

Policy Name	Module
Safeguarding	Safeguarding

Procedure & Guidance

Please read this procedure alongside the accompanying Safeguarding Adults at Risk Policy for details on different types of abuse and how to recognise this in daily practice.

Safeguarding Procedures for ALL Employees

Responding to a Safeguarding Concern

All staff have a duty to report all safeguarding concerns and will be fully supported by Baobab Social Care Ltd when doing so. Staff are reminded that failure to report concerns identified or witnessed, will necessitate disciplinary action.

It is also very important that Staff are always alert to possible signs of abuse or neglect, whilst not jumping to any conclusions.

The Registered Manager and/or the Designated Safeguarding Lead within Baobab Social Care Ltd must be informed of any concerns, issues or incidents regarding any Service User. Both the Registered Manager and the Designated Safeguarding Lead has a responsibility to promote the safety and welfare of all those supported by the organisation at all times.

The Registered Manager / Designated Safeguarding Lead will co-ordinate a response to any concerns or incidents that may have occurred with any Service User. This will include notifying the relevant agencies to facilitate early, better quality information sharing, analysis and decision-making, to safeguarding adults at risk more effectively.

Following a report of evident abuse, allegation or disclosure, the Registered Manager or Designated Safeguarding Lead should first take into account:

- ✓ The individual's wishes and preferred outcome;
- ✓ Whether the individual has the mental capacity to make an informed decision about their own and others safety;
- ✓ The safety and wellbeing of others, including children and others with care and support needs;
- ✓ Whether there is a person in a position of trust involved i.e. employees;
- ✓ Whether a crime has been committed.

All Staff should bear in mind the following principles at all times:

- ✓ The welfare of the adult at risk is paramount;
- ✓ The organisations policy and procedure, local authority guidance and multi-agency working practices must be followed at all times;
- ✓ Where possible, the cooperation of the family/representatives should be obtained unless there is a risk to the person supported in taking this course of action;
- ✓ All records must state the facts, written in black ink, dated and signed by the responsible staff member completing the documents. All completed safeguarding incident logs and relevant documentation must be completed and received by the Designated Safeguarding Lead and Registered Manager within Baobab Social Care Ltd on the same day of a concern or incident. All documentation must be stored securely and in line with data protection legislation.

Recording Safeguarding Concerns

Staff must factually complete the Safeguarding Incident Log as soon as possible after the concern or incident (on the same day). Information within the Safeguarding Incident Log must reflect exactly what the Service User has told the staff member (in the persons own words) or what the staff member had observed.

All Staff are accountable for their actions or omissions. Those completing the Safeguarding Incident Log must include the date, time, place and observations or behaviour and statements. Staff must include what they did and why, to demonstrate transparent, defensible decision making.

If Staff fail to record accurately, or if they write down their interpretation of the Service User account (as opposed to a factual account), this may lead to inadmissible or unusable evidence should the information be required for court processes.

Those staff members raising a concern or allegation must not contact any individual about whom an allegation or concern is being raised. This could be putting the person making the allegations in serious danger, for example, where domestic violence is taking place. It could also prejudice an investigation.

If the Registered Manager or Designated Safeguarding Lead decides that a referral to the Local Authority for Safeguarding Adults (or Children) agencies is not warranted, this decision must be recorded by the Registered Manager / Designated Safeguarding Lead as a 'Decision not to make a referral' (with evidence to support decision making). The Registered Manager / Designated Safeguarding Lead must be sure to include the reasons why this decision was reached.

All records about safeguarding concerns are to be kept confidential and in a location where the alleged abuser will not have access to the record. Access should not be given to any unauthorised person for accessing confidential information including the sharing of passwords.

Making a Referral

Every Local Authority in the country has to have Multi-Agency Safeguarding Arrangements in partnership with the Police and Health Services. Contact details for each county Safeguarding Arrangements, can be found within each county's website.

Referrals must be made on the same day where harm or risk of harm has been identified. If concerns arise out of office hours, referrals must be made to the local authority out of hour's service.

The Registered Manager or Designated Safeguarding Lead will usually lead on decision-making. Where such support is unavailable, consultation with another senior member of staff will take place.

Staff must also take action without the immediate authority of the Registered Manager or Designated Safeguarding Lead if:

- ✓ Discussion with the Registered Manager/Designated Safeguarding Lead would involve delay in an apparently high-risk situation;
- ✓ The staff member has raised concerns with the Registered Manager/Designated Safeguarding Lead and they have not taken appropriate action (whistleblowing).

If the Service User consents to safeguarding procedures and a referral, Staff must follow the local Safeguarding Adults Board (SAB) procedures.

The Registered Manager or Designated Safeguarding Lead must take action on the same working day that the concerns were noted and consent obtained.

If the Service User does not consent to contacting other agencies, and has the mental capacity to make that decision, the Registered Manager or Designated Safeguarding Lead must provide information and advice to the Service User. This must include a summary of the concerns and advice of other services that the Service User may choose to access.

If a Service User at risk of abuse is perceived to lack the mental capacity to make the decision regarding a referral, the Registered Manager and Designated Safeguarding Lead must consider what is in the Service User's best interests.

A referral without consent must be made in cases where:

- ✓ there is an emergency or life-threatening situation;
- ✓ other people are, or may be, at risk – including children;
- ✓ sharing the information could prevent a serious crime;
- ✓ a serious crime has been committed.

If a referral has been made, but the Service User at risk is reluctant to continue with an investigation, Baobab Social Care Ltd must record this and bring it to the attention of the local Safeguarding Adult Board. This will enable a discussion on how best to support and protect the adult at risk. However, a professional case discussion will still need to take place and must be recorded appropriately.

If a serious crime has been committed, the Registered Manager or Designated Safeguarding Lead must also contact the police following the local SAB procedures. This must happen on the same working day the concern was noted.

Adult social care services do not have a statutory obligation to respond within a specified timeframe. Local response timeframe targets may operate; these are available on the individual local authority Safeguarding Adult Board website. Responses may include:

- ✓ no further action;
- ✓ an enquiry under Section 42 of the Care Act

Where the circumstances are deemed not to trigger the Section 42 safeguarding duty, the local authority may choose to carry out proportionate safeguarding enquiries in order to promote the adult's wellbeing, and to support preventative action. This could include signposting.

If no response has been received within 72 hours, Baobab Social Care Ltd must contact the local authority adult's social care again and, if necessary, ask to speak to a line manager to establish progress.

If the local authority's response is inadequate, or doesn't sufficiently address the risk of abuse, Baobab Social Care Ltd must then review the details on the same day and make a decision to take action regarding any escalation required.

(The Care Act 2014 (Section 42) requires that each local authority must make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom).

The Care Quality Commission (CQC)

CQC must be notified by Baobab Social Care Ltd of any abuse or allegations of abuse concerning a person using the service, where any of the following apply:

- ✓ The person is affected by abuse;
- ✓ They are affected by alleged abuse;
- ✓ The person is an abuser;
- ✓ They are an alleged abuser.

Baobab Social Care Ltd must notify the relevant local safeguarding authority when notification is made to CQC about abuse or alleged abuse.

Notification forms are provided via CQC's website at: <https://www.cqc.org.uk/guidance-providers/notifications/allegations-abuse-safeguarding-notification-form>

If concern is received via the whistleblowing procedure, Baobab Social Care Ltd must notify the relevant local safeguarding authorities and the Care Quality Commission (CQC).

The Police

Staff must call 999 if a child or adult is at immediate risk of harm. If Staff know (has evidence) that a child or adult is in danger, the Police must be contacted.

All Staff notifying the police must inform the Registered Manager/Designated Safeguarding Lead or On-Call immediately after contacting emergency services. Accurate records must be taken using the Safeguarding Incident Form and any other relevant documentation.

Strategy Meeting/ Case Conference

Following an investigation or at any time during the process, a case conference with relevant agencies may be called to make decisions about future actions to address the needs of the person.

Any agency involved in the case may ask for a case conference to be held, but final decision to hold a conference is with the Local Safeguarding Teams.

Baobab Social Care Ltd must ensure that it attends this meeting when invited and that all relevant information about the incident is available. A timeline of events is a useful document to prepare in complex cases.

Concerns may arise from situation(s) such as the following:

- ✓ Any child or adult's welfare and/or wellbeing;
- ✓ Any colleague or the practice of any colleague;
- ✓ Any other persons' working with the individual child or adult;
- ✓ Any other person who has contact with the child or adult;
- ✓ Any other concerns.

Responding to a Safeguarding Concern - Immediate Risk of Harm

- ✓ Where a staff member believes a Service User is in immediate risk of harm or abuse, and/or a criminal offence is taking place, they must take immediate steps to protect that person by calling 999.

- ✓ The staff member must then contact the Registered Manager or Designated Safeguarding Lead to inform them of what has happened and take advice on the next steps.
- ✓ If an emergency arises outside of Baobab Social Care Ltd usual working hours (evening and weekends), Staff must inform the person in charge for providing out-of-hours support On-Call. On-Call must then inform the Registered Manager.
- ✓ Staff must then record the safeguarding incident within the Safeguarding Incident Log as soon as possible. If there is any barrier to being able to do this, Staff must discuss this with the Registered Manager / Designated Safeguarding Lead on the same day, to agree who will make the record.

Responding to a Safeguarding Concern - No Immediate Risk of Harm

- ✓ Staff must consult with the Registered Manager or Designated Safeguarding Lead as soon as possible on the same working day of the safeguarding concern.
- ✓ If the concern arises outside of Baobab Social Care Ltd usual working hours (evening and weekends), Staff must inform the person in charge for providing out-of-hours support On-Call. On-Call must then inform the Registered Manager.
- ✓ Staff must then record the safeguarding concern within the Safeguarding Incident Log as soon as possible. If there is any barrier to being able to do this, Staff must discuss this with the Registered Manager / Designated Safeguarding Lead on the same day, to agree who will make the record.

Concerns Raised by Relatives or General Public

Relatives of Service Users, other professionals or members of public may also raise their safeguarding concerns with Baobab Social Care Ltd. This may be for a number of reasons, including allegations against the organisation's Staff.

Baobab Social Care Ltd encourages all individuals to raise their concerns or complaints via its formal complaints procedure. However, they may also wish to telephone the organisation to raise their concern.

Where any concern is received via telephone, Baobab Social Care Ltd Staff must:

- ✓ Listen to the concern and take the concern seriously;
- ✓ As soon as possible during the call, Staff are to advise the caller that their concern will be passed on to the Registered Manager and Designated Safeguarding Lead for the organisation.
- ✓ Take the caller's contact details and ensure this information is received by the Registered Manager and Designated Safeguarding Lead.

Responding to Allegations & Disclosures

It is extremely important for Staff to understand the differences between an allegation and a disclosure.

A 'disclosure' is usually used within the context of responding from a position of belief. Therefore, a disclosure has "sufficient factual content and specificity."

In contrast, an allegation is a claim that someone has committed a crime or perpetrated wrongdoing, though the person making the claim has not submitted any proof of the assertion.

For the avoidance of doubt, in both cases Staff must take allegations and disclosures very seriously, and reported to the Registered Manager and Designated Safeguarding Lead without delay.

The procedures for dealing with allegations need to be applied with common sense and judgement. However, Staff are to never make their own assumptions or judgements as to what may be the truth or not regarding any disclosure or allegation.

Some allegations may be so serious they require immediate intervention by the Local Child or Adult Safeguarding Authorities and/or the Police as appropriate to the circumstances.

These definitions should be used when determining the outcome of allegation investigations:

- ✓ **Substantiated:** There is sufficient evidence to prove the allegation;
- ✓ **Malicious:** There is sufficient evidence to disprove the allegation or a deliberate act to deceive;
- ✓ **False:** There is sufficient evidence to disprove the allegation;
- ✓ **Unsubstantiated:** There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- ✓ **Unfounded:** For cases where there is no evidence or proper basis which supports the allegation made.

Action in Respect of Unfounded or Malicious Allegations

If an allegation is determined to be unfounded or malicious, the Investigating Manager / Designated Safeguarding Lead must consider if any further action is required to include:

- ✓ If the safeguarding allegation was made by a Service User then there is a need to consider if a referral to relevant social services is required to determine if that person is in need of services, or may have been abused by someone else.
- ✓ If the safeguarding allegation was deliberately invented or raised maliciously by a Service User then this could be discussed with the police and advice sought.
- ✓ Whether disciplinary action is required; If the person making the malicious or unfounded allegation is a member of staff.
- ✓ The support needs of the person that was the subject of the safeguarding allegation.

Managing Allegations Against Baobab Social Care Ltd Staff

Any allegation made against Staff, that might indicate that a Staff member poses a risk of harm if they were to continue to work in regular or close contact with children and adults at risk in their present position, or in any capacity, will be immediately reported to Local Authorities.

In all cases, the Police must be contacted if any illegal activity is suspected or if it is an emergency. This includes historical allegations, as well as allegations against a former colleague.

Consideration must be given to whether the member of Staff should be suspended pending investigation of the allegation. Depending on the severity of the allegation and safety of Service Users and fellow colleagues, dismissal without notice will also be considered.

In accordance with the disciplinary procedure, a full and thorough investigation should be undertaken as soon as possible which must not interfere with any investigations carried out by third parties.

Baobab Social Care Ltd have the legal duty to refer workers to the DBS for inclusion on the DBS Vetting and Barring scheme list if it is considered that the worker where the criteria for making a DBS referral is met.

Baobab Social Care Ltd will follow Government guidance on Making Barring Referral to the DBS found here: <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

Allegations Against People who are Relatives or Friends

There is a clear difference between unintentional harm caused inadvertently by a relative or friend and a deliberate act of either harm or omission. In which case, the same principles and responsibilities for reporting to the policy apply.

In cases where unintentional harm has occurred, this may be due to lack of knowledge or due to the fact that the relative's own physical and mental health needs make them unable to care adequately for the adult at risk. The relative may also be an adult at risk within the same home or other setting.

In these situations, the aim is to protect Service Users from harm, work to support the relative to provide support and help make changes in their behaviour in order to decrease the risk of further harm to they may be caring for.

A Carer's assessment will take into account a number of factors and a referral to the Local Authorities to either Adult or Child Social Services will be made as part of the safeguarding process.

In all cases, the Police must be contacted if any illegal activity is suspected or if it is an emergency.

What to do if an individual makes an allegation or a disclosure

It is often difficult to believe that abuse or neglect can occur. Staff must remember, it may have taken a great amount of courage for the person to report that something has happened and fear of not being believed can cause people not to tell.

The following explains what to do if child or adult makes a disclosure indicating that significant harm has taken place, or s/he is at risk of harm:

- ✓ Listen and take seriously what the person says and never express disbelief;
- ✓ Be calm and reassuring and do not make assumptions;
- ✓ Try to speak with the individual in a private and quiet space;
- ✓ Do not make any suggestions about what has taken place, or how it came about, or question the person except to clarify what they are saying. Never ask any leading questions;
- ✓ Allow the person time to express themselves, but do not press for detail beyond what is minimally necessary to be clear that some form of abuse has taken place;
- ✓ Avoid making judgements about what is being said, but reassure the person that they are not responsible for what may have happened;
- ✓ Do not ask the person to repeat what has been said to anyone else before referring to the Designated Safeguarding Lead / Registered Manager;
- ✓ Do not promise to keep information secret. Inform the person of your duty to share information, explaining what information will be shared and to whom;
- ✓ Reassure the individual that the allegation/disclosure is being taken seriously, that they will be involved in decisions about what happens next (wherever possible);
- ✓ Write down what has been said, using the person's exact words and what was said in response. Be factual, sign and date the report and send to the Designated Safeguarding Lead or Registered Manager without delay;
- ✓ Continue to maintain a full record of subsequent events thereafter;

- ✓ All relevant information is to be recorded on the Safeguarding incident log which is stored in the Office. All information recorded must be factual, accurate, legible and completed as soon as possible.

Staff **MUST NOT** at any time:

- ✓ Directly challenge the person accused of harm or abuse.
- ✓ Be dismissive of the concern or ignore the allegation or disclosure.
- ✓ Promise to keep abuse a secret, as this may conflict with the need to ensure the safety and welfare of the person.
- ✓ Pass comment or opinion when a person discloses an allegation of abuse.
- ✓ Undertake their own investigation, which could harm evidence or alert the perpetrator.
- ✓ Disturb or destroy potential evidence.
- ✓ Make assumptions.
- ✓ Panic.

It is very important for Staff to understand that it is not their responsibility to decide whether abuse has taken place or not, even if they were the staff member to witness or have allegations disclosed to them. This task is for competent and professional adult or child protection agencies, following a referral from the Designated Safeguarding Lead or Registered Manager.

It is essential that when an allegation is made, all Staff involved make every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

This is particularly important because an allegation can have a range of outcomes and:

- ✓ Gossip and/or assumption about the allegation(s) can (and will) compromise the process; and
- ✓ All Staff have a duty to safeguard the welfare of colleagues.

Staff are reminded that any such inappropriate comments or discussions will be taken extremely seriously in the event of an allegation.

Desired Outcomes Identified by the Service User

Baobab Social Care Ltd are committed to the Principles of 'Making Safeguarding Personal' and aims to ensure that safeguarding is always person-led and focused on the outcomes that the Service User wants to achieve.

The organisation will engage the Service User in conversations about how best to respond to their safeguarding situation in a timely way that enhances involvement, choice and control, as well as improving quality of life, wellbeing and safety.

The desired outcome by the Service User at risk must be clarified and confirmed at the end of the conversation(s), to:

- ✓ Ensure the outcome is achievable;
- ✓ Manage any expectations that the person at risk may have;
- ✓ Give focus to the enquiry;
- ✓ Support realistic outcomes, but must not restrict or unduly influence the outcome that the person would like. Outcomes must make a difference to risk and, at the same time, satisfy the person's desire for justice and enhance their wellbeing;
- ✓ Consider that the person's wishes, needs and desired outcomes may change throughout the course of the enquiry process.

There must be an ongoing dialog and conversations with the person to ensure that their views and wishes are gained as the process continues and enquires re-planned if the person changes their views. The Service User will be informed of the outcome of any investigation, but guidance will be sought from the Local Adult Safeguarding Authorities, before any outcome is shared.

The process of any enquiry must be explained to the Service User and in a way that they will understand, and their consent, if possible.

Arrangements will be made to have a relative, representative of independent advocate present wherever the Service User's wishes. The relative, representative or independent advocate must not be an individual suspected of being in any way involved or implicated in the abuse.

A review of the person's person-centred care and support plan must be undertaken to ensure Individualised care and support following an incident.

The Service User will take part in the safeguarding process to the extent to which they wish, or are able to, having regard for their decisions and opinions. They must be kept informed of the progress.

Good Practice in Preserving Evidence

The priority of the person supported when abuse is suspected or has taken place must always be first and foremost.

Under no circumstances can a staff member take photographs of a Service User as a way of preserving evidence in the event of suspected, alleged, disclosed or witnessed.

Evidence is important to support any investigation or enquiry into abuse or harm undertaken by those with authority, such as the Police.

- ✓ Where possible Staff should leave things as and where they are. If anything has to be handled, keep this to an absolute minimum;
- ✓ Staff must not clean up, touch anything they do not have to or throw anything away which could be used as evidence;
- ✓ Staff must not wash anything or in any way remove fibres, blood etc.;
- ✓ Staff should try to preserve the clothing and footwear of the individual;
- ✓ Preserve anything used to comfort or warm the individual, e.g. a blanket;
- ✓ Note in writing the state of the clothing of both the individual and alleged perpetrator (if present).
- ✓ Note injuries in writing. As soon as possible, make full written notes on the conditions and attitudes of the people involved in the incident;
- ✓ Take steps to secure the room or area where the incident appears or has been alleged in taking place. Do not allow anyone to enter until the police arrive.

Procedures for child protection when abuse is evident, disclosed or suspected

All employees who come into contact with children during their working hours have a duty to safeguard them even if they don't work directly with them.

If any employee has concerns around a child's health or welfare, they must report this following the same procedures for the adults that they support.

- ✓ Report their concerns to the Registered Manager immediately;
- ✓ Make a record of concerns that is factual, signed and dated;
- ✓ If Staff feel that this process would be too slow, dial 999 and call the police; they can quickly remove a child to somewhere safe.

KEY PRINCIPLES

Never ignore the signs that an individual may be at risk of harm or abuse. This may place them in more danger or prolong their pain and distress.



Always ensure the individual's safety by reporting your concerns, suspicions or allegations without delay to the Designated Safeguarding Lead or Registered Manager.

Always fully complete the required documentation and ensure this is sent as possible to the Designated Safeguarding Lead or Registered Manager to allow the designated person to take the necessary actions to safeguard the individual.



Record all required documentation with full details. Ensure what is recorded is only the facts of what you have observed, or what an individual has disclosed in their own words.



Keep records of concerns, suspicions and allegations secure and only share this information directly with the Designated Safeguarding Lead or Registered Manager to protect the individual's privacy.

Ensure evidence is preserved following this procedure



Refer your suspicions to another organisation (i.e the police, local adult social services, CQC) if required to do so OR if your suspicions are not dealt with by the Designated Safeguarding Lead or Registered Manager seriously or appropriately. This will mean following the organisations Whistleblowing Procedure.