

# **Safeguarding Vulnerable Adults and Children Policy**

## Scope of Policy

This policy sets out how employees, board members, stakeholders, consultants, sub-contractors, partners, volunteers, agents (together **Workers**), customers and any other agencies can alert appropriate agencies to concerns of actual, suspected or alleged abuse of a vulnerable adult or child and the steps the Group (defined below) will take to tackle safeguarding issues.

## Applicability

The policy applies to all members of Platform Housing Group (the Group).

### 1. Policy Statement

1.1 "Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances."

Care and Support Statutory Guidance issued by the Department of Health, June 2020 (**Care Act Guidance**)

1.2 The Group provides services to a wide range of individuals and organisations and recognises that some of its customers will be vulnerable adults and children. The Group has a responsibility to pass information to relevant agencies where abuse is suspected and a child or a vulnerable adult may be at risk.

1.3 The Group is committed to safeguarding and promoting the welfare of vulnerable adults and children and are aware that, from time to time, Workers could potentially become aware of, or suspect, a situation where abuse of a vulnerable person may be taking place.

1.4 Abuse may:

1.4.1 consist of a single act or repeated acts;

1.4.2 be an act of neglect or an omission to act; and

1.4.3 be intentional or unintentional or result from lack of knowledge.

1.5 This policy is an overarching policy, applying across our business. It is important that all Workers are aware that safeguarding is 'everyone's responsibility' and that we all have a duty to act on concerns of abuse or neglect. Safeguarding is not restricted to employees working in care and support. This policy applies:

- 1.5.1 to the protection of children, young people and vulnerable adults at risk of abuse;
  - 1.5.2 across all tenures (including general needs, supported housing, sheltered housing, temporary housing, market rented, shared ownership and leasehold accommodation); and
  - 1.5.3 to all Workers working for the Group.
- 1.6 All Workers can play an important part in promoting the safety and protection of the children and vulnerable adults with whom they work. The aim of this policy is to ensure that any vulnerable persons are protected and kept safe from harm while they are in receipt of services from the Group. The Group will ensure that our Workers understand the principles of safeguarding and are trained to be vigilant and know what to do in cases of suspected abuse.
- 1.7 The Group will ensure that:
- 1.7.1 robust recruitment and vetting procedures are in place to help prevent unsuitable people from working with vulnerable persons;
  - 1.7.2 Workers have an understanding of both their role and responsibilities; and
  - 1.7.3 Workers and other agencies work together to safeguard and promote the welfare of vulnerable persons.
- 1.8 The Group will ensure that all Workers in contact with a vulnerable person know what to do and the most effective ways of sharing information if they believe that a vulnerable person may be suffering, or is at risk of suffering harm.

## **2. General Principles**

The Group acknowledge that all agencies involved in work with vulnerable adults and children and have a duty to protect these groups from abuse and neglect. To achieve this goal, the Group aims to ensure that:

- 2.1 employees and volunteers are aware of this policy and the relevant procedures;
- 2.2 all allegations of abuse of a vulnerable adult or child will be treated seriously;
- 2.3 employees exercise professional curiosity, avoiding assumptions and stereotypes, and testing out information rather than taking this at face value;
- 2.4 procedures for alerting, reporting, investigating and managing safeguarding will be discharged promptly and fully, in accordance with the requirements of the relevant responsible agencies, policy and procedures for safeguarding;
- 2.5 all action taken will be carried out sensitively, taking account of the vulnerable person's individual needs, including race, culture and ethnicity, age, gender,

- religion, disability or sexuality;
- 2.6 an individual's communication needs will be considered at all times;
- 2.7 by working with other agencies (where appropriate), that the views of the vulnerable adult or voice of the child is represented and these are taken on board when dealing with matters affecting their tenancy;
- 2.8 employees respectfully challenge service users and other agencies where they feel that action is not sufficient or appropriate;
- 2.9 confidentiality will be respected at all times and will not share information given in confidence unless this is justified by the assessed risk to the vulnerable person or as required by law;
- 2.10 in terms of ensuring protection of a vulnerable person's best interests in relation to consent and mental capacity, we will at all times operate in accordance with the Mental Capacity Act 2005;
- 2.11 we not only have a responsibility to all vulnerable adults and children who have been abused or who are at risk of abuse, but also recognise responsibilities in relation to some perpetrators of abuse;
- 2.12 we will keep confidential and secure records of all safeguarding issues, with access and responsibility limited to the safeguarding champion and nominees;
- 2.13 a "Safeguarding Lead" is appointed, with appropriate knowledge, experience and skills, to provide help and advice to employees and to act as lead on safeguarding issues;
- 2.14 support and where possible safeguard customers and employees by ensuring that all referrals to services have full information in relation to identified risk and vulnerability;
- 2.15 approved contractors who work on behalf of the Group are aware of this policy and related procedure;
- 2.16 Workers are expected to behave towards customers and other Workers in a way which shows commitment to this policy. Failure to do so may result in capability or disciplinary proceedings;
- 2.17 Workers, in their day-to-day contact with customers, may become aware of needs or welfare issues that they can either tackle directly (for instance, by making repairs or adaptations to homes) or by assisting customers in accessing help through other organisations;
- 2.18 Workers, through their day-to-day contact with customers, may become aware of concerns about the welfare of vulnerable persons and will identify and refer these welfare needs in accordance with this policy; and

- 2.19 its recruitment and selection procedures take account of the need to protect vulnerable persons. Disclosure and Barring Service (DBS) checks will be made as necessary. Where appropriate, referees will be asked to comment on the applicant's suitability to work with vulnerable persons.

### **3. Background**

- 3.1 In addition to the broad safeguarding aims set out above in the Policy Statement, the Group and its Workers are bound by statutory obligations under:

- 3.1.1 Care Act 2014 (as amended) (adult safeguarding);
- 3.1.2 Children Act 2004 (amended by the Children and Social Work Act 2017) (child safeguarding);
- 3.1.3 Mental Capacity Act 2005.

#### **3.2 The Care Act 2014 (the Care Act)**

- 3.2.1 The Care Act consolidated several pieces of legislation regarding adult social care including that related to safeguarding. This legislation represented a shift to prevent abuse and neglect from occurring and to allow vulnerable adults more independence and involvement in decisions about their care. The guiding principles of the Care Act are the promotion of the broad concept of individual well-being (which includes suitability of living accommodation), preventing needs for care and support, promoting integration of care and support with health services and co-operation among different agencies.

- 3.2.2 The Care Act provides for safeguarding duties where an adult<sup>1</sup>:

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

- 3.2.3 The six key principles set out in the Care Act that underpin all safeguarding work are:

- (a) Empowerment - the presumption of person-led decisions and informed consent
- (b) Prevention - it is better to take action before harm occurs

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<sup>1</sup> Care Act Guidance, Para 14.2

- (c) Proportionality - least intrusive response to the risk presented
- (d) Protection - support and representation for those in greatest need
- (e) Partnership - local solutions through services working with their communities
- (f) Accountability - accountability and transparency in delivering safeguarding

3.2.4 Local authorities must work with housing providers where they consider it appropriate to fulfil their statutory duties around adult safeguarding<sup>2</sup>. This includes the promotion of well-being including safeguarding and information sharing (see 4 below).

3.2.5 The culture of co-operation under the Care Act seeks to protect children and vulnerable adults by preventing abuse and neglect wherever possible. The statutory guidance stresses the need for observant professionals on the ground to make early interventions to prevent deterioration. As a partner in this framework, the Group is expected to have mechanisms in place to identify concerns and minimise the circumstances where children and vulnerable adults could be in danger of abuse or neglect.

3.2.6 Local Authorities can make enquiries of the Group if they think that an adult is at risk or abuse or neglect<sup>3</sup>. The Group should provide information via the process prescribed by the local/relevant Safeguarding Adults Board.

### 3.3 **The Children Act 2004 (the Children Act)**

3.3.1 The Children Act further developed principles from the Children Act 1989 that those working with children have a responsibility to help safeguard them and promote their welfare.

3.3.2 As with the Care Act, the Children Act also provides for a co-ordinated multi-agency approach to safeguarding. As set out in the related statutory guidance: "Everyone who works with children has a responsibility for keeping them safe...everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action...it is vital that everyone working with children and families, including those who work with parents/carers, understands the role they should play and the role of other practitioners. They should be aware of, and comply with, the published

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<sup>2</sup> Care Act s. 6(3)(d) covers appropriate co-operation between a local authority and a private registered provider of social housing.

<sup>3</sup> Care Act s. 45

arrangements set out by the local safeguarding partners."<sup>4</sup>

- 3.3.3 In order to improve the wellbeing of children in the area, section 10 of the Children Act requires local authorities to make arrangements as appropriate to promote co-operation with relevant partners and those who undertake activities in relation to children.
  - 3.3.4 Section 11 of the Children Act places a duty on key persons and bodies (although this does not extend to registered providers of social housing including the Group) to make arrangements to ensure that in discharging their functions, they have regard to the need to safeguard and promote the welfare of children.
  - 3.3.5 The Group is obliged to disclose information to any relevant agency for the purpose of them establishing and operating a database to comply with their section 11 duties referred to above.
  - 3.3.6 In line with the Policy Statement and General Principles above, the Group will work closely with the relevant local authority and Safeguarding Adult Board (**SAB**) to assist when necessary in safeguarding matters relating to children.
- 3.4 **The Mental Capacity Act 2005 (MCA)**
- 3.4.1 The MCA provides a statutory framework for people who lack capacity to make decisions for themselves. People must be assumed to have capacity to make their own decisions and be given all practicable help before anyone treats them as not being able to make their own decisions. Where an adult is found to lack capacity to make a decision then any action taken, or any decision made for, or on their behalf, must be made in their best interests.
  - 3.4.2 It is common for questions of capacity to arise in the context of safeguarding vulnerable adults. There will be circumstances where the individual's capacity to give informed consent, for example to a particular risk or way of living, will need to be assessed.
  - 3.4.3 Workers should follow the reporting process set out in this policy where safeguarding concerns arise whether or not the individual concerned is considered to have capacity or not. The Group will make referrals to the relevant local authority in line with this policy and the protocol of the local SAB.

## **4. Information Sharing**

- 4.1 The Data Protection Act 2018 and the General Data Protection Regulation (the

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<sup>4</sup> Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018

**Data Protection regime)** allows sharing of information without the consent of the individual in a safeguarding context where certain conditions are met:

- 4.1.1 the public interest served outweighs the public interest served by protecting confidentiality.
- 4.1.2 there is a lawful basis to do so which includes ‘safeguarding of children and individuals at risk’; and sharing the information is necessary to protect an individual from neglect or physical, mental or emotional harm, or to protect the physical, mental or emotional well-being of an individual,<sup>5</sup>
- 4.2 The information sharing of the information must be necessary, shared only with those individuals who need to have it, be accurate and up to date, be shared in a timely fashion, and be shared securely.
- 4.3 Records must be retained regarding the decision-making process around sharing information outside of the Group. A record should be made of the information shared, with whom and for what purpose.

## **5. Identifying Signs of Abuse and Neglect**

- 5.1 Workers should remain vigilant to any safeguarding concerns. All Workers have a role to play in identifying where there is abuse and neglect and acting to report any concerns promptly. It is possible for concerns to stem from information received directly from the vulnerable person or other person but also indirectly through, for example, a complaint or a call for police response.
- 5.2 Abuse may consist of a single or repeated act. It may be physical, verbal or psychological, an act of neglect or an omission to act. Defining abuse can be complex but it can involve an intentional, reckless, deliberate or dishonest act by the perpetrator.<sup>6</sup>
- 5.3 Children may be vulnerable to neglect and abuse or exploitation from within their family and from individuals they come across in their day-to-day lives. These threats can take a variety of different forms, including: sexual, physical and emotional abuse; neglect; domestic abuse, including controlling or coercive behaviour; exploitation by criminal gangs and organised crime groups; trafficking; online abuse; sexual exploitation and the influences of extremism leading to radicalisation.<sup>7</sup>
- 5.4 The Care Act Guidance which deals with adult safeguarding sets out a non-exhaustive list of forms of abuse which include: physical abuse (including misuse of medication and restraint), domestic violence, sexual abuse, psychological

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<sup>5</sup> Data Protection Act 2018, Schedule 1, Part 2, Para 18

<sup>6</sup> Care Act Guidance, Para. 14.41

<sup>7</sup> Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018, Introduction, Para 12.



abuse, financial or material abuse, modern slavery, discriminatory abuse (including harassment or slurs due to race, gender and gender identity, age, disability, sexual orientation or religion), organisational abuse (neglect or poor professional practice), neglect and acts of omission, self-neglect, domestic abuse (including coercive and controlling behaviour) and financial abuse.

- 5.5 Anyone can carry out abuse and neglect including spouses/partners, other family members, neighbours, friends, acquaintances, local residents, people who deliberately exploit children or adults they perceive as vulnerable to abuse, paid staff or professionals and volunteers and strangers. Those in a position of trust and power can perpetrate abuse along with outsiders carrying out scams and fraud.
- 5.6 It is possible for abuse or neglect to be unintentional for example where a carer is struggling to care for multiple adults. This may mean an appropriate response to safeguard the adult, for example a different care package, but still requires action as the focus is the safeguard the vulnerable adult.
- 5.7 It should be emphasised that abusive situations are rarely as tidy or straightforward. Many situations involve a combination of abusive elements, for example, there may also be evidence of self-harm which may be an indicator that abuse has taken place.
- 5.8 Workers should not assume or depend on another person reporting the concern. Any relevant information must be passed on via the process set out below at paragraph 6.
- 5.9 At some of the Group's supported living sites, third party providers who are directly appointed by the local authority provide care and support services to tenants. All such third party providers are directly regulated by the Care Quality Commission and are subject to their own safeguarding policies. This should not mean that Workers do not follow the process in this policy and the related procedure should any safeguarding concerns arise.

## **6. Reporting and Referral Process**

- 6.1 This section sets out the process by which Workers should report a safeguarding concern.
- 6.2 The Safeguarding Lead is the Director of New Customers & Specialist Housing supported by the nominees for Specialist Housing and Localities Teams, the Head of Specialist Housing (Retirement and Supported Living), and the Head of Localities (Domestic Abuse, Safeguarding and Special Projects).
- 6.3 Under the Care Act, the Group and its Workers are under an obligation to make referrals to the relevant local authority or other agency, including the police, if there is a concern about the safety or well-being of a tenant.
- 6.4 Any immediate safety needs must be met without delay and Workers should liaise

with their line manager and/or the Safeguarding Lead or nominee as appropriate to achieve this. This may involve an immediate referral to children's social care or the police.

6.5 All concerns should be reported by following the Safeguarding Procedure by completing a Concern Form. Information should be kept confidential and only shared as necessary to comply with this procedure.

6.6 **Children**

6.6.1 Referrals must be made to Children's Services if a child is identified at being at risk of harm.

6.6.2 In the first instance you should try to establish the basic facts of the situation though investigations will then be undertaken by social workers and the police who will decide whether there should be a statutory intervention and/or a criminal investigation.

6.6.3 You should keep a written record of all concerns and discussions about a child's welfare, the decisions made and the reasons for those decisions.

6.7 **Adults**

6.7.1 Abuse or neglect which has been identified will be referred into the local Adult Safeguarding process and any protocols prescribed by the local SAB followed. Thereafter an enquiry may be undertaken and the local authority may request assistance from the Group in undertaking this enquiry.

6.7.2 Where the concern relates to a vulnerable adult, the starting point is that the consent of the adult should be obtained before taking action. This may not be possible if the adult lacks the capacity to give consent but it is still in their best interests for an enquiry to be undertaken. Even if the adult does not have capacity to give consent, action may need to be taken if others are at risk or where it is in the public interest to take action including where a criminal offence has occurred.

6.7.3 Where appropriate in the context of adult safeguarding, the vulnerable adult can be referred to a relevant national and local voluntary body to seek advice. You can find details of relevant organisations on Local Authority Websites.

6.7.4 The Group must consult the relevant SAB to ensure that the process for referrals aligns with the framework established by the SAB.<sup>8</sup>

6.7.5 The Care Act provides for local authorities to arrange an independent

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<sup>8</sup> Care Act Guidance, Para 14.222

advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review in circumstances where the adult has 'substantial difficulty' in being involved in the process and there is no other individual who can fulfil this role.

- 6.8 When a concern arises past incidents and records should be reviewed to consider if any patterns emerge or whether there could be an impact on the risk profile.
- 6.9 Clear and accurate records should be kept of all complaints or allegations of abuse or neglect. These should be retained in accordance with the Data Protection Policy.

## **7. Obligations in the absence of a Vulnerable Adult**

- 7.1 A vulnerable adult may be absent from their tenanted premises because they are admitted to hospital or they are staying in alternative accommodation in order for their care and support needs to be met. In these circumstances, there may be a risk of loss or damage to the adult's moveable property. The local authority has an obligation to take reasonable steps to prevent or mitigate the loss of or damage to the adult's moveable property.<sup>9</sup>
- 7.2 The Group must assist the local authority to perform this duty as necessary. This includes allowing the local authority access to the premises and allowing the local authority to deal with the moveable property in any way necessary to carry out this duty. The local authority needs to either have gained the consent of the adult or a person authorised under the MCA, or alternatively deem the actions to be in the adult's best interests.

## **8. Applications to the Housing Register**

- 8.1 The Group recognises that we will meet customers in a professional capacity e.g. as applicants for housing, where no contractual relationship currently exists. In such cases when abuse or neglect is disclosed to us we will ensure that the appropriate authorities are aware and follow the procedures set out above. Workers can also provide advice and support by signposting customers to agencies that may be able to help them.
- 8.2 We also recognise that our customers may be accused or indeed be the perpetrators of abuse. Where we are made aware of this we will fully participate in partnerships and multi- agency management plans. A history/allegation of abuse may not necessarily be a bar to housing and/or support services and in such cases we will work closely with partners, as relevant, to risk assess and manage the situation as best as possible in order to ensure safety and dignity for all. Where the assessed risk is too high, we may need to consider not offering a service or taking action against the tenancy in order to ensure the safety of other

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<sup>9</sup> Care Act s. 47

customers and the local community.

- 8.3 Where domestic abuse is identified, the safety of children must always be considered when making an offer of accommodation.
- 8.4 Where a person has been identified as a “risk to children”, the safety of children must be considered when making an offer of appropriate accommodation.

## **9. Recruitment of Employees and Volunteers**

- 9.1 The Group will ensure that its recruitment and selection procedures will take account of the need to protect vulnerable adults and children.
- 9.2 All formal offers of employment to successful candidates are subject to the receipt of two satisfactory references. Disclosure and Barring Service (DBS) checks will be made, if necessary, subject to employee working arrangements. Where appropriate, referees will be asked to comment on the applicant’s suitability to work with vulnerable persons.
- 9.3 Where required, our procedure will require risk assessments to be taken to prevent employees from personal benefit when working with vulnerable persons.

## **10. Training of Employees and Volunteers**

- 10.1 Induction for new employees and volunteers will include information on all relevant policies and procedures, including the protection of vulnerable adults and children. Every employee will undertake Safeguarding Adult and Children training at the level appropriate to their role. The Group has a continuing responsibility to train employees and therefore refresher training will also be available for all employees on a regular basis.
- 10.2 All employees/volunteers will have a designated supervisor who will provide appropriate on-going support, supervision or signposting.
- 10.3 All employees/volunteers will be trained to recognise the symptoms of abuse and neglect and made aware of their duty to report any concerns or evidence that they have of alleged abuse or neglect of a vulnerable adult or child.

## **11. Concerns about an Employee**

If the concern or allegation is about an employee, one of our agents or a contractor; then the Group will fully support and protect anyone who, in good faith, reports a concern relating to a child or vulnerable adult (see Whistleblowing Policy, Disciplinary Policy and Procedure, and Complaints, Comments and Compliments Policy). In such cases the relevant Director should be informed as well as the senior manager in the agency/contracting company as appropriate and statutory authorities. We will ensure that the employee is treated fairly and honestly and supported throughout the process.

## **12. Partnership Working**

- 12.1 The Group recognises that local arrangements may vary within different local authority areas and will work as far as practicable to meet local need.
- 12.2 The Group recognises there may be cases where an individual does not reach the threshold for statutory intervention, but nonetheless intervention is required. The Group will therefore signpost where appropriate to support agencies and engage as necessary in Early Help processes<sup>10</sup>.
- 12.3 Interventions should be aimed at allowing the person to achieve their highest level of independence. The aim to ensure that:
- 12.3.1 the needs and interests of children and vulnerable adults at risk are always respected and upheld;
  - 12.3.2 the human rights of children and vulnerable adults at risk are respected and upheld;
  - 12.3.3 a proportionate, timely, professional and ethical response is made to any child or vulnerable adult at risk who may be experiencing abuse; and
  - 12.3.4 all decisions and actions are taken in line with the MCA.

## **13. Equality and Diversity**

- 13.1 We are committed to fairness and equality for all regardless of their colour, race, ethnicity, nationality, gender, sexual orientation, marital status, disability, age, religion or belief, family circumstances or offending history, as referred to in our relevant Group policies. Our aim is to ensure that our policies and procedures do not create an unfair disadvantage for anyone, either directly or indirectly.
- 13.2 An equality impact assessment has been undertaken in respect of this policy and which concluded that there is no negative impact on any person or group with a protected characteristic as a result of this policy.

## **14. Complaints**

- 14.1 The Group aims to meet the needs of its customers by providing an excellent service. However, it is acknowledged that occasionally things go wrong and customers may wish to complain. Should the need arise to make a complaint, please refer to the Group's Complaints, Comments and Compliments Policy.

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<sup>10</sup> Early help means providing support as soon as a problem emerges, at any point in a child's life from the foundation years through to the teenage years (Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children July 2018).

## **15. Monitoring and Review**

- 15.1 Key performance information will be provided to the Senior Leadership Team which will determine the effectiveness of this policy.
- 15.2 This policy will be reviewed every two years or on the introduction of new legislation, best practice guidelines or operational changes, whichever is sooner.

## **16. Associated Documents/Policies**

List of documents/associated policies/publications:

- Safeguarding Vulnerable Adults and Children Procedure
- Recruitment and Selection Policy
- Whistleblowing Policy
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Employee Code of Conduct
- Criminal Record Checks (Disclosure & Barring) Policy
- Equality, Diversity and Inclusion Strategy
- Complaints, Comments and Compliments Policy
- Data Protection Policy
- Lettings Policy
- Domestic Abuse Policy
- Volunteer Policy

## **17. Guidance Documentation and Further Reference**

- 17.1 See the hyperlinks below:
- 17.1.1 [What to do if you're worried a child is being abused, Advice for practitioners: March 2015](#)
- 17.1.2 [Working Together to Safeguard Children \(2018\)](#)
- 17.1.3 [Care and support statutory guidance \(24 June 2020\)](#)

## Safeguarding Vulnerable Adults and Children Policy

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