



Red Kite Group Safeguarding Policy

Version:	3	Approved by:	Board
Effective Date:	7th September 2018	Approval date:	August 2018
Policy reviewer:	Head of Experience	Policy owner:	Head of Experience
Review period	Every 2 years	Next review due by:	August 2020

1 Purpose

- 1.1 The Red Kite Group is committed to safeguarding children and adults at risk of abuse to help ensure their safety and well-being. We believe that having a life that is free from harm and abuse is a fundamental right for everyone. We recognise that safeguarding is everyone's responsibility and that, across our Group, we all play a part in preventing, being alert to and responding appropriately to incidents of abuse and/or neglect.
- 1.2 This policy states our approach to safeguarding. It begins with definitions that include references to the activities of local authorities and their statutory responsibilities, and then moves onto our role in managing safeguarding, the importance of partnership working, our view that it is a collective responsibility and the standards expected of our staff.

2 Definitions

2.1 Abuse

Abuse is the violation of an individual's human and civil rights. Abuse can result in significant harm to the person subjected to it. Abuse may consist of a single act or repeated acts, and it can be intentional or unintentional. There are many types of abuse – the categories generally recognised in Safeguarding Adults and in the Safeguarding of Children & Young People are listed below (see 2.4 and 2.12). Abuse is often a crime e.g. assault, rape, theft, fraud, domestic abuse, hate crime.

2.2 Safeguarding

Safeguarding means protecting someone's right to live in safety, free from abuse and neglect.

2.3 Adult at risk

This term is increasingly replacing the term 'vulnerable adult'. The provisions for safeguarding adults at risk of abuse or neglect contained within the Care Act 2014 apply to an adult who meets the following three conditions:

- has care and support needs
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs, is unable to protect themselves against the abuse or neglect or the risk of it

An adult at risk may be someone who:

- has a physical disability and/or sensory impairment
- has a learning disability
- has mental ill health, including dementia or a personality disorder
- is dependent on others to maintain their quality of life
- has a long term illness or condition
- lacks the mental capacity to make particular decisions and is in need of care and support.

It is important to recognise that a person who falls into one of these categories is not automatically 'at risk'. The extent to which someone is at risk will be determined by a range of factors including personal characteristics (e.g. mental capacity, ability to communicate, degree of physical dependency) and factors associated with their situation (e.g. extent of support network, access to information).

2.4 Adults - types of abuse

The Care Act 2014 lists the following types of abuse but this is not intended to be an exhaustive list:

- Physical abuse
- Psychological / emotional abuse
- Financial or material abuse
- Sexual abuse
- Modern slavery
- Domestic abuse
- Discriminatory abuse
- Institutional / organisational abuse
- Neglect and acts of omission
- Self-neglect

The following are also type of abuse:

- **Radicalisation / Extremism** – A process by which someone comes to adopt extreme political, social or religious ideals that reject the status quo and due to their susceptibility may be drawn into committing terrorist-related activity.
- **Mate Crime** - A further type of abuse is known as 'Mate Crime' – where someone befriends a vulnerable person deliberately to take advantage of them.
- **Cuckooing** - Cuckooing is a form of abuse/crime in which drug dealers take over the home of a vulnerable person in order to use it as a base for drug dealing and/or other criminal activities.
- **Hate Crime** - A hate crime is when someone commits a crime because of someone's disability, gender identity, race, sexual orientation, religion, or any other perceived difference.
- **Coercive and controlling behaviour** – A new criminal offence for this type of behaviour occurring in intimate and familial relationships was introduced into the Serious Crime Act 2015.
- **Forced marriage** - A term used to describe a marriage in which one or both of the parties is married without their consent or against their will.
- **Female Genital Mutilation (FGM)** – This is a criminal offence, and is a form of violence against women and girls.

2.5 **Capacity**

This is the ability to make your own decisions. There is a presumption that adults have mental capacity to make informed decisions about their lives. If someone has been assessed as not having mental capacity, decisions will be made in their best interests as set out in the Mental Capacity Act 2005 and Mental Capacity Act Code of Practice.

2.6 **Statutory Safeguarding Enquiry/Section 42 Enquiry**

Safeguarding enquiries carried out on behalf of adults who fit the criteria outlined in Section 42 of the Care Act 2014 (see 'Adult at Risk' above). Local authorities are required by law to carry out safeguarding enquiries for these individuals.

2.7 **Non-Statutory Safeguarding Enquiry**

Safeguarding enquiries carried out on behalf of adults who do not fit the criteria outlined in Section 42 of the Care Act 2014. Local authorities are not required by law to carry out enquiries for these individuals; they do so at their own discretion.

These enquiries could relate to an adult who:

- is believed to be experiencing, or is at risk of, abuse or neglect, and
- does not have care and support needs (but might have just support needs).

2.8 **Duty to cooperate**

Local authorities must cooperate with each of their relevant partners, as described in section 6(7) of the Care Act, and those partners must also cooperate with the local authority in the exercise of their functions relevant to care and support including those to protect adults. Local authorities must also co-operate with such other agencies or bodies as it considers appropriate in the exercise of its adult safeguarding functions, including (but not limited to) those listed in section 6(3) of the Care Act, including housing, health and care providers.

2.9 **Investigation**

In adult safeguarding, there is a move away from safeguarding investigations and this term has been replaced by Enquiry and Section 42 Enquiry (see above), except in relation to criminal investigations by the police. In children's safeguarding, the term investigation is still used and refers to the collection of information / evidence about the abuse / neglect that has or might occur. It may also include a criminal or disciplinary investigation.

2.10 **Assessments under the Care Act 2014**

Sections 9-13 sets out the Care Act's provisions on assessing adults and carers, including duties of the local authorities to assess adults if they appear to have needs for care and support, and carers if they appear to have needs for support.

2.11 **Safeguarding Adults Review (SAR):**

This term replaces 'Serious Case Review' in Adult Safeguarding. Safeguarding Adult Boards (SABs) must arrange a SAR when an adult in its area dies as a result of, or has experienced, serious abuse or neglect, and there is concern that partner agencies could have worked more effectively together. The aim of the SAR is to

identify learning and improvement action. While we are not a statutory member of SABs (Safeguarding Adult Boards), our staff may be invited along as a professional who has relevant knowledge of a particular case.

2.12 **Children - types of abuse**

Four main categories of child abuse are generally recognised, and a child may suffer more than one type at a time:

- Physical abuse
- Psychological / emotional abuse
- Neglect
- Sexual abuse, including the sexual exploitation of children and young people

2.13 **Safeguarding and promoting the welfare of children**

This is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best life chances.

2.14 **Serious Case Review (SCR)**

A serious case review (SCR) takes place after a child dies or is seriously injured and abuse or neglect is thought to be involved. It looks at lessons that can help prevent similar incidents from happening in the future.

2.15 **Significant Harm**

The Children Act 1989 introduced the concept of 'significant harm' as the threshold that justifies compulsory intervention in family life in the best interests of children. The Act gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering or likely to suffer significant harm.

2.16 **Thresholds of intervention**

These are used by Safeguarding Teams to support decision making and to determine the level of response to an incident (e.g. to invoke safeguarding procedures or to refer back to the service provider). An incident falling below a threshold does not mean it is not serious or can be ignored. Instead, it may mean that the most effective intervention will be via a different service / agency or through an internal investigation / action by the service provider. Thresholds can also be used by service providers to help in the decision whether to raise an alert in the first instance.

3 **Responsibilities**

- 3.1 Safeguarding is a collective responsibility and all staff in the Red Kite Group are expected to be familiar with this policy and do what they can do to keep safe an individual who is known or believed to be at risk.

- 3.2 All our staff should be alert to signs of abuse and are expected to follow a prompt and effective reporting procedure should abuse be suspected, disclosed or discovered.
- 3.3 The Red Kite Housing Group will have a minimum of two staff nominated to be Safeguarding Leads to ensure that safeguarding is managed effectively, efficiently and safely.
- 3.4 The Head of Experience is responsible for managing, reviewing and implementing this policy.

4 Legal Framework

- 4.1 The legal framework is extensive, and includes the following:
- **Public Interest Disclosure Act (1998)** – places a duty on everyone to report something that means someone is at risk.
 - **Mental Capacity Act (2005)** and supporting Code of Practice (2016) - provide a framework to empower and protect people who may lack capacity to make decisions for themselves.
 - **Protection of Freedoms Act (2012)** – this Act established the Disclosure and Barring Service (DBS) by merging the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
 - **Data Protection legislation** – governs the protection of personal data and provides a framework to ensure that personal information about a person is shared appropriately.
 - **The Care Act 2014** – introduced a legal framework for adult safeguarding.
 - **Care & Support Statutory Guidance (updated 2016)** – sets out how the provisions of the Care Act should be implemented. Safeguarding in the context of the Care Act specifically relates to adults who have care and support needs. The Guidance sets out expectations for organisations, including housing organisations, including the need for operational policies and procedures and the requirement to support the local authority in its responsibility to carry out enquiries e.g. by providing relevant information.
 - **Children Act (1989 and 2004)** – legislation regarding the safeguarding of children. Section 11 of the Children Act 2004 places duties on a range of organisations, including housing providers, to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.
 - **Working Together to Safeguard Children (updated 2015)** - sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people.
 - **Safeguarding Children & Young People from Sexual Exploitation** - supplementary guidance to 'Working Together', which sets out an inter-agency approach. It has a dual aim of helping to protect children and young people and encourage the taking of a proactive approach to the prosecution of offenders.

5 Key Principles and Policy Statement

5.1 The Red Kite Group will

- follow relevant legislation, government guidance and our regulator's requirements as applicable
- have in place a culture that does not tolerate abuse and which encourages staff, contractors and volunteers to raise concerns
- prevent abuse from happening wherever possible
- respond promptly and proportionately where abuse is suspected or takes place, making the necessary referrals to the appropriate authorities, thus aiming to stop abuse continuing and to ensure the person harmed receives effective support
- ensure that staff are confident and fully equipped to respond to concerns of abuse. This will be achieved by training that is targeted appropriately to specific roles, and through clear procedural guidance and supporting information
- co-operate with any partner's safeguarding investigations - within legal and professional parameters - where our expertise, knowledge or resource is required

5.2 Our policy and procedures will take account of the principles that govern how safeguarding procedures should be implemented. These reflect the most recent national guidance.

5.3 Our legal responsibilities as set out in the Care Act 2014 state that, as a provider of housing, we are obliged to co-operate with a range of organisations including local authorities in the exercise of their functions which include safeguarding. Although the local authority is the lead agency for making Section 42 enquiries (see 2.6 above under definitions), the local authority may require others to undertake such enquiries. In some cases, a professional who already knows the adult may be considered the best person (see Care Act 2014 Statutory Guidance section 14.76).

5.4 The Care Act says all agencies must:

- have clear operational policies and procedures in adult safeguarding
- have a senior manager taking a lead role in safeguarding arrangements
- ensure that staff are:
 - trained in recognising the symptoms of abuse
 - vigilant and able to respond to adult safeguarding concerns
 - understand the need for clear and accurate record keeping
 - familiar with the six principles underpinning adult safeguarding (see 5.5 below)

5.5 The six principles are:

- **Empowerment** – Person-led decisions and informed consent
- **Prevention** – It is better to take action before harm occurs

- **Proportionality** – Proportionate and 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
- **Accountability** – Accountability and transparency in delivering safeguarding

5.6 Safeguarding an adult at risk means protecting them while making sure that their well-being is promoted including having regard to their views, wishes, feelings and beliefs in deciding on any action. We recognise that adults have the right to dignity, privacy and control over their own day-to-day lives, and that safeguarding adults involves a balance between respecting those rights and assisting people to remain safe.

5.7 **Partnership Working**

Safeguarding is a multi-agency approach which depends upon effective joint working. We recognise the lead responsibility of Buckinghamshire County Council in co-ordinating safeguarding work, and our own role in alerting children's / adult's services and/or the police of any concerns regarding safety. We will work co-operatively with relevant partnerships.

This will include working with MASH (Multi-agency Safeguarding Hub), MARACs (Multi-Agency Risk Assessment Conferences), MAPPAs (Multi-Agency Public Protection Arrangements, MASEs (Multi-Agency Sexual Exploitation panels), SABs (Safeguarding Adult Boards) and LSCBs (Local Safeguarding Children Boards) which aim to protect those at risk.

5.8 **Sharing information**

The Red Kite Group and relevant agencies may share information for the purpose of safeguarding and where we have a reasonable belief that someone is at risk of significant harm. Where possible/practical, we will seek consent to share information, depending on the circumstances and the nature of the concerns involved.

5.9 **Risk assessment**

We have a responsibility to ensure, where a customer or potential customer or a member of their household or visitor is a known risk to others in terms of safeguarding, that a risk assessment is undertaken regarding the appropriateness of the situation (including any proposed letting of one of our homes) and to agree how risks will be managed and what actions need to be taken.

5.10 For all safeguarding concerns, both for adults at risk and children, we will:

- Report details as appropriate and in a timely manner to relevant agencies (e.g. social services / the police)
- Keep a full and accurate record of our concerns
- Ensure such records are kept secure
- Co-operate fully with any investigation as required
- Do all that is reasonable and practical to support victims, in line with our other policies such as our Priority Moves Policy and Anti-Social Behaviour Policy.

6 Related Policies & Procedures

- HR/ Recruitment Policies
- Anti-Social Behaviour Policy
- Allocations Policy
- Priority Moves Policy
- Safeguarding Procedures
- Support Needs and Risk Assessment Process
- Data Protection procedures

7 Monitoring and Policy Review

- 7.1 New/open cases will be reported regularly to senior management, and case reviews will be regularly carried out by managers to ensure consistency and quality of case handling.
- 7.2 This policy will be reviewed on a two yearly basis or earlier in response to legislative changes, good practice, any serious incidents that might occur, or changes in other policies.