

## SAFEGUARDING ADULTS AT RISK POLICY

Last reviewed and approved by Trustees: July 2022

Next due for review: April 2023

### Our Vision

We envisage an inclusive society where LGBTQ+ young people are healthy, successful and celebrated.

### Our Purpose

We support the wellbeing and creativity of LGBTQ+ young people in Cambridgeshire, Peterborough and surrounding areas through information, support and groups. We build inclusive communities to tackle inequalities through consultancy, training and education to all sectors.

### Our Values

Relevant – Our learning and development is continuous.

Engaging – We are warm and welcoming.

Accessible – We create inclusive communities and safe spaces.

Community Led – We are motivated by the voices of LGBTQ+ young people.

High Quality – Our support and guidance are of the highest quality.

Reviewed by:

Review date:

## INTRODUCTION

This policy establishes a framework for all colleagues, volunteers and trustees. It clarifies our expectations and seeks to ensure that we undertake our responsibilities with regard to the safeguarding and protection of all the young people we work with, and that we respond to concerns appropriately, effectively and promptly. This policy sets out the ways in which TKT performs our safeguarding duty in respect to adults, from the day of their 18<sup>th</sup> birthday onwards, who may be at risk of harm or abuse. For safeguarding policy related to children up until their 18<sup>th</sup> birthday, please refer to our [Safeguarding Children and Child Protection Policy](#).

We recognise the additional, unique needs of young LGBTQ+ people and embed effective practice throughout our work to ensure we are understanding and meeting all of their needs – protecting their safety at every level.

In addition, we work closely with our local safeguarding partners and are committed to ensuring effective information sharing and reporting and to ensure the voices of young LGBTQ+ people are heard, and that their needs met.

TKT understands the responsibility we have under the Charities Commission to have arrangements in place to safeguard and promote the welfare of its service users.

These responsibilities are more fully explained in “Safeguarding Standards and Guidance for the Voluntary and Community Sector: Working with children, young people and young adults, aged 0–25” 2017 Edition (England) NSPCC.

This policy explains our:

- Commitment to safeguarding adults at risk
- Responsibilities
- Safe recruitment procedures and supervision of staff and volunteers
- Safeguarding training requirements
- Responsibilities when delivering activities and services
- Reporting processes
- Approach to collaborative working.

If you are worried that an adult may be at risk of harm or abuse, it is your duty to raise your concerns using this policy and the operational procedures provided. In case of an emergency, you must ensure the safety of the person and follow reporting procedures.

## SUMMARY

The Kite Trust fully recognises the important role we play in safeguarding adults at risk – protecting them from harm is everyone’s responsibility at TKT, regardless of role. TKT ensures effective safeguarding measures are embedded throughout the organisation through safe recruitment, robust training and effective management and peer review.

TKT supports the aims of adult safeguarding as stated by the [Department of Health \(12/2016\) the care and support statutory guidance](#).

Safeguarding aims to:

- Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
- Stop abuse or neglect wherever possible
- Safeguard adults in a way that supports them in making choices and having control about how they want to live
- Promote an approach that concentrates on improving life for the adults concerned
- Raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- Provide information and support in accessible way to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or wellbeing of an adult
- Address what has caused the abuse or neglect.

TKT recognises that it has an important role to play in the safeguarding of adults from harm, abuse and neglect. This role includes the way in which TKT designs and delivers its services. In addition, it is recognised that TKT has a significant role to play in recognising and reporting potential harm or abuse happening to adults who may be at risk in the community.

All colleagues working with adults must be familiar with this policy and with the local area multi-agency policy and procedures.

## PURPOSE AND SCOPE

In this policy, we use the term “adult” to mean an individual over the age of 18 years old.

The term “colleagues” used within this policy is used to refer to all staff, Associate Trainers, sessional workers and volunteers.

TKT's policy is to make sure all adults the organisation has contact with, are safeguarded by the following:

- Maintaining clear policies and procedures for all colleagues
- Adopting safe recruitment practices for the onboarding of colleagues
- All colleagues being effectively and regularly supervised and all safeguarding concerns addressed as early as possible
- Adopting a proactive approach to safeguarding
- Colleagues receiving appropriate safeguarding training which is refreshed annually
- The reinforcement of training/knowledge checking through team meetings and supervisions
- Making sure colleagues have the skills experience, support and resources to carry out their role
- Creating a culture of safety, equality and protection
- Supporting effective information sharing
- Making sure events involving children are risk assessed and well supervised
- Ensuring compliance with the core principles of the general data protection regulations (GDPR)
- Reviewing our policies and procedures annually.

## THE LEGAL CONTEXT

TKT's role in safeguarding people who are potentially at risk of abuse or harm is set in the context of the implementation of the Care Act 2014 and 2015, and the Department of Health guidance known as "Care and Support Statutory Guidance."

The Care Act 2014 makes the "wellbeing principle" central to care and support. Section 42 of the Care Act also gives a specific role to the local authority: the local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this part or otherwise) and, if so, what by whom. This is a section 42 enquiry.

Other legislation such as the Human Rights Act 1998 and the Mental Capacity Act 2005 are also acknowledged as being important. Therefore, it is acknowledged that combined with the wellbeing principle, the principles of the Mental Capacity Act are the starting point for our approach:

1. There is a presumption of mental capacity of an individual
2. Individuals will be supported in their decision making
3. Individuals can make decision which may appear to be unwise; however, this does

not mean the person lacks capacity

4. If a person is in need of protection from harm or abuse, and they lack mental capacity, any protection plan will be carried out as part of a best interests approach
5. Any protection plan or intervention will be the least restrictive of a person's human rights and freedoms.

**The Mental Capacity Act** (section 44) creates a criminal act of ill treatment or wilful neglect, as such some allegations of abuse or harm may require investigation under this part of the legislation.

**The Criminal Justice and Court Act 2015** (section 20 and 21) creates two criminal offence of ill treatment or wilful neglect applying to care workers and to individual organisations.

**Sexual Offences Act 2003** creates a criminal offence by workers employed in a position of trust who engage a person with a mental disorder in sexual activity.

**Corporate Homicide Act 2007** creates a criminal offence if the way in which an organisation's activities are managed causes a person's death.

TKT does not initiate Section 42 enquiries. This is the role of the local authority. TKT does however have a duty to report safeguarding concerns to the local authority who will then consider the appropriate course of action and seek any necessary consents for the adult at risk.

As part of TKT's reporting to the local authority, information can be shared lawfully within the parameters of the Data Protection act 2018 and the General Data Protection Regulation (GDPR). However, it is good practice to try and gain a person's consent to share information and where it does not increase risk, colleagues should inform them of their intention to make a safeguarding report to the local authority.

The law does not prevent the sharing of sensitive or personal information within TKT or across supporting organisation whether there is safeguarding concerns and the sharing of information is justified.

The law also does not prevent the sharing of sensitive or personal information between organisations when the public interest outweighs the interest served by protection confidentiality – i.e. where a crime may be prevented.

Emergency or life-threatening situations may warrant the sharing of relevant personal information with emergency services without consent.

Colleagues would expect the local authority to adhere to their duty to include any adult at risk in a Section 42 Enquiry and if the local authority does not do so, or does not make reasonable adjustments (for the adult), then TKT colleagues should ensure appropriate advocacy is provided for the adult.

Where harm or abuse may have happened, or could potentially happen, TKT acknowledges that it has a role to raise the concerns under the local area multi-agency policy and procedures.

## **PRINCIPLES OF OUR APPROACH**

TKT fully supports the approach to safeguarding adults of “making safeguarding personal”, for example, ensuring safeguarding concerns are dealt with in a person-led way and are outcome focused for the person for whom concerns exist.

TKT adopts the Department of Health safeguarding adults’ principles of:

- Empowerment – presumption of person led decisions and informed consent
- Prevention – it is better to take action before harm occurs
- Proportionality – proportionate and least intrusive response proportionate to the risk presented
- Protection – support and representation for those in greatest need
- Partnership – local solutions through services working with their communities
- Accountability – accountability and transparency in delivery safeguarding

(Department of Health: statement of Government Policy on Safeguarding Adults 2013).

TKT’s policy is to design its services giving priority to prevention of abuse or harm, balanced with promotion the empowerment of the individual.

## **DEFINITIONS**

### **Adults at Risk**

TKT recognises and supports the terminology through the Care Act 2014, fully acknowledging that just because someone has a disability, it does not necessarily make them unable to protect themselves from risks related to harm or abuse. However, the issue of how their care and support needs affect their ability to protect themselves now or in the future is important.

The adult at risk and the ability to protect themselves from abuse or neglect is related to how able they are to make an exercise their own informed choices free from duress,

pressure or undue influence of any sort. It is acknowledged that risk can be associated with a positive benefit or outcome that enables a person to do something they chose to do. It is important to identify and recognise that the risk may appear unsafe or unwise but when managed it will achieve a desired outcome.

An adult at risk:

- a) has needs for care and support (whether or not the authority is meeting any of those needs).
- b) is experiencing, or at risk of, abuse or neglect.
- c) As a result of those needs is unable to protect themselves against the abuse, neglect or the risk of it.

TKT has a duty of care to its service users and cannot agree to keep secrets or fail to notify the local authority if concerns exist for a person, which may be related to abuse or neglect, or if we suspect that someone lacks mental capacity – concerns should always be raised.

A person with a disability who has the mental capacity to make decisions about their own lives could be perfectly able to make informed choices and protect themselves from harm.

### **What is abuse?**

For the purpose of this policy, the term abuse is defined as:

A violation of an individual's human and civil rights by any other person or persons.  
(Department of Health 2000)

Patterns of abuse and neglect may vary and may be serial, long term or opportunistic. They may consist of a single or repeated acts. Abuse or neglect may be carried out by anyone and can happen in any setting. Abuse can involve an intentional, reckless, deliberate or dishonest act by the perpetrator(s).

Definitions of the different types of abuse can be found in [our Safeguarding Adults at Risk Procedures](#) document.

### **RESPONSIBILITIES**

Safeguarding is everyone's responsibility at the Kite Trust. Protecting people and safeguarding is a governance priority. Our policy applies to all staff and volunteers working for The Kite Trust, including trustees. Trustees recognise this duty and take all reasonable steps to protect from harm those who come into contact with TKT.

The board has appointed two nominated trustees for safeguarding adults at risk, who work with the Designated Safeguarding Lead to ensure the effective management of safeguarding in the organisation including the implementation and review of robust policies and procedures.

The Designated Persons for safeguarding adults at risk at The Kite Trust are:

- Pip Gardner (Designated Safeguarding Lead)
- Sarah Bigler
- Katie Girling-Weeks
- Bethan Rees

## **TKT'S ROLE IN SAFEGUARDING ADULTS**

TKT acknowledges the role of the local authority under the care act as the organisation who in partnership with others will be the decision maker related to whether a situation meets the need for a Section 42 enquiry or whether other approaches are more appropriate.

TKT will:

- Promote services and social care practices that prevent abuse
- Promptly report any concerns or suspicions that an adult at risk is being or is at risk of being abused or neglected through the local multi-agency safeguarding adults policy and procedures
- Safeguard adults in a way that support them in making choices and having control about how they want to live
- Take action if appropriate to do so to protect the person from further harm e.g. by contacting emergency services
- As far as possible to acknowledge and respect the rights of the person causing harm if that person is also an adult at risk they have needs of their own, to raise that need with the local area social services department
- Ensure that colleagues are aware of TKT's policy and internal operational procedures which relate to Safeguarding Adults
- Ensure that TKT's policies link complaints, 'whistleblowing' and safeguarding
- Train colleagues and volunteers on how to recognise safeguarding adults situations. Ensuring colleagues know the process for reporting concerns and respond appropriate to situations where the risks appear to be high.
- Undertake enquiries in a variety of ways as agreed with the local authority (and report back outcomes) related to safeguarding adults for example, when directed by the multi-agency safeguarding strategy meeting in relation to situations covered by TKT's disciplinary process



- Support services users through an advocacy role when asked to do so in relation to safeguarding adults
- Seek to obtain consent to share information for the purpose of safeguarding disclosure.

### **Safeguarding Enquiries**

When requested by the local authority to undertake a section 42 enquiry, TKT must comply and notify the local authority of the outcomes of any enquiry it conducts by the submissions of a written report.

The objectives of a safeguarding enquiry are to:

- Establish the facts
- Ascertain the adults views and wishes
- Asses the needs of the adult for protection, support and redress and how they might be met
- Protect from the abuse and neglect, in accordance with the wishes of the adult
- Make decisions as to what follow-up should be taken with regard to the person or organisation responsible for the abuse or neglect
- Enable the adult to achieve resolution and recover
- Decide whether something should be done to help and protect the adult.

A safeguarding enquiry should be transparent, open-minded, timely, fair and effective and always involve the adult, starting with establishing the adult's views and wishes i.e. what outcome(s) do they want from the enquiry.

Who leads an enquiry and the nature of it will depend on the circumstances and will be decided by the Local Authority. Those involved must work together to improve the adult's well-being reflecting their wishes and taking the mental capacity assessment into consideration.

The action taken after an enquiry will again depend on the circumstances, but may be:

- Disciplinary, complaints or criminal investigation
- Work to improve care standards
- Focussed safeguarding planning
- Fuller assessment with health and social care agencies
- Protection plan.

### **PREVENTION**

We recognise that high self-esteem, confidence, supportive friends and good lines of communication with a trusted adult help to the young people we work with.

The Kite Trust will therefore:

- establish and maintain an environment where service users feel safe in both the real and the virtual world and are encouraged to talk and are listened to
- ensure service users know that there are staff at The Kite Trust whom they can approach if they are worried or in difficulty and their concerns will be taken seriously and acted upon as appropriate
- ensure one-to-ones, group work and residential opportunities equip service users with the skills they need to stay safe from abuse both in the real and the virtual world and provide them with information about who to turn to for help

## **SAFE RECRUITMENT & STAFFING**

TKT has a safe recruitment commitment that is embedded into all of our recruitment practices, including ensuring appropriate DBS and reference checks are undertaken.

The following members of staff have undertaken Safer Recruitment training:

- *Pip Gardner – Chief Executive*
- *Sarah Bigler – Programme Manager*
- *Bethan Rees – Programme Manager*

## **Supervision**

All colleagues will receive regular line management supervision – between every 4–6 weeks. Supervision sessions can be used to provide updates to colleagues who have reported safeguarding concerns and to check knowledge and assess training needs. It is also an opportunity to provide updates in relation to legislation and policy changes, together with ensuring internal procedures are understood.

At every supervision meeting, colleagues are required to make a self-declaration that nothing has changed in their personal circumstances that might call into question their suitability to work with children or adults at risk.

Any safeguarding concerns about adults at risk must be reported immediately and any disclosures should not wait until supervision.

## **Allegations of Abuse**

Any allegation of abuse made against a member of staff will be reported straight away to the Designated Safeguarding Lead. In cases where the Designated Safeguarding Lead is the subject of an allegation, it will be reported to the named Trustee.

The Kite Trust will consult with the Local Authority Named Senior Officer in the event of an allegation being made against a member of staff.

The Procedure for this can be found in the [Safeguarding Adults at Risk Procedures](#) document.

### **Staff Boundaries**

The Kite Trust will ensure that all staff and volunteers are aware of the need for maintaining appropriate and professional boundaries in their relationships with service users as advised within the Local Authority's Code of Conduct. As part of the Induction process, all staff will receive guidance about how to create appropriate professional boundaries (in both the real and virtual world).

The Kite Trust will ensure that communication between staff, volunteers and service users, by whatever method, are transparent and take place within clear and explicit professional boundaries and are open to scrutiny.

### **Training, Information Sharing and Personnel**

The depth of safeguarding adults at risk training that colleagues receive will depend on their role. All colleagues and volunteers, regardless of whether their role includes client-facing work, must be informed of the following as part of their staff induction:

- Where to find TKT's Safeguarding Adults at Risk Policy and Procedures. Any amendments to such policies and procedure will be sent out to all colleagues and discussed in supervision
- A summary of the different types of abuse and neglect, and the signs and indicators of abuse and neglect
- What to do if they are concerned that a adult is being harmed
- What to do if they are worried about the behaviour of a member of TKT staff or volunteer
- What to do if concerns raised are not listened to, the escalation process and Whistleblowing Policy.

TKT will ensure that all colleagues and volunteers receive this information as part of their initial role induction and before they begin delivering any services. All colleagues will sign the Code of Conduct and confirm that they have been made fully aware of, and understand

the contents of the Safeguarding Policies and Procedures.

All colleagues and volunteers working directly with adults at risk must attend in-depth training to a level suitable for their role within the first 3 months of starting their role. This training will be delivered by a provider approved by the Designated Safeguarding Lead.

Such training will cover:

- An in-depth look at the various types of abuse, their signs and symptoms
- Colleagues' responsibilities
- The organisational role and responsibilities
- The local safeguarding partners and associated local authority reporting processes.

This training must be refreshed every two years.

TKT's Designated Safeguarding Lead (DSL) is our Chief Executive – Pip Gardner. The DSL should have the appropriate status and authority within the organisation to carry out the duties of the post. They should be given the time, funding, training, resources and support to provide advice and support to other staff on safeguarding matters. They will have the required knowledge, skills and experience to undertake the lead role effectively and will undertake the required safeguarding lead training every two years. When they are absent, these responsibilities will be covered by another Designated Person from the Senior Leadership Team. Designated Persons should also have the required knowledge, skills and experience and have undertaken the required safeguarding lead training every two years to be able to deputise for the DSL.

Within the Board of Trustees there will always be a minimum of two nominated Trustees for Safeguarding and Child Protection. One of these trustees will be the chair.

Where there is any update in safeguarding legislation, the designated safeguarding lead will provide updates to trustees, staff and volunteers and will prepare reports for the board.

Further information on TKT's Safeguarding Personnel and Procedures can be found in the [Safeguarding Adults at Risk Procedures](#) document.

## **EVENTS AND ACTIVITIES**

All TKT colleagues when delivering events and services to adults are required to follow the organisation's code of conduct and other relevant organisational policies including the [Health & Safety Policy](#) and the [Youth Work Programme Policy](#).

The arrangements for safeguarding adults at risk as written in this policy shall apply to residential trips and out of group activities. Further guidance is outlined in the Youth Work Programme Policy section on Residential.

## **Online safety**

We recognise that the online world provides everyone with many opportunities, however it can also present risks and challenges and we have a duty to ensure that vulnerable people involved in our organisation are protected from potential harm online. People should be able to use the internet for support, education and personal development, but safeguards must be in place to ensure safety at all times. Staff working in frontline services and all colleagues in the marketing team will undertake safeguarding training every two years and ensure online safety is covered including how to identify; cyberbullying, emotional abuse, sexting (coercion), sexual abuse and sexual exploitation.

All colleagues and volunteers, regardless of whether or not their role includes working directly with vulnerable people must understand that we have a responsibility to:

- Help keep people safe online, whether or not they are using TKT's network and devices
- Ensure that images of our clients are used only after their written permission has been obtained, and only for the purpose for which consent has been given
- Work in partnership with carers and other agencies in helping people to be responsible in their approach to online safety
- Review and update the security of our information systems regularly.

## **SUPPORTING OUR SERVICE USERS**

We recognise the additional safeguarding concerns that LGBTQ+ young people face. LGBTQ+ young people face many risk factors through the discrimination and prejudice they face growing up. The Kite Trust may be one of the only stable, secure and predictable elements in the lives of service users at risk. Nevertheless, when accessing The Kite Trust's services their behaviour may be challenging and defiant or they may become withdrawn.

We recognise that we are here to support young people around their sexual orientation or gender identity and that we will, where appropriate, refer on to other local services for specialist support.

The Kite Trust's behaviour policy will support vulnerable service users within its services. All staff will agree on a consistent approach, which focuses on the behaviour of the service

user but does not damage their sense of self-worth. The Kite Trust will ensure that the service user knows that some behaviour is unacceptable, but they are valued and not to be blamed for any abuse which has occurred.

A list of Useful Contacts and Definitions can be found in our [Safeguarding Adults at Risk Procedures](#) document.