

BELGRAVE NEIGHBOURHOOD CO-OPERATIVE HOUSING ASSOCIATION SAFEGUARDING VULNERABLE ADULTS AND CHILDREN POLICY

Aims of the safeguarding vulnerable adults & children policy

As a Registered Provider landlord, BNCHA is expected to have appropriate arrangements in place to provide for the safeguarding of adults, children and young people. This is set out in the Children Act 1989, the Children Act 2004 (Children Acts), and the Care Act 2014 (including supporting guidance).

The aims of the safeguarding vulnerable adults & children policy are to ensure that the six principles set out in the Care Act 2014 are implemented:

- **Empowerment** – people being supported & encouraged to make their own decisions and informed consent
- **Prevention** – it is better to take action before harm occurs
- **Proportionality** – the least intrusive response appropriate to the risk presented
- **Protection** – support and representation for those in greatest need
- **Partnership** – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability** – accountability and transparency in delivering safeguarding

Delegated Authority

- 1 The co-op delegates the Senior Housing Lead (known in this policy as the Responsible Officer) to operate its safeguarding policy.
- 2 The Responsible Officer will discuss safeguarding cases with the Chief Executive Officer unless the case warrants that there should not be such dialogue.

- 3 The co-op delegates the Responsible Officer and the Chief Executive Officer to agree appropriate and, if necessary, emergency action to address safeguarding cases without the need to discuss issues with the committee.
- 4 The co-op delegates the Responsible Officer to engage with appropriate external authorities, such as Social Services or the Police, subject to consent issues discussed in this policy, where appropriate and required by legislation, regulation or best practice.
- 5 All members, staff, and contractors have a responsibility in respect of safeguarding to be aware of and report any potential signs of abuse.

Care Act responsibilities

- 6 The co-op houses a wide range of people some of whom may, at some point, be vulnerable to abuse or neglect. The Care Act places responsibilities on housing organisations that are specifically set up to cater to vulnerable adults and children, but there is a proportionate responsibility for all housing providers to detect and respond to issues of neglect and abuse.
- 7 The co-op has a duty to inform Social Services if there are any safeguarding concerns about any of their members, residents or children living with them.

Definitions

- 8 The Children Act 1989 defines a child as being anyone who has not yet reached their 18th birthday.
- 9 A vulnerable adult is a person aged 18 years or over who is or may be in need of community care services because of:
 - a physical disability
 - a physical or mental illness
 - a learning difficulty
 - a reduced physical or mental capacity due to older age
 - a dependency on alcohol, illegal drugs or medication.

- 10 A vulnerable adult may also be somebody who is or may be unable to take care of themselves, or unable to safeguard themselves against significant harm or exploitation. Whether or not a person is vulnerable in these cases will depend upon surrounding circumstances, environment and each case must be judged on its own merits.
- 11 Abuse is a violation of an individual's human and civil rights by any other person or persons. Friends, strangers, family members, and professional staff can all be guilty of abuse. Abuse can include physical, mental, sexual, financial, discriminatory abuse and neglect.

Mental capacity

- 12 The Mental Capacity Act 2005 applies to everybody who has dealings with people who may lack capacity, and particularly if they have a professional relationship with the person.
- 13 The co-op will comply with the requirements set out in the Mental Capacity Act 2005 and will consider the Act's five key principles during interactions with members and their families:
 - **a presumption of capacity** - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
 - **supporting individuals to make their own decisions** – a member must be given all practicable help before anyone treats them as not being able to make their own decisions
 - **unwise decisions** – just because a member makes what might be seen as an unwise decision, they should not be assumed to lack capacity to make that decision
 - **best interests** – an act done, or decision made under the Act for or on behalf of a member who lacks capacity must be done in their best interests
 - **least restrictive option** – anything done for or on behalf of a member who lacks capacity must consider whether it is possible to

decide or act in a way that would interfere less with the member's rights and freedoms of action, or whether there is a need to decide or act at all.

- 14 If there is doubt about a member's capacity, either because their behaviour causes concern about lack of capacity or because they have been diagnosed with an impairment or disturbance that affects the way their mind or brain works, the co-op may:
- refer the member to the co-op's mental health advisors;
 - seek advice from the co-op's mental health advisors, social services or other qualified professionals about how best to proceed in respect of any decisions that may need to be taken to safeguard the member or other members of the community;
 - seek to ensure that a mental capacity assessment is undertaken that will enable the co-op to determine what actions may be taken on behalf of the member;
 - take emergency action to safeguard the member or others where necessary and where it is considered that there is an immediate risk to the member's life or to someone else. Where emergency action is taken, the co-op will seek professional advice regarding the matter at the earliest possible occasion.

Making safeguarding personal and consent

- 15 Making Safeguarding Personal refers to the culture shift taking place in safeguarding practice to ensure that members who are being abused or neglected, or who may be at risk, are supported to make choices and, wherever possible, remain in control of decision-making. The emphasis is on empowering members, an aim that sits well within the co-op's culture, and finding the right balance between individual choice and control and safety.
- 16 Empowering people means respecting their rights. A member may want to move to get away from an abuser or an abusive situation. If possible, this should be facilitated. However, the member may not want to move and they should never be forced to do so to avoid abuse. The member may fear less security of tenure and moving from adapted or suitable accommodation may reduce their independence. In addition, the member would face the disruption of moving and may lose essential

support and ties within the community. Disabled people should never be placed in residential institutions as a solution to domestic abuse unless they expressly want this.

- 17 Making Safeguarding Personal also requires that consent is sought of the member where it is considered that they should be referred to an outside agency. Similarly the consent of a family member of a co-op member be sought if there is a need to refer a family member. The co-op should not rely on the consent of another family member, unless there is a clear reason to do so.
- 18 Sharing information without consent may be justified, if, for example:
 - there is deemed to be an immediate risk to life
 - where a mental capacity assessment has determined that the member lacks the mental capacity to make that decision, and sharing the information is judged to be in their best interests – this must be properly explored and recorded in accordance with the Mental Capacity Act.
 - other people are, or may be, at risk, including children.
 - sharing the information could prevent a crime.
 - a serious crime has been committed.
 - the member has the mental capacity to make that decision but they may be under duress or being coerced.
 - the risk is unreasonably high and meets the criteria for a multi-agency risk assessment conference referral.
 - a court order or other legal authority has requested the information.
- 19 If a decision is made to share information with external partners without consent, the member will still usually be informed. Any risk to the member in doing so will be considered. Advice can be sought from the local authority or police in the first instance without disclosing any personal details.
- 20 If a decision is made not to refer a member due to the lack of consent, a letter will be sent confirming this to the member.
- 21 Obtaining consent will not be required in respect of any children where it is considered that there is a risk of abuse.

Detecting abuse

- 22 Many people can have a part to play in detecting and reporting abuse including:
- the co-op's staff, particularly those that engage with co-op members and their families
 - the co-op's contractors working in the homes of co-op members and their families
 - the co-op membership generally.
- 23 The co-op will ensure that its staff receive training and information about signs of potential abuse and what to do if they detect any signs of potential abuse.
- 24 Staff and committee members who engage with co-op members should ensure that they are aware of the co-op's associated procedures for managing safeguarding cases.
- 25 The co-op will produce simple information sheets about detecting signs of potential abuse and what to do about reporting any potential signs. These information sheets will be given to all contractors working in co-op members' homes and will be circulated to the co-op membership. The information sheet will also be included as part of the tenant member handbook.
- 26 Contact details regarding who to report safeguarding issues will be made available to staff, contractors and tenants.

What is abuse and how it can be detected

- 27 Abuse comes in all shapes and sizes and its often hidden from view. It can therefore be difficult to detect. Abuse can be carried out by anyone, but its usually by someone that the victim knows and trusts. It could be a family member, a partner, a relative or a carer.
- 28 Appendix one of this policy lists a broader set of potential signs of abuse, but simple signs that may be particularly relevant in a housing setting that someone might need safeguarding support include things like:

- **hoarding** – a member’s home is full of clutter and they find it difficult or impossible to throw things away
- **poor living conditions** – a member’s home might not be clean or safe
- **a greater need for support than usual** – a member may not be coping as well on their own as they used to
- **a change in a member’s mood** – the member does not seem to be their usual self. They may seem angry, upset or quieter than normal.
- **self-neglect** – a member may have lost interest in their appearance and personal hygiene, or they are not eating or taking medication
- **signs of physical harm** – a member may have cuts and bruises.
- **being harassed** – a member may be receiving unwanted behaviour which makes them feel scared, offended or humiliated.

29 Abuse against adults or children may also be domestic abuse or related to domestic abuse. The co-op has a comprehensive Domestic Abuse policy that sets out how it will manage cases of domestic abuse.

30 Similarly, a case of abuse may include elements of anti-social behaviour, harassment and/or racial harassment. The co-op has a comprehensive Anti-Social Behaviour and Harassment Policy and a Racial Harassment Policy which set out how the co-op will manage such issues.

Signs of potential child abuse

31 The National Society for the Prevention of Cruelty to Children (NSPCC) identify that “the signs of child abuse aren’t always obvious, and a child might not feel able to tell anyone what’s happening to them. Sometimes, children don’t even realise that what’s happening to them is abuse”.

32 The NSPCC list a series of potential types of child abuse, including bullying and cyberbullying, domestic abuse, emotional abuse, neglect, online abuse, physical abuse and sexual abuse. Signs of child abuse may depend on the type of abuse they are suffering, but some common signs that there may be something concerning happening in a child’s life:

- unexplained changes in behaviour or personality
- becoming withdrawn
- seeming anxious
- becoming uncharacteristically aggressive
- lacking social skills and having few friends, if any
- poor bond or relationship with a parent
- knowledge of adult issues inappropriate for their age
- running away or going missing
- always choosing to wear clothes which cover their body.

33 The NSPCC point out that these signs don't necessarily mean that a child is being abused – there could be other things happening in their life which are affecting their behaviour.

34 There may also be some concerning behaviour from adults who have children in their care, which could lead to concerns for the child's safety and wellbeing.

35 The NSPCC have a dedicated helpline for worried adults and professionals that need support and guidance – 0800 136663 or by email at help@nspcc.org.uk

36 Further information on child abuse is available at www.nspcc.org.uk

Reporting abuse

37 Subject to issues of consent discussed above, the co-op has a duty to:

- report reports of abuse or neglect to vulnerable adults or children through appropriate agencies and channels – in the first instance to Social Services and, where appropriate, to the Police
- document and record any discussions or actions carried out following reports of abuse or neglect
- fully co-operate with any agencies involved with cases of alleged abuse or neglect

- work with other agencies to Investigate any alleged breach of tenancy agreement and take action through policies and procedures where appropriate.
- 38 The co-op will ensure that those entering homes on its behalf who may see evidence of abuse or neglect, report any concerns they have to the Responsible Officer, who will ensure that, subject to consent issues, the co-op reports matters to the appropriate agency such as Social Services. The Responsible Officer will also ensure that the co-op works in partnership with Leicester City Council, their Safeguarding Officer and their partners to support their safeguarding strategies.
- 39 It may be the case that a staff member or someone else involved with the co-op may consider that a safeguarding issue may need to be raised, but they are instructed not to raise it. The co-op has a Whistleblowing Policy that staff and others may refer to if they consider that there is a need to raise a safeguarding concern against the wishes of co-op committee members or more senior staff.

Checks on personnel

- 40 The co-op will ensure that all people who have regular contact with vulnerable adults and/or children on behalf of the co-op:
- are subject to employment checks and Disclosure and Barring Service (DBS) checks, where appropriate. It is an offence for the co-op to use someone, paid or unpaid, in a regulated activity when that person is known to have been barred by the ISA.
 - are trained in the implications and processes involved with the safeguarding of vulnerable adults and children, and in how to identify signs of abuse and neglect
 - protect themselves from allegations of abuse, or situations that could be misunderstood, by maintaining strong professional boundaries.
- 41 The co-op will carry out an immediate investigation if any of its committee members or staff are alleged to have carried out abuse or neglect relating to a vulnerable adult or child.

Data sharing

- 42 The co-op will comply with the General Data Protection Regulations if it receives a report of neglect or abuse relating to a vulnerable adult or child, only sharing information if:
- the co-op is required by law to do so - either for the prevention or detection of crime or the apprehension or prosecution of offenders
 - there is an information sharing protocol, contract or confidentiality agreement in place
 - the person who gave the information is happy for it to be shared
 - not sharing the information would place a child or adult at increased risk of significant harm; would prejudice the prevention, detection or prosecution of a serious crime; or would lead to unjustified delay in making enquiries about allegations of significant harm or serious harm.

Photos and film

- 43 The co-op will seek written consent from parents, guardians or carers before publicly using photographic material that includes vulnerable adults or children. They should also get verbal consent from the child or vulnerable adult if they can communicate verbally.
- 44 Photographic material will not contain personal information about them that could identify their whereabouts. Children and vulnerable adults will never be portrayed in a demeaning or tasteless way.

Modern Slavery

- 45 Modern Slavery is about a person being exploited and controlled by someone else, without them having the option to leave. Types of such exploitation include:
- forced labour
 - human trafficking
 - forced and early marriage
 - domestic servitude
 - sex trafficking
 - forced child labour.
- 46 The co-op produces an annual modern slavery and human trafficking statement as required by the Modern Slavery Act 2015, which is published on our website and details what actions we are taking to address any concerns in relation to modern slavery and human trafficking.
- 47 The co-op will particularly take any appropriate action to ensure that modern slavery and human trafficking are not taking place in our business or supply chains. The co-op requires that new contractors, suppliers and consultants understand their responsibilities under the Modern Slavery Act 2015.
- 48 The co-op will also seek to ensure that in implementing this Safeguarding Policy that staff and others engaging with our members are aware of any potential signs that may indicate modern slavery and human trafficking.

Prevent

- 49 Prevent is the name given to part of the Government's strategy to prevent terrorism by reducing the possibility of radicalisation. The Prevent strategy aims to prevent people from supporting terrorism or becoming terrorists themselves. Focus of the strategy is in three areas:
- respond to the ideological threat of terrorism and extremism
 - provide practical help to prevent people from being drawn into terrorism

- work with a range of sectors where there is a risk of radicalisation – eg. Education, charities, faith groups and criminal justice.

50 Potential signs of radicalisation include:

- an increase in extreme views relating to a social sector or Government policy
- the downloading, viewing and sharing of extremist propaganda
- an individual becoming withdrawn and increasingly intolerant of modern views
- a change in appearance or behaviour, with an individual becoming more isolated
- the expression of a desire or intent to support or take part in terrorist activity.

51 BNCHA will comply with its duty to prevent by informing the Police or others if it is concerned that a BNCHA member or one of their family members is exhibiting signs of radicalisation.

Monitoring safeguarding cases

52 The committee will be presented with numbers and types of safeguarding cases at its monthly meetings.

Potential risks to be avoided

- The co-op does not take timely and appropriate action in relation to a vulnerable adult or child
- The co-op assumes that its community orientated nature means that it does not have a duty to report abuse or neglect to the appropriate authorities
- The co-op does not ensure that appropriate checks on its personnel are carried out or it circulates data or photographic material inappropriately
- The co-op does not properly make safeguarding personal or seek consent from subjects of safeguarding cases

Appendix One – signs and symptoms of abuse

Abuse may take many forms and may include criminal activity. It may take the form of physical abuse, neglect and acts of omission, psychological and emotional abuse, sexual

abuse, financial and material abuse, organisational abuse, self-neglect, modern slavery, domestic abuse, discriminatory abuse, sexual exploitation. It may involve any combination of these.

Possible Indicators of Physical Abuse

- Multiple bruising
- Fractures
- Burns
- Bed sores
- Fear
- Depression
- Unexplained weight loss
- Assault (can be intentional or reckless)

Possible Indicators of Neglect and Acts of Omission

- Malnutrition
- Untreated medical problems
- Bed sores
- Confusion
- Over-sedation
- Deprivation of meals may constitute “wilful neglect”

Possible Indicators of Psychological and Emotional Abuse

- Fear
- Depression
- Confusion
- Loss of sleep
- Unexpected or unexplained change in behaviour
- Deprivation of liberty could be false imprisonment. Aggressive shouting causing fear of violence in a public place may be an offence against Public Order Act 1986, or harassment under the Protection from Harassment Act 1997

Possible Indicators of Sexual Abuse

- Loss of sleep
- Unexpected or unexplained change in behaviour
- Bruising
- Soreness around the genitals
- Torn, stained or bloody underwear
- A preoccupation with anything sexual
- Sexually transmitted diseases
- Pregnancy
- Rape – e.g. a male member of staff having sex with a Mental Health client (see Mental Health Act 1983)
- Indecent Assault

Possible Indicators of Financial and Material Abuse

- Unexplained withdrawals from the bank

- Unusual activity in the bank accounts
- Unpaid bills
- Unexplained shortage of money
- Reluctance on the part of the person with responsibility for the funds to provide basic food and clothes etc.
- Fraud
- Theft

Possible Indicators of Organisational Abuse

- Inflexible and non-negotiable systems and routines
- Lack of consideration of dietary requirements
- Name calling; inappropriate ways of addressing people
- Lack of adequate physical care – an unkempt appearance

Possible Indicators of Self-Neglect

This includes various behaviours; disregarding one's personal hygiene, health or surroundings resulting in a risk that impact on the adult's wellbeing, this could consist of behaviours such as hoarding.

Possible indicators of Modern Slavery

Modern Slavery is an international crime, it can include victims that have been brought from overseas, and vulnerable people in the UK. Slave Masters and Traffickers will deceive, coerce and force adults into a life of abuse, callous treatment and slavery.

Possible indicators of Domestic Abuse

Covered in the co-op's Domestic Abuse Policy

Possible indicators of Discriminatory Abuse

Abuse can be experienced as harassment, insults or similar actions due to race, religion, gender, gender identity, age, disability, sexual orientation.

Possible indicators of Sexual Exploitation

Sexual exploitation is a subset of sexual abuse. It involves exploitative situations and relationships where people receive 'something' (e.g. accommodation, alcohol, affection, money) as a result of them performing, or others performing on them, sexual activities.