

Safeguarding Policy

Statement and Purpose of the Policy

Statement on Adult Protection: Our philosophy is that vulnerable and disabled people have the same rights in law as all other citizens and therefore we will do all we can to support clients in any prosecution of abuse. By defining abuse, having a clear policy, and communicating both our policy and commitment to support clients in gaining redress.

Serenta Homecare will investigate and take appropriate action according to the finding of our investigations, up to and including dismissal.

Serenta Homecare will take whatever action is necessary to support the criminal prosecution of anyone found to have been responsible for abuse.

Anyone making a complaint or allegation expressing concern, whether they are an employee, Client, Care Worker, or members of the general public will be assured that:

- They will be taken seriously
- Their comments will usually be treated confidentially but their concerns may be shared if they or another are at significant risk
- They will be given immediate protection from the risk of reprisals or intimidation
- They will be given support and afforded protection, if necessary, e.g., under the Public Interest Disclosure Act 1998
- They will be dealt with in a fair and equitable manner
- They will be kept informed of action that has been taken and the outcome

1. Definition of Vulnerable Person

We define vulnerable person as someone:

“Who by reason of mental or other disability, age, or illness; and who is or may be unable to take care of him or himself, or unable to protect him or herself against significant harm or exploitation.”

For the purposes of this policy most of the individuals with whom the Serenta Homecare works are vulnerable.

2. Abuse and its Definition in Law

Some instances of abuse will constitute a criminal offence. In this respect vulnerable individuals are entitled to the protection of the law in the same way as any other member of the public. In addition, statutory offences have been created which specifically protect those who may be incapacitated in various ways. Examples of actions which may constitute criminal offences are assault, whether physical or psychological, sexual assault or rape,

theft, fraud, or other forms of financial exploitation and certain forms of discrimination, whether on racial or gender grounds.

When complaints about alleged abuse suggest that a criminal offence may have been committed Serenta Homecare will refer the matter to the police immediately. Criminal investigation by the police takes priority over all other lines of enquiry and the Serenta Homecare will assist the police in whatever way we can. If the police ask us to delay our own internal investigation procedures we will usually do so however, we are not obliged to, as other legislation does not override our obligation as employers, and it is not good employment practice to unduly delay or prolong an investigation, disciplinary process or suspension.

3. How and When Can Abuse Occur?

Abuse can occur in a person's own home, in a residential home, family household or single person household, it can happen in a day care, school or college environment. It can be a one-off incident, repeated occasionally or regularly over a long period of time. It can be a subtle and difficult to detect. Abuse includes acts of commission or omission on the part of others, resulting in the victim sustaining actual or likely physical injury and/or pain, or impairment to bodily functions.

An abuser can be another member of a household, relative, another resident in a residential home, an acquaintance, an employee, volunteer or from another agency.

4. Forms of Abuse

Abuse can take several forms. The definitions being used for the purposes of this policy are as follows:

- Physical Abuse
- Deprivations or Physical Neglect
- Psychological and verbal abuse
- Sexual abuse
- Legal or financial abuse
- Other situations of acute risk not related to abuse
- Institutional abuse
- cuckooing
- radicalisation
- organisational abuse
- Modern slavery

Physical Abuse

Including physical assault ranging from rough, inappropriate, or careless handling to direct physical violence resulting in falls and injuries which may include bruising, abrasions, burns, scalds, sores, wounds, dislocations or fractures; also including medical mistreatment such as withholding or inappropriately altering medication or other treatment regimens; the use of punishments; restraint or seclusion by removal or containment of an individual in a room or household.

Deprivation or Physical Neglect

Including careless or deliberate withholding or inadequate provision of food, withholding assistance to full fill basic human needs and the isolation or confinement of the individual against their will (including control of access by telephone or post); may also include withholding of the right to independent decision making or action and the enforcement of inappropriate, unnecessary dependence.

Psychological and Verbal Abuse

Including any verbal or non-verbal harassment, bullying, insulting, intimidating, or threatening behaviour, including the threat of deprivation or neglect or physical abuse; also including physical or verbal humiliation, racial abuse or undermining through ridicule and contemptuous treatment and the deliberate misrepresentation of behaviour or views; may also include threats to future security based upon property ownership or financial support.

Sexual Abuse

The involvement of vulnerable individuals in sexual activities which are for the sole gratification of the individual perpetrating the abuse and when the vulnerable person does not want and has not consented to their involvement. It may also concern situations when they are unable to consent and includes acts that are against the law. Abuse could involve non-contact or contact abuse. It also includes physical assault, rape, or coercion to engage in sexual activity, including the threat of deprivation or neglect or physical abuse.

Legal or Financial Abuse

Including the exploitation of a dependant person for personal gain, abuse of legal rights, misappropriating of funds or property, appointee exploitation, direct payments abuse, extortion or the threat of deprivation or neglect or physical abuse to obtain money or possessions, consent or legal powers including the right of inheritance.

Situations of Acute Risk Not Related to Abuse

Situations where people are acutely at risk for reasons other than abuse, including the exercise of personal choice to remain in a poor or potentially dangerous environment or situation. This may also include situations where people are seriously at risk because of self-abuse.

Institutional Abuse

In some services abuse of clients can become institutional and take many forms. The dividing line between abuse and bad practice can be fine. It can constitute physical, verbal emotional, subtle financial abuse and even sexual abuse. It can be insidious and ongoing at a low level. The dynamics of working in a large employee group can be complex. Denial can occur at all levels and managers may find it difficult to recognise, expertise from outside the service may be needed to detect to deal with it.

- If employees believe they may be working in a climate of institutional abuse, they have a responsibility to alert senior managers who will always listen.
- If a manager may be potential abuser concerns must be reported at the earliest opportunity to the Registered Manager.
- If an employee is concerned their manager will not believe reports on the grounds of divided loyalty or friendships the alerted staff member must report concerns to the Registered Manager.

Cuckooing

Cuckooing is when professional criminals target the homes of vulnerable adults so they can use the property for drug-dealing and other criminal activities. ... They move quickly between vulnerable people's homes for just a few hours, a couple of days or sometimes longer.

Radicalisation

The process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

Organisational Abuse

The inability to provide a good level of care to an individual or group of people in a care setting such as a hospital or care home, or in a person's own home if they receive care assistance there. It may be a one-off incident, repeated incidents, or on-going ill-treatment.

Modern slavery

The illegal exploitation of people for personal or commercial gain. It covers a wide range of abuse and exploitation including sexual exploitation, domestic servitude, forced labour, criminal exploitation and organ harvesting.

5. Responsibilities of all Volunteers, Employees and Management

The quality of all protection policies relies on the people who implement them. All managers and staff are expected to fulfil their responsibilities under this policy. This means taking all reasonable measures to carry this out. It can mean having to make difficult professional judgements. Serenta Homecare will support all employees in taking the decision to report alleged or accrual abuse irrespective of who may be the alleged perpetrator or the potential consequences to that person.

Increased recognition of the presence of abuse and an understanding of the steps that can be taken to prevent it is, in our view, the best route to protection. This means ensuring employees know how to recognise it, setting up policies and systems that protect against it and communicating clear procedures of how we expect staff to deal with disclosures or suspicion of abuse.

Every employee shall:

- Ensure compliance with this policy by alerting managers to any actual or suspected abuse they discover while carrying out their duties.
- Ensure this policy is implemented to protect vulnerable individuals.
- Initiate, co-ordinate and conduct investigations into reports of actual or suspected abuse
- Communicate with Police, Social Services, and other agencies
- Ensure that the Adult Safeguarding Policy is consistent with other Local Authority Protection Policies and Procedures where they exist
- Monitor and collate information about actual and suspected abuse
- Monitor recruitment to ensure employees are appointed work to our Care/Support philosophy and have no history of abuse
- Records of allegations, investigations and outcomes will be held and reported to the Registered Manager

Duties are placed upon the Registered Provider to:

- Report to The Registered Manager any actual or suspected abuse
- Ensure care and support employees adhere to all Serenta Homecare' s operational policies and procedures
- Follow Serenta Homecare' s recruitment procedures in fully taking up references on new employees as well as Enhanced DBS Disclosures.
- Go through this policy in detail during employee's induction

- Act in an emergency to deal with a report of an actual or suspected abuse in a way that protects the clients
- Support employees and clients in the event of a disclosure of abuse
- Monitor or signs and signals of individual abuse

Serenta Homecare takes responsibility for suspending immediately and employees that are reported on suspicion of abuse. As with any other potential disciplinary matter such employees will not be presumed guilty and will be given every opportunity to account for their actions before any disciplinary procedures are involved.

Serenta Homecare will work closely with others including Police, PCT Social Services, families, parents, and carers etc.

Serenta Homecare acknowledges that there is always the possibility that a client could be abused by an employee or a volunteer.

We recognise that reporting on colleagues is difficult, but everyone has a responsibility in this area of work. The safety and welfare of clients/vulnerable individuals is of paramount importance. Employees and volunteers within Serenta Homecare have a 'duty of care' to report anything which might threaten the safety of clients/vulnerable individuals.

It is better to report a suspicion and be wrong than not to report it at all. Any employee/volunteer who reports his/her suspicions in good faith will be supported by Serenta Homecare's management. Any reported suspicions will be taken seriously by the Registered Manager and co employees should feel comfortable in raising concerns.

Serenta Homecare recognises that the issue of abuse can cause considerable anxieties for employees, and it is acknowledged that employees may themselves have experienced abuse. The Registered Manager will therefore be aware that this may affect the ability of staff to provide support to clients during any investigation.

Employees should be aware that any concern relating to abuse of users of our services may be raised in confidence but that it will be investigated and therefore shared on a 'need to know' basis. Effective management of alleged abuse requires both professional judgement and adherence to the agreed procedures. Failure to adhere to these procedures may result in disciplinary action.

6. Serenta Homecare's Approach to Safeguarding

Serenta Homecare's approach is to use the seven 'R's: recognise report, respond to, record properly, recall effectively, resource adequately and redress.

7. Recognition and Assessment

Employees will receive face to face and/ or e-learning training and information on predisposing factors and potential indicators which is appropriate to the situations in which they work.

We require all employees and volunteers to be familiar with the training and information provided and expect them to use it to remain alert to signs and signals of abuse. 'We cannot

provide an exhaustive list nor does presence of one factor indicate abuse is happening. However, suspicions must be raised if factors are present, and concerns expressed to the Registered Manager.

The task of recognising abuse is therefore one that all employees must share. Once having alleged or received information about a possible abuse, the task of the Registered Manager of services is to assess such alerts to deal with it according to the guidance in this policy and procedure.

In most cases, indisputable evidence of abuse will not be available. More likely is a scenario where there may be several factors causing concern; or there are suspicions/allegations of abuse; or there is evidence of actual abuse.

It is highly unlikely that there will be only one event or sign which indicates that abuse may occur or has taken place. It is more likely that there will be a series of factors which individually may mean little but taken together may present reasonable grounds for concern. A picture of abuse may build up over time.

Serenta Homecare acknowledges that its employees are not experts at such recognition and therefore requires them to discuss any concerns that may have with their manager who in turn will inform the Registered Manager. If the employee is not confident that the concern is being adequately dealt with, they can also report the concern to the Registered Manager directly.

8. Prevention of Individual Abuse

No person employed by Serenta Homecare or working with Serenta Homecare's service, clients should ever abuse a client or any other vulnerable person. Employees must treat clients with the same respect as every other human being.

9. Confidentiality

Serenta Homecare's employees have a responsibility when concerned that abuse may be taking place, which overrides the issue of confidentiality. Although the views of the client will normally be respected when sharing the information, they give, Serenta Homecare cannot guarantee a fully confidential service neither should employees. There will be circumstances when a duty to protect the vulnerable individual or the wider public interest will outweigh the responsibility to any one individual, for example:

- If the allegation concerns an employee or volunteer
- The protection of the individual overrides all other interests
- There is or may be a cause for an active Police investigation
- There is a significant risk of suicide or self-harm
- There is a significant risk of harm to a third party

When employees and managers are faced with disclosing information given in confidence by clients they and any carers should be advised why and with whom information will be shared. This will be always on a 'needs to know' basis.

Information given to an individual employee, or a representative belongs to Serenta Homecare and not the individual. Refer to the policy on Confidentiality for further information

10. Monitoring

Serenta Homecare will monitor the frequency of incidences of individual abuse and will review this policy and procedure at least annually to ensure that any gaps in service or practice are identified and legislated for.

11. Dissemination of Information

Serenta Homecare will provide a summary of this policy to clients when they are first introduced to the service. The summary will be provided in a format compatible with individual client's needs.

Employees will receive regular training on individual protection from abuse.

12. Procedure

12.1 Reporting and Responding to Actual or Alleged Abuse

The first response by employees should always be to accept what is being said by the person raising a concern. You will need to advise the person that you will have to report this to your Registered Manager. Take notes of what is said, allowing the individual to tell you his/her own way, and immediately report to the Registered Provider. If the Registered Manager is unavailable report to the next most senior individual.

The Registered Manager then has the duty to assume responsibility for further action. Any allegation of abuse will be investigated by Serenta Homecare the only exception being if there is an investigation by the police of alleged criminal offences.

12.2 Reporting Procedure

The employee will need to do the following after an incident has been reported:

- Complete an incident form
- Write clear details of any physical evidence, e.g., bruising – give details of where it is on the person's body, the colour, and the shape. If possible, use a body map.
- Time/date

- Keep the report factual
- The person receiving this information will contact the Registered Manager to agree how to protect the individual.
- An agreed strategy for supporting the victim, during the post- investigation should be agreed by the Registered Manager. An alleged victim should have the opportunity to have the services of an independent advocate at any time during this procedure. Such advocates must be people who know the individual well.
- Serenta Homecare recognises the need to support clients family/Care Worker/ other Clients who are close to the victim. The need to ensure that communications are handled sensitively, and that time will be set aside to respond to any of their concerns is paramount. The family will need to have contact with a named person (to be agreed) to be kept up to date with the investigation and any subsequent developments.

The relevant parties to be informed are:

- The person's family (The person to be involved in making this decision)
- The Commission of Social Care Inspectorate
- The Funding Authority/ Supporting People Team
- Social Services

Situations of alleged abuse should be investigated on a multi-disciplinary basis in co-operation with the Policy, Social Services, Health and where appropriate, the Commission for Social Care Inspection. The Social Services Department has the lead responsibility for the investigation. The Registered Provider should ensure that the local Social Services department is informed from the earliest stage of disclosures of abuse and of situations where evidence following investigations indicates the actual abuse may have occurred.

If the report is about an incident or alleged incident in a registered care home, then the Director must notify the Commission of Social Care Inspectorate within 24 hours of the incident being reported. This follows the National Care Standards Bill 1984(as amended 1991). If the alleged perpetrator is an employee, then the Registered Provider must also notify any relevant statutory or other body responsible for professional regulation.

In all cases the Registered Provider for the service will request that a multi-disciplinary meeting will all the parties listed in 2.4 above is convened within 5 working days of the allegation. Social Services/PCT are the lead agency in the investigation, but they may ask Serenta Homecare to take the lead and they may ask for a joint investigation. If the police are involved, they will attend the multi-disciplinary meeting and inform all agencies of any action they are taking. If they are interviewing, they will inform the meeting when they can go ahead and interview if they haven't already done so. The meeting will also agree how all parties are kept up to date on progress and decide if further meetings are required.

12.3 Investigation and Follow Up

If the incident has been reported to the police, their advice will be taken on the level of investigation around the specific allegation which can be undertaken by the organisation. The advice must be discussed with Serenta Homecare management team to make sure that we also comply with our own policies and procedures and employment law on misconduct in the workplace.

Serenta Homecare has a responsibility to make sure that employees suspected of abuse are treated in the same way as any other employee accused of misconduct in the workplace. We will carry out investigations in accordance with the policy and procedure unless the Registered Provider in consultation has agreed to delay an investigation of the advice of the police.

Serenta Homecare can proceed with internal investigations and disciplinary procedures, which may include dismissal, before the outcome of a criminal investigation is known. From an employer's perspective, the allegations will focus on any breaches in procedures and actions carried out by the individual as an employee, which may differ from the breach of criminal law being investigated by the police. Also, any disciplinary findings will be based on the balance of probabilities whereas in criminal proceedings decisions must be 'beyond reasonable doubt'. This means that if we decided to dismiss, we will have acted in accordance with employment law and employee rights even if there is no criminal prosecution or if a criminal prosecution does not find the individual guilty.

If the police are not involved, the following will occur:

- Separate strands within the overall investigation are required to ensure
- The victim's story is heard, and his/her needs are met
- That any other potential victims are identified and supported
- Appropriate action is taken in relation to the alleged perpetrator
- Any management deficiencies are identified and put right
- Serenta Homecare's disciplinary policy is adhered to

An interview with the alleged victim will be held to ascertain:

- What happened?
- What help they need to recover?

There will be a review of and possible interviews with other Clients, who, in the light of the allegations may also have been abused by the alleged perpetrator.

The alleged abuser will be interviewed to ascertain:

- What happened and what evidence there is to support this account
- If the perpetrator is another Client what help and/or supervision, they need. See Section 12.5 Below.

If the alleged abuser is an employee, he or she will be made aware of his or her rights under employment legislation and internal disciplinary procedures. See Section 12.4 Below.

Interviews may be held with other employees and employees are expected to make themselves available for interviewing.

An investigation of the management and practice of a service/establishment will be carried out to ascertain:

- Whether the day-to-day management of the service was a fault in failing to prevent the abusive incident
- Whether the procedures for reporting and investigating abuse have been properly followed
- Whether changes need to be made to any of the operational policies, staffing arrangements or to any service design to minimise risk of abuse to Clients in the future.

12.4 Staff Disciplinary Procedures

Serenta Homecare, as a care provider has a duty in relation to the victim of abuse and also has a responsibility to investigate and take action, if necessary, against the employee when allegations of abuse are made against him or her.

The employee may be suspended from duty in line with the company Disciplinary Procedure pending the outcome of our own internal investigation. Decisions not to suspend an employee and/or not to inform the police must be fully documented and endorsed by the Registered Provider. It is also good practice to contact the lead officer of the multi-disciplinary team to notify them of our actions.

12.5 Abuse by Another Client

Where all alleged perpetrator is another Client then support must be provided to that person as well as the victim of abuse. It may also be necessary for someone to be identified as the 'appropriate individual' for the purposes of an interview under the Police and Criminal Evidence Act.

If appropriate, the Registered Manager will take a decision on whether an alleged perpetrator can safely remain in the project. Advice from police, the Commission of Social Care Inspectorate, funding authority or Social Services will be taken before making this decision.

12.6 Recording, Evidencing and Monitoring

Protecting vulnerable individuals requires managers and employees to give due attention to the contents of reports and processes involved in collecting information about alleged or actual abuse.

When a complaint is made it is important that we keep a clear and accurate record of the complaint and set up a file to include all relevant agency and client records and to record all

the action taken. This file should be made available to service commissioners and local inspection units on request. It is the responsibility of the Registered Manager to set up and maintain this file.

If the alleged abuser is a client, then information about his or her involvement in an individual protection investigation including the outcome of the investigation should be included in his or her care records.

All suspicious or disclosures of abuse must be recorded thoroughly and in a consistent manner. The record must include what the complaint (client) says or what the referrer (staff member, family, or other person) says and include dates, times, and places. Factual information must be separated from opinion.

Allegations of abuse from any source including anonymous sources should be recorded in the same manner.

If actual injuries or signs of abuse are present these should be recorded but only after the client has received prompt treatment and had the opportunity to consent to providing forensic evidence to assist any investigation.

All meetings facilitated by Serenta Homecare will be recorded and sent to relevant parties within five days of the meeting.

12.7 Evidencing

Collecting good factual evidence that is sufficiently detailed is crucial to helping The Registered Provider and police investigators find if abuse is happening. Employees should ensure they make notes of events they have witnessed as soon as they are able.

Giving evidence in a disciplinary hearing or court can be very stressful. In such a situation, particularly in the event of the criminal prosecution service bringing a prosecution, employees may be required to give evidence. Serenta Homecare will support employees in such situations.

If Clients are required to make statements, then employees should ensure an 'appropriate individual' is present during the interview. In general, this should not be an employee working with the person concerned. There are organisations who can provide appropriate individuals in such situations and the police will advise on such organisations.

In the event of the client needing to give evidence in court the criminal prosecution service will advise on the facilities to support disabled and vulnerable individuals when appearing as witnesses.

12.8 Monitoring Reported Abuse

Recent research shows that even the tip of the iceberg of abuse to vulnerable individuals is quite sizeable. Greater awareness of possibilities of abuse will help prevent it occurring but it will also lead to more discoveries. Serenta Homecare recognises that systems for collecting data must be adopted to meet this need.

Serenta Homecare must regularly audit reporting systems to ensure they are working and draw together in regular reviews information from complaints, investigations, and accident/incident reports to ensure patterns of client's complaints are identified.

Serenta Homecare will share information derived from monitoring with other agencies bearing in mind the requirement of the Data Protection Act 1998 and Access to Personal Files Act 1987.

It is up to the Registered Manager to keep a record of all expressions of concern and actual reports. Where there is alleged evidence, the employee will be asked to record concerns.

Where there is a suspicion of abuse, but nothing is revealed on investigation that substantiates, it is important that such data is retained for future recall purposes. In view of the nature of such information it should be kept in the strictest confidence by Service Provider.

Such data will only be shared with other agencies with the agreement of the Registered Manager.

12.9 Results of Investigation

The outcome of the investigations may result in:

- No action (other than recording the fact of the investigation and its results)
- Disciplinary action
- Prosecution
- Therapeutic intervention
- Service Change

The outcome must also be notified to the lead officer of the multi-disciplinary investigation team. This team will then decide if any further action is necessary.

Following an investigation any decisions taken as a result there will be a need for further follow up action by the Registered Manager.

Registered Provider is responsible for organising an individual protection review within a week of the completion of an investigation. This review must focus on the individual within the service. The purpose of the meeting is to review the incident reported, the actions which followed, decisions taken and actions and plans which now need to be put in place. The ongoing support needs of the vulnerable individual should be paramount. The meeting will also review the service as a whole in light of the findings of the investigation.

The meeting and decisions should be recorded with a plan for monitoring put in place.

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