

Safeguarding Vulnerable Adults Policy & Procedures

Purpose

Joymac Care is committed to safeguarding and promoting the welfare of Service User. This policy sets out Joymac Care's commitment to the principals of effective safeguarding.

To meet the legal requirements of the regulated activities that Joymac Care is registered to provide:

- The Criminal Justice and Courts Act 2015 section 20-25
- Public Interest Disclosure Act 1998
- The Care Act 2014
- Care Quality Commission (Registration) Regulations 2009
- Equality Act 2010
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015
- Human Rights Act 1998
- Mental Capacity Act 2005
- Protection of Freedoms Act 2012 (links to) The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012
- Safeguarding Vulnerable Groups Act 2006

Scope

The following may be affected by this policy:

- All staff
- All Service users
- Stakeholders i.e Family, Advocates, Representatives, Commissioners, External health professionals, Local Authority, NHS

Objectives

The policy and procedures are designed to equip staff in understanding their role and responsibilities, such as:

Recognizing risks and safeguarding concerns

Acting on those risks and concerns

Playing a part in preventing incidents

Policy

Joymac Care's aim is to effectively promote and support the well-being of Service Users. In doing this, it is paramount to prevent harm and report concerns of abuse and neglect appropriately. Joymac Care Ltd is committed to achieving these aims through this safeguarding policy and

procedure.

Joymac Care will ensure that Service Users are safeguarded from abuse in all forms. This duty to safeguard adults applies to Service Users who:

- Have needs for care and support
- Are experiencing, or at risk of abuse, and
- As a result of those care and support needs are unable to protect themselves from either the risk of, or the experience of abuse

Abuse is a violation of an individual's human and civil rights by any other person or persons

Introduction

This policy sets out to prevent and reduce the risk of significant harm to adults from abuse or other types of exploitation, whilst supporting individuals to maintain control over their lives and to make informed choices without coercion.

At Joymac, we believe that safeguarding is everybody's business and we all must play a part in preventing; identifying and reporting neglect and abuse.

The six safeguarding principles (Empowerment, Protection, Prevention, Proportionality, Partnership and Accountability) underpin all safeguarding practice, including information-sharing.

The principles of safeguarding underpin all the Joymac Care policies related to recruitment, communication, data and records, direct delivery of care and support, management and governance.

Abuse is a violation of an individual's human and civil rights by any other person or persons.

- Types of abuse are described in the statutory guidance accompanying the Care Act 2014 as:
 - Physical abuse;
 - Domestic violence;
 - Sexual abuse;
 - Psychological abuse;
 - Financial or material abuse;
 - Modern slavery;
 - Discriminatory abuse;
 - Institutional abuse;
 - Neglect and acts of omission;
 - Self-neglect.

Duty of care

- Joymac Care ensures that Service Users are safeguarded from physical, financial, material, psychological, racial, medication or sexual abuse, neglect, discriminatory abuse or self-harm, and inhuman or degrading treatment. We do this by ensuring that our employees and representatives are provided with training and information in how to recognise and guard against abuse in all its forms and how to act if they suspect individuals may be at risk.
- All new employees are subject to Disclosure and Barring Service checks prior to commencing work with vulnerable service users. Basic information on safeguarding is issued to all staff and representatives on commencement of employment. This includes how to report concerns and identify the responsible individuals for managing safeguarding within the company. This is followed by comprehensive safeguarding awareness training as part
- of staff induction.

Information sharing

- The Care Act 2014 s45 'supply of information' duty covers the responsibilities of others to comply with requests for information from the Safeguarding Adults Board. Sharing information as part of day-to-day safeguarding practice is already covered in the common-law duty of confidentiality, the Data Protection Act, the Human Rights Act and the Crime and Disorder Act. The Mental Capacity Act is also relevant as all those coming into contact with adults with care and support needs should be able to assess whether someone has the mental capacity to make a decision concerning risk, safety or sharing information.
- We may need to share safeguarding information with the right people at the right time to:
 - Prevent death or serious harm;
 - Coordinate effective and efficient responses;
 - Enable early interventions to prevent the escalation of risk;
 - Prevent abuse and harm that may increase the need for care and support;
 - Maintain and improve good practice in adult safeguarding;
 - Reveal patterns of abuse that were previously undetected and that could identify others at risk of abuse;
 - Identify low-level concerns that may reveal people at risk of abuse;
 - Help people to access the right kind of support to reduce risk and promote wellbeing;
 - Help identify people who may pose a risk to others and, where possible, work to reduce offending behaviour;
 - Reduce organisational risk and protect reputation.

Six Safeguarding Principles

- The following safeguarding principles have been agreed by the Government within the Care Act 2014 as a foundation to achieving good outcomes for patients:
 - Principle 1 – Empowerment - presumption of person led decisions and consent;
 - Principle 2 – Protection - support and representation for those in greatest need;
 - Principle 3 – Prevention - prevention of neglect, harm and abuse is a primary objective;
 - Principle 4 – Proportionality - proportionate and least intrusive response to the risk presented;
 - Principle 5 – Partnerships - local solutions through services working with their communities;
 - Principle 6 – Accountability - accountability and transparency in delivering safeguarding.

Joymac will promote the well-being of its Service Users and provide a safe and supportive environment for all upholding their human rights. It will ensure this through active Care Planning that involves and informs the Service User and their family and carers. Joymac Care's Care Planning process will include the ongoing management of risk.

Procedure

Organisation with Lead Responsibility

The local Safeguarding Adults Team has the lead responsibility for Safeguarding. Their contact details are:

-Social Care Services, Civic Centre. High Street. Uxbridge. Middlesex. UB8 1UW

They will take the lead and be responsible for managing the process by:

- Establishing the facts of the case (through enquiry if necessary)
- Identify those that need to be involved and
- Coordinate the response

Joymac Care Ltd's Safeguarding Lead

The Safeguarding Lead for Joymac Care Ltd is the Registered Manager (their contact details are listed below) their role is to:

- Lead for safeguarding and Mental Capacity Act matters including acting as the main contact with the Local Authority Safeguarding Team and the Care Quality Commission
- Monitor the recording of information on incident forms and address training needs from this
- Effectively disseminate relevant information updates and training on Safeguarding and the Mental Capacity Act
- Ensure Service User are involved in their safeguarding through effective, individualised Care Planning

Registered Manager: Mr Emmanuel Mbianda

Email: info@joymaccare.co.uk

Staff Responsibility

- To contribute to preventing abuse and neglect by reporting potential risk
- To be vigilant to the signs of abuse and the procedure on how to act on them
- To keep current with any training or information required to be undertaken
- Understand the principles of confidentiality and information sharing

Prevention: Providing Information to Support Service User

- Joymac Care Ltd will support Service User by providing relevant, easy to understand information on what abuse is and what signs to look out for. This will include Service User rights and how to get help and support if they need it through the Care Planning process
- Identify risks early and act to remove them

Referral of a Possible Safeguarding Incident

-The first priority should always be to ensure the safety and protection of vulnerable adults. Joymac Care Ltd ensures that Service User are removed from any immediate harm and if medical attention is required, this must be sought immediately

Report

-Staff should report suspicion or evidence of abuse to their Registered Manager, who in turn will refer to the Adult Social Care Safeguarding Adults Team.

If staff suspect or have evidence the Registered Manager is involved in abuse, or if there is an obvious failure by management to respond appropriately to suspicion or evidence of abuse, they should report directly to the Safeguarding Adults Team.

It is the responsibility of everyone involved with Joymac Care to act on suspicion or evidence of abuse or neglect and refer to the local Safeguarding Adults Team (staff must report firstly to the Registered Manager or their appointed second unless there is reason they cannot).

If after referral to the Safeguarding Adults Team, you do not feel the concerns have been adequately addressed, you may wish to report to the Care Quality Commission.

Consult with the Police

-If a criminal offence is suspected the police should be notified immediately as well as Care Quality Commission

-Notification of the Police may be made by the referring individual/provider or by the local Adult Social Care Area Team

-To prevent any possibility of failure to alert the police at the proper time the person/agency making the referral should check whether or not the police have been informed and do so if they have not

-Criminal investigation by the police takes priority over all other enquiries; however, police investigations may proceed alongside those dealing with health and social care issues.

Inform Relevant Inspectorate

-By regulatory law Joymac Care must notify the Care Quality Commission without delay, incidents of abuse and allegations of abuse, as well as any incident which is reported to or investigated by the police.

- Joymac Care must notify the CQC about abuse or alleged abuse involving a person(s) using the service, whether the person(s) are the victim(s), the abuser(s), or both.

- Joymac Care must also alert the relevant local safeguarding authority when notification is made to the CQC about abuse or alleged abuse.

-The forms are available on the CQC website.

Enquiry

-The local authority will coordinate an enquiry to establish the facts and let Joymac Care Ltd know how to proceed.

-In some cases, there may be several agencies involved.

-Where agreement cannot be reached as to agencies roles within an enquiry or where difficulties are experienced, the Adult Social Care Team should be contacted to provide further clarity.

Involving the Service User Concerned Throughout the Process

- The process of the enquiry should be explained to the Service User in a way they will understand and their consent to proceed with the enquiry obtained if possible
- Arrangements should be made to have a relative, friend or independent advocate present if the person so desires. The relative, friend or independent advocate should not be a person suspected of being in any way involved or implicated in the abuse
- A review of a Service User's Care Plan should be undertaken to ensure individualised support following the incident
- The individual should be supported by Joymac Care to take part in the safeguarding process to the extent to which they wish, or are able to do having regard to their decisions and opinions, and kept informed of progress.

Contact Advocacy Services

-The local authority must arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review where the adult has 'substantial difficulty' in being involved in contributing to the process and where there is no other appropriate adult to assist. Joymac Care Ltd uses the Advocacy Policy and Procedure, and the Complaints section of the Service User's Handbook for further information about advocacy contacts, and how to involve advocates.

Investigation

-Agencies other than the Police may need to conduct civil investigations into incidents of alleged abuse.

Case Conference

- Following the investigation or at any time during the process, a case conference with all relevant agencies may be called to make decisions about future action to address the needs of the individual
- Any agency involved in the case may ask for a case conference to be held but the final decision to hold a conference is with the Adult Social Care Safeguarding Adults Team Manager

Confidentiality

- Reporting incidences of alleged abuse or neglect may involve disclosing confidential personal information.
- The Data Protection Act makes important requirements about how information about individuals is stored 'processed' and shared, appropriate measure must be taken by the service to protect personal data
- Notifications about individuals must not include their name or other details that a third party could use to identify them. Advice is to use codes instead of names, even where codes are used, they should not easily identify an individual such as room number or date of birth. A record of agreed codes should be established and kept secure, should the CQC require more information regarding an incident

-The Care Act 2014 requires information to be shared with Safeguarding Adults Boards where they request it from any individual or organization.

Feedback

-The accepted good practice concerning recording, minuting and circulation will be observed and the case conference chair must ensure that feedback is given to the referring organisation and family as appropriate.

In the Event of Allegations of Misconduct by Staff

-The misconduct policy will be followed. Allegations of misconduct from any source will be taken seriously by Joymac Care and must be immediately reported to the Registered Manager for further enquiry

-Where appropriate the matter will be reported to the necessary authority; this may be/include the Safeguarding Adults Team in their role as lead organisation for safeguarding

Disclosure and Barring Service Referral

-There is a statutory requirement for Joymac Care to refer workers to the DBS for inclusion on the DBS Vetting and Barring scheme list if they consider that the person is guilty of misconduct such that a vulnerable adult was harmed or placed at risk of harm. This requirement covers both existing employees and those who leave their employment, and whose conduct comes to light at a later date. Please see the DBS/Disclosure Policy for further protocol regarding initial employment and referral.

Prevention: Staff Training

-Induction and refresher training will ensure the cover of Safeguarding

-Familiarisation training on the Whistleblowing Policy and Procedure with care to appropriately convey the intent of the Criminal Justice and Courts Act 2015 Section 20-25 relating to ill-treatment or wilful neglect

- Joymac Care Managers will ensure that they have a clear understanding of the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014 and during induction training, all employees will complete the "Understanding Abuse" workbook, and have an opportunity to read the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014

-Allegations of abuse will be dealt with according to the procedures set out in the chapter on Safeguarding in the Care and Support Statutory Guidance issued under the Care Act 2014

-Staff receive training on the Mental Capacity Act 2005

-The Service Users' Finances Policy and Procedure will be made available to all employees during induction

-All Service Users will receive a copy of the Service Users Handbook

-Refer to Joymac Care's Complaints Policy and Procedure, Whistle-blowing Policy and Procedure and for detailed procedures if allegations of abuse are made.

Definitions

1. Enquiry

-An enquiry is any action that is taken (or instigated) by a local authority, under Section 42 of the Care Act 2014, in response to indications of abuse or neglect in relation to an adult with care and support needs who is at risk and is unable to protect themselves because of those needs

-An enquiry can also refer to similar action but not undertaken under section 42. It should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by whom

2. Care and Support Needs

-According to the Care Act 2014; an older person, a person with a physical disability, a learning difficulty or a sensory impairment. Someone with mental health needs, including dementia or a personality disorder, a person with a long-term health condition, someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living

3. Safeguarding

-Safeguarding means protecting some adults right to live in safety, without suffering abuse and or neglect. It is multiagency in approach to prevent and stop both the risks and experience of abuse or neglect, whilst supporting the adult's well-being including their views, wishes, feelings and beliefs on the action to be taken where possible

4. Investigation

-Investigation is a process that focuses on gathering good evidence that can be used as a basis for the decision whether or not abuse has occurred. It must be a rigorous process and the evidence must be capable of withstanding scrutiny, as it may later be required for formal proceedings

5. Referral

-Referral is when you pass information of a possible safeguarding incident on to another people for their direction. In the case of this policy, from the provider to the Adult Social Care Team. Sometimes this may be referred to as 'reporting'

6. Well-being

-The Care Act 2014 defines Well Being as:

Well-being, in relation to an individual, means that individuals well-being so far as relating to any of the following:

(a) personal dignity (including treatment of the individual with respect)

(b) physical and mental health and emotional well-being

(c) protection from abuse and neglect

(d) control by the individual over day-to-day life (including over care and support, or support, provided to

the individual and the way in which it is provided)

(e) participation in work, education, training or recreation

- (f) social and economic well-being
 - (g) domestic, family and personal relationships
 - (h) suitability of living accommodation
- the individual's contribution to society

7. Multiagency

-More than one agency coming together to work for a common purpose. This could include partners of the Local authority such as:

**NHS
England
CCGs
NHS trusts and NHS
foundation trusts Department
for Work and Pensions The
police
Prisons
Probation services**

And/or other agencies such as:

**General
practitioners
Dentists
Pharmacists
NHS hospitals
Housing, health and care providers**

8. Protected Characteristic

-Under the Equalities Act 2010 the protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, and sex

9. Abuse and Neglect

-The Safeguarding Care and Support Statutory guidance provides an extensive explanation of the different types of Abuse and Neglect and can be found here <https://www.gov.uk/guidance/care-and-support-statutory-guidance/safeguarding>

- Ill treatment or willful neglect: has been captured within Section 20-25 of the Criminal Justice and Courts Act 2015 as a criminal offence. Both relate to deliberate or reckless motivation by providers and individual care workers and are not intended to target genuine mistakes. More information can be found <http://www.legislation.gov.uk/ukpga/2015/2/notes/contents> This goes wider than the legislation for people who lack capacity found in section 44 of the Mental Health Act 2005

Forms

The following forms are included as part of this policy:

Safeguarding Incident Log

Form A
Date:
Service User name:
Name of Reporting person:
Name of the person alleging abuse:

Explanation of the conversation with Social Services:
Outcome:
Name of the Person spoken to:
Police Informed (YES / NO):
Printed name of person completing this form:
Signature of person completing this form:
Position:

Safeguarding Incident Log – Form B

Service User name:	
Name of person investigating incident/completing this form:	
Name of person reporting incident (if not Service User):	
Service User location/room reference (if applicable):	
Time and date of incident:	

Precise location of incident:	
Details of incident (include description of incident, as well as the names of any individuals who may have been involved. Remember to take care not to lead the Service User):	

Use additional sheets if necessary

Name of witness(es):

Details of any injuries/was medical attention required?:

What decision has been reached as a result of investigating the incident?

Use additional sheets if necessary

What immediate action was taken?

What lessons have been learned from this incident and investigation?

Were any outside agencies contacted? If so, who?

Use additional sheets if necessary

Registered Manager recommendations, including Care Plan changes:

What actions will be taken to prevent further incidents?:

Signature:

Print Name:

Title:

Date:

**Reported to
Management
Meeting by:**

Date:

One copy of this form to be held in the Service User's personal file, one copy in the Safeguarding Incident file

