

**SAFEGUARDING PEOPLE AT RISK POLICY**

**This policy applies to all Employees, Volunteers, Trustees and Students.**

Bath Mencap Society believes that people of all ages with a Learning Disability should be able to live free from fear, harm, and the reality of abuse, and have their rights and choices respected. Some people with a Learning Disability are less able to protect themselves than others, and may have greater difficulty making their wishes and feelings known. This may increase their risk of being abused.

The term ‘adult at risk’ is used to replace ‘vulnerable adult’ as used throughout No Secrets (DH 2000).

**An adult at risk is defined as:**

**‘A person aged 18 years or over who appears to have health and social care needs, and appears to be at risk of harm.’**

**A child at risk is defined as:**

**‘A person under the age of 18 years who is experiencing or is at risk of abuse, neglect or other kinds of harm; and who has needs for care and support.’**

**Harm** can include:

* ill treatment, including physical, sexual, and emotional abuse.
* neglect, including failure to meet basic physical, emotional or psychological needs to the extent that it is likely to have an effect on the person’s health, development, or emotional stability.
* impairment of health or development, including failure to provide adequate food, shelter, clothing, and protection from physical harm or ill health.
* unlawful conduct which adversely affects the person’s property, rights or interests (for example, financial abuse).

A **Person at Risk** may therefore be a person who:

* is elderly and frail due to ill health, physical disability or cognitive impairment.
* has a learning disability.
* has a physical disability and/or a sensory impairment.
* has mental health needs including dementia or a personality disorder.
* has a long term illness/condition.
* is unable to demonstrate the capacity to make a decision and is in need of care and support.
* in the case of a child, the abuse can manifest itself in a variety of different ways, some overt, and others much less so.

Of course, not all individuals from these groups would see themselves, or be seen by others, as a person at risk. In the context of Safeguarding, vulnerability to abuse and neglect is related to how able the person at risk is to make and exercise their own informed choices, free from duress, pressure or undue influence, and to protect themselves from abuse, neglect and exploitation.

**Purpose of a Safeguarding Policy**

The whole Safeguarding Policy will provide clear direction to Employees, Volunteers, Trustees, Students, and others, about expected practice in dealing with issues. It makes explicit Bath Mencap’s commitment to the development of good practice and sound procedures, ensuring that Safeguarding concerns and referrals are handled sensitively, professionally, and in a way which supports the needs of the individuals concerned.

**Underpinning Principles**

* The welfare of the person at risk is paramount.
* Employees, Volunteers, Trustees and Students are responsible for their own actions and behaviour, and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
* Employees, Volunteers, Trustees and Students should work, and be seen to work, in an open and transparent way.
* Employees, Volunteers, Trustees and Students should discuss and/or take advice promptly from their line manager, or another senior member of staff over any incident which may give rise to concern.
* Records should be made of any such incident and of decisions made/further action agreed, in accordance with organisational policy for keeping and maintaining records.
* Employees, Volunteers, Trustees and Students should apply the same professional standards regardless of gender or sexuality.
* All Employees, Volunteers, Trustees and Students should know the name of their designated person for Safeguarding Persons at Risk, be familiar with local Safeguarding arrangements and understand their responsibilities to safeguard and protect adults at risk.
* Employees, Volunteers, Trustees and Students should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.

**Bath Mencap Society operates a zero tolerance policy of abuse and neglect.**

**Commitment**

Bath Mencap Society will:

* Ensure that all Employees, Volunteers, Trustees and Students are carefully recruited, have verified references, and full and up to date Disclosure and Barring Certificates.
* Ensure that all Employees, Volunteers, Trustees and Students are aware of their statutory requirements in respect of the disclosure or discovery of abuse, and the procedure for doing so.
* Establish and maintain an ethos where service users feel secure and are encouraged to talk and are listened to. We will ensure that service users know that there are people they can approach if they are worried or in difficulty.
* All Employees, Volunteers and Students are given a copy of the Safeguarding Policy during their induction, and have its implications explained to them.
* Ensure that wherever possible every effort will be made to establish effective working relationships with parents/carers and colleagues from other agencies.
* Be vigilant in cases of suspected abuse, recognising the signs and symptoms, have clear procedures whereby all staff, volunteers and students report such cases to the Chair of the Board of Trustees, and in his/her absence, a member of the Trustees, and be aware of local procedures so that information is effectively passed on to the relevant professionals.
* Provide and support Safeguarding training for all Employees, Volunteers and Students (including Trustees if appropriate) and, in particular, for the designated officers to ensure their skills and expertise are up to date, and that they are aware of the main indicators of abuse, particularly in the case of children.
* Strive to assist service users to understand and to be aware of behaviour towards them that is not acceptable and how they can help keep themselves safe.
* Provide clear policy statements for parents and carers, employees, volunteers, Trustees and all service users.
* Have a clear understanding of the various types of bullying - physical, verbal, cyber and indirect, and act promptly and firmly to combat it, making sure that service users are aware of Bath Mencap Society’s position on this issue.
* Have a clear policy about the handling of allegations of abuse by members of staff, ensuring that all staff are fully aware of the procedures and that they are followed correctly at all times.

**What is meant by ‘abuse’**

Harm includes any of the following:

* ill treatment (including sexual abuse, exploitation and forms of ill treatment which are not physical).
* the impairment of health (physical or mental) or development (physical, intellectual, emotional, social or behavioural).
* neglect.
* unlawful conduct which adversely affects property, rights or interests (for example, financial abuse).

Abusive acts that result in harm may be:

* a single act or repeated acts.
* an act of neglect or a failure to act.
* multiple acts, for example, an adult at risk may be neglected and also financially abused.
* Intent is not an issue at the point of deciding whether an act or a failure to act is abusive; it is the impact on the person concerned and the harm or risk of harm to that individual.

The following factors should be considered when assessing the seriousness of the risk to the person:

* the vulnerability of the person.
* the nature and extent of the abuse/neglect.
* the length of time the abuse or neglect has been occurring.
* the impact of the alleged abuse on the person at risk.
* the risk of repeated or increasingly serious acts of abuse or neglect.
* the risk that serious harm could result if no action was taken.
* the illegality of the act or acts.

Abusive or harmful acts can take different forms:

* Physical
* sexual
* psychological/emotional
* financial and material
* neglect and acts of omission
* discriminatory
* institutional

**Appointment of Staff**

All staff and volunteers are carefully recruited, have verified references, and have full and up to date Disclosure and Barring Service checks.

**Declaration of Conviction and the Recruitment of Ex-Offenders**

* Under the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, applicants for employment, which is concerned with the provision of personal support, and which would enable the applicant to have access to people receiving this support in their normal duties, will be required to disclose spent convictions.
* Bath Mencap Society complies fully with the Disclosure and Barring Service Code of Practice.
* The Society undertakes to treat all applicants for positions fairly, and not to discriminate unfairly against the subject of a Disclosure on the basis of a conviction or other information revealed.
* Bath Mencap Society will request a disclosure only where this is considered proportionate and relevant to the position concerned. At interview or in a separate discussion if requested, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that may be relevant to the position. Failure to reveal information that is directly relevant to the position could lead to a withdrawal of the offer.
* Bath Mencap Society will ensure that all those involved in the decision making aspect of the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information, and the relevant legislation.
* Employees who are convicted of an offence whilst in Bath Mencap Society’s employment are required to inform the Chair of the Board of Trustees, in writing, detailing the offence and outcome. The Chair, in conjunction with the Trustees, will then consider the implications for employment and take appropriate action.
* Failure to disclose a spent conviction when required to may lead to disciplinary action or dismissal.
* A person who has disclosed a spent conviction and is offered employment will be afforded equal opportunities. However, should an employee’s job content or duties change, the spent conviction will be reconsidered in the context of the new job role.
* Having a criminal record will not necessarily bar you from employment with Bath Mencap Society. This will depend on the nature of the position, the circumstances and the background of the offence.

**Employee Support and Training**

Bath Mencap Society is committed to ensuring that it meets its responsibilities in respect of safeguarding people at risk through the provision of support and training to employees, volunteers Trustees and students. Therefore, the society will ensure that:

* All employees, volunteers, Trustees and students are given a copy of the Safeguarding People at Risk Policy during their induction, and have its implications explained to them.
* All employees will have access to Safeguarding training, which is relevant and appropriate to their role. This should include training in procedures to follow, signs to note and appropriate record keeping.
* All employees, volunteers and students will be trained to recognise and respond to situations where a service user may be considered to be at risk.
* The Society will take appropriate action in relation to the findings of any investigation into allegations of abuse, consistent with its duties to protect the safety of its service users and uphold fair processes for employees, volunteers, Trustees and students.
* Any employee, volunteer, Trustee or student, under investigation for the alleged abuse of a service user, will be subject to the provisions of the Society’s Disciplinary Policy.

**Safe Caring**

* Every effort will be made to avoid or minimise time when employees, volunteers or students are left alone with a service user. If an employee is alone with a service user, the door of the room should be kept open and another employee should be informed.
* If a service user makes inappropriate physical contact with an employee, volunteer or student, this will be recorded fully on an Incident Record Form.
* Employees, volunteers and students will never carry out a personal task for a service user that they can do for themselves.
* Unless a service user has a particular need, employees, volunteers and students should not accompany them into the toilet. Employees, volunteers and students will be aware that this and other, similar activities could be misconstrued.
* Employees, volunteers and students will be mindful of how and where they touch service users. Unnecessary or potentially inappropriate physical contact will be avoided at all times.
* All allegations made by a service user against a member of staff or volunteer will be fully recorded, including any actions taken, on an Incident Record Form. In the event of there being a witness to an incident, they should sign the records to confirm this.

**Dealing With Allegations**

Bath Mencap Society is committed to ensuring that it meets its responsibilities in respect of safeguarding people at risk by treating any allegation seriously and sensitively. Further to this, the following principles will govern any suspected or reported case of abuse:

* Where actual or suspected abuse comes to the attention of an employee, volunteer, Trustee or student, they will report this to the Chair of the Board of Trustees at the earliest possible opportunity.
* Employees, volunteers and students are encouraged and supported to trust their professional judgment, and if they suspect abuse has, or is taking place, to report this.
* Full written records of all reported incidents will be produced and maintained. Information recorded will include full details of the alleged incident; details of all the parties involved; any evidence or explanations offered by interested parties; relevant dates, times and locations and any supporting information or evidence from employees, volunteers or students.
* Bath Mencap Society will demonstrate great care in distinguishing between fact and opinion when recording suspected incidents of abuse.
* The Chair of the Board of Trustees will be responsible for ensuring that written records are dated, signed and kept confidentially.
* If an allegation of abuse is made against the Chair of the Board of Trustees, the Trustees will be informed as soon as possible. They will then assume responsibility for the situation, or delegate this role to a Senior Member of the Board of Trustees.
* Employees, volunteers and students will ensure that all concerns and allegations are treated with sensitivity and confidentiality.
* Any service users involved in alleged incidents will be comforted and reassured.

**Responding to a Disclosure**

The person first becoming aware of potential abuse does not have the responsibility to make judgements about the validity of allegations or the seriousness of such, but must make his/her concerns known immediately to the responsible person. In circumstances where a service user makes an allegation or a disclosure, the employee, volunteer or student concerned will:

• **Listen carefully to the person making the allegation**

1. Remember the person has chosen you as someone they trust to talk to about the abuse.
2. They are suffering.
3. Stay calm and listen patiently to what is said, how it is being said, and the person’s body language whilst talking to you.
4. Don’t interrupt or ask leading questions - wait for them to explain what has happened in their own words.
5. Don’t dismiss what you are being told or change the subject.
6. Offer reassurance that the person is doing the right thing in telling you about what has happened/is happening.
7. Explain what will happen next - that you will need to tell someone about what they have told you.

• **Record as accurately as possible what was said to you, as soon as possible after the disclosure, on an Incident Record Form.**

1. Use a blank piece of paper if you don’t have the correct form.
2. Sign, date, and add the time you heard the disclosure to the record.
3. Do not adjust the language or grammar, even if this results in an incoherent account.

**Whistle-Blowing**

Whistle blowing is the mechanism by which employees, volunteers and students can voice their concerns, made in good faith, without fear or repercussion. All employers should have a clear and accessible whistle- blowing policy that meets the terms of the Public Interest Disclosure 1998.

* Employees, volunteers and students should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management. This is particularly important where the welfare of people at risk may be involved.
* This means that employees, volunteers and students should report any behaviour by colleagues that raise concern.
* All employees, volunteers and students working with Bath Mencap Society should know the name of the Society’s designated officer for Safeguarding, and know and follow relevant safeguarding policy and procedures.
* All employees, volunteers and students have a duty to report any safeguarding concerns to their designated person for Safeguarding Adults.

**Referring Allegations to Safeguarding Agencies**

If the Chair of the Board of Trustees has reasonable grounds for believing that a service user has been, or is in grave danger of being, subject to abuse, the following procedure will be activated:

* Contact will be made, at the earliest possible opportunity, with the local Social Services Department.
* The Chair will communicate as much information about the allegation and related incidents as is consistent with advice given by Social Services and the Police.
* At all times, the safety, protection and interests of the service user concerned will take precedence.
* The Chair, Trustees, employees, volunteers and students will work with and support parents/carers as far as they are legally able.
* Bath Mencap Society will assist the Social Services and the Police, as far as it is able, during any investigation of abuse or neglect. This will include disclosing written and verbal information and evidence.

**Information**

All employees, volunteers, Trustees and students will be given a copy of this Policy. Parents and others coming into contact with Bath Mencap Society, will be given a copy on request, or if it is deemed appropriate at that time.

**Policy Review**

To ensure the Policy is working effectively, and that it remains up to date, this Policy will be reviewed annually.

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Signature (Chair of Board of Trustees) Date

This Policy will be due for review on