

## **Safeguarding Adults Policy and Procedure**

### **1. Introduction**

FosterTalk is an independent, not-for-profit organisation providing high quality professional advice support and information to foster carers and their families throughout the UK. FosterTalk also offers independent support to foster carers facing difficult situations, such as allegations and complaints through the Foster Carers Independent Support Service (FISS) and has delivered Fosterline England, a free helpline and interactive website for foster carers and prospective foster carers on behalf of the Department for Education since 2013.

While FosterTalk provides a confidential service to foster carers throughout the UK, all staff and foster carers have a duty and a responsibility to promote and safeguard the welfare of children and adults and must take appropriate action if they become aware of any disclosures, allegations or concerns about inappropriate behaviour towards vulnerable people by others.

### **2. FosterTalk's Safeguarding Adults Policy**

This policy applies to all staff, including senior managers and the board of directors, self-employed contractors, volunteers and anyone working on behalf of FosterTalk Ltd. The purpose of this policy is:

- to prevent and reduce the risk of harm to adults from abuse or other types of exploitation, while supporting individuals in maintaining control over their lives and in making informed choices without coercion, and
- to provide staff, and those working on behalf of Foster Talk with the over-arching principles which guide our procedures to safeguarding adults
- FosterTalk's Adult Safeguarding Policy is drafted in accordance with the multi-agency policy and procedures for the protection of adults in the West Midlands, within which area FosterTalk is located.

#### **2.1 Principles:**

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of an individual. This is sometimes referred to as "The Wellbeing Principle" because it is a guiding principle that puts wellbeing at the heart of care and support.

FosterTalk's Safeguarding Adults policy incorporates the wellbeing principle together with the six principles of safeguarding adults as set out in the Statement of Government Policy on Adult Safeguarding (DoH, May 2013), as follows:

- Empowerment – people being supported and encouraged to make their own decisions with 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 communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability - accountability and transparency in delivering safeguarding

## **2.2 Lead Responsibility:**

Alan J Wood, Managing Director, has lead responsibility for safeguarding arrangements at FosterTalk Ltd

## **2.3 Legal Framework**

- The Care Act 2014
- Mental Capacity Act 2005
- Human Rights Act 1998
- Safeguarding Vulnerable Groups Act 2006

## **3. Definitions.**

This section provides commonly and nationally used definitions and should be used to guide all adult safeguarding work across all partner agencies and individuals.

### **3.1 Adult(s) with care and support needs.**

The adult safeguarding duties under the Care Act 2014 apply to an adult, aged 18 or over, who:

- **has** needs for care and support (whether or not the local authority is meeting any of those needs) and;
- **is** experiencing, or at risk of, abuse or neglect; and
- **as a** result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Care and support is the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers. Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.

### **3.2 Wellbeing.**

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person. This is sometimes referred to as “the wellbeing principle” because it is a guiding principle that puts wellbeing at the heart of care and support.

### **3.3 Abuse or neglect**

Defining abuse or neglect is complex and rests on many factors. The term “abuse” can be subject to wide interpretation. It may be physical, verbal or psychological, it may be an act of neglect, or occur where a person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot consent.

Patterns of abuse vary and include:

- serial abusing in which the perpetrator seeks out and ‘grooms’ individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse;
- long-term abuse in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse; or
- opportunistic abuse such as theft occurring because money or jewellery has been left lying around.

Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns it is important that information is recorded and appropriately shared.

Abuse or neglect may be the result of deliberate intent, negligence or ignorance. Exploitation can be a common theme in the experience of abuse or neglect. Whilst it is acknowledged that abuse or neglect can take different forms, the Care Act guidance identifies the following types of abuse or neglect:

Defining abuse is complex and rests on many factors. The term “abuse” can be subject to wide interpretation. However, abuse is often defined as: the violation of an individual’s human and civil rights by any other person or persons

Abuse may be physical, verbal or psychological, it may be an act of neglect, or occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot consent.

Whilst it is acknowledged that abuse can take different forms, a consensus view is that it can be determined in the following ways:

- Physical abuse - including hitting, slapping, pushing, kicking, misuse of medical/chemical restraint or inappropriate sanctions

- Domestic Violence – includes physical, psychological, sexual, financial, emotional and so called “honour” based violence, including female genital mutilation and forced marriage.
- Sexual abuse - including rape and sexual assault or sexual acts to which the person has not or could not consent and/or was pressured in to consenting.
- Psychological abuse - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, verbal or racial abuse, isolation or withdrawal of services or supportive networks.
- Financial or material abuse - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- Neglect and acts of omission - including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- Discriminatory abuse – including racist, sexist, that based on a person’s disability, and other forms of harassment, slurs or similar treatment.
- Organisational abuse - repeated instances of poor care of individuals or groups of individuals through neglect or poor professional practice as a result of structures, policies, processes and practices within an organisation.
- Self-neglect –covers a wide range of behaviour, neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding. Self-neglect it is also defined as the inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of the individual and sometimes to their community.
- Modern Slavery – this encompasses slavery, human trafficking, forced and compulsory labour and domestic servitude.

#### **4. FosterTalk Safeguarding Adults Procedure:**

##### **4.1 Recognising and responding to adults at risk**

Abuse can take place anywhere and in any relationship. It may occur when in a person’s own home, whether living alone or with others. It may occur in a work setting, educational establishment or in the community. A person may be at risk from a relative or family member or a risk to themselves if their situation appears hopeless to them.

Any intervention will therefore need to be determined by the environment or the context, in which the alleged abuse or perceived risk has occurred, and the wishes and feelings

of the person concerned. Assessment of the environment or context is relevant as it may be important for the person concerned to be interviewed away from the sphere of influence of the alleged abuser or the setting in order to be able to make a free choice as to how they wish to proceed.

#### **4.2 Consent:**

It is always essential in adult safeguarding to consider whether the adult is capable of giving informed consent in all aspects of their life. All adults have the right to choice and control in their own lives. As a general principle, no action should be taken for, or on behalf of, an adult without obtaining their consent.

**REMEMBER-** unless it is not safe or will increase the risk to the adult, it is always best practice to speak to the adult involved at as early a stage as possible to get their views and wishes on the concerns. This should help to guide what next steps should be taken and whether the concern should be reported as an adult safeguarding concern or should be dealt with by another means.

#### **4.3 Safeguarding Log:**

FosterTalk will maintain a log of all concerns raised with them under this procedure, together with a record of the discussion that took place and decisions made. If a Safeguarding referral is made, contact details of the local authority adult services team, fostering service provider or other organisation to whom the referral was made and the action taken by them will be recorded.

#### **4.4 How do you decide if a concern should be reported?**

The possibility of abuse can come to light in various ways, for example:

- an active disclosure of abuse by the adult themselves
- a passive disclosure of abuse where someone's attention is drawn to the symptoms of the abuse
- an allegation of abuse by a third party
- a complaint or concern raised by an adult or a third party who doesn't perceive that it is abuse
- A suspicion or disclosure that a person is feeling suicidal or may self-harm
- a growing awareness that "something is not right"

If you have any concerns about the welfare of an adult or a child, or a child or an adult makes an allegation of abuse to you, you must share these with your line manager at FosterTalk immediately. Your line manager will decide, in discussion with you and the designated lead for safeguarding, whether the criteria for a safeguarding referral are met. In an emergency or out of hours you should not wait to contact FosterTalk line managers but should contact the local authority emergency duty team and/or appropriate emergency service.

If abuse by a FosterTalk employee or a person working with a child or their family is alleged or suspected, the same procedure should be followed. The FosterTalk whistleblowing policy and complaints procedure may also apply.

#### **4.5 Transitions (Care Leavers)**

Where someone is over 18 but still receiving children's services such as being in a Staying Put arrangement, and a safeguarding concern is raised, this should be dealt with through adult safeguarding procedures. Where appropriate, this should involve the local authority's children's safeguarding colleagues as well as any relevant partners (e.g. police or NHS) or other persons relevant to the case. This also applies where someone is moving to a different local authority area after receiving a transition assessment but before moving to adult social care.

#### **4.6 Historical Abuse**

Where someone reports or discloses historical abuse whether as a child or as an adult, this should be treated exactly as any other report of abuse and reported immediately to your line manager. FosterTalk will report historical abuse in accordance with Worcestershire Safeguarding Policy and Procedures. (see link at end of policy)

### **5. Good Practice Guide – Responding to Disclosures**

Remember, it may have taken a great amount of courage for the person to tell you that something has happened or that they are at risk, and fear of not being believed can cause people not to tell.

- Accept what the person is saying – do not question the person or get them to justify what they are saying – reassure the person that you take what they have said seriously
- Don't 'interview' the person; just listen calmly to what they are saying. If the person wants to give you lots of information, let them. Try to remember what the person is saying in their own words so that you can record it accurately later
- You can ask questions to establish the basic facts, but try to avoid asking the same questions more than once, or asking the person to repeat what they have said- this can make them feel they are not being believed
- Don't promise the person that you'll keep what they tell you confidential. Explain that you will need to tell another person but you'll only tell people who need to know so that they can help
- **Immediately report your concerns to your line manager at FosterTalk who will discuss and agree next steps with you.**

### **6. Good Practice Guide – Recording**

It is vital that a written record of any incident or allegation of abuse is made as soon as possible after the information is obtained. Written records must reflect as accurately as possible what was said and done by the people involved in the incident or concern.

The report will need to include:

- when the disclosure was made, or when you were told about/witnessed this incident/s, became concerned
- who was involved, any other witnesses including other service-users or staff,
- exactly what happened or what you were told, in the person's own words wherever possible, keeping it factual and not interpreting what you saw or were told
- any other relevant information, e.g. previous incidents that have caused you concern

Remember to:

- include as much detail as possible
- make sure the written report is legible if handwritten, but preferably made on a word document to enable electronic transmission as necessary
- make sure you have printed your name on the report and that it is signed and dated
- ensure the record is forwarded to the line manager at FosterTalk who will retain the information on the secure database.

## **7. Reporting Concerns - Procedure**

**7.1** All concerns about the safety or wellbeing of anyone should be reported immediately to your line manager at FosterTalk who will discuss and agree next steps with you.

**7.2** If your concern or disclosure is raised out of hours and constitutes an immediate risk to an adult you should not wait to inform your line manager but inform the local authority/ emergency duty team and or appropriate emergency services

**7.3** If your concern or disclosure does not constitute an immediate risk to an adult then report your concerns as soon as possible next working day

**7.4** The line Manager at FosterTalk will discuss your concerns with the person with lead responsibility for safeguarding arrangements who will consider whether this meets the criteria for a safeguarding referral to the local authority.

**7.5** If the matter is considered to be a safeguarding issue, the line manager will request a written report from the worker who has reported the concerns, and inform that worker of the action to be taken. The concerns, discussion and agreed action will be recorded into the FosterTalk safeguarding log by the line manager.

**7.6** The line manager at FosterTalk will discuss the appropriate actions and by whom. This will be confirmed in writing and recorded.

**7.7** Any decisions to report the concern/allegation to the relevant fostering service and adult safeguarding team within 24 hours of the issue being raised by the worker. The initial verbal referral to Adult Social care must be followed up in writing within 24 hours. A record will be made of the name and designation of the person to whom FosterTalk passes on the information of concern (referral) and confirmation of any actions taken requested in writing and recorded on the safeguarding log.

**7.8** If no acknowledgement of the referral is received within 3 days, the line manager will refer the matter to the relevant Adult Safeguarding Board in *whose area the person at risk lives*

**7.9** The line Manager will update the safeguarding log with action being taken and advise the FosterTalk worker of any further action or input required from them.

**See also**

**Appendix 1: Dealing with Safeguarding Concerns – flowchart**

**Appendix 2: Safeguarding and Data Protection**

## **8. Allegations or concerns about employees**

FosterTalk has clear policies in line with West Midlands Adult Safeguarding Policy and Procedures for dealing with allegations or concerns about people who work with adults at risk (persons in a position of trust). Any or all such allegations or concerns will be reported to the Adult Safeguarding Board for Worcestershire within whose jurisdiction FosterTalk Ltd is located.

## **9. Whistleblowing**

FosterTalk also has a Whistleblowing Policy, which reflects the principles in Sir Robert Francis’s Freedom to Speak Up Review, under which staff can raise concerns about the behavior of workers or managers, without fear of redress.  
(<https://freedomtospeakup.org.uk>)

Anyone employed or deployed by FosterTalk, including self- employed workers who has concerns about a colleague should report these immediately to Melody Douglas, Managing Director, for the appropriate action to be taken.

## **10. Referral to the Disclosure and Barring Service (DBS)**

If FosterTalk removes an individual from post, (paid worker or unpaid volunteer) due to concerns about their behaviour, or would have done so if the individual had still been employed, FosterTalk will make a referral to the Disclosure and Barring Service.

## **11. Safer Recruitment**

FosterTalk operates Safe Recruitment practices in relation to staff and the deployment of self-employed workers. All staff and self-employed workers are subject to enhanced Disclosure and Barring Service checks, are subject to application, CV, interview and 2 referees, who are contacted directly for verbal confirmation of their reference.

In addition FosterTalk

- Provides regular supervision and support of all staff, including safeguarding training
- Ensures that staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and adults, and creating an environment where staff feel able to raise concerns and feel supported in their role, and
- Undertakes a mandatory induction process for all staff, which includes safeguarding procedures, whistleblowing procedures, and the procedures to be followed if anyone has concerns about a service user or child Ensures that staff have regular reviews of their practice and development, and that their training needs are met

## **12. Review of Safeguarding Policy and Procedure**

FosterTalk is committed to reviewing policy annually. This Policy was reviewed in August 2018.

### **References:**

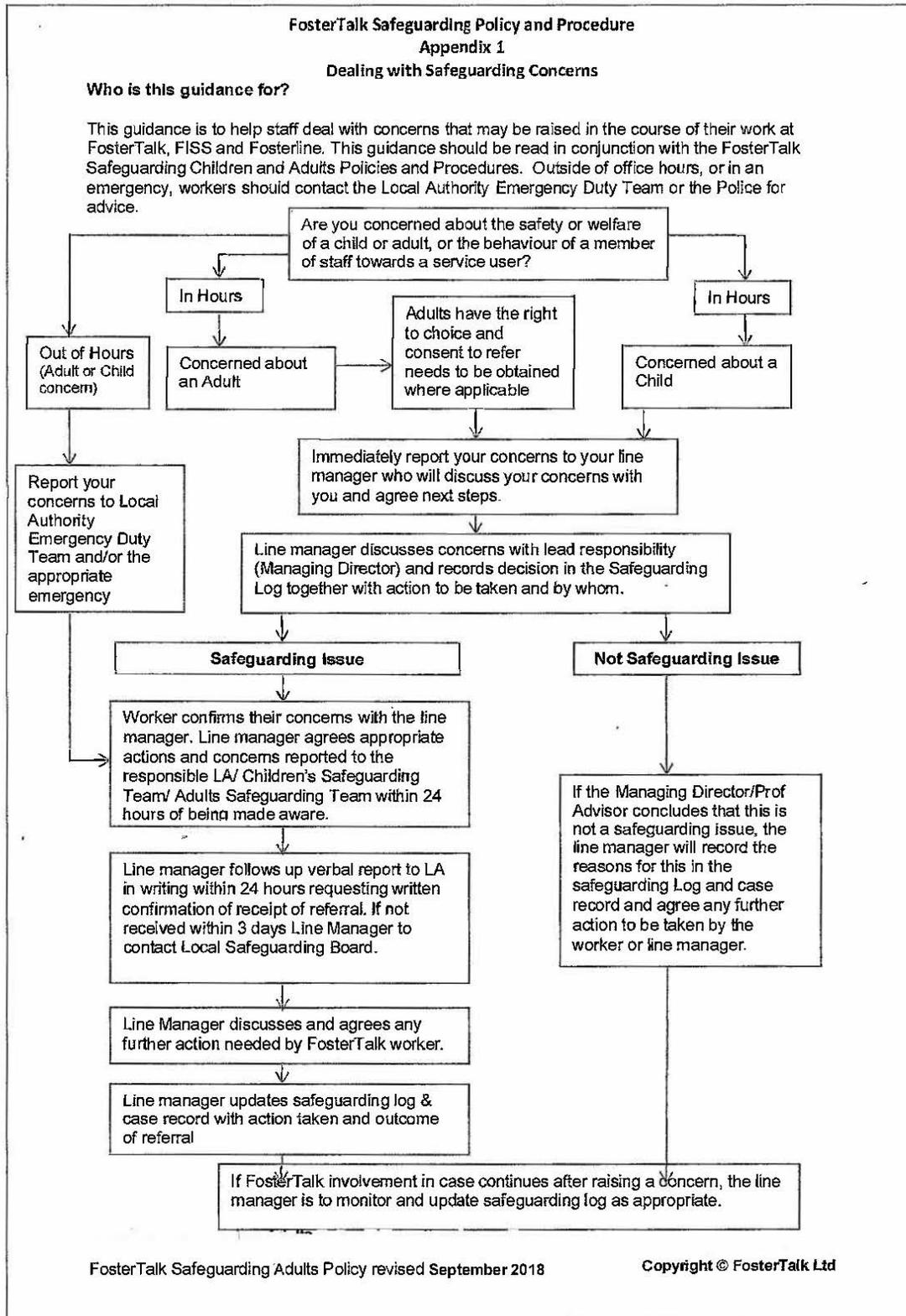
West Midlands Adults Safeguarding Policy and Procedures

[http://www.worcestershire.gov.uk/downloads/file/5646/west\\_midlands\\_adult\\_safeguarding\\_policy\\_and\\_procedures](http://www.worcestershire.gov.uk/downloads/file/5646/west_midlands_adult_safeguarding_policy_and_procedures)

Freedom to Speak Up: Department of Health (Sir Robert Francis, 2014)  
(<https://freedomtospeakup.org.uk>)

The Care Act 2014 <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

# Appendix 1



## APPENDIX 2

### Safeguarding and the GDPR/ Data Protection Act 2018

**The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.**

To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information **without consent**
- information **can be shared legally without consent** , if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well -being.

### The seven golden rules to sharing information

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk.

You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.

5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.

6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).

7. Keep a record of your decision and the reasons for it –whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

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[Information sharing: advice for practitioners providing safeguarding services to children, young people, parents and carers \(PDF\).](#)