**SAFEGUARDING POLICY**

**Aim of the Policy**

**SILVA CARE HAS A ZERO TOLERANCE OF ABUSE AND NEGLECT WITHIN THE ORGANISATION**

The central aim of the agency's safeguarding policy is to set out for all relevant parties the:

* principles and values underlying its approach to the safeguarding of its service users
* ways in which the agency does this
* steps taken to avoid abuse taking place
* actions taken to deal with abuse if it occurs.

**Legislation:**

This agency seeks to work in line with local safeguarding authority policies and procedures and guidance from the Care Quality Commission (CQC). It recognises the importance of national guidance such as that contained in No Secrets (Department of Health ), and seeks to comply in all respects with current safeguarding legislation and regulations.

Silva care recognises that a vulnerable adult is someone aged 18 or over who has, or may need help with everyday living tasks, and is for any reason, unable to protect themselves.

The agency recognises that service users who lack mental capacity are particularly vulnerable to abuse and exploitation. It is accordingly mindful of the need to follow the principles and practice guidance that has accompanied the Mental Capacity Act 2005. These apply particularly to investigations of possible abuse in which it is important to seek means of ascertaining the experiences and views of any victim or indeed alleged perpetrator who might lack capacity, eg by seeking the services of independent advocates.

**Defining** **Abuse:**

**Abuse is a violation of an individuals human and civil rights by another person 'No secrets' [DH2000]**

The agency recognises that abuse of service users may take the following forms (this list is not exhaustive):

* physical abuse- any form of physical assault by another person including inappropriate restraint.
* financial or material abuse- includes, theft, borrowing money or property without paying it back, pressure in connection with a will or property.
* psychological or emotional abuse
* sexual abuse- any sexual act without consent, or with a person who is unable to consent.
* neglect- ignoring medical or physical needs, not providing access to health and care. Withholding or failing to provide adequate fluids and nutrician.
* discriminatory abuse- may include harassment, and slurs based on a persons disability, ethnic origin, gender or sexuality.
* Institutional abuse including; repeated instances of poor care, ill treatment ,and unsatisfactory professional practice

**Identifying where abuse takes place:**

**Abuse can take place in any setting and may include the following;**

Home

Supported living/sheltered housing

Day service

Care home

Hospital

Community

Where ever people are dependent on the care and support of others.

**The Role and Accountability of Staff in Relation to** **Abuse**

Silva Care insists that all its staff have a responsibility to:

* provide service users with the best possible care
* report anything they witness which is or might be abusive
* co-operate in every possible way in any investigation into alleged abuse
* participate in training activities relating to abuse and protection.

**Silva Care requires its managers to take responsibility for:**

* developing the systems and structures within which it is possible to deliver the best possible care
* encouraging a culture and ethos that is hostile to any sort of abuse
* producing and regularly revising the policies and procedures to combat abuse
* operating personnel policies which identify, appropriately deal with and if necessary exclude from practice potential or actual abusers
* providing training for staff in all aspects of abuse and protection
* investigating any evidence of abuse speedily and sympathetically
* implementing improvements to procedures if an investigation into abuse reveals deficiencies in the way in which the service operates
* collaborating with all other relevant agencies in combating abuse and improving the protection of service users.

**Recruitment Practices**

The agency takes great care in the recruitment of staff, carries out all possible checks on recruits to ensure that they are of a high standard, and co-operates in all initiatives regarding the sharing of information on care workers who are found to be unsuitable to work with vulnerable people. The agency ensures that new employees are checked through the CRB and against the barring lists.

**Preventing** **Abuse from Occurring**

The agency is committed to taking all possible steps to prevent abuse from occurring including:

* setting out and making widely known the procedures for responding to suspicions or evidence of abuse
* operating personnel policies which ensure that all potential staff are rigorously checked, by the taking up of references and clearance through CRB checks and the ISA's barring list with equivalent checks for staff employed from overseas
* incorporating material relevant to abuse into staff training at all levels
* maintaining vigilance concerning the possibility of abuse of service users from whatever source
* encouraging among staff, service users and all other stakeholders a climate of openness and awareness that makes it possible to pass on concerns about behaviour that might be abusive or that might lead to abuse
* maintaining robust procedures for regulating any contact that care workers need to have with service users' property, money or financial affairs
* communicating concerns to the appropriate officers of the local Safeguarding Authority, and Care Quality Commission in line with current policies and authoritative professional guidance
* helping service users as far as possible to avoid or control situations or relationships that would make them vulnerable to abuse.

**Identifying Actual or Possible** **Abuse**

The agency aims to identify any instances of actual or possible abuse involving our service users by all possible means including:

* fostering an open and trusting communication structure within the organisation so that staff, service users and others feel able to discuss their concerns with someone authorised to take action
* ensuring that all staff and service users know whom they may turn to for advice and action if they become aware or suspect that abuse is occurring
* encouraging staff to recognise that a commitment to the highest possible standards of care must, when necessary, overrule loyalty to colleagues individually or corporately
* making it clear to staff that failing to report incidents or suspicions of abuse is itself abusive and may lead to disciplinary or criminal proceedings
* operating systems of management, supervision, internal inspection and quality control that have the potential to reveal abuse where it exists.

**Procedures for When** **Abuse has Occurred or is Alleged to Have Occurred**

If abuse is clearly occurring or is alleged to have occurred, the agency takes swift action to limit the damage to service users and to deal with the abuse, as follows.

Initial Procedures

* A staff member who witnesses a situation in which a service user is in actual or imminent danger must use their judgment as to the best way to stop what is happening without further damage to anyone involved including themselves, either by immediately intervening personally or by summoning help.
* Any staff to whom actual or suspected abuse is reported — usually the manager or a senior staff member — must immediately take any further action necessary to provide protection, support or additional care to a service user who has been harmed.
* The senior staff member or manager (or whoever has authority at the time) must without delay alert the local safeguarding unit and follow its procedures and guidance from that point on. This will usually involve a strategy meeting and an action plan to be implemented from the strategy meeting.
* In some instances the registered manager might need to report the matter directly to the police and take guidance from them on the measures to be taken.
* The registered manager must take steps to ensure that there is no further risk of the victim being abused by the alleged or suspected perpetrator.
* The registered manager must ensure that the needs of the alleged victim of the abuse for any special or additional care, support or protection or for checks on health or wellbeing are met at the outset and subsequently throughout the proceedings.
* If the alleged abuser is a staff member and there is sufficient evidence that abuse has or might have occurred, the registered manager will suspend the person from duty pending the outcome of a disciplinary investigation. The manager will receive guidance on the steps to be taken following the local safeguarding authority strategy meeting, which will be held following the reporting of the abuse or suspected abuse.
* If the evidence is insufficiently strong to warrant suspension the staff member against whom the allegation has been made will be instructed not to have further unsupervised contact with any service users until the matter is resolved.

**Investigating Alleged** **Abuse**

In many cases an investigation will be carried out or led by a member of an external agency in line with the action plan determined by the initial strategy meeting convened by the local safeguarding authority. If a staff member is expected to carry out an investigation the following guidance should be followed.

* An appointed investigating officer will usually consult the person who may have been abused to hear their account of what has occurred and their views about what action should be taken, involving the service user's relatives, friends or representatives if that is appropriate and in line with the wishes of the service user.
* The investigating officer is expected to take into account in his or her conducting of the investigation:
	+ the fears and sensitivity of the abused person
	+ any risks of intimidation or reprisals
	+ the need to protect and support witnesses
	+ any confidentiality or data protection issues
	+ the possible involvement of other agencies, including the police, local safeguarding team and the CQC
	+ the obligation to keep the abused person and in specific instances the alleged perpetrator informed of the progress of the investigation.
* The investigating officer will assure the person who may have been abused that they will be taken seriously, that the comments will as far as possible be treated confidentially, that they will be protected from reprisals and intimidation, and that they will be kept informed of actions taken and of the outcome.
* The investigating officer will consider whether the service user needs independent help or representation in presenting their evidence and, in conjunction with the registered manager if necessary, will arrange for the appropriate help or support to be made available.
* If the abused person expressly states a wish that no further action should be taken, the investigating officer will consider whether:
	+ a danger to others exists from not investigating further
	+ in the light of that assessment it is possible to follow the person’s wishes
	+ in any case precautionary measures should be taken to protect others from the possibility of abuse from the same source.

The person will be informed of what is to happen.

* If it is decided that an investigation should proceed, the investigating officer will, as discreetly and confidentially as possible, look into all aspects of the situation.
* The investigation will include interviewing the staff involved in the incident up to that point, hearing and assessing evidence from any others who might be in a position to supply information, exploring every other possible source of evidence, maintaining appropriate contact with any other agencies involved, and if necessary seeking expert advice on any technical aspects of the situation which are outside the knowledge or expertise available within the organisation.
* Any staff from whom evidence is taken will be assured that they will be dealt with in a fair and equitable manner and informed of their employment, legal and procedural rights.
* The alleged victim of the abuse, and where appropriate their relatives, friends or representatives, will at all times be kept as fully informed as possible of what is happening regarding the suspected abuse.
* The investigation will be carried out as quickly as possible and the findings presented to the local safeguarding strategy group, which will then decide what further action to take.

F**ollowing the Investigation**

* If it seems from the investigation that on the balance of probabilities abuse did indeed take place, the registered manager will, if the abuser is a staff member, initiate and carry through proceedings according to the agency's disciplinary policy or, if the abuser is not a member of staff, take action to involve other responsible bodies.
* If abuse is proved against a staff member, the registered manager will initiate appropriate action, which most likely will be dismissal and referral to the Independent Safeguarding Authority.
* Other employment sanctions could apply depending on whether there might have been mitigating or extenuating circumstances. In some cases retraining could be appropriate.
* The service user or representatives will be informed of the outcome of the investigation and any further action and will be consulted about whether any redress or apology would be appropriate and helpful to them.
* The registered manager will take appropriate steps to inform the Independent Safeguarding Authority for possible inclusion of the person on its barring lists as someone who is unsuitable to work again with vulnerable adults and possibly children.
* At all stages of the process, a careful record will be kept of all action taken, paying particular attention to the sensitivity of the abused person.

**Planning Further Action**

At the end of an incident involving possible or actual abuse, managers should review what has happened with a view to assessing whether the agency or its management has been in any way culpable, ineffective or negligent, learning lessons for the way the agency should operate in the future, and passing on any appropriate information to other agencies.

If necessary the agency's policies, procedures and training arrangements should be modified in response to any material that has emerged from the incident or the investigation. The agency might carry this out with advice and guidance from the local safeguarding authority.

**Contacts and Sources of Assistance**

Social Services

Bristol – Adult Duty Desk – 01179036684

South Gloucestershire – Duty Desk – 01454 868007
South Gloucestershire out of office hours – Emergency Duty Team – 01454 615165

Police – 999 (in an emergency) – 0845 600 8000 (to be connected to local office)

### Care quality Commission, National Contact Centre: 03000 616161

**Record Keeping**

The agency ensures that all details associated with allegations of abuse are recorded clearly and accurately. The records are kept securely and the agency's rules on confidentiality are carefully followed. Reports are made as required to the Care Quality Commission and other safeguarding agencies involved. See Record keeping policy.

**Referrals to ISA Barring Lists**

The agency always complies with its legal requirement to refer a care worker, where it has evidence that the staff member in question has been guilty of misconduct by harming or putting at risk a vulnerable adult (or child), during the course of their work, to the ISA's barring lists following the procedures issued by the ISA.

**Related Policies**

This policy should be read in conjunction with the several other policies of the agency that relate to aspects of abuse or protection of service users. They include the policies on complaints, physical restraint, the management of service users' money, recruitment, induction, staff development and training, staff supervision and importantly whistleblowing. The policy on mental capacity will also be relevant in some circumstances.

**Training**

All staff receive training in recognising abuse and carrying out their responsibilities under this policy as part of their induction programme in accordance with 2010 Common Induction Standard 6: “Principles of Safeguarding in Health and Social Care” and within 12 weeks of their employment.

All staff are expected to receive further training to ensure that they are familiar with the local authority’s safeguarding of vulnerable adults policies.

**Review of this Procedure**

Name: Sharon Moore Signed:

Date: 06th August 2014

Policy Review Date: 06th August 2015