

Safeguarding Adults Policy and Procedure

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Effective date: 13th February 2019

1. Synopsis

The NSPCC has a responsibility to prevent and report concerns about the abuse, neglect and ill-treatment of adults who are at risk of being harmed, alongside its responsibility to protect children who have suffered abuse.

There are legal requirements on statutory bodies under the Care Act 2014, and statutory guidance (Care and Support Statutory Guidance 2018) applying to the voluntary sector across England and the devolved nations, for organisations to do everything they can to recognise and report abuse quickly and appropriately to keep adults safe, and to prevent such abuse from happening in the first place.

Anyone who is employed or volunteers for or, on behalf of the NSPCC, regardless of the type or amount of contact they have with adults who are at risk of abuse or vulnerable adults, has a role to play in safeguarding and protecting them. They must:

- Know how to recognise potential abuse of adults at risk/vulnerable adults
- Know what to do when safeguarding concerns arise
- Understand what the NSPCC expects of them in terms of their own behaviour and actions

An adult at risk of abuse can be anyone over the age of eighteen, including service users, staff or volunteers (see the 'terminology' section below). Whilst personal characteristics may make an individual more vulnerable i.e. disability and communication difficulties, it is the situation around an individual which may increase risk or place them at potential risk of harm. It is therefore vital to be open to the possibility that any adult may be at risk and that this can be temporary or on-going depending on the support and protective factors around them.

This policy and procedure must be read in conjunction with:

- What to do if - for those who do not work directly with children or adults at risk
- What to do if - for those working directly with children
- Non - recent abuse policy
- Vulnerability Policy for Fundraisers

Professional fundraising agents, subcontractors, third-parties and assignees involved in services for NSPCC parties must comply with NSPCC's safeguarding and child protection policies, legislation and all relevant regulatory codes of conduct including the Institute of Fundraising's code of practice when dealing with donors and prospective donors.

This policy applies to all staff and volunteers (including trustees and interns), secondees, agency staff, students, sole traders and contractors, including associates and professional fundraising agencies

2. Why the policy is important and legal context

Adults at risk of abuse may have additional support needs, meaning that they are more likely to experience abuse, and less able to protect themselves from it. The abuse of adults at risk can have devastating effects on their physical, mental, emotional, social and spiritual wellbeing, as well as on their children or children connected to them. In this respect, safeguarding adults at risk can be

important child protection work. Equally, many adults at risk have been victims or survivors of abuse and harmful experiences in childhood which have impacted upon their confidence, self-worth and resilience and compounded other personal characteristics increasing vulnerability.

Statutory guidance means that the NSPCC must protect adults at risk. The NSPCC works across four nations and Jersey and, therefore adheres to the framework of relevant legislation and statutory guidance in the countries in which it operates. The relevant law and guidance in the four nations are as follows:

England

The Care Act 2014, which came into effect in 2015, is the primary legislation in England for the support and protection of adults. It represents the most significant reform of care and support in more than 60 years, putting people and their carer's in control of their care and support.

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

The legislation sets out how people's care and support needs should be met and introduces the right to an assessment for anyone, including carers and self-funders, in need of support.

The act's "wellbeing principle" spells out a local authority's duty to ensure people's wellbeing is at the centre of all it does with greater emphasis on outcomes and helping people to connect with their local community. It seeks to ensure that people's eligibility for services will be the same across England.

Guidance on safeguarding vulnerable adults, which in England had taken the form of the 'No Secrets' (2000) guidance, has been replaced by statutory guidance issued under the legislation which is the Care and Support Statutory Guidance (revised October 2018):

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

This guidance is the adult equivalent of *Working Together to Safeguard Children* (Department for Education, 2018) for those seeking to support and protect adults at risk.

For more information about the key legislation and government initiatives in relation to the protection of adults at risk go to:

<https://www.anncrafttrust.org/resources/safeguarding-adults-legislation/>

Wales

The Social Services and Well-being (Wales) Act 2014 was enacted by the National Assembly for Wales to reform social services law; to make provision about:

- Improving the well-being outcomes for people who need care and support and carers who need support
- Co-operation and partnership by public authorities with a view to improving the well-being of people
- Complaints relating to social care and palliative care; and for connected purposes

<http://www.legislation.gov.uk/anaw/2014/4/enacted>

In Safe Hands: protection of vulnerable adults in Wales (Wales Social Services Inspectorate 2000) provided guidance about how adult protection arrangements were to be implemented in Wales. It sets out government policy and the framework for a comprehensive strategy in Wales. It lays down standards for multi-agency working and an effective service culture. It also describes appropriate procedures for handling cases, information sharing, monitoring and prevention, explains the legal context of adult abuse and includes appendices which provide sample written policies on abuse and possible indicators of abuse.

Scotland

Adult Support and Protection (Scotland) Act 2007 affords greater protection to adults at risk of harm or neglect. The Act defines adults at risk as those aged 16 years and over who: are unable to safeguard their own wellbeing, property, rights or other interests. Everybody has the right to be safe and well-looked after. The Act is there to protect adults vulnerable to harm/abuse.

<http://www.legislation.gov.uk/asp/2007/10/contents>

The 2007 Act provides legislative responses for people and situations which are not necessarily covered by either of the other Acts. In particular, the 2007 Act allows councils to make inquiries where they would otherwise have no power to do so. Following this initial inquiry, a council may choose to use other parts of the 2007 Act or may choose to respond using another Act or even a non-legislative route, such as developing a care plan.

A Code of Practice for local authorities and practitioners provides information on the 2007 Act's guiding principles and its measures, including guidance on when and where it would normally be appropriate to use the powers that it provides (the Adult Support and Protection Code of Practice was revised in 2014). For more information on the Act and what it does visit the Act Against Harm website which provides details of who to contact when you believe that someone is at risk of harm. The website has lots of information, including how to recognise when an adult may be at risk of harm and examples of the type of support that can be provided once a concern has been reported:

<http://www.actagainstharm.org/>

This Act is also one of a number of pieces of legislation which serve to ensure that those in need of care and support are afforded choices and maximum self-determination including the Social Care (Self-directed Support)(Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

Northern Ireland

The Northern Ireland government's framework for adult protection very much mirrors that in the other home countries and take the following Northern Ireland guidance and orders into consideration:

- Adult Safeguarding: Prevention and Protection in Partnership (July 2015)
- Adult Safeguarding Operational Procedures (Sept 2016)
- Family Homes and Domestic Violence (NI) Order 1998
- The Safeguarding Vulnerable Groups (NI) Order 2007
- Justice Act (Northern Ireland) 2015

The Northern Ireland [Adult Safeguarding: Prevention and Protection in Partnership](#) (NI Department of Health, Social services and Public Safety and Department of Justice, July 2015) policy.

If you have concerns about an adult is being harmed, exploited or neglected, you can contact your local [Health and Social Care \(HSC\) Trust](#), who will listen to your concerns and advise you on what will happen next. You should inform them of your links to the NSPCC and ensure that your line manager is aware that you have these concerns which will always be taken seriously. If you are unsure who to contact, you can contact the [local Adult Protection Gateway Team or PSNI](#) (Police Service Northern Ireland).

In addition, the [Human Rights Act \(1998\)](#) gives everyone the right to live free from abuse, violence and degrading treatment, and incorporated rights previously encompassed by the European Convention on Human Rights, which the UK ratified in 1951, into UK law:

- Article 2 – Right to life protected by law
- Article 3 – Freedom from torture or inhuman or degrading treatment
- Article 5 – Right to liberty and security of person
- Article 14 – Freedom from discrimination, including age or disability

3. Terminology

For the purposes of this policy and procedures, the following terms are used:

Adult at risk: An adult at risk is ‘any person who is aged 18 years or over and at risk of abuse or neglect because of their needs for care and support’ (Care Act 2014 [England]). This definition is broadly consistent with definitions across the devolved nations. In Scotland, the definition of an ‘adult at risk’ or ‘vulnerable adult’ applies to those aged 16 years and over. In Northern Ireland the definition is, helpfully, broken down to assist in understanding as follows:

Adult at risk of harm: is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) Personal characteristics which may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.
and/or
- b) Life circumstances which may include, but are not limited to, isolation, socio-economic factors and environmental living conditions.

Adult in need of protection: is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) Personal characteristics AND/OR
- b) Life circumstances AND
- c) Who is unable to protect their own well-being, property, assets, rights or other interests; AND
- d) Where the action or inaction of another person or persons is causing, or is likely to cause, him/her to be harmed

Vulnerable adults-see Vulnerability policy for fundraisers.

Safeguarding: This describes the activity that is undertaken to protect adults at risk from abuse, harm, ill-treatment and neglect.

Abuse: This is the ill-treatment or abuse of an adult at risk. A person may abuse or neglect an adult at risk by inflicting harm or by knowingly failing to act to prevent harm¹. Adults can be abused in a family, at a community fundraising event, in any type of institution/organisation, by those known to them or others, for example by those responsible for organising, participating or providing support or care.

Prevention: This is how we seek to reduce the abuse of adults at risk occurring in the first place. This includes training, guidance and support for employees and volunteers, as well as for those receiving services.

Categories of Abuse: appendix 1.

4. Key Principles

The NSPCC's approach to safeguarding adults at risk is based on the following principles:

- All adults have a right to equal protection from all types of harm or abuse, regardless of age, ability, gender, racial heritage, religious beliefs, sexual orientation or personal characteristics which may indicate additional vulnerabilities
- The best interests of the child are paramount in all considerations about the safeguarding and protection of adults at risk
- Where concerns are identified, the key principles of working with adults at risk embedded in the Care Act 2014, will inform the NSPCC's approach to interventions at all times (see section 6 below)
- Where a concern is identified, we must communicate very clearly what we have done and will be doing to safeguard the adult at risk, unless to do so would in any way increase risk to them or a child. Capacity will be assumed unless there is reason to believe that the person cannot understand (see section 7 below)
- Where we are working together with adults at risk, their carers', family members and other agencies, it is essential to recognise that, in some limited circumstances, it will not be appropriate to engage with carers or family members in order to protect the adult at risk
- Concerns or allegations that NSPCC staff or volunteers have abused or neglected adults will be taken very seriously and managed sensitively and fairly in accordance with these policies, relevant legislation and local procedures

We deliver this policy by:

- Providing effective leadership and management for staff and volunteers through induction, supervision/one-to-one learning and mentoring, support and training
- Ensuring effective and robust safeguarding and protection practices by having clear policies, procedures, practice standards and guidance in place
- Enabling staff to exercise professional judgements based upon seeking to act in the best interests of, and outcomes for, the adult or child at risk

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- Safe recruitment and employment practices to ensure that robust recruitment, selection, induction and supervision processes are in place for all those who work for and with the NSPCC

5. How to comply

Capacity and Consent

It is important to be alert to issues of cognitive capacity which can increase the vulnerability of people where they have a reduced ability to make informed decisions in the moment. This may be transient (e.g. due to fear, shock, injury, illness) or long term (e.g. due to learning differences, disability, mental health issues).

Whilst this is a complex issue, it should not get in the way of staff and volunteers genuinely seeking to ensure that all individuals are respectfully consulted in relation to participation in activities and/or sharing of information about them.

A young person aged 16 or older is presumed in law to have capacity to consent, unless there is evidence to the contrary. Capacity to consent is not simply based on age however, particularly where learning and communication difficulties and disabilities are identified. You should also consider a person's capacity to understand the consequences of giving or withholding their consent. They should not be treated as unable to make a decision until all practicable steps to help them have been taken.

When assessing a person's understanding you should seek to explain the issues using their preferred mode of communication and language. This should be done in a way that is suitable for them, considering all you know about them from your contact with them, particularly their age, language and likely understanding.

It is important to try and ensure that they really understand the issues and are not just agreeing to what is proposed. If you are unsure whether they have the capacity to consent, then you should seek advice from your line manager or the NSPCC Helpline staff (0808 800 5000), The person's friends, carer, another professional working with them, or an advocate, where available, may be able to provide relevant information or advice where consulting these people does not increase potential risks.

The following criteria should be considered when assessing whether a person has sufficient understanding at any time to consent, or to refuse consent, to sharing of information about them or participating in specific activities:

- Can the person understand the question being asked of them?
- Are they taking an active part in the discussion?
- Can they rephrase the question in their own words?
- How would they explain it to someone else?
- Do they have a reasonable understanding of what the risks or benefits of giving their consent or saying no?
- What do they say they think would happen if they agree the action being suggested?

- Can they appreciate and consider the alternatives, weighing up one aspect against another and express a clear and consistent personal view? Encourage them to say out loud, or write down, their view of the pros and cons. You could recheck these views later or at a later contact with them

Children's services

If the member of staff/volunteer and line manager is based in Children's Services they will decide, using their knowledge and professional judgement, as well as all relevant policies and procedures, whether to make a referral to the local authority or refer to the helpline. The decision and rationale for this decision should be clearly recorded.

- If the adult for whom there is concern is known to the service centre, a referral will be made to the local authority adult services outlining the concerns and Helpline will be informed about the referral
- If the adult for whom there is a concern is not known to the service centre, a referral will be made to the Helpline clearly outlining the concerns so that they can follow it up

Other directorates

If the member of staff/volunteer and line manager/supervisor are based in other directorates and they are concerned about an adult or are unsure if a safeguarding referral needs to be made, they should contact the NSPCC helpline on **0808 800 5000** to discuss whether a referral is required.

If a decision is made by the Helpline team that a referral is required, the member of staff should complete the **Safeguarding Incident Report Form**, password protect the document [using the password 'incident'] and email to help@nspcc.org.uk followed by another email containing the password.

The Helpline will then take responsibility for referring the information to the relevant agencies as per Helpline procedures. All information about the referral will be stored by the Helpline on their database.

In an emergency, i.e. if the staff member or volunteer feels that someone is in imminent danger and needs either police or medical attention, they must contact the relevant emergency services. They must then notify the relevant manager/supervisor and contact the Helpline as above.

5.4 Staff and volunteers outside of their working or volunteering role

When staff, volunteers or fundraisers are outside of their working or volunteering role for the NSPCC, they may identify safeguarding concerns in their own family or networks, community, neighbourhood or through activities in which they participate. The NSPCC expects all its staff and volunteers to act appropriately on any safeguarding concerns they encounter about an adult at risk. Staff and volunteers should share any safeguarding concerns with the Helpline or with the local authority adult social care service (or equivalent), or the police in the case of an emergency. It should never be an option to do nothing where you have concerns about an individual who may be at risk of harm.

Appendix 1: Categories of Adult Abuse

Reference: Care and Support Statutory Guidance (2018)

What constitutes abuse and neglect?

This section considers the different types and patterns of abuse and neglect and the different circumstances in which they may take place. This is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern.

Organisations and individuals should not limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered. Exploitation and abuse of power are common themes in the following list of the types of abuse and neglect.

Physical abuse including:

- assault
- hitting
- slapping
- pushing
- misuse of medication
- restraint
- inappropriate physical sanctions

Domestic violence including:

- psychological
- physical
- sexual
- financial
- emotional abuse
- honour-based violence

The cross-government definition of domestic violence and abuse is: 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.

A new offence of coercive and controlling behaviour in intimate and familial relationships was introduced into the Serious Crime Act 2015. The offence will impose a maximum 5 years' imprisonment, a fine or both.

The offence closes a gap in the law around patterns of coercive and controlling behaviour during a relationship between intimate partners, former partners who still live together, or family members, sending a clear message that it is wrong to violate the trust of those closest to you, providing better protection to victims experiencing continuous abuse and allowing for earlier identification, intervention and prevention.

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
- sexual assault
- 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
- unreasonable and unjustified withdrawal of services 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
- the misuse or misappropriation of property, possessions or benefits

Financial abuse is the main form of abuse investigated by the Office of the Public Guardian both amongst adults at risk and children. Financial recorded abuse can occur in isolation, but as research has shown, where there are other forms of abuse, there is likely to be financial abuse occurring. Although this is not always the case, everyone should also be aware of this possibility. Potential indicators of financial abuse include:

- change in living conditions

- lack of heating, clothing or food
- inability to pay bills/unexplained shortage of money
- unexplained withdrawals from an account
- unexplained loss/misplacement of financial documents
- the recent addition of authorised signers on a client or donor's signature card
- sudden or unexpected changes in a will or other financial documents

Modern slavery encompasses:

- slavery
- human trafficking
- forced labour and domestic servitude.
- traffickers and slave masters using 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
 - religion

Organisational abuse

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home.

This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice due to the structure, policies, processes and practices within an organisation.

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 services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

Self-neglect

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own

behaviour. There may come a point when they are no longer able to do this, without external support.

Incidents of abuse may be one-off or multiple and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns, it is important that information is recorded and appropriately shared.

Patterns of abuse vary and include:

- serial abuse, in which the perpetrator seeks out and ‘grooms’ individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse
- long-term abuse, in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse
- opportunistic abuse, such as theft occurring because money or jewellery has been left lying around

***Note:** This is not an exhaustive list, nor do these examples prove that there is actual abuse occurring. However, they do indicate that a closer look and possible investigation may be needed.*

Appendix 2

Care and Support Statutory Guidance (Re-issued 2018) Key principles when working with Adults at Risk

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.

Protection

Support and representation for those in greatest need.

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.