

NORTH HERTFORDSHIRE DISTRICT COUNCIL

SAFEGUARDING ADULTS AT RISK OF HARM POLICY

2013

Safeguarding Adults at Risk of Harm Vision Statement

North Hertfordshire Council believes that safeguarding adults at risk of harm is everyone's business.

Safety from harm and exploitation is one of our basic needs. Being or feeling unsafe undermines our relationships and self belief,.

Safeguarding encompasses a range of activities and interventions aimed at upholding a person's right to be safe. It is of particular importance for people who because of their situation or circumstances are unable to keep themselves safe.

Working in partnership with the community, partners and safeguarding authorities, North Hertfordshire District Council aims to make sure that vulnerable adults using its services are listened to and protected from abuse. We actively encourage our staff and councillors to report all incidents or concerns they may have in relation to the wellbeing of vulnerable adults, no matter how minor that concern may seem, or indeed if it is ultimately proven to be unfounded, and support the principle that it is best to report than look away or ignore.

Councillor Lynda Needham
Leader

David Scholes
Chief Executive

1 North Hertfordshire District Council's duty to safeguard

1.1 Valuing and protecting adults at risk of harm

1.1.1 The purpose of this policy is to inform the Council's staff, volunteers, contractors and Councillors as well as the public of the Council's commitment to safeguarding and promoting the welfare of vulnerable adults, in a legal and ethical context.

1.1.2 'No Secrets' (Dept of Health guidance, 2000) defines vulnerability as "***any person of 18 or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of himself or herself against significant harm or serious exploitation.***"

The Association of Directors of Adult Services safeguarding guidance further defines a vulnerable adult as someone who is "unable to retain independence, well being and choice and to access their human right to live a life that is free from abuse and neglect".

1.2 The law protecting adults at risk of harm

There have been a number of high profile abuse cases reported in the national media in the past two or more years, some relating to the abuse of individuals in a care setting, others in their own home, but all of which would be deemed 'vulnerable' due to their inability to protect themselves from that harm taking place. Proposals in the Care and Support Bill (England) and the Social Services and well-being (Wales) Bill will therefore change the way safeguarding is administered and will introduce new duties and responsibilities on local authority Adult Social Services as the lead agencies in protection of adults at risk. Public services and Government will have a clear responsibility to ensure that people in the most vulnerable situations are safe from abuse or neglect.

This safeguarding policy will therefore remain under regular review to ensure that it, and the relevant support processes required to deliver it, remain appropriate and reflect our duty of care.

In terms of other legislation, aside from the application of relevant areas of the Human Rights Act (1998) the following applies.

1.2.1 Safeguarding Vulnerable Groups Act 2006

The purpose of the Safeguarding Vulnerable Groups Act 2006 is to restrict contact between children and vulnerable adults and those who might do them harm. The barring aspects of the Act came into force in October 2009

While the 2006 Act itself is very complex, its key principles are straightforward. They are as follows:

- (i) unsuitable persons should be barred from working with children or vulnerable adults;
- (ii) employers should have a straightforward means of checking that a person is not barred from working with children or vulnerable adults;
- (iii) suitability checks should not be one-offs: they should be an element of ongoing assessment of suitability to catch those who commit wrongs following a suitability check

1.2.2 No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults (2000)

- a. This guidance was issued under Section 7 of the Local Authority Services Act 1970. Whilst it is not strictly enshrined in legislation, local authorities who do not follow the guidance would be seen to be acting unlawfully.
- b. The guidance states that local authority social services should be the lead coordinating agency in each area. Locally Hertfordshire County Council have adopted this role.
- c. The Hertfordshire Safeguarding Adults Board provides an independent multi-agency partnership to oversee local issues affecting the safeguarding of vulnerable adults. The ten District/Borough Councils are represented on this board and have therefore accepted a 'duty to cooperate' with regard to safeguarding individuals in their areas.
- d. 'No Secrets', the NHS guidance, attempts to address the issue of safeguarding adults as a whole and harness the work of the various partner agencies.
- e. No one single piece of legislation applies to the safeguarding of vulnerable adults. Different legislation may be relevant dependant on the case and circumstances involved. In 2011, 'Safeguarding Adults at Risk from Harm : A guide for practitioners' was published in an attempt to outline the legal basis for the safeguarding of adults at risk from harm in England. A link to this document can be found in Section 6: Further Information.
- f. Abuse is a violation of an individual's human and civil rights by another person or persons. It may be systematic and repeated or may consist of a single incident. Abuse is when a person or persons have caused harm, or may be likely to do so, to the physical, sexual, emotional, financial or material well being of a vulnerable adult. 'No Secrets' identified the main forms of abuse in seven categories and these are used in this procedure. They are:
 - physical
 - sexual
 - financial
 - neglect, including an omission to act or a failure to provide adequate care.
 - psychological, including emotional and/or verbal abuse
 - institutional
 - discriminatory

It could also be abuse when a vulnerable adult is persuaded to enter into a financial or sexual situation to which they have not consented, or cannot give consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

1.3 Our Policy

The Council has the following priorities regarding the safeguarding of adults at risk from harm:

1.4.1 Inform

To inform staff, parents, volunteers, contractors and Councillors, and members of the public/partners of the Council's beliefs and legal responsibilities with regard to safeguarding adults at risk from harm, and to enable everyone to have a clear understanding of how these responsibilities will be delivered in the event of a concern arising about an adult which may be discovered in the delivery of the Council's work.

1.4.2 Demonstrate

The Council will perform its legal and moral duties to safeguard adults at risk of harm by delivering best practice across the organisation. This policy and associated procedures reflect current legislation, accepted best practice and comply with the Hertfordshire Safeguarding Adults from Abuse procedures, published by the Hertfordshire Safeguarding Adults Board. A link to these procedures can be found in Section 6: Further Information.

1.4.3 Empower

North Hertfordshire District Council will establish and maintain a culture where adults at risk from harm, staff, contractors, partners and Councillors feel secure, are encouraged to talk, and are listened to when they have a worry or concern about an adult or staff member.

The Council believes that everyone should be encouraged to share their concerns, no matter how minor they may seem, to protect adults. Adults at risk of harm, staff, contractors and Councillors should be confident that they know who to talk to, and in confidence if necessary, if they are worried about an adult or concerned about a member of staff or contractors' behaviour towards an adult.

2 Employing and maintaining safer staff

2.1 The Council must ensure a comprehensive 'safer staffing' model for recruiting and monitoring its staff who come into regular contact with children and adults in the course of their work for NHDC. North Hertfordshire Council will take all reasonable steps to employ staff who are safe to work with adults at risk of harm. An appropriately rigorous approach to selecting and scrutinising candidates will be made when recruiting staff. Those posts with increased contact with adults at risk of harm or their information shall be vetted through the Disclosure and Barring Service and monitored with due rigour. This process is subject to review through the Council's programme of shared internal audits undertaken by SIAS, to ensure compliance; the latest review was undertaken in September 2013.

2.2 The Council's policies on Recruitment including employment checks, Confidential Reporting and Managing Misconduct intend to deter inappropriate interested parties from applying, prevent inappropriate persons from being appointed, detect inappropriate actions and conduct of staff and remove inappropriate staff. These should be referred to throughout recruitment and employment procedures. Links to these policies can be found in Section 6: Further Information.

2.3 As part of their duty to carry out the Council's functions having regard to the need to safeguard and promote the welfare of our most vulnerable communities, where appropriate and as determined in contractual documents, contractors are also required to take all reasonable steps to employ staff who are safe to work with adults at risk from harm. This is explicit within the council's contract management and tendering process for relevant services delivered by external contractors on North Herts District Council's behalf.

3. Working to Protect Adults at risk from harm

3.1 Safeguarding adults at risk from harm: everyone's responsibility

3.1.1 Every member of staff, volunteer, contractor, partner, or Councillor, who, during their work have any kind of contact (direct or indirect) with adults at risk of harm, or who have access to information about them, has a responsibility to safeguard and promote their welfare.

3.1.2 Protecting the vulnerable is not just a moral duty, Government guidance makes it clear that it is a shared responsibility, and depends upon effective joint working between agencies and professionals that have different roles and expertise.

3.1.3 For the Council this duty currently means that:

- a. Safeguarding and promoting the welfare of adults at risk from harm is not just the duty of those working directly with these groups of people, but anyone who is made aware of an individual or individuals being exposed to abuse.
- b. North Hertfordshire District Council must ensure that no act or omission on the part of the organisation, or that of its staff, councillors or partner organisations puts an adult inadvertently at risk; and that rigorous systems shall be in place to proactively safeguard and promote the welfare of adults at risk of harm and support staff in fulfilling their obligations.
- c. This duty applies to the Council's independent contractors who are required by statute to meet the standards of the Council in protecting adults at risk from harm and promoting their welfare in responding to concerns about an adult or a member of staff.
- d. This policy focuses on the workplace responsibilities of staff, although the duty of safeguarding and promoting the welfare of adults at risk from harm extends to an individual's personal and domestic life through their general duty of care and specific responsibilities as parents and carers.

3.2 North Hertfordshire District Council's roles and responsibilities

3.2.1 All organisations that work with adults at risk from harm must share a commitment to safeguarding and promoting their welfare. This leadership and commitment must be demonstrated throughout all levels in the organisation:

Political leadership

Political leadership is essential to champion the human rights of our local communities and embed these rights in the Council's decision making processes.

Strategic leadership

Strategic leadership is essential for managers to champion safeguarding and welfare.

Operational leadership

Operational leadership is essential to ensure that all the Council's services meet their obligation to safeguard adults at risk of harm appropriately. This is achieved through the appointment of a Designated Senior Manager for Safeguarding, the creation of effective operational safeguarding procedures, monitoring and control procedures.

- 3.2.2 The Council's Safeguarding Adults at risk of harm policy will be embedded through a framework which supports staff, Councillors, partners and contractors working for the Council to understand their individual and collective responsibility in securing the safety and welfare of adults at risk from harm.
- 3.2.3 Partnership working is a key priority to ensuring the Council safeguards and promotes the welfare of adults at risk from harm. It is vital that staff work in partnership with other agencies, such as adult care, health and housing services. The Council's staff can make a significant and valuable contribution to the broader welfare of adults who may be vulnerable. The opportunity afforded by officers visiting homes, be that to prevent anti-social behaviour, to address housing or environmental issues, or check eligibility for benefits, should not be overlooked as it represents another set of 'eyes and ears' which may see issues worthy of report that other agencies or relatives cannot.
- 3.3 Staff trained to safeguard adults at risk from harm
 - 3.3.1 The Council must ensure that all staff, volunteers, contractors and Councillors are appropriately trained. Although not all staff, volunteers, contractors or Councillors will work directly with local communities or have direct access to their information, they must understand the responsibility they have to protect.
 - 3.3.2 All staff, volunteers, contractors and Councillors will be appropriately trained and managed to ensure their skills and knowledge match the level of contact they have with adults at risk from harm through their work. This should be addressed through quality-assured training recommended by the Herts Safeguarding Adults Board, and ongoing performance management.
- 3.4 Behaviour standards for staff, volunteers, contractors and Councillors
 - 3.4.1 Staff will provide the highest level of care ensuring an adult's welfare is a primary guide to their actions whilst maintaining professional standards of conduct.
 - 3.4.2 Staff, volunteers, contractors and Councillors should never act in such a way that could leave them open to allegations of abuse or inappropriate behaviour or relationships with an adult.
 - 3.4.3 Everyone working for or involved with the Council should be alert to behaviours which may be inappropriate. Behaviour involving inappropriate physical contact, developing inappropriate friendships or relationships or inappropriate communication to or with adults at risk from harm must be avoided. It is particularly important to be aware of the potential implications of working alone with an adult who could be seen to be 'vulnerable'.
 - 3.4.4 The Council's Safeguarding procedure identifies what must be done if staff, volunteers or Councillors identify inappropriate behaviour. See Section 6: Further Information for a link to the full procedure.
- 3.5 Contracted services responsibilities and partnership arrangements
 - 3.5.1 Whilst there is no specific statutory duty in place North Hertfordshire District Council has a *duty of care* to ensure that its contractors, regardless of the value of the contract, have in place sufficient arrangements to ensure that their arrangements safeguard and promote the welfare of adults at risk from harm.

- 3.5.2 This applies to all contractors/agencies commissioned to carry out functions on behalf of North Hertfordshire District Council. The determination of the specific terms of the application of this policy, to contractors/ agencies/partners delivering services on behalf of the Council, shall be specified where appropriate in contractual documents, including procurement standards, monitoring and quality assurance.
- 3.5.3 Housing authorities, when discharging their functions via other organisations such as Registered Social Landlords are also under a duty to ensure that the organisation safeguards and promotes the welfare of tenants. NHDC is required to ensure that the agreements it has in place with its local housing providers include reference to and compliance with this requirement.
- 3.5.4 Where the Council chooses to discharge its functions through alternative methods by entering shared service or partnership arrangements, the Council must ensure that the duty to safeguard and promote the welfare of adults at risk from harm is executed to a standard equal to that of North Hertfordshire Council's agreed policy. Governance of these agreements should take into account the operational effectiveness of such arrangements to safeguard and promote the welfare of adults at risk from harm and compliance be subject to review as part of the regular contract management monitoring.
- 3.5.5 Those carrying out functions of the Council as contracted or commissioned services should have in place similar standards to those of the Council. As an indicator, contractors/agencies, should have in place the following:
- Senior management commitment to safeguarding
 - Clear, accessible statement of responsibility (including safeguarding policy, dealing with complaints, equal opportunities and incident monitoring procedures)
 - Clear mechanisms for identification and action regarding safeguarding concerns with clear lines of accountability
 - Managing Misconduct Procedures
 - Methods for involving adults as 'customers' in service planning and delivery.
 - Staff training programme for safeguarding.
 - Safer recruitment procedures.

4. Responding to Safeguarding Concerns

- 4.1 Responding to suspected abuse and disclosures of abuse
- 4.1.1 Where a Council employee/contractor, volunteer or Councillor is concerned that an adult is or may be at risk of harm or in need, they should follow the Council's Safeguarding Adults at risk from harm procedures. See Section 6: Further Information for a link to the procedure.
- 4.1.2 To ensure a clear line of accountability, designated senior persons across the Council will be responsible for dealing with reported concerns and taking action. Clear procedures for dealing with concerns and allegations of abuse must be available to all staff, volunteers and Councillors.

4.1.3 The Data Protection Act 2003 requires that personal information is:

- Obtained and processed fairly and lawfully
- Only disclosed in appropriate circumstances
- Accurate, relevant, not held longer than necessary and kept securely before being disposed of appropriately.

The Council should ensure that it shares information in accordance with the Data Protection Act 1998.

4.1.4 The Human Rights Act 1998, article 8 states that there shall be no interference in a person's private life by a public authority, except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of crime and disorder, for the protection of health and morals or for the protection of the rights and freedoms of others.

4.1.5 The Council must ensure that a proportionate balance is struck between the personal freedoms of members of the public and the role of the Council to respond to safeguarding concerns. This consideration should not prevent action being taken to safeguard.

4.2 Acting on allegations against staff, Councillors and volunteers

4.2.1 An allegation is any information that indicates that a member of staff/contractor, volunteer, or Councillor may have:

- Behaved in a way which has, or may have harmed an adult;
- Possibly committed a criminal offence against or related to an adult;
- Behaved towards in a way that indicates she/he is unsuitable to work with adults at risk from harm.

This applies to anyone the member of staff/volunteer has contact with in their personal, professional or community life.

4.2.2 The Safeguarding Vulnerable Groups Act 2006 regards behaviour which indicates a person is unsuitable to work with adults at risk from harm as:

- Conduct that endangers an adult or is likely to endanger an adult;
- Conduct that, if repeated against or in relation to an adult, would endanger that adult or would be likely to endanger him;
- Conduct involving sexual material relating to adults at risk from harm (including possession of such material);
- Conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to the Disclosure and Barring Service that the conduct is inappropriate;
- Conduct of a sexual nature involving an adult, if it appears to the Disclosure and Barring Service that the conduct is inappropriate.

4.2.3 The recipient of an allegation is not required to make a judgement regarding its validity, but must report it following the correct Safeguarding Adults procedure. Failure to report it in accordance with procedures could be subject to disciplinary investigation. See Section 6: Further Information for a link to the procedure.

- 4.2.4 Failure of the Council to act in accordance with the Safeguarding Vulnerable Groups Act 2006 in responding to allegations made against its staff, volunteers, contractors or Councillors may result in the prosecution of the Council. The Council's Recruitment procedures meet the key duties of the Safeguarding Vulnerable Groups Act 2006 and must be followed at all times.
- 4.4 Keeping, accessing and sharing adults at risk from harm's information safely
 - 4.4.1 Effective and timely information sharing underpins integrated working and is a vital element of both early intervention and safeguarding.
 - 4.4.2 Within North Hertfordshire Council, information must be stored, accessed, transmitted and shared in accordance with latest legislative and recognised best practice recommendations. This information could range from personal details, such as name and address to sensitive information, such as ethnicity, case history or benefits records. The Council must ensure that Information Sharing protocols are followed at all times. A link to these can be found in Section 6: Further Information.

5. Conclusion

This safeguarding adults at risk from harm policy meets the legislative and moral duty of North Hertfordshire District Council by setting out its understanding of the requirement to make arrangements to safeguard and promote the welfare of adults at risk of harm.

This policy therefore provides the foundation for the Council's safeguarding action plan and procedures which will specify the actions the Council will take in order to achieve the best possible outcomes for adults at risk of harm using the Council's services.

The processes used are necessary tools, the protection for vulnerable adults at risk of harm is vital.

6. Further Information

- 6.1 No Secrets - NHS guidance
<https://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care>
- 6.2 Safeguarding Vulnerable Groups Act 2006
<http://www.legislation.gov.uk/ukpga/2006/47/contents>
- 6.3 Disclosure and Barring Service
<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- 6.4 Hertfordshire Safeguarding Adults at risk from harm Board Procedures
<http://hertsscb.proceduresonline.com/index.htm>

- 6.5 NHDC associated Policies and Procedures
 - Code of Conduct**
 - Confidential Reporting (Whistleblowing)**
 - Disclosure and Barring Service – Employment Checks**
 - Managing Misconduct**
 - Recruitment Advertising**
 - References**
 - Selection Methods in Recruitment**
 - Information Sharing Protocol**
- 6.9 NHDC Safeguarding Procedure
- 6.10 NHDC Managing Allegations procedure