

# Safeguarding Adults in North Yorkshire

**Guidance for the attention of Commissioned and Regulated Services including providers in the Independent and Third Sector in North Yorkshire.**



## Forward

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### **NORTH YORKSHIRE COUNTY COUNCIL**



Anyone who works with adults in our community, either as a paid worker or volunteer, has a role to play in safeguarding adults and promoting their health and well-being. Unfortunately neglect and abuse of vulnerable adults can and does happen. We need to know how to report any concerns we may have, how to respond to and deal with reports of abuse and what we can do to prevent neglect and abuse happening in the first place.

North Yorkshire County Council's Adults Community Services takes its duty of safeguarding adults who are vulnerable to abuse very seriously. It is a duty it shares with the many providers of services both in-house, in the Independent Sector and with the vast array of Third Sector Providers.

To ensure there is no doubt about our respective responsibilities in the area of safeguarding we are

1. Bringing to the attention of providers the policies of North Yorkshire's Safeguarding Multi-Agency Policy which is available at <http://www.northyorks.gov.uk/index.aspx?articleid=4536>;
2. Reminding providers and their staff of the many training opportunities available in North Yorkshire for all staff across the social care sector ( see page 10 and also recent booklet on training;
3. Distribute this guidance specifically for providers of social care services in North Yorkshire.

A copy of this guidance will go to all provider of adult care services across North Yorkshire whether they contract with us or not as our duty of care is to the wider community including self funders who may not come to Adult Community Services for support.

If you wish to be on North Yorkshires preferred provider list then your contract with us will require you to confirm you are aware of this guidance and have signed up to the principles and policies outlined here.

We are interested in commissioning services from providers who are rated as 'good'. Having policies in place to safeguard adults is a critical building block in being rated as good. Attention to these guidance will assist providers in addressing ensuring their services are safe and highly rated by customers.

Derek Law

## Introduction

This document is primarily for the attention of those managers and staff in provider services in North Yorkshire and any service commissioned (whether registered or not) by North Yorkshire Adult and Community Services.

The document tells you about the expectations on you as a service offering support to vulnerable adults who need to be safeguarded. It also explains what you can expect from NORTH YORKSHIRE COUNTY COUNCIL.

It should be read in conjunction with North Yorkshire's Safeguarding Multi-Agency Policy which is available at <http://www.northyorks.gov.uk/index.aspx?articleid=4536> .

For an introduction to the topic area see North Yorkshire's web site at <http://www.northyorks.gov.uk/index.aspx?articleid=3193>

If you wish to deliver care and support services on behalf of North Yorkshire County Council you will be asked to sign in your contract an agreement to evidence that you are aware of these policies and have your own internal safeguarding procedures in place. Providers may only be considered for inclusion on North Yorkshire's preferred provider list if they have committed to this.

All providers offering support to the people of North Yorkshire whether contracted or relying totally on self funded customers must be able to demonstrate that they are adhering to the principles outlined in this document. This includes providers of housing related support services where safeguarding responsibilities are detailed in the North Yorkshire Quality Assessment Framework and associated contract obligations.

These apply to both services offered by the independent and the Third Sector and also to those services offered directly by North Yorkshire County Council 's Adult and Community Services.

# **Safeguarding Adults in NORTH YORKSHIRE COUNTY COUNCIL Commissioned Regulated Services inc. all providers in the independent and third Sector in North Yorkshire**

## **General Principles**

### **North Yorkshire County Council**

- a) Recognises that people who use services have a right to live a life free from abuse, neglect and discrimination.
- b) Acknowledges that providers of care and support services as well as the local authority and NHS commissioners and contractors, have a key role in safeguarding vulnerable adults.
- c) Holds the lead responsibility for establishing and co-ordinating the multi agency framework for safeguarding in accordance with the government guidance “No Secrets”.
- d) Will work in partnership with its providers, both in-house and external, to promote a culture where referrals regarding concerns of allegations of abuse are received appropriately and are responded to as outlined within the policy.
- e) Will safeguard adults in receipt of commissioned and regulated services, through ensuring compliance with relevant regulations and taking enforcement action where needed.
- f) Will ensure that any action we take is objectively assessed, proportionate and reflective of risk presented to people who use providers’ services in accordance with our quality assurance policy.
- g) Will seek to continually improve the way in which we work and will engage with partner agencies via the North Yorkshire Safeguarding Adults Board. This will include requests for Lessons Learned from individual cases of safeguarding adults and to further develop and enhance the effectiveness of our involvement.
- h) Will take action in partnership with the individual, key agencies such as Care Quality Commission (CQC) and others, including police as appropriate, where a safeguarding alert or subsequent investigations suggest serious risk to a person’s life, health or well-being
- i) Will advise CQC where the safeguarding adults referral received suggests breaches of regulations and standards. CQC may decide to conduct enquiries and/or initiate a random inspection as part of the multi –agency strategy.
- j) Will follow the Multi-agency Safeguarding Adults Policy for North Yorkshire where North Yorkshire County Council has accepted a safeguarding adults referral.
- k) Will consider the ongoing risk factors and the implications for the safety and well-being of people who use the service as apart of the safeguarding strategy.

- l) Will inform the relevant CQC local office where North Yorkshire County Council has accepted a safeguarding referral about a regulated service from a source other than CQC.
- m) Will take immediate action if required and involve the police directly where there are indications of criminal activity.
- n) Will co-ordinate a Safeguarding Strategy meeting or discussion to agree the investigation strategy; identify who will do what and when and any risk management interventions that may be required. There will be times that the provider may not be invited due to the concerns raised in respect of a service provision.
- o) Will invite CQC to attend safeguarding assessment strategy meetings where one or more of the following criteria are apparent (in accordance with the CQC protocol)
  - I. One or more registered people are directly implicated
  - II. Urgent or complex regulatory action is indicated
  - III. If any form of enforcement action has commenced or is under consideration in relation to the service involved.
- p) Will take action as part of an agreed a protection plan including
  - o Suspend the provider from North Yorkshire Council provider list, where there is concern for the safety of the people needing support of any service or North Yorkshire County Council is not sufficiently confident in a regulated service, until such a time as confidence is restored or an action plan agreed to ensure a safe service.
  - o Suspend admissions to services commissioned under a block contract for un-registered services
  - o Assist all people needing care and support (including self funders relying on the service) to find alternative provision. North Yorkshire County Council duty of care extends to all citizens, not just those for whom it directly provides or commissions.

## North Yorkshire County Council expects service providers to;

- Follow the multi-agency Safeguarding Adults policy and procedure for North Yorkshire.
- Know what abuse is and when to report a concern to the council, under the local procedures. They should report any allegations or suspicions of abuse.
- In the case of registered services, make appropriate notifications (Reg. 37) to CQC regarding any incident of alleged abuse and neglect
- Have safeguarding adults procedures which complement and support the North Yorkshire multi-agency policy and procedures. These internal procedures should detail how allegations of abuse and safeguarding adults' issues are dealt with in their own organisation and should be consistent with the multi agency procedures.
- Co-operate with all safeguarding investigations and provide relevant information.
- Have good processes for prevention and minimising risk to vulnerable people. Ensure that the essential components of prevention and early intervention are in place, namely:
  - people being informed of the right to be free from abuse; and supported to exercise these rights, including having access to advocacy
  - there is a well informed, competent and properly vetted workforce operating in a culture of zero tolerance of abuse
  - there is a sound framework for confidentiality and information sharing across key partners
  - a range of options for support within the service to keep safe from abuse that is tailored to people's individual needs
  - service provision gives prominence to the need for sound safeguarding arrangements *as well as* the promotion of people's independence
  - Staff in care services can judge whether certain situations warrant action under formal procedures.
  - There are good whistle blowing procedures. Whistleblowing occurs when an employee raises a concern about a dangerous or illegal activity that they are aware of through their work. Whistleblowing is relevant to all organisations and all people. This is because every business and every public body faces the risk of things going wrong internally. Where such a risk arises, usually the first people to realise or suspect the wrongdoing will be those who work in or with the organisation.
- Make referrals to the Protection of Vulnerable Adults List (POVA) (or its successor the Independent Safeguarding Authority) and/or the relevant professional body in accordance with the regulations. Failure by a provider to fulfil the statutory duty to make referrals will call into question their fitness as a provider in North Yorkshire.
- Ensure that staffing levels and competence of staff, including volunteers, can meet the needs of vulnerable people, including:
  - Providing evidence that staff have been enabled to access safeguarding training. Failure to do so will result in suspension from North Yorkshire

County Council provider list or suspension of admissions to block contracts for unregistered services.

- Ensuring that staff understand their role in preventing abuse and safeguarding vulnerable people
- Having an open culture where people feel safe and supported to raise concerns; and where visitors and outside contacts are encouraged. Providers should provide support and keep the person who has raised the concern updated.
- Provide information for vulnerable people receiving services about what constitutes abuse and to get appropriate help if they experience it. This includes
  - information they can easily understand
  - simple and straightforward ways to report their concerns
  - to be taken seriously and to have their views considered at every stage
  - independent support through the process
  - to be able to make informed choices about risks and to be supported to manage those risks.
- Ensure that vulnerable people, families and carers are aware of their options for support.

# GUIDANCE FOR PROVIDERS: IN ACCORDANCE WITH MULTI- AGENCY PROCEDURES

## Guidance: Definitions and types of abuse

It is important that provider staff are familiar with generally agreed definitions of types of abuse so that appropriate decisions are made about whether information received constitutes abuse.

No Secrets (para 2.5) defines abuse in the following terms:

- a) "Abuse is a violation of an individual's human and civil rights by other person or persons. Abuse may consist of single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm, or exploitation of, the person subjected to it".

Of particular relevance are the following descriptions of the forms that abuse may take:

- a) **physical abuse**, including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions;
- b) **sexual abuse**, including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting;
- c) **psychological abuse**, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks;
- d) **financial or material abuse**, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits;
- e) **neglect and acts of omission**, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating; and
- f) **discriminatory abuse**, including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

(No Secrets, para 2.7)

These are the six categories which North Yorkshire County Council 's Adult and Community Services will use in classifying abuse when making a referral and in collecting data.

**It is important to note that certain acts or omissions incorporated within the above descriptions may also be criminal offences that need to be drawn to the attention of the police.**

Whilst still encompassed within the above forms of abuse, the following issues may also be of relevance:

**Institutional abuse** – the term ‘Institutional Abuse’ is sometimes used to describe a type of abuse, which pervades a particular establishment. Institutional abuse may take the form of repeated incidents of poor or unsatisfactory professional practice, at one end of the spectrum, through to widespread and persistent ill treatment or gross misconduct at the other. There may be a variety of underlying factors in relation to poor care standards which could include, for example, inadequate staffing, an insufficient knowledge base within the service, and lack of essential equipment, rigid routines or a controlling management regime. (See also para 2.9 of **No Secrets**).

**Restraint** – The inappropriate use of restraint is considered a form of physical abuse and could also give rise to criminal charges. The Department of Health in July 2002 issued statutory guidance (**Guidance for Restrictive Physical Interventions covering this matter**).

## Guidance: Internal Procedures

Organisations' own internal procedures relating to Safeguarding Adults should be consistent with the North Yorkshire and York Multi Agency Safeguarding Adults Policy, Procedure and Guidance. This guidance is aimed at assisting organisations in completing their own internal procedures. They should:

- Include a statement of commitment to a zero tolerance of abuse and neglect within your organisation;
- Provide guidance on minimising and preventing abuse (see Prevention and Minimising Abuse);
- State what to do in an emergency;
- Provide details of those responsible for referring in your organisation (there should always be more than one person);
- Provide telephone number and details of how to make a referral;
- Provide a copy of the Referral Pro Forma: Alerter/Referral Form SA –A.
- Detail key responsibilities for Alerters – i.e. their duty to ensure a person's safety and wellbeing and to report;
- Reference the role of staff and volunteers;
- Provide appropriate and accessible information for services users;
- Be cross referenced with other internal policies and procedures within your organisation. For instance domestic violence, serious incidents, Health and Safety, disciplinary policies etc;

## Guidance: Prevention and Minimising Abuse

*'Prevention is better than cure'*

The work undertaken by Providers is key to preventing and minimising abuse of vulnerable adults. Whilst ensuring that internal procedures are in place for dealing with abuse, they should also ensure that they:

- ◆ Communicate effectively sharing information which may help to prevent abuse from taking place;
- ◆ Identify senior staff with lead responsibilities for Safeguarding Adults practice;
- ◆ Have internal Policy and Procedures for dealing with Safeguarding Adults issues;
- ◆ Make staff aware of both internal and external Policies and Procedures for Safeguarding Adults from abuse and neglect;
- ◆ Make service users and families aware of both internal and external Policies and Procedures for Safeguarding Adults from abuse;
- ◆ Have a written policy on confidentiality;
- ◆ Have a written 'Whistleblowing' Policy in line with The Public Interest Disclosure Act 1998;
- ◆ Have effective communication between staff and service users;
- ◆ Provide robust supervision where time is spent discussing Safeguarding Adults issues and reflecting on cases where abuse has taken place or where there is concerns around potential incidents occurring;
- ◆ Know where to signpost people in their service to advocacy service;
- ◆ Be aware of the support available to victims of crime and the support available to vulnerable witnesses;
- ◆ Have a rigorous recruitment process that includes Criminal Records Bureau, reference and PoVA checks where applicable;
- ◆ Make Safeguarding Adults an integral part of staff induction;
- ◆ Encourage staff to report any concern that they have about the safety and wellbeing of a service user;
- ◆ Include Safeguarding Adults training within their training strategy; To help achieve this, the North Yorkshire Safeguarding Adults Board has commissioned a range of training solutions. These have been developed to suit all levels of staff and volunteers from the statutory, voluntary and independent sectors. A booklet provides information about the courses available and how to access these. Contact [workforcedevelopment@northyorks.gov.uk](mailto:workforcedevelopment@northyorks.gov.uk) for further information.
- ◆ Provide a person centred approach to care and support;

- ◆ Have a clear complaints procedure easily accessible to service users, relatives, staff and the public;
- ◆ Make staff aware of anti-discriminatory practice;
- ◆ Make staff aware of support relating to their employment such as:
  - Occupational health advisers
  - Internal and inter agency counselling schemes
  - Trade union membership
  - Professional organisations
  - Harassment Advisors
  - Entitlement to special leave/ carers leave
  - Entitlement to paid holidays
  - European Work Time Directive
  - Whistleblowing
  - Codes of Practice for staff;
- ◆ Complete risk assessments for:
  - Assessment of vulnerability and risk of abuse
  - Moving and handling
  - Threats or assault by service users or members of the general public
  - Working in a stressful environment;
- ◆ Provide comprehensive policies, procedures and staff training in relation to:
  - Challenging behaviour
  - Personal and intimate care
  - Physical intervention
  - The Mental Capacity Act 2005
  - Sexuality and personal relationships
  - Medication
  - Financial accountability
  - Risk assessment and management
  - Cultural awareness
  - Disability awareness
  - Moving and handling
  - Communication;
- ◆ Integrate Safeguarding Adults' principles in all aspects of care and support.

## Guidance: Good Practice for Staff

Staff also have an important role to play in preventing abuse and safeguarding vulnerable adults. This means you should:

- ◆ Have an awareness of the Safeguarding Adults Policy and Procedures and your role and responsibilities within that process;
- ◆ Ensure you have good service plans in place for individuals and maintain good records
- ◆ Attend relevant training and seek support to implement the Policy and Procedures within your work environment;
- ◆ Include safeguarding issues in care plans;
- ◆ Have a working knowledge of the Mental Capacity Act 2005;
- ◆ Integrate Safeguarding Adults into all aspects of care and support that you provide;
- ◆ Discuss any concerns that you have with your line manager or the appropriate person within your organisation at the earliest opportunity;
- ◆ Provide services users and carers with relevant information.

### **Referral Guidelines to assist Managers and Staff in Provider Services where abuse is witnessed or suspected to Report Adult Protection Concerns to the Social Services Agency**

**Do you believe that the vulnerable adult has suffered or is in immediate risk of suffering significant harm e.g. physical assault, sexual assault or theft of their property?**

If the answer is yes then you need to contact the relevant emergency services e.g. Police or Ambulance and discuss the concern with your line manager. In cases involving physical or sexual abuse, care must be taken to preserve evidence.

The aim of all those involved in the care of vulnerable adults must be to provide appropriate care and support and to prevent abuse happening. If however there are concerns about abuse it is essential to take necessary steps to stop the abuse and prevent it happening again.

**1** As soon as abuse is suspected or reported this should be discussed with your line manager. If you believe that your line manager/agency may be implicated in the suspected abuse you may consult the police, the social services agency or the regulatory authorities and discuss your concerns with them.

**2** Steps must be taken, if necessary, to ensure the immediate safety of the vulnerable adult(s).

**3** The Inter-agency Alerter/Referral Form SA -A should be completed as fully as possible. No attempts should be made to question the alleged perpetrator, the vulnerable adult or other vulnerable witnesses other than to establish the basic facts and to confirm that abuse may have occurred, e.g. there appears to be no other explanation such as genuine accident. The police and/or the social services agency will do this at a later stage.

**4** The Inter-agency Alerter/Referral Form SA -A should be sent to the Customer Services Centre at County Hall or faxed to 01609532009.

**5** The social services agency will acknowledge receipt of Form SA-A.

**6** The social services agency will assess the information and decide upon the most appropriate response to the concerns. It is likely that the concerns will be investigated/assessed in line with the agreed multi-agency adult protection policy and protocols.

**7** The social services agency will advise the referrer how their concerns will be addressed having regard to issues of confidentiality and taking into account the nature of the allegation(s), the type of investigation/assessment and the agencies involved.

**8** Any changes to the service user's situation must be reported as soon as possible to the social services agency dealing with the adult protection alert.

**9** Where possible the service provider will be kept informed of the progress of the investigation.

**10** The provider will be informed of the outcome of the investigation either in writing or may be invited to a case conference.

**Whenever possible the social services agency will work in partnership with all agencies and services to address allegations of adult abuse. If you have concerns that an issue referred to the social services agency has not been appropriately addressed you should contact the District Manager for Adult and Community Services in your area.**

Staff should make vulnerable adults, families and carers aware of, and ensure that they have an understanding of, the following:

- ◆ Living and support options – including day care, respite, sitting services, personal alarms etc;
  
- ◆ Development of social networks:
  - keeping contact with family/ friends/ neighbours
  - access to social groups
  - access to support groups;
  
- ◆ Awareness of personal safety;
  
- ◆ Awareness of security for home and possessions;
  
- ◆ Assessment of needs;
  
- ◆ Access to mainstream and specialist services.

Accessible information about abuse and keeping safe should also be provided. Practitioners and staff should be innovative with formats and not restrict information to leaflets. Consideration should be given organisations to providing information in different formats such as audio, Braille and symbols.

## Guidance: The Strategy and Protection Plan

This final section is for the information of provider services so they are aware of events which may happen elsewhere as part of the safeguarding process.

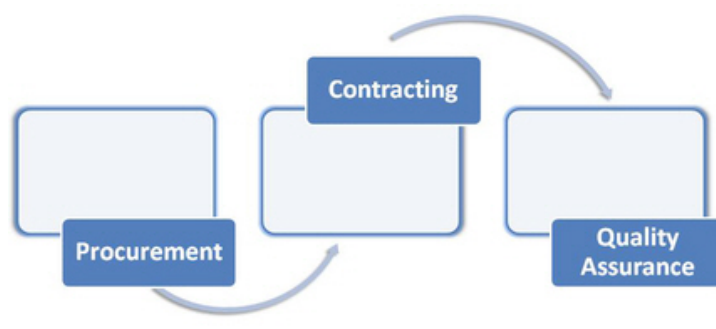
### The Strategy Meeting.

The core business of a strategy meeting includes:

- ◆ Assessing current information regarding risk to people using the service
- ◆ Developing an Interim safeguarding plan and support for alleged victims whilst risk assessment/investigation takes place
- ◆ Establishing who will undertake the risk assessment/investigation and how other activities are co-ordinated with that
- ◆ Agreeing communication strategy between the relevant agencies during the assessment/investigation (including involvement and communication with the registered provider)
- ◆ Agreeing support for alleged victims, relevant family/carers, staff who are whistle blowers
- ◆ Agreeing the wider communication strategy where required, including considering whether a media or public relations strategy is needed.

### The Safeguarding Plan

- ◆ Agencies involved in the investigation/safeguarding assessment will share information in accordance with any information sharing protocols in place to arrive at a conclusion about whether abuse took place. The outcome of the safeguarding assessment (including investigation reports where appropriate) will be shared with CQC where it relates to a regulated service. Providers will be expected to co-operate with all safeguarding investigations and provide relevant information.
- ◆ Where the abuse is deemed to have taken place, a multi-agency meeting will typically consider the current risk, consider what actions need to take place to prevent a repeat of the abuse by an individual or organisation and consider what further actions are necessary to safeguard the person (or people) using the service through the vulnerable person(s) protection plan(s).
- ◆ The person (or people) using the service will be involved where they have the capacity to do so and to the extent to which they wish to be involved. An independent advocate will be offered to the vulnerable adult.
- ◆ Where there is concern for the safety of the people needing support of any service or North Yorkshire County Council's ACS is not sufficiently confident in a regulated service then the provider will be suspended from North Yorkshire County Council provider list until such a time as confidence is restored or an action plan agreed to ensure a safe service.
- ◆ Where appropriate all people needing support of the service may be assisted to find alternative provision including self funders relying on the service. North Yorkshire County Council duty of care extends to all its citizens and not just those for whom it directly provides or commissions.
- ◆ One of the potential recommendations which may emerge from a safeguarding conference to reduce the risk of recurrence of the abuse is for the employer in the provider service to refer the perpetrator to the Protection of Vulnerable Adults (POVA) list (or its successor, the new vetting and barring scheme) and/or the relevant professional body such as the General Medical Council (GMC), Nursing and Midwifery Council (NMC) and General Social Care Council (GSCC). The responsibility for making the referral rests with the employer. Where a registered provider fails to fulfil their statutory duty to make referrals to the POVA list this will call into question their fitness as a provider in North Yorkshire.



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