



SAFEGUARDING ADULTS AT RISK POLICY

Safeguarding is everyone's responsibility, if you see or hear anything whilst visiting our college that you feel should be reported for the safety of our students then please contact the
Principal Rob Bates on 020 4546 7710
Email: safeguarding@phoenixcollege.london

Reviewed April 2021

Phoenix Autism Trust (PAT) - A Pathway Towards Independence and Employment
Registered Company no. 09615159 Registered Charity No. 1172227
Registered Office: 49 Bow Road, London, E3 2AD

1. Safeguarding Adults at Risk Policy

Purpose of the Policy

This policy gives a framework for all staff and volunteers within Phoenix Autism Trust within which to prevent and reduce the risk of abuse to adults who use Phoenix Autism Trust services or come into contact with staff, volunteers, visitors and contractors.

Background and Need

This policy and its associated procedure are mandatory for all staff, volunteers and contractors as they must be aware of their individual and collective roles and responsibilities in safeguarding and protecting adults at risk from abuse and neglect. At Phoenix Autism Trust we recognise our responsibilities as set out in the London Multi-Agency Adult Safeguarding Policy and Procedures.

The legislative and regulatory requirements that Phoenix Autism Trust has to comply with in their safeguarding policies and procedures regarding adults at risk of abuse or neglect are set out in the Care Act 2014, the Care Act factsheets and specifically factsheet 7: (Safeguarding) and in Chapter 14 of the Care and Support Statutory Guidance issued under the Care Act 2014.

Link to Mission and Beliefs

Phoenix Autism Trust exists to empower people with autism to learn, thrive and achieve. This can only be attained if young people and adults are safeguarded and protected from abuse and neglect and, where appropriate prevented from becoming at risk of abuse.

Outcomes

As a result of the policy and associated procedure being followed, adults at risk will be better protected from the impact of abuse and neglect. The staff, volunteers, and trustees will take the necessary steps to safeguard and protect adults at risk, where outlined in procedures, contacting statutory agencies and/ or if appropriate, discussing

concerns with the adult at risk (and on occasions when appropriate their parents/carers or advocates).

2. Key Principles

- This policy and corresponding procedures aim to achieve a culture within Phoenix Autism Trust, in which a proactive approach is taken to safeguarding, promoting and protecting the rights of adults with autism. It is paramount to read the Safeguarding Adults at Risk Procedure alongside this Policy.
- All adults that use Phoenix Autism Trust services have the right to live a life free from abuse, harm and neglect regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity.
- All allegations, concerns or suspicions of abuse or neglect are taken seriously and responded to within the steps laid out in the corresponding procedure.
- To work in partnership with adults who receive a service as much as is possible and appropriate.
- To work in partnership with the local Safeguarding Adults Boards and comply with the local multi-agency Safeguarding Adults Procedures.
- All staff have a responsibility to ensure they are informed, trained and understand their duty to operate within this policy and procedure.
- All staff, contractors and volunteers have a shared responsibility to take appropriate steps to protect adults at risk.

3. The Policy Statement

- This policy and associated procedure applies to all staff, volunteers, trustees and representatives of Phoenix Autism Trust, including agency staff, temporary staff, and contractors.
- Phoenix Autism Trust is committed to the prevention of, and protection from, abuse and neglect of all adults at risk of abuse or neglect who come into contact with the organisation through its staff, volunteers, representatives or contractors, in whatever capacity that contact occurs.

- Phoenix Autism Trust is committed to taking all necessary steps to stop abuse happening, whether that abuse is perpetrated by staff, volunteers, contractors, family members, members of the public or other service users.
- Phoenix Autism Trust is committed to its duty of care to all adults it has contact with. If there are concerns about staff, contractors or volunteers perpetrating abuse, it will facilitate any action required to address this immediately. This will include actions required to address abusive behaviours and attitudes. On occasions, when staff have been dismissed because of concerns about abuse or neglect, they will be referred by Phoenix Autism Trust to the Disclosure & Barring Service (DBS) and professional bodies.
- Phoenix Autism Trust is committed to ensuring that adults at risk of abuse or neglect are given information, advice and support in a form that they can understand and also have their views included in all forums where decisions are made about their lives.
- Phoenix Autism Trust is committed to working in partnership with parents and carers of service users. In respect of adults who use the services of the charity, that partnership will be with their consent, when this is required and appropriate.
- Phoenix Autism Trust will publish online the Adult at Risk Safeguarding Policy and Procedure. In addition it will inform, all adults who use their services, that Phoenix Autism Trust has a duty to contact the local authority Adult Social Care department if there are concerns that an adult at risk may be being abused.
- All parents/carers will be reminded annually that our services have a duty to contact the local authority Adult Social Care department if there are concerns that an adult at risk may be being abused.
- Phoenix Autism Trust is committed to providing information, advice and support that enables adults and other users of its services to learn to keep themselves safe and how to raise concerns if they do not feel safe in all aspects of their lives.
- Phoenix Autism Trust is committed to ensuring that senior members of the organisation will be without delay, fully briefed and consulted with by staff on any concerns about abuse or neglect: the process for this is detailed in the procedure. The Principal of College Rob Bates robert.bates@phoenixcollege.london 020 4546

7710 is the **Alerting Manager (Safeguarding Adults Lead)** for each of Phoenix Autism Trust's services.

- The Alerting Manager has lead responsibility for responding to concerns about the abuse of adults at risk within Phoenix Autism Trust services. In the absence of the Principal of College, the most appropriate Safeguarding Adult Lead must manage the concern. The Principal of College has overall responsibility for all safeguarding matters within the charity as a whole.
- Phoenix Autism Trust is committed to working within the London Multi-Agency Adult Safeguarding Policy and Procedures and the procedures of any other local authorities where any adult at risk may reside.
- Phoenix Autism Trust services are committed to working with the London Borough of Tower Hamlets LADO and/or Adult Social Care department and the police if there are any concerns about, or perceived risks, in respect of staff, contractors or volunteers. Phoenix Autism Trust and all satellite sites are based within the London Borough of Tower Hamlets.
- Phoenix Autism Trust is committed to ensuring all staff and volunteers, including those with designated responsibilities, have received appropriate levels of up to-date safeguarding training.

4. Risk Assessment

Should this policy and associated procedure be ignored or disregarded, the possible outcomes are:

- **For adults at risk of abuse or neglect** – placed at further risk of harm and neglect.
- **For staff and volunteers** – may be subject to inquiry, investigation internally or externally for failing to take appropriate steps, internally may then be subject to a disciplinary process.
- **For the Alerting Manager and Board of Trustees** – possible inquiry and report from the Charities Commission and regulators or recommendation from local authorities to regulators.

- **For Phoenix Autism Trust** – possible risk of public scrutiny and ultimately risk of prosecution and/or additional inspections from regulators and ultimately deregistration. All of the above can lead to negative media attention and damage to the reputation of the charity.

5. Definitions

Abuse and Neglect: Refers to: 'ill-treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development'. (Who Decides?" Law Commission, 1997)

Abuse was defined by 'No Secrets' (2000, DH and Home Office) as: '...a violation of an individual's human and civil rights by any other person or persons'.

Adults at risk

An adult at risk is a person who

- Has needs for care and support (whether or not a 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.

The term replaces 'vulnerable adults'.

Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need.

Alert is a concern that an adult at risk is or may be a victim of abuse or neglect. An alert may be a result of a disclosure, an incident, or other signs or indicators.

Alerter is the person who raises a concern that an adult is being, has been, or is at risk of being abused or neglected. This could be the person themselves, a member of

their family, a carer, a friend or neighbour or could be a member of staff or a volunteer or contractor.

Alerting manager is the person within an organisation to whom the alerter is expected to report their concerns. They may also be the designated Safeguarding Adults lead within an organisation. It is the alerting manager who will in most cases make the referral and take part in the Safeguarding Adults process. At Phoenix Autism Trust the Principal of College is the **Alerting Manager (Safeguarding Adults Lead)** for Phoenix Autism Trust and as such has lead responsibility for responding to concerns about the abuse of adults at risk within Phoenix Autism Trust services. They have overall responsibility for all safeguarding.

Best Interest – is a principle in the Mental Capacity Act which states that any act done or decision made on behalf of an adult lacking capacity must be in their best interests. This can cover financial, health and social care decisions.

Capacity is the ability to make a decision about a particular matter at the time the decision needs to be made.

Case conference is a multi-agency meeting held to discuss the outcome of the investigation and to put in place a protection or safety plan.

CIDs (Criminal Investigation Departments) are the units within the Metropolitan Police Service (MPS) that deal with the investigation of crime that requires investigation by a detective but does not come within the remit of Community Safety Units (CSUs) or other specialised units.

Consent is the voluntary and continuing permission of the person to the intervention based on an adequate knowledge of the purpose, nature, likely effects and risks of that intervention, including the likelihood of its success and any alternatives to it.

Deprivation of Liberties (DoL). The Cheshire West supreme court ruling (2014) clarified and extended the test and definition for Deprivation of Liberty for adults. DoLs procedure is no longer confined to vulnerable people who are accommodated in hospital or care homes in circumstances that amount to a deprivation of their liberty and who lack the capacity to consent to the care or treatment they needed. A much greater number of service users are now included within the definition. DOL procedures and liberty protection is engaged if it is Imputable to the State, including a person's home.

Without certification college staff are not permitted to deprive any person of their liberty in a manner that would qualify as DOL. If in doubt, the Local Authority would need to be formally consulted. It is important for the college to know if a student who is subject of a DOL certificate and which person or institution holds the certificate.

Liberty Protection Safeguards (LPS), Mental Capacity Act 2005 (as amended) are measures to protect people who lack the mental capacity to make certain decisions for themselves. This also relates to situations in which adults at risk are unlawfully restrained. In situations in which restraint may need to be used with an adult, the measures implemented must be in the best interests of the individual and the least intrusive response appropriate to the risk presented.

This will come into effect in April 2022 using the principles of the Mental Capacity Act 2005 (as amended), and apply to people in care homes or hospitals where they may be deprived of their liberty. At present Mental Capacity Act 2005 Deprivation of Liberties still applies, with LPS to replace existing arrangements for DOLs shortly.

Duty social worker is on duty at all times out of hours to meet urgent needs that cannot wait until the next working day. In the absence of a named social worker, the duty social worker is who is called in the case of an urgent matter. .

EDO (emergency duty officer) is the social worker on duty in the emergency duty team (EDT).

EDT (emergency duty teams) are social services teams that respond to out-of-hours referrals where intervention from the council is required to protect a child or adult at risk, and where it would not be safe, appropriate or lawful to delay that intervention to the next working day.

IMCAs (independent mental capacity advocates) were established by the Mental Capacity Act 2005. IMCAs are a legal safeguard for people who lack the capacity to make specific important decisions, including making decisions about where they live and about serious medical treatment options. IMCAs are mainly instructed to represent people where there is no one independent of services, such as a family member or friend, who is able to represent the person.

Mental capacity Refers to a person's ability to make their own choices and decisions. Under UK law, someone's capacity is judged according to the specific decision to be made, so a person may have sufficient capacity to make simple decisions but not more complicated ones.

Public Interest - is the term used to refer to the right to override consent refusal from a person who qualifies as an at-Risk Adult, but has capacity where the public Interest is engaged, usually because other individuals' safety or welfare is at risk if no action is taken (Typically but not exclusively, sex offenders, those involved in sexual exploitation, or modern slavery or disability hate or mate crime)

Referral – an alert becomes a referral when it is passed on to a Safeguarding Adults referral point and accepted as a Safeguarding Adults referral.

Safeguarding Adults is used to describe all work to help adults at risk stay safe from significant harm. It replaces the term 'adult protection'.

Safeguarding Adults coordinator – this is the typical title of the manager in a local authority who supports the work of the Safeguarding Adults Partnership Board (SAPB)

and advises on Safeguarding Adults cases in the borough. The role varies from borough to borough, and may have a different title.

Safeguarding Adults lead is the title given to the member of staff in an organisation who is given the lead for Safeguarding Adults. The role may be combined with that of alerting manager, depending on the size of the organisation.

Significant harm is not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also the impairment of, or an avoidable deterioration in, physical or mental health, and the impairment of physical, intellectual, emotional, social or behavioural development.

Strategy discussion is a multi-agency discussion between relevant organisations involved with the adult at risk to agree how to proceed with the referral. It can be face to face, by telephone or by email.

Strategy meeting is a multi-agency meeting with the relevant individuals involved, and with the adult at risk where appropriate, to agree how to proceed with the referral.

Team Teach - provides training to staff groups in children's and adult services and Health Care Trusts in behaviour supports and interventions. The training combines both theory and practice, emphasising the need for staff to show restraint rather than apply it. Providing a risk assessment structure to the selection of physical interventions that best allow the employer to provide a safer workplace for service users and staff.

Vital interest is a term used in the Data Protection Act 1998 and General Data Protection Regulation to permit sharing of information where it is critical to prevent serious harm or distress or in life threatening situations.

Wilful neglect or ill treatment is an intentional or deliberate omission or failure to carry out an act of care by someone who has care of a person who lacks capacity to

care for themselves. Section 44 of the Act makes it a specific criminal offence to wilfully ill-treat or neglect a person who lacks capacity.

Most adults that use Phoenix Autism Trust services are likely to fall within these definitions should they be at risk of abuse or neglect, generally, though not always, as a result of a lack of capacity within the meaning of the Mental Capacity Act 2005.

6. Legislation, Regulatory Requirements and Guidance.

For Phoenix Autism Trust to meet their regulatory and statutory responsibilities, the following legislation and associated guidance are of significance (N.B. This is not an exhaustive list).

- The principle source (since 2015) is the Care Act 2014 (section 42). This defines abuse and sets out the statutory duties and the institutional responsibilities for those duties.
- The (Care Act) Care and Support Statutory Guidance provides the detail in relation to both the meaning of wellbeing and safeguarding. Chapter 14 sets out in detail the duties found in sections 42 to 47 and 68 of the Care Act 2014, including definitions of the aims and objectives of Adult safeguarding activity and a representative range of types of adult abuse and neglect.
- The London Multi-Agency Adult Safeguarding Policy and Procedures.
- SCIE (the social care institute for excellence) and NATSPEC has published a range of advice on Safeguarding, specifically guides on the care act 2014, and e learning resources on adult safeguarding.

Phoenix Autism Trust services that are regulated have to comply with service-specific regulations, which include ensuring there are measures in place for the prevention of abuse.

- Disclosure and Barring Service referral guidance

Also relevant:

- The protection of Freedoms act 2012 (because it defines the limits on DBS checking)

- The Mental Capacity Act 2005 (as amended) and the MCA Code of Practice 2007 (because it's the only complete source on best interests decisions, amongst a raft of related issues)
- The regulated activities regulations 2014 (because it defines, broadly, when you must DBS check on employees)

Last review: April 2021

Date of next review: April 2022

Review group: Trustees