



**SAFEGUARDING POLICY &  
PROCEDURES FOR THE  
PROTECTION OF  
VULNERABLE ADULTS**

VERSION 1.1

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## Table of Changes

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Policy created	Lisa Cunningham	27/01/19	1.0
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This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

## INTRODUCTION

Safeguarding is a core element of all aspects of McCrorry Limited activity. The term Safeguarding describes the broader preventative and precautionary approaches to planning and procedures that are necessary to be in place to protect all students, staff and visitors and minimise risk from any potential harm. Protection of children and vulnerable adults, 'Safer Recruitment' practice and health and safety are all aspects of Safeguarding.

McCrorry Limited recognises that personal safety is a fundamental precondition for effective and successful teaching and learning and can only be achieved in a safe learning environment that promotes well-being, safety and security for all students, staff and visitors.

McCrorry Limited recognises that Safeguarding impacts on all areas of an individual's life. McCrorry Limited aims to build knowledge of Safeguarding and resilience in students within their McCrorry Limited experience, personal lives and within the community.

McCrorry Limited has detailed procedures underpinning this policy to provide clear direction to staff.

Note: Throughout, reference is made to 'vulnerable adults and adults at risk of harm, as defined below.

### **Adult**

"Adult" in this context means a person aged 18 years or over.

### **Vulnerable Adult**

In accordance with the Law Commission Report 'No Secrets' Department of Health 2000, a vulnerable adult is a person: "Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

**Adult At Risk:** Any person over the age of 18 years who is unable to look after their own wellbeing, property, rights or other interests; and is at risk of harm (either from another person's behaviour or from their own behaviour); and because they have a disability, mental disorder, illness or, are more vulnerable to being harmed than other adults.

*McCrorry Limited has a separate policy for the Protection of Children & Young People under the age of 18.*

<sup>1</sup> The term 'student' is used throughout the document to describe all learners, both full and part-time in all settings, including work place learning, apprentices, 14/16 learners and HE learners.

## POLICY

McCorry Limited has a legal and moral duty to safeguard and promote the welfare of vulnerable adults receiving education and training at McCorry Limited.

The aim of this policy is to establish a 'whole McCorry Limited' approach to safeguarding vulnerable adults and adults at risk, by

- providing a safe environment;
- identifying vulnerable adults who are suffering or likely to suffer significant harm;
- providing appropriate action to ensure the safety of vulnerable adults both in the community and at McCorry Limited.

Overall responsibility for compliance monitoring lies with the Director of McCorry Limited. Designated members of staff are assigned responsibility for receiving referrals and taking appropriate action.

## SCOPE

This policy applies to any vulnerable adult or adult at risk, 18 years and over, who is engaged on a learning programme at McCorry Limited, including students<sup>1</sup> taking part in visits or residential trips and those studying with McCorry Limited in the community.

The procedures apply to all staff, whether teaching, administrative, management or support, as well as to volunteers. The word 'staff' is used for ease of description. An allegation, disclosure or suspicion of abuse or an expression of concern about abuse could be made to any member of staff.

## AIMS

- to safeguard adults whose circumstances may make them vulnerable to abuse, by developing and maintaining an inclusive culture within McCorry Limited, developing the staff's knowledge and awareness of safeguarding issues, and by applying best practice at all levels of the organisation;
- to ensure that all vulnerable adult matters are dealt with according to national guidelines and legal requirements;
- to ensure that all interventions are based on the concept of empowerment and participation of individuals, and that the right to self-determination may involve risk;
- to aid the identification of vulnerable adults at risk of significant harm, and provide procedures for reporting concerns;
- to act promptly in response to any incident reported; and work in partnership with other agencies such as the Police to promote and uphold the rights of adults whose circumstances make them vulnerable;
- to establish procedures for reporting and dealing with allegations of abuse against members of staff;

- to ensure students are provided with appropriate information relating to safeguarding and where appropriate to support the vulnerable adult to build their own resilience against harm;
- to improve continuously the effectiveness of response to situations of alleged abuse through monitoring and evaluation;
- to maintain a confidential centralised record of all reported vulnerable adult protection issues;

### **Complaints about the Handling of a Safeguarding issue**

Any complaint about the handling of a safeguarding issue can be made directly to the Head of Centre for Safeguarding, or to the Local Authority MASH (Multi Agency Safeguarding Hub). McCrorry Limited's Complaints Policy and Procedures can be used when making a complaint.

### **Minimum Expectations**

Any complaints will be acknowledged within two working days of receipt.

Wherever possible McCrorry Limited will aim to resolve any complaints to the satisfaction of all parties within 10 working days.

## PROCEDURES

### DESIGNATED STAFF WITH RESPONSIBILITY FOR SAFEGUARDING VULNERABLE ADULTS

#### Safeguarding Lead

A designated lead responsibility for safeguarding vulnerable adults is a member of McCrorry Limited's senior management team, assisted by other designated members of staff who have responsibility for raising awareness of issues relating to the welfare of vulnerable adult students, and the promotion of a safe environment within McCrorry Limited.

Designated staff are responsible for:

- overseeing the referral of cases of suspected abuse or allegations;
- maintaining a proper record of any safeguarding adult referrals, complaints or concerns (even where the concern does not lead to a referral);
- liaising with appropriate agencies;
- ensuring that, when working in partnership with Specialist Provision (including schools), appropriate safeguarding arrangements are made for vulnerable adults;
- ensuring that appropriate safeguards are in place when McCrorry Limited works in partnership with employers and training organisations to provide work placements for vulnerable adults;
- ensuring that all staff attending the child protection training are aware of the Safeguarding of Vulnerable Adults Policy and Procedures.

These designated staff will:

- be accountable to the senior member of staff with lead responsibility;
- know how to make an appropriate referral to the Adult Social Care Assessment Team (ASCAT)/Hospital Social Work Team (HSWT), or the Police;
- be available for consultation and be able to provide advice and support to other staff on issues relating to safeguarding adults;
- know how to deal with disclosures of abuse;
- will work alongside the designated Safeguarding Officer allocated by the Safeguarding Adults Board including attending strategy meetings, case conferences and review meetings as appropriate;
- have the ability to record appropriately;
- ensure that the vulnerable adult and any staff affected by the abuse are aware of the support that can be provided by McCrorry Limited or other external agencies.

### GUIDANCE FOR HANDLING DISCLOSURE OF ABUSE AND PROCEDURE FOR REPORTING CONCERNS

Any member of staff may become aware of, or concerned about abuse in the following ways:

- Observed Abuse: the abuse has been directly witnessed;
- Disclosed Abuse: an adult says they are being or have been abused;

- Suspected Abuse: there are indicators that abuse is happening, but it has not been witnessed or disclosed.

When a criminal offence may have occurred the first consideration and action should be the immediate safety of the adult at risk. Where there is immediate risk of harm or need for treatment, the police and/or the ambulance service should be contacted on 999. In the case of an alleged criminal act ensure that evidence is preserved, leave things where they are – do not touch anything, do not clean up. A Safeguarding Alert should also be made to Adult Social Care by the designated person, in line with the local Multi Agency Safeguarding Adults Policy and Procedures.

When a person discloses that they are at risk or are being abused it is important that the person understands what is happening and is supported throughout:

- Reassure the person that their situation will be taken seriously, that they will be supported and kept informed;
- Listen. Let the person tell you what they are comfortable telling you. DO NOT ask leading questions which could jeopardise possible criminal investigations;
- Repeat back to them, in the words they have used, what they have said and ask them to confirm the information;
- Explain that you will pass this information on to a more senior person within your organisation and possibly to Adult Social Care Assessment Team, and the Police if you suspect a crime has taken place;
- Tell the person their wishes will be taken into account as far as possible. Do not promise to keep the information a secret;
- Write down what you have witnessed or been told, sign and date this. It is important to note that this is not an official statement and that the investigation has **not started** at this stage. This is then passed on to the designated person;
- Explain to the person what is happening and what may happen.

All members of staff have a duty to report any disclosure, allegation or suspicion of abuse, to their line manager and/or a member of McCrorry Limited's Designated Safeguarding Team. This must be done as soon as possible after the disclosure/allegation/suspicion is made/arises and should be made within 12 hours.

McCrorry Limited's Designated Person will assess the information and where appropriate make an alert to ASCAT (Adult Social Care Assessment Team) by completing an on line referral form no later than 24 hours after the disclosure, allegation or suspicion was noted.

Where it is not clear if abuse has occurred or is happening these initial concerns should always be discussed with a member of McCrorry Limited's Designated Safeguarding Team, who will then be advised by the ASCAT/HSWT whether it is appropriate for an on line referral to be completed.

On receipt of the Safeguarding Adults Report form ASCAT/HSWT will risk assess the referral to determine whether the case is to be taken forward as a safeguarding issue and will advise McCrorry Limited how to proceed.

If the Safeguarding referral requires further investigation by the statutory agency, the case will be allocated to an investigating Officer. McCrorry Limited will liaise and co-operate with the Investigating Officer to ensure that the Vulnerable adult is fully supported throughout the investigation.



A member of McCrorry Limited's Designated Safeguarding Team, or appropriate member of staff, will attend strategy or professionals' meetings to which McCrorry Limited is invited, and will be responsible for ensuring that any actions agreed at such meetings are progressed and followed up.

In exceptional circumstances where immediate action is required and a member of McCrorry Limited's Designated Safeguarding Team is not available then staff should contact ASCAT/HSWT direct.

## **ACTIONS IF THE ADULT AT RISK DOES NOT WANT A SAFEGUARDING ALERT TO BE MADE**

Safeguarding Adults has at its core the protection of the person's autonomy as far as possible. If the person has capacity and they are not being coerced or intimidated in any way they may ask that there is no intervention.

Their wishes should be respected but this does not remove the member of staff's responsibility to report concerns, and where appropriate for an investigation to occur in situations where other vulnerable people including children may be at risk.

In all cases the person should be spoken to without the alleged perpetrator present, this is especially important if this is a friend or relative and the conversation should take place in a safe place.

The consent of the vulnerable person should be sought before a referral to ASCAT/HSWT is made. However, there may be circumstances where there is a need to overrule their wishes. For example:

- If a crime has been committed;
- If the person is not making an informed choice or where it is uncertain that this is the case;
- If the vulnerable adult or others affected by the situation are in a life-threatening situation;
- If the vulnerable adult or other people are otherwise at risk of harm.

Any decision to overrule the wishes of the vulnerable person, or person at risk of harm, should be recorded, with the reasons for such a decision, and a copy should be kept.

The welfare of the person concerned, including the welfare of any other vulnerable adults or children who may be at risk, must always take precedence over confidentiality. Therefore, these procedures must be followed, irrespective of any request to maintain confidentiality.

In cases where the person wishes to self-refer to ASCAT, a representative from McCrorry Limited's Designated Safeguarding Team should be informed to enable them to support the student making the referral.

Under the Mental Capacity Act McCrorry Limited has a duty to follow the main principles which promote and safeguard the right of vulnerable adults to make decisions for themselves.

- A person must be assumed to have capacity unless it is established that they lack capacity;
- A person is not to be treated as unable to make a decision unless all practicable steps to help him/her to do so have been taken without success;
- An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests;

Before the act is done, or the decision is made, regard must be given as to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

## **PROCEDURES TO DEAL WITH ALLEGATIONS OF ABUSE WHERE AN OUTSIDE AGENCY IS ACTIVELY INVOLVED WITH THE VULNERABLE ADULT**

McCrorry Limited will follow the same guidance principles for handling internal disclosure of abuse, and where the vulnerable adult makes the decision to take the issue forward McCrorry Limited will report to ASCAT/HSWT at the same time as informing the outside agency.

Where a third party makes an allegation about, for example, a key worker, health professional, carer or parent supporting a student then the vulnerable adult should be supported if they wish to make a safeguarding referral.

## **REPORTING AND DEALING WITH ALLEGATIONS OF ABUSE AGAINST ANOTHER STUDENT**

If a vulnerable adult makes an allegation of abuse against another student this must be reported to a member of the Designated Team. The designated member of staff will decide whether the matter is a safeguarding matter and may consult with ASCAT/HSWT to determine whether an Alert should be made or whether the matter should be dealt with under McCrorry Limited's policies for example, Disciplinary or Bullying and Harassment.

If the allegation of abuse is of a sexual or serious nature the vulnerable adult will be supported to report the abuse/offence directly to the police. The designated member of staff will in all such cases also report the matter directly to ASCAT/HSWT. Should the vulnerable adult be unwilling to report the matter to the police, the designated member of staff will seek additional advice and guidance from Adult Social Care Assessment Team, or may consult informally with McCrorry Limited's local police officer, and will seek to work with the vulnerable adult to ensure there are appropriate measures and strategies in place to support his or her safety.

## **REPORTING AND DEALING WITH ALLEGATIONS OF ABUSE AGAINST MEMBERS OF STAFF**

There are instances where, a member of staff of an educational institution has been found responsible for the abuse of vulnerable adults. Additionally, because staff may have frequent contact with vulnerable adults, they may have allegations of abuse made against them. McCrorry Limited recognises that an allegation of abuse made against a member of staff may be made for a variety of reasons. It is imperative that those dealing with an allegation maintain an open mind and ensure that external investigations are not subject to delay.

McCrorry Limited recognises that the welfare of the vulnerable adult is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within McCrorry Limited will do so with sensitivity and will act in a careful, measured way.

## Receiving an Allegation from a Vulnerable Adult

*NB Allegations may come directly from the vulnerable adult, or from other sources such as a family member or another professional.*

A member of staff who receives an allegation about another member of staff should follow the guidelines for dealing with disclosure.

The allegation should be reported immediately to the Safeguarding Lead unless the Safeguarding Lead is the person against whom the allegation is made, in which case the report should be made to the Managing Director. The Safeguarding Lead (or Delegated Senior Post Holder, if the allegation is against the Safeguarding Lead) should:

- deal with the allegation as a matter of urgency;
- obtain written details of the allegation from the person who received it, which should be signed and dated. The written details should be countersigned and dated by the Safeguarding Lead (or Delegated Senior Post Holder);
- record information about times, dates, locations and names of potential witnesses.

### Initial Assessment by the Safeguarding Lead (or Delegated Senior Post Holder)

The Safeguarding Lead (or Delegated Senior Post Holder) should make an initial assessment of the allegation, consulting with the Senior Member of Staff with Responsibility for Safeguarding Children and Vulnerable Adults and the Adult Social Care Assessment Team as appropriate. Where the allegation is considered to be either a potential criminal act or indicates that the vulnerable adult has suffered, is suffering or is likely to suffer significant harm, the matter should be reported directly to the Police.

It is important that the Safeguarding Lead (or Delegated Senior Post Holder) does not investigate the allegation. The initial assessment should be on the basis of the information received and is a decision as to whether or not the allegation warrants further investigation.

Other potential outcomes are:

- The allegation represents inappropriate behaviour or poor practice by the member of staff and is neither potentially a crime nor a cause of significant harm to the vulnerable adult;
- The matter should be addressed in accordance with McCrorry Limited's staff Disciplinary or Capability procedures;
- The allegation can be shown to be false because the facts alleged could not possibly be true. In making this judgement the Safeguarding Lead (or Delegated Senior Post Holder) will be mindful of the person's vulnerability and that circumstantial facts, such as times and dates, may well be wrongly given – although this does not, necessarily, imply that the allegation is false.

### Enquiries and Investigations

Safeguarding Vulnerable Adults investigations by the Adult Social Care Assessment Team or the police are not to be confused with internal, disciplinary enquiries by McCrorry Limited. McCrorry Limited may be able to use the outcome of external agency investigation as part of its own procedures. The safeguarding agencies, including the police, have no power to direct McCrorry Limited to act in a particular way in relation to McCrorry Limited's internal disciplinary processes. However, McCrorry Limited will assist the agencies with their investigations.

Where McCrorry Limited has referred the case to ASCAT/HSWT or the Police, McCrorry Limited must hold in abeyance its own internal enquiries while the formal police or adult social care team investigations proceed; to do otherwise may prejudice the investigation. Any internal enquiries shall conform to the existing staff disciplinary procedures.

If there is an investigation by an external agency, for example the police, the Safeguarding Lead (or Delegated Senior Post Holder) should contribute to, the inter-agency strategy discussions. The Safeguarding Lead (or Delegated Senior Post Holder) is responsible for ensuring that McCrorry Limited gives assistance to the external agency's enquiries. He/she will ensure that appropriate confidentiality is maintained in connection with the enquiries - in the interests of the member of staff about whom the allegation is made. The Safeguarding Lead (or Delegated Senior Post Holder) shall advise the member of staff that he/she should consult with a representative, for example, a trade union.

Having consulted with the police or other investigating agency, the Safeguarding Lead (or Delegated Senior Post Holder) shall:

- inform the person making the allegation that the investigation is taking place and what the likely process will involve;
- consult with the vulnerable adult and reach a decision whether to inform; parents/carers/keyworkers that an incident has occurred and is under investigation;
- inform the member of staff against whom the allegation was made of the fact that the investigation is taking place and what the likely process will involve;

The Safeguarding Lead (or Delegated Senior Post Holder) shall keep a written record of the action taken in connection with the allegation.

## **Suspension of Staff**

Suspension should not be automatic. Suspension may only be carried out by the Managing Director or a senior post holder with delegated authority. In respect of the allegation being made against the Managing Director, suspension may only be carried out by the Directors.

Suspension may be considered at any stage of the investigation. It is a neutral, no blame suspension and shall be on full pay. Consideration should be given to alternatives: eg, paid leave of absence; agreement to refrain from attending work; change of, or withdrawal from, specified duties.

Suspension should only occur for a good reason. For example:

- Where a vulnerable adult may be at risk of harm;
- Where the allegations are potentially sufficiently serious to justify dismissal on the grounds of gross misconduct;
- Where deemed necessary for the good and efficient conduct of the investigation.

When the police are engaged in an investigation, the officer in charge of the case should be consulted prior to making the decision to suspend.

If the Managing Director considers that suspension is necessary, a meeting should be arranged with the member of staff to inform them that an allegation has been made and that consideration is being given to implement a no blame suspension. The purpose of the meeting is to provide

information about the allegation and to inform the member of staff of the process that will be followed. Written confirmation of the suspension with reasons will be sent as soon as possible, ideally within one working day. The meeting should be with the Managing Director.

Where a member of staff is suspended, the Managing Director/Delegated Senior Post Holder and the designated senior member of staff should attend to the following:

- The vulnerable adult should be made aware of how McCrorry Limited plans to proceed with the investigation.

The Managing Director/Delegated Senior Post Holder and designated senior member of staff will consider carefully and review the decisions as to who is informed of the suspension and investigation. The Adult Social Care Assessment Team and external investigating authorities should be contacted.

The suspended member of staff shall be given appropriate support during the period of suspension. He/she will also be provided with information on progress and developments in the case at regular intervals.

Where the initial investigation suggests there may have been staff misconduct, the disciplinary investigation will be conducted in accordance with the existing staff disciplinary procedures.

### **Allegations which are not substantiated or are not determined or deemed inconclusive**

As false allegations may be indicative of problems of abuse elsewhere, a record should be kept and consideration given to a referral to the Adult Social Care Assessment Team in order that other agencies may act upon the information.

In consultation with the designated senior member of staff, the Managing Director or Senior Post Holder with delegated authority will:

- Inform, orally and in writing, the member of staff against whom the allegation is made that no further disciplinary or safeguarding vulnerable adults action will be taken;
- Advise the member of staff of the opportunity for counselling/support;
- Inform the vulnerable adult the outcome of the investigation into the allegation, taking consideration of McCrorry Limited's duties under the Mental Capacity Act decisions will be made as to the appropriateness of informing parents/carers etc;
- Where the allegation was made by a person other than the alleged victim, consideration should be given to informing that person of the outcome

### **Records**

It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file in accordance with internal procedures.

### **Monitoring Effectiveness**

Where an allegation has been made against a member of staff, the Managing Director, delegated senior post holder, together with the designated senior member of staff with lead responsibility should, at the conclusion of the investigation and any disciplinary procedures, consider whether there are any matters arising from it that could lead to the improvement of McCrorry Limited's Procedures and/or Policy and/or which should be drawn to the attention of the Adult Social Care Assessment Team. Consideration should also be given to the training needs of staff.

All staff working in McCrorry Limited will have access to a copy of the Safeguarding Vulnerable Adults Policy immediately upon starting work at McCrorry Limited.

Protection of Vulnerable Adults training will be incorporated in the Safeguarding training provided for all members of staff.

## **DEFINITIONS OF ABUSE AND NEGLECT**

### **Indicators and Signs and Types of Abuse**

Indicators of abuse are signs that draw attention to the fact that something is wrong. They do not necessarily confirm that abuse has occurred, but suggest a need for further enquiries to be made.

There may be predisposing factors which lead to adult abuse and these should be considered. These factors include:

- An unequal power relationship existing between the vulnerable adult and the alleged abuser;
- The vulnerability of the adult is increased due to their care needs' exceeding the ability of their carer to meet them;
- The emotional and social isolation of the carer;
- Carers not receiving any or insufficient practical and/or emotional support from other family members or professionals;
- Financial difficulties often leading to substandard living conditions and increased carer stress;
- Adults living with family members who are financially dependent on them;
- A personal or family history of violent behaviour, alcoholism, substance misuse or mental illness.

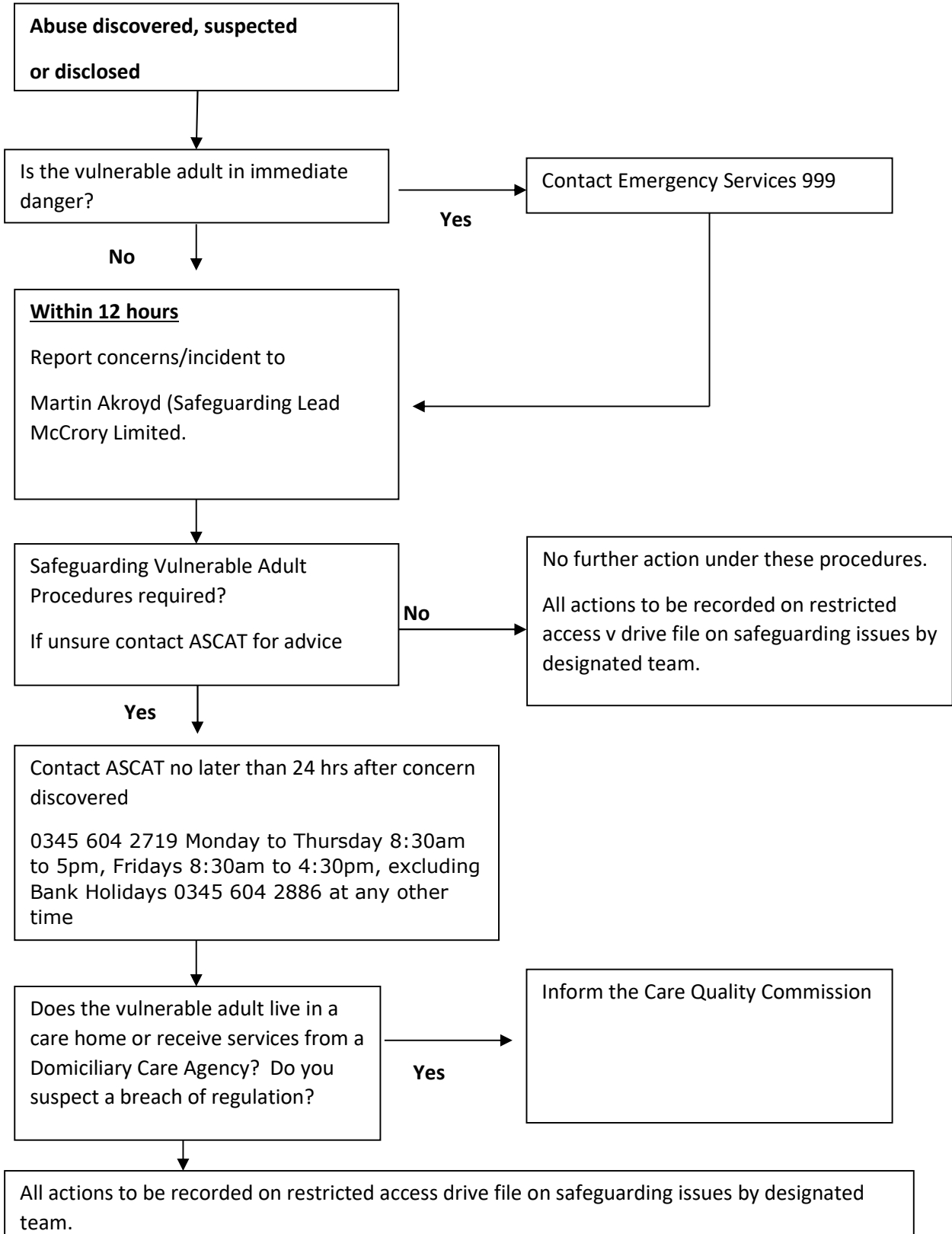
It should be remembered that significant harm can be caused by one or more traumatic events that may impact on the independence, wellbeing and choice of the vulnerable person.

The types of abuse listed below do not constitute an exhaustive list but should assist in recognising abuse:

- Physical Abuse
- Sexual Abuse
- Psychological or Emotional Abuse
- Financial or Material Abuse
- Neglect and Acts of Omission
- Institutional Abuse
- Discriminatory Abuse
- Domestic Abuse
- Hate Crime
- FMG
- Forced marriage
- Sexual exploitation
- Radicalisation

## ANNEX 2

### FLOWCHART FOR REPORTING CONCERNS ABOUT SAFEGUARDING VULNERABLE ADULTS





## ANNEX 3

### Referral Agencies

Location of Vulnerable Adult	Contact Point	Contact Details
Living in the community	Derby Safeguarding Adults Service, Council House, Corporation Street, Derby,	<ul style="list-style-type: none"> <li>• <a href="mailto:AdultsMASH@derby.gov.uk">AdultsMASH@derby.gov.uk</a></li> <li>• Telephone: 01332 642855</li> </ul>

This Policy cross references with the following documents:

- Equal Opportunities Policy
- Policy & Procedures for the Protection of Children & Young People
- Disciplinary Policy
- ICT Use – Guidance for Students
- Health & Safety Policies and Procedures
- Anti-Harassment and Anti-Bullying Policy & Procedures
- E Safety and Social Media Policy