make their own decisions and informed consent.

  "I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."

- Prevention – It is better to take action before harm occurs.

  "I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."

- Proportionality – The least intrusive response appropriate to the risk presented.

  "I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."

- Protection – Support and representation for those in greatest need.

  "I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."

- Partnership – Local solutions through people and providerss working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

  "I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."

- Accountability – Accountability and transparency in delivering safeguarding.
  "I understand the role of everyone involved in my life and so do they."

"Making safeguarding personal means it should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety" (Care Act 2014 Statutory Guidance).

2 Scope

This policy and accompanying good practice guidance applies to all MacIntyre employees and volunteers working with adults across MacIntyre locations. It also applies to Shared Lives carers that work under an agreement with MacIntyre.

Anyone supporting adults may come into contact with children during their working day; e.g. relatives of the person supported. If concerns are raised about the children in these circumstances you should inform a manager of these concerns and make reference to MacIntyre's Safeguarding of Children and Young People Policy.

Staff must always act within, and have access to a copy of, the safeguarding policies of the local authority or partner college. LINK: Local Authorities with threshold links | MacIntyre (macintyrecharity.org) Where there may be a conflict between these and MacIntyre's policies and procedures, advice should be sought from a senior manager or the Head of Compliance and Safeguarding.

3 Other MacIntyre policies

This Policy should be read in conjunction with the following policies:

- Best practice Policy
- Whistleblowing Policy
- Health and Safety Policy statement
- Disciplinary Policy
- Supporting People to Manage their Money and Assets Policy
- Positive Behaviour Support Policy

and the practice guides for staff:

- Health and Safety Manual
- Whistleblowing Good Practice Guide
- Mental Capacity Act Handbook

4 Good Practice Guidance

- Further information can be found in the *Good Practice Guidance* which gives full details on: Making safeguarding personal
- What to do following a safeguarding concern
- Supporting the person
- Support for staff in making decisions
- Flowchart: Decisions and actions following a safeguarding concern
- Written records
- Safeguarding Information Sheet
- Safeguarding Assessment
- Safeguarding Review Safeguarding Group
- Safeguarding Log
- Safeguarding training

5 Policy

- All our staff and volunteers have a duty to protect people at risk from abuse. This duty applies not only to the people who draw on our support, but also to other adults and children at risk with whom we come in contact.
- MacIntyre is committed to the principles of Making Safeguarding Personal – responding to a safeguarding situation in a person-led and outcome-focussed way that enhances people's involvement, choice and control and improves their quality of life, wellbeing and safety.
- MacIntyre is committed to a multi-agency approach to safeguarding arrangements, and will actively work with partner organisations to ensure the safety of people at risk, including those who come into contact with MacIntyre, as well as those drawing upon MacIntyre's support.
- MacIntyre will report all allegations of abuse to the relevant safeguarding department (in line with the local Safeguarding Adults Board's guidance on reporting), and will report serious incidents to the Charity Commission
- All staff and volunteers will be recruited, using appropriate safeguards that assist in keeping people who pose a potential risk away from people who draw on support.
- A structured programme of induction will be provided for all new staff. Induction will ensure that employees know what behaviour is and is not acceptable, understand what might constitute abuse and who should be informed if abuse is suspected.
- MacIntyre will ensure that all people drawing on our support, or others on their behalf, are actively encouraged to understand, recognise and report abuse, and comment and complain about the provision they draw upon. MacIntyre will take such reports and complaints seriously.
- Wherever possible we will involve people who draw on our support in, and obtain their consent to, the safeguarding and protection processes; where a person who draws on support provided by MacIntyre is subject to local authority protection procedures, we will advocate for the person to be kept at the centre of the process.
- All allegations of abuse will be appropriately investigated in line with MacIntyre's Disciplinary and Safeguarding Policies.
- Staff have a duty to report, and failure to do so is a serious abdication of responsibility and may incur disciplinary action.
- Staff must be aware of what constitutes a concern about a 'person in a position of trust' (PiPoT – see Good Practice Guidance Appendix 8) and are duty bound to report any concerns about a PiPoT (whether or not that person is an employee of MacIntyre)
- Any sexual activity between a staff member and a person who draws on our support is illegal and will be treated as abuse, irrespective of any apparent consent (Sexual Offences Act 2003 Sexual Offences Act 2003 (legislation.gov.uk).
- MacIntyre recognises that it can be very stressful for staff to be involved in the protection process, and will provide appropriate support to staff.
- We will support people who have been victims of abuse. MacIntyre will support people who draw on our support who are alleged perpetrators as appropriate, accessing specialised support and training if relevant.
- MacIntyre monitors allegations of abuse and the way that we safeguard people, and uses this information to implement improvements, sharing good practice across the organisation.

6 Definitions

Adult at Risk: An adult at risk is a person of 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

Separate and distinct guidelines are available for children and young people who draw on support from MacIntyre. Where someone is 18 or over but is still drawing on our children's provisions and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements. In the case of domestic abuse, the statutory definition extends the age down to 16.

Safeguarding: Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances. (Care and Support Statutory Guidance 2022)

Person in a position of trust (PiPoT): A PiPoT is anyone who works, (in either a paid or an unpaid capacity,) with adults or children with care and support needs. Under the Care Act 2014 Safeguarding Adults Boards should have a framework and process for any organisation to respond to concerns about a person in position of trust (PiPoT). Staff must be aware of what constitutes such a concern and how to act if they have one – see Good Practice Guidance Appendix 8

Types of Abuse or Neglect

MacIntyre uses the definitions of the types of abuse and neglect from the Care Act 2014 Statutory Guidance:

- Physical abuse – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- Domestic abuse – any incident or pattern of incidents of controlling, coercive, 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. The abuse can encompass, but is not limited to:
  - psychological
  - sexual
  - financial
  - emotional

  It can include so called 'honour' based violence; Female Genital Mutilation; forced marriage. (Note that domestic abuse does not include unrelated people sharing the same household).
- Sexual abuse – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

- Psychological abuse – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of support or supportive networks.
- Financial or material abuse – including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- 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.
- Discriminatory abuse – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion; this includes Disability Hate Crime.
- Organisational or institutional abuse: this is where abuse occurs as a result of the structure, policies, processes, practices or staff culture within an organisation or individual care setting (as opposed to abuse by individual staff that is contrary to the organisation's or care settings' structure, policies, processes, practices or staff culture).
- Neglect and acts of omission – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational provision, the withholding of the necessities of life, such as medication, adequate nutrition and heating. Pressure sores (also known as bedsores or pressure ulcers) may also be reportable as abuse if in the opinion of a medical practitioner they are caused by neglect.
- Self-neglect – this covers a wide range of behaviour such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

Although radicalisation is not included under definitions of types of abuse in the Care Act, staff should be aware of the potential need to protect people who draw on our support from being exploited by others and led into illegal activity. MacIntyre has a Prevent Lead (Director, Children and Young People), and all MacIntyre provisions should hold the contact details of the relevant local authority Prevent Coordinator. See also Appendix 3 of Good Practice Guidance.

7 Duty to Report

However difficult it may seem, **all staff have a duty to make known their suspicions of abuse or neglect**. Failure to do so is a failure in their duty of care. Failure by staff to report can be interpreted by the person at risk as approval of or condoning the abuse. Remember, an individual may not be able to alert anyone themselves, perhaps through failure to understand that the activity is abusive or through staff not understanding their individual method of communication or through fear.

Managers must ensure that staff are appropriately supported when raising concerns (see Whistleblowing Policy - https://www.macintyrecharity.org/policies-and-resources/whistleblowing-policy-speaking-up-to-raise-concerns-main/).

Staff working in Wales must be aware that, under Section 128 of the Social Services and Well-being (Wales) Act 2014 - Social Services and Well-being (Wales) Act 2014 (legislation.gov.uk), there is a **mandatory legal duty to report** safeguarding concerns: "If a relevant partner of a local authority has reasonable cause to suspect that a person is an adult at risk and appears to be within the authority's area, it must inform the local authority of that fact."

8 Schedule of Responsibilities

8.1 Trustees

- To ratify policy
- To receive feedback from the CEO on matters relating to safeguarding and protection from abuse
- To report serious incidents to the Charity Commission in line with the Commission's guidance

8.2 Chief Executive Officer

- To hold lead responsibility for safeguarding arrangements throughout MacIntyre
- To feedback to Trustees on matters relating to safeguarding and protection from abuse
- To ensure appropriate corporate reporting
- To ensure revision of the policy in line with lessons learned and best practice

8.3 Directors

- To create and deliver the policy
- To authorise variations in policy in local circumstances.
- To oversee the evaluation of the policy
- The Director of Education, Children and Young People acts as MacIntyre's Prevent Lead
- To take active steps to promote good practice under this policy
- To monitor and review the management and implementation of this policy and practice in the area/s for which they are responsible
- To ensure that key training needs are identified and addressed
- To direct and oversee the work of the Investigating Manager in an investigation
- To ensure that appropriate support is offered to any staff involved in a safeguarding investigation
- To track and record all investigations
- To authorise and monitor any actions resulting from an investigation
- To decide upon what information should be shared with individuals and agencies during the course of and following an investigation into abuse in conjunction with MacIntyre's Data Protection Team
- To deploy staff in a way that deters collusive relationships and closed cultures, and that opens up opportunities for disclosure

8.4 Head of Compliance and Safeguarding

- To act as corporate Safeguarding Adults Lead, liaising with operational and HR colleagues to ensure that the people who draw on our support who are involved in safeguarding concerns are empowered and listened to
- To lead on MacIntyre's approach to Safeguarding by co-ordinating the Safeguarding Committee, being the main point of contact internally and externally
- To act as MacIntyre's PiPoT Lead
- To monitor the reporting of safeguarding concerns across the organisation, and provide statistical analysis of concerns logged, highlighting any trends or areas of concern
- To be responsible for issuing and updating the associated Good Practice Guidance

8.5 Area/Programme/Senior Managers

- To implement the policy and procedure within their area
- To be responsible for the immediate reporting of any allegation or suspicion of abuse to the local authority unless below their reporting threshold
- To be responsible for the notification of the appropriate regulatory body
- The complete an initial assessment of any allegation or suspicion of abuse
- To be responsible for the reporting of any allegation or suspicion of abuse to the Director, Head of Compliance and Safeguarding, Police where appropriate, the local authority/ and, where agreed, family or 'significant other'
- To know and follow the local authority's policy procedures for reporting and investigating allegations or suspicions of abuse for each location within their responsibility, including PiPoT protocols
- To assess the 'safety' of each person by observing and listening to individuals and looking for positive and negative indicators of performance as part of their visits to each location
- To monitor the delivery of safeguarding training within their area
- To adopt guidelines and procedures as noted in the associated investigations guidance
- To be responsible for the undertaking of an internal investigation into an allegation of abuse, when requested to do so by a Director
- To identify appropriate support for any staff involved in a safeguarding investigation
- To deploy staff in a way that deters collusive relationships and closed cultures, and that opens up opportunities for disclosure

8.6 Service Managers and Front Line Managers

- To implement the Policy and Good Practice Guidance within each location they have responsibility for
- To set standards and practice which promote a 'safe place' from abuse
- To immediately notify a senior manager or their Director of any allegation or suspicion of abuse
- To be aware of and follow the local authority policy and procedures for reporting and investigating an allegation or suspicion of abuse, and to ensure that all staff have access to the local authority contact details for reporting suspected abuse, including PiPoT protocols
- Where appropriate to provide support (or ensure support is provided) to staff who are witnesses to safeguarding concerns, and to brief them on what to expect

- To notify the appropriate regulatory body (if registered manager) via the Compliance Team - compliance.regulators@macintyrecharity.org
- To ensure that all their staff have completed the required safeguarding training, and to review staff competency with regard to safeguarding

8.7 All Employees

- To personally uphold MacIntyre's Values and DNA
- To be personally responsible for the quality of their work, and to work in a facilitative way that promotes great interactions
- To be aware of and understand safeguarding as an issue and to inform their or another manager, the Compliance Team or a MacIntyre Whistleblowing Key Contact, of any concerns, suspicions or allegations of abuse
- To be aware of what constitutes a concern about a person in a position of trust (PiPoT) and to know how to act in relation to such a concern
- To **NOT** act as an 'appropriate adult' with the police for a person we support without the prior agreement of the Head of Compliance and Safeguarding or Director
- To maintain an individual's safety and well being at all times, securing their immediate safety where possible
- To ensure their duty to inform overrides any desire to keep a confidence or to maintain solidarity with colleagues
- To make clear and detailed written records when abuse is disclosed, witnessed or alleged