



# POSITIVE FUTURES

ACHIEVING DREAMS. TRANSFORMING LIVES.

<b>Name of Policy:</b>	Adult Safeguarding Policy		
<b>Lead Person:</b>	Operations Director		
<b>Next Review Date:</b>	22.03.20		
<b>Change Record</b>			
<b>Issue Date</b>	<b>Nature of Change</b>	<b>Ratified by</b>	<b>Date ratified</b>
09.09.98	First issue	SMT	
01.12.08	Amended to reflect the requirements of RQIA	SMT	01.12.08
29.03.10	Amended to reflect the requirements of RQIA		
19.09.11	Amended to reflect guidance for RQIA inspectors	SMT	14.09.11
19.04.13	Updated in the context of consultation with the people we support; guidance from RQIA. Key changes in this revision: emphasis on the “right to report”; reference to Human Rights Art 1, 3 & 5; safeguarding in “own home”; addition of “Mate Crime” section	SLT	15.04.13
22.06.14	Reflect change to organisation purpose statement; Separation of Policy and Procedure; clarification of duty to report, remove “other member of staff”; Adult Placement Providers’ responsibilities	SLT	19.05.14
19.05.15	Guidance added on the need for everyone to reflect on and review their work to ensure best protection for the people we support; guidance regarding screening of incidents now included in the Procedure; changes to terminology (Adult Placement Service now called Shared Lives Service)	SLT	11.05.15
12.05.16	Policy retitled and rewritten in response to the issue of the DHSSPS / DoJ policy “Adult Safeguarding: Prevention and Protection in Partnership”	Directors	09.05.16
09.03.17	No substantive changes; reference documents updated at Appendix 1	MD	02.03.17
29.03.18	No changes	MD	27.03.18
22.03.19	No substantive changes; legislation and reference documents updated in Appendix 1	MD	19.03.19

**Signed:** Emma Hogg, Personal Assistant

**Date:** 22.03.19

## Adult Safeguarding Policy

### Key Points

- The term **safeguarding** encompasses both activity which prevents harm from occurring in the first place and activity which protects adults at risk where harm has occurred or is likely to occur without intervention.
- All of our services operate within the framework of **preventative safeguarding**. This means that our services offer actions and measures designed to promote the safety, wellbeing and rights of adults in order to reduce the likelihood of, or opportunities for, harm to occur.
- Our services which are inspected by RQIA are seen as **targeted services** for adults at risk of harm. These services are delivered to meet assessed needs and/or address risks.
- We contribute to **protective safeguarding**, which is led by HSC Trusts and the PSNI, by cooperating in the investigation of allegations of harm or by developing and delivering a care and protection plan.
- If the person we support is identified as being in need of protection, the relevant Service Manager should refer the person to the local HSC Trust for an assessment of risk and need.
- If any member of staff or volunteer has reason to believe that a person we support is experiencing abuse, exploitation or neglect, or is at serious risk of this occurring, they must immediately discuss their concerns with their line manager or, out of hours, the On Call. We may need to refer such cases to the HSC Trust's Gateway service.
- We have robust governance arrangements in place to make sure we do all we can to keep adults who receive support safe from harm.
- Our Operations Director acts as our Adult Safeguarding Champion to provide advice and support on adult safeguarding.

## Adult Safeguarding Policy

### 1.0 Key Principles

The DHSSPS / Department of Justice regional policy “Adult Safeguarding: Prevention and Protection in Partnership” (2015) applies across Northern Ireland and has specific relevance for service providers including Positive Futures. The policy states that all adult safeguarding activity must be guided by the following 5 underpinning principles:

**“A Rights-Based Approach:** To promote and respect an adult’s right to be safe and secure; to freedom from harm and coercion; to equality of treatment; to the protection of the law; to privacy; to confidentiality; and freedom from discrimination.

**An Empowering Approach:** To empower adults to make informed choices about their lives, to maximise their opportunities to participate in wider society; to keep themselves safe and free from harm, and enabled to manage their own decisions in respect of exposure to risk.

**A Person-Centred Approach:** To promote and facilitate full participation of adults in all decisions affecting their lives taking full account of their views, wishes and feelings and, where appropriate, the views of others who have an interest in his or her safety and wellbeing.

**A Consent-Driven Approach:** To make a presumption that the adult has the ability to give or withhold consent; to make informed choices; to help inform choice through the provision of information, and the identification of options and alternatives; to have particular regard to the needs of individuals who require support with communication, advocacy or who lack the capacity to consent; and intervening in the life of an adult against his or her wishes only in particular circumstances, for very specific purposes and always in accordance with the law.

**A Collaborative Approach:** To acknowledge that adult safeguarding will be most effective when it has the full support of the wider public and of safeguarding partners across the statutory, voluntary, community, independent and faith sectors working together and is delivered in a way where roles, responsibilities and lines of accountability are clearly defined and understood. Working in partnership and a person-centred approach will work hand-in-hand.”

## 2.0 Aims

We believe that the people we support should:

- have their human rights respected at all times
- be treated with dignity, respecting their right to choose
- be empowered and enabled to manage their own health and wellbeing and to keep themselves safe
- be central to any actions and decisions affecting their lives
- have access to justice when harm has occurred
- be able to tell us anything that is worrying them and we will only tell people who need to know about these worries
- receive help and support to deal with their worries.

## 3.0 Policy Statement

Positive Futures will:

- promote zero-tolerance of harm to all adults from abuse, exploitation or neglect
- embed a culture which recognises every adult's right to respect and dignity, honesty, humanity and compassion in every aspect of their life
- prevent and reduce the risk of harm to adults, while supporting people's right to maintain control over their lives and make informed choices free from coercion
- introduce a range of preventative measures to promote an individual's capacity to keep themselves safe and to prevent harm occurring
- establish clear guidance for **reporting** concerns that an adult is, or may be, at risk of being harmed or in need of protection and how these will be **responded to**
- promote access to justice for adults at risk who have been harmed as a result of abuse, exploitation or neglect
- promote a continuous learning approach to adult safeguarding
- offer staff and volunteers appropriate safeguarding training and support. This training will be updated every two years in line with best practice.

All staff and volunteers (including Shared Lives Carers) will safeguard adults who may be at risk by:

- recognising that adult harm is wrong and that it should not be tolerated
- being aware of the signs of harm from abuse, exploitation and neglect
- reducing opportunities for harm from abuse, exploitation and neglect to occur

- knowing how and when to report safeguarding concerns to HSC Trusts or the PSNI.

## **4.0 What is safeguarding?**

The language of adult safeguarding previously focused on protection and used the term “vulnerable adult”. This term suggested weakness on the part of the adult, which is inappropriate. Regional policy has moved from the concept of “vulnerability” to establishing the concept of “risk of harm” in adulthood. The responsibility for harm caused sits with those who perpetrate it. Harm resulting from abuse, exploitation or neglect violates the basic human rights of a person to be treated with respect and dignity, to have control over their life and property, and to live a life free from fear.

Safeguarding adults is complex and challenging. The focus of any intervention must be on promoting a proportionate, measured approach to balancing the risk of harm with respecting the adult’s choices and preferred outcome for their own life circumstances.

There are also some circumstances when it may be necessary to consider the protection and rights of others and, in these circumstances, overriding the withholding of consent may be necessary to ensure the protection of others. This is explored in section 10.

## **5.0 Selected Definitions**

### **5.1 Preventative Safeguarding**

This includes actions and measures such as practical help, care, support and interventions designed to promote the safety, wellbeing and rights of adults which reduce the likelihood of, or opportunities for, harm to occur. Prevention will strive towards early intervention to provide additional supports at all levels for adults whose personal characteristics or life circumstances may increase their exposure to harm.

Many of our services are provided for people whose personal characteristics may potentially increase their exposure to harm, and operate in a way that should contribute to “preventative safeguarding” for the people we support. These services are classed as “preventative services”.

## 5.2 Protective Safeguarding

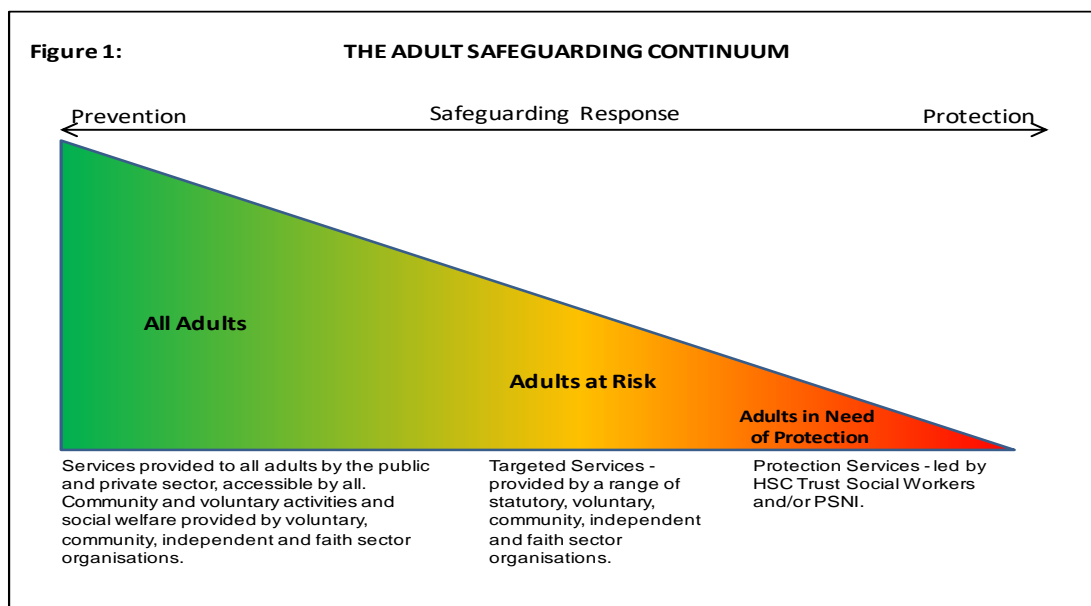
This further level of safeguarding activity will be targeted at adults who are in need of protection, that is, when harm from abuse, exploitation or neglect is suspected, has occurred, or is likely to occur. This protection service is led by HSC Trusts and the PSNI.

We contribute to “protective safeguarding” by cooperating in the investigation of allegations of harm or by developing and delivering a care and protection plan.

## 5.3 Targeted Services

These are services delivered specifically to “adults at risk” in order to meet assessed needs and/or address risks. Regionally, these include care in people’s own homes, supported living, residential or nursing home care. Positive Futures’ regulated services (those inspected by RQIA) are seen as “targeted services” for “adults at risk”.

The distinction between “preventative safeguarding” and “protective safeguarding” services is shown in Figure 1 (below) from the regional policy.



## 5.4 Abuse

The regional policy defines abuse as “a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to another individual or

violates their human or civil rights”. This definition is expanded within our Adult Safeguarding Procedure.

## 5.5 Harm

The regional policy defines harm as “the impact on the victim of abuse, exploitation or neglect. It is the result of any action whether by commission or omission, deliberate, or as the result of a lack of knowledge or awareness which may result in the impairment of physical, intellectual, emotional, or mental health or wellbeing”. This definition is expanded within our Adult Safeguarding Procedure.

## 5.6 “Adult at risk of harm”

“An “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  
AND / OR
- b) life circumstances.

Personal characteristics 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.

Life circumstances may include, but are not limited to, isolation, socio-economic factors and environmental living conditions.

## 5.7 “Adult in need of protection”

An “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 wellbeing, 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.

In order to meet the definition of an “adult in need of protection”, either (a) or (b) must be present, in addition to both elements (c) and (d).

*(Adult Safeguarding: Prevention and Protection in Partnership, 2015, p.11)*

We recognise that these regionally set definitions use language not used by Positive Futures. We have used this terminology because it will be used by HSC Trusts and other statutory bodies in safeguarding situations.

## **6.0 Risk Assessment**

The regional policy states (page 32):

“When any risk of harm is identified, a risk assessment must be undertaken to establish the degree of risk of harm to that individual and to others. It is the responsibility of suitably qualified statutory HSC professionals to undertake such risk assessments once a concern has been raised. In certain circumstances HSC Trusts may ask another organisation to conduct risk assessments on its behalf.”

- If the person we support is identified as being in need of protection, the relevant Service Manager should refer the person to the local HSC Trust for an assessment of risk and need.
- If any member of staff or volunteer has reason to believe that a person we support meets the definition of an “adult in need of protection”, they must immediately discuss their concerns with their line manager or, out of hours, the On Call. For staff, failure to do so may be considered Gross Misconduct in the context of our Disciplinary Policy (see our Challenging Bad Practice at Work (Whistleblowing) Policy).
- Shared Lives Carers must inform their Shared Lives Social Worker or, out of hours, use the On Call arrangements. Shared Lives Social Workers will liaise with Regional Emergency Social Work Service if required.

## **7.0 Adult Protection Gateway Service**

As the risk of harm increases, the safeguarding response required to mitigate it also increases. At the higher end of the safeguarding continuum is the Adult Protection Gateway Service. This service is provided for “adults in need of protection”, that is, those adults for whom harm from abuse, exploitation or neglect, is a reality either because it has already occurred or, without intervention, is at serious risk of occurring. Protection interventions are led by Social Workers within the HSC Trusts and/or PSNI officers.



- If any member of staff, a volunteer or a Shared Lives Carer has reason to believe that a person we support is experiencing abuse, exploitation or neglect, or is at serious risk of this occurring, they must immediately discuss their concerns with their line manager or, for Shared Lives Carers contact a Shared Lives Social Worker or, if out of hours, the On Call.
- If the person we support is experiencing, or is at serious risk of experiencing, abuse, exploitation or neglect, the threshold for referral to the Gateway service is generally met. The Service Manager should seek advice from a Trust Designated Adult Protection Officer (DAPO) without delay.

Further relevant definitions are provided within our Adult Safeguarding Procedure.

## **8.0 A Safer Organisation**

Safer organisations are those that put in place robust governance arrangements to offer assurance to managers and leaders that the organisation is doing all it can to keep adults who receive support safe from harm.

Our governance arrangements:

- make sure that our focus is on the individual people who we support
- base our approach upon respect and treating people with dignity.

Our governance arrangements, consistent with the regional policy, are supported by a range of policies and procedures which are located on our internal public document library.

As a provider of targeted services, Positive Futures operates services within a framework defined by the sets of regulations associated with the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Positive Futures is committed to reducing the risk of harm to adults through safe working practices and governance assurance.

- We will make sure that relevant staff are provided with training in relevant policy areas relating to safe working practices and governance assurance.
- We will provide training to our staff in the principles of adult safeguarding as set out in the regional policy.

## 9.0 Adult Safeguarding Champion

Consistent with the regional policy, Positive Futures has identified the Operations Director as our Adult Safeguarding Champion (ASC). The role of Positive Futures' ASC is to:

- provide information and support for staff, volunteers and Shared Lives Carers on adult safeguarding within the organisation
- ensure that the organisation's Adult Safeguarding Policy is disseminated and to support its implementation throughout the organisation
- advise within the organisation regarding adult safeguarding training needs
- provide advice to staff, volunteers and Shared Lives Carers who have concerns about the signs of harm, and ensure reporting to HSC Trusts where there is a safeguarding concern
- support staff, volunteers and Shared Lives Carers to ensure that any actions take account of what the adult wishes to achieve – this should not prevent information about any risk of serious harm being passed to the relevant HSC Trust Adult Protection Gateway Service for assessment and decision-making
- establish contact with the HSC Trust Designated Adult Protection Officer (DAPO), PSNI and other agencies as appropriate
- ensure accurate and up to date records are maintained detailing all decisions made, the reasons for those decisions and any actions taken
- compile and analyse records of reported concerns to determine whether a number of low-level concerns are accumulating to become significant; and make records available for inspection.

## 10.0 Capacity and Consent

A consent-driven approach to adult safeguarding will always involve:

- a presumption that the adult at the centre of a safeguarding decision or action is able to give or withhold consent unless it is established otherwise
- acknowledging that an adult who lacks capacity to make a decision cannot give consent but that he or she should still be involved in decision-making as far as possible and given appropriate support
- acknowledging that everyone who has capacity to make a certain decision has the right to pursue a course of action that others may judge to be unwise, but that sometimes a balance must be struck between an individual's human rights and the need to intervene to protect others.

In circumstances where there may be reason to think that the person we support lacks capacity to consent to a safeguarding action, or withholds their consent, the advice of Positive Futures' ASC must always be sought.

This document should not be read in isolation. It should be seen as one element in our adult safeguarding approach, alongside:

- Positive Futures' Adult Safeguarding Procedure
- Adult Safeguarding: Prevention and Protection in Partnership (DHSSPS/ DoJ, 2015).

It is expected that all Positive Futures' managers who are involved in safeguarding decisions will be familiar with the regional policy document referred to above.

Further reference documents are set out in Appendix 1.

## **Appendix 1**

### **Relevant Legislation, Policies and Standards Frameworks**

These include:

- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (amended by the Protection of Freedoms Act 2012)
- Adult Safeguarding Operational Procedures – Adults at Risk of Harm and Adults in Need of Protection (September 2016)
- Safeguarding Vulnerable Adults a Shared Responsibility, Standards & Guidance for Good Practice in Safeguarding Vulnerable Adults (2010)
- Protocol for the joint investigation of alleged and suspected cases of abuse of vulnerable adults (2009)
- European Convention on Human Rights, as amended 2010
- Human Rights Act 1998
- The Health and Social Care Board and Health and Social Care Trusts' Policies and Procedures
- Northern Ireland Social Care Council Codes of Conduct for Employers and Employees
- Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003
- The Adult Placement Agencies Regulations (NI) 2007
- The Domiciliary Care Agencies Regulations (NI) 2007
- The Residential Care Homes Regulations (NI) 2005
- Housing Executive Safeguarding Policy & Procedure (July 2018)
- The Criminal Law Act (Northern Ireland) 1967
- The Sexual Offences (Northern Ireland) Order 2008
- The Family Homes and Domestic Violence (Northern Ireland) Order 1998
- The Mental Health (Northern Ireland) Order 1986
- The Public Interest Disclosure (Northern Ireland) Order 1998
- The Human Trafficking & Exploitation (Criminal Justice & Support for Victims) Act (NI) 2015
- The Police and Criminal Evidence (Northern Ireland) Order 1989
- The Race Relations (Northern Ireland) Order 1997
- The Criminal Evidence (Northern Ireland) Order 1999
- The Health and Personal Social Services Act (Northern Ireland) 2001
- The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

## **Related Documents**

Procedures
<ul style="list-style-type: none"><li>• Adult Safeguarding Procedure</li></ul>

Guidance

Process Maps

Forms/Templates

### **How has this policy been informed by staff, volunteers and the people we support?**

Policy reviewed by Operations Team.