

Policy

Safeguarding Children, Young People and Adults at risk of harm

1. Purpose

Safeguarding and promoting the welfare of children and adults at risk of harm or neglect.

This policy defines how ActivLives operates to safeguard children, young people and adults at risk of harm or neglect.

We have a duty of care and are committed to the protection and safety of everyone who comes in to contact with it including; children, young people and adults at risk involved as visitors and as participants in all of our activities both on and off site. We also have a duty to safeguard and support our staff and volunteers.

Definitions

Children and young people are defined as those persons aged under 18 years old. This policy will apply to all staff, contractors and volunteers and will be used to support their work.

“Safeguarding and promoting the welfare of children” is defined in Working Together 2023 as:

- Providing help and support to meet the needs of children as soon as problems emerge
- Protecting children from maltreatment, whether that is within or outside the home, including online
- Preventing impairment of children’s mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
- Taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children’s Social Care National Framework.

Adult at risk of abuse or neglect

For the purposes of this policy, adult at risk refers to someone over 18 years old who, according to paragraph 42.1 of the Care Act 2014:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect
- as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- If someone has care and support needs but is not currently receiving care or support from a health or care service they may still be an adult at risk

Mental Health

The Mental Health Act (2007) amends the Mental Health Act (1983) and the Mental Capacity Act (MCA) 2005. A person with mental health conditions and mental illness could include depression, anxiety, schizophrenia, eating disorders, bipolar, obsessive-compulsive disorders, acute psychosis / suicide / homicide and/or harm to others and other conditions. This also includes people living with Dementia, Alzheimer’s Disease, Parkinson Disease and other health conditions that can affect people’s Mental Health and their capacity.

Why are people with Mental Health conditions more at risk from Abuse or Neglect?

- The mental health condition may be seen first and the person second. This can result in a person not being listened to, understood, believed or taken seriously and being on the receiving end of negative attitudes.
- The mental health condition may itself impact on people's ability to understand personal boundaries, judge the motives of others, and have the confidence to speak out or physically defend his/herself.
- The person may be unaware of who to talk to, they may have a fear of negative consequences such as loss of job or getting colleagues into trouble.

2. Persons affected

- All staff, paid and unpaid, this includes Freelance staff, Trustees and all volunteers
- All service users
- All visitors and contractors

3. Safeguarding Policy

ActivLives has a zero-tolerance approach to abuse. ActivLives recognises that under the Care Act 2014 it has a duty for the care and protection of adults who are at risk of abuse. It also recognises its responsibilities for the safety and care of children under the Children Act 1989 and 2004 and the Domestic Abuse Act 2021.

It is committed to promoting well-being, harm prevention and to responding effectively if concerns are raised. Adults will be included in swift and personalised safeguarding responses.

It is also committed to inter agency collaboration on the development and implementation of procedures for the protection of adults at risk of harm from abuse, it has a duty and responsibility for assessing the risk to ensure all its functions are discharged having regard to safeguarding and promoting the adults at risk of abuse. The policy is about stopping abuse where it is happening and preventing abuse where there is a risk that it may occur.

There can be no excuses for not taking all reasonable action to protect adults at risk of abuse, exploitation, radicalisation and mistreatment. All citizens of the United Kingdom have their rights enshrined within the Human Rights Act 1998. People who are eligible to receive health and community care services may be additionally vulnerable to the violation of these rights by reason of disability, impairment, age or illness.

ActivLives is committed to following the six key Adult principles of safeguarding adults, Making Safeguarding Personal and Capacity, Consent and Decision Making. (See Appendix 1)

ActivLives is committed to the following principles:

- The welfare of the child, young person or adult at risk is paramount;
- All children, young people and adults at risk have the right to protection from abuse
- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- All suspicions and allegations of abuse must be properly reported to the relevant internal and external authorities and dealt with swiftly and appropriately
- arrangements which set out clearly the processes for sharing information procedures with other professionals and with the Suffolk Safeguarding Partnership.

- Staff, contractors and volunteers must be clear on appropriate behaviour and responses. See Appendix 1 for code of conduct. Where appropriate, failure by staff to maintain standards may be dealt with using ActivLives Disciplinary Procedures
- Clear whistleblowing procedures are suitably referenced in staff training and codes of conduct, and a culture that enables issues about safeguarding and promoting welfare to be addressed;
- All staff are aware of the policy and procedures for the protection of children, young people and adults at risk through appropriate safeguarding training, supervision and support for staff and for creating an environment where staff feel able to raise concerns and feel supported in meeting their safeguarding role;
- Staff are given a mandatory induction, which includes familiarisation with safeguarding responsibilities and procedures to be followed if anyone has any concerns
- All staff should have regular reviews of their own practice to ensure they improve over time in their work with children, adults at risk and families
- A clear line of accountability for the provision of safe services exists
- A senior board level lead to take leadership responsibility for ActivLives safeguarding arrangements;
- A designated lead for safeguarding at ActivLives.
- Safe recruitment practices are in place including policies and procedures, and all staff and key volunteers complete an Enhanced DBS check if working with Children, Young People, vulnerable adults and older adults;
- Clear policies in line with those from the Suffolk Safeguarding Partnership for dealing with allegations against people who work with children. Such policies should make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint. An allegation may relate to a person who works with children who has:
 - behaved in a way that has harmed a child, or may have harmed a child;
 - possibly committed a criminal offence against or related to a child; or
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

ActivLives will ensure that staff understand;

- Core legal safeguarding requirements and their responsibility to keep children and adults at risk safe.
- That all staff who come into contact with children and adults at risk are alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children and adults at risk;
- The requirement to share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children's and adults social care
- The issues of capacity, consent and decision making in relation to safeguarding adults. (See Appendix 1)

4. REVISION HISTORY

This policy and related guidance will be monitored by the CEO and the Board of Trustees on a regular basis for compliance and will be reviewed annually unless legislation changes and updates are needed.

Review Date: January 2027

Appendix 1

Key six key principles that underpin safeguarding adults work*

- **Empowerment** – People being supported and encouraged to make their own decisions and informed consent
- **Prevention** – It is better to take action before harm occurs
- **Proportionality** – The least intrusive response appropriate to the risk presented
- **Protection** – Support and representation for those in greatest need
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability** – accountability and transparency in delivering safeguarding

*From Suffolk County Council Safeguarding Adults Policy and Operational Guidance 2015-17

Making Safeguarding Personal

Making Safeguarding Personal is a shift in culture and practice in response to what we now know about what makes safeguarding more or less effective from the perspective of the person being safeguarded. It is about seeing people as experts in their own lives and working alongside them in a way that is consistent with their rights and capacity and that prevents abuse occurring wherever possible.

Safeguarding should be person-led and outcome focused, engaging the adult at risk in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. In most cases this can only happen by making sure people get the care and support that they need. It is also important that the people who care for them also get this support and recognition. Most importantly it is about listening and providing the options that permit individuals to help themselves.

It is also important that all safeguarding partners take a broad community approach to establishing safeguarding arrangements. It is vital that all organisations recognise that Safeguarding Children, Young People and Adults at Risk of Harm arrangements are there to protect individuals, bearing in mind different preferences, histories, circumstances and lifestyles.

In order to evidence that the Safeguarding process is personalised, it is necessary to collect information about the extent to which this shift has a positive impact on people's lives.

Whilst every effort must be made to work with adults experiencing abuse within the present legal framework there will be some occasions on which people at risk will choose to remain in dangerous situations. It may be that even after careful scrutiny of the legal framework, staff will conclude that they have no power to gain access to a particular person at risk. Staff may find that they have no power to remove the person from a situation of risk, investigate or intervene positively because the person refuses all help or wants to terminate contact with the professionals.

It may not always be possible to provide satisfactory solutions. At the age of 18, people are legally entitled to adult status regardless of any disability or impairment they may have.

It is, therefore, essential that wherever possible it is the adult at risk who will decide on the chosen course of action, taking into account the impact of the adult at risk's mental capacity where relevant. However, the people and organisations caring for, or assisting them, must do everything they can to identify and prevent abuse happening wherever possible and evidence their efforts.

In these extremely difficult circumstances, staff will be expected to continue to exercise as much vigilance as possible.

Safeguarding Leads will give full support to staff over problems when handling cases of adults remaining in high-risk situations, provided that:

- It is evident from case records that safeguarding Children, Young People and Adults at Risk of Harm procedures have been properly followed;
- Every effort has been made, on a multi-agency basis, to intervene positively to protect the person at risk;
- Legal advice has been obtained and acted upon
- And ultimately that the person at risk has been fully consulted and involved as far as practicable in every decision relating to their situation

Capacity, Consent and Decision Making

The consideration of capacity is crucial at all stages of Safeguarding Children, Young People and Adults at Risk of Harm procedures. For example, determining the ability of an adult at risk to make lifestyle choices, such as choosing to remain in a situation where they risk abuse; determining whether a particular act or transaction is abusive or consensual; or determining how much an adult at risk can be involved in making decisions in a given situation.

The key development affecting this area of work is the implementation of the Mental Capacity Act 2005, which provides a statutory framework to empower and protect adults at risk who may not be able to make their own decisions. It makes it clear who can take decisions in which situations and how they should go about this. It enables people to plan ahead for a time when they may lose capacity. It applies to anyone aged 16 years and over therefore appropriate liaison needs to occur for young people aged 16 to 18 years and with Children's Services where relevant as part of Safeguarding work.

The whole Act is underpinned by a set of five key principles:

- **A presumption of capacity** - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise;
- **The right for individuals** - to be supported to make their own decisions - people must be given all appropriate help before anyone concludes that they cannot make their own decisions;
- **Individuals** - must retain the right to make what might be seen as eccentric or unwise decisions;
- **Best interests** - anything done for or on behalf of people without capacity must be in their best interests; and
- **Least restrictive intervention** - anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

For full guidance refer to the Suffolk Safeguarding Partnership guidance on their website