

# BOSP ADULT SAFEGUARDING POLICY



## Introduction

BOSP understands that adults with special educational needs and disabilities face additional safeguarding challenges. Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect, while at the same time making sure that the adult's well-being is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

Safeguarding duties apply to an adult at risk who:

- Has need for care and support (whether or not the local authority is meeting any of those needs);
- Is experiencing, or is at risk of abuse or neglect; and
- Is unable to protect themselves from either the risk of, or the experience of abuse or neglect, because of those needs

Barriers can exist when recognising abuse and neglect in this group. This can include:

- Many adults with disabilities are at an increased likelihood of being socially isolated with fewer outside contacts than non-disabled adults
- Their dependency on carers for practical assistance in daily living, including intimate personal care, increases their risk of exposure to abusive behaviour
- They have an impaired capacity to resist or avoid abuse
- They may have speech, language and communication needs which may make it difficult to tell others what is happening
- They often do not have access to someone they can trust to disclose that they have been abused, and/or
- They are especially vulnerable to bullying and intimidation

## Policy Statement

**BOSP believes that all adults at risk have the right to be completely secure from both the fear and reality of abuse and is committed to protecting all adults in its care from harm. It is BOSP's policy to fully comply with the safeguarding requirements of the Care Act 2014.**

## Responsibilities

BOSP staff, workers and volunteers form part of the wider safeguarding system. The aims of adult safeguarding are to:

- Stop abuse or neglect wherever possible
- Prevent harm and reduce the risk of abuse or neglect
- Safeguard adults in a way that supports them in making choices and having control about how they want to live
- Promote an approach that focuses on improving life for the adults concerned
- Raise awareness so that communities play their part in preventing, identifying and responding to abuse and neglect
- Provide information and support in accessible ways to help adults understand the different types of abuse, how to stay safe and how to raise a concern
- Address what has caused the abuse

BOSP has two designated Safeguarding Leads, Activity Coordinator Emily Pearce and CEO Jodie Connelly, trained to Level 3, who co-ordinate and oversee safeguarding, and a Safeguarding Deputy, Sarah Pearce, Level 2. These members of staff have suitable experience, training and expertise, and are responsible for liaising with the local multi-agency protocols. Dee Horton is our Safeguarding Trustee.

## Statutory Framework

BOSP works with key local partners to safeguard adults, including a co-ordinated offer of early help when additional needs or concern are identified.

<https://www.essexsab.org.uk/professionals/guidance-policies-protocols/>

BOSP's Safeguarding Adults Policy and Procedures comply with all relevant legislation and all action is taken with the following guidance:

- Southend, Essex and Thurrock (SET) Safeguarding Adults Guidelines September 2023 [set-safeguarding-adult-guidelines-final-2023-v9.pdf \(essexsab.org.uk\)](https://www.essexsab.org.uk/set-safeguarding-adult-guidelines-final-2023-v9.pdf)
- Domestic Abuse Act 2021
- Care Act 2014 Guidance - <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#using-the-care-act-guidance>
- Safeguarding Vulnerable Groups Act 2006 [Safeguarding Vulnerable Groups Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/16/section/1)
- Mental Capacity Act (MCA) 2005, including the 2019 amendment and DoLS (Deprivation of Liberty Safeguards)
- Public Interest Disclosure Act 1998 (protects whist blowers)
- Human Rights Act 1998
- Serious Crimes Act 2015
- Charity Commission
- Data Protection Act/GDPR

## Out of Area Safeguarding (Adults) Protocol

All Local Authorities are required to produce safeguarding guidance. When necessary, we will liaise with local 'Placing' or 'Host' authorities outside Southend, Essex and Thurrock (SET), ensuring all protocols are followed.

## Recognising and Identifying Different Types of Abuse and Neglect

- **Physical** – including hitting, slapping, pushing, misuse of medication, inappropriate restraint
- **Sexual** - including rape, indecent exposure, subject to pornography, witnessing sexual acts, sexual assault or sexual acts the adult has not/cannot consent to
- **Psychological or emotional** – including threats of harm or abandonment, humiliation, harassment, verbal abuse, cyber bullying, deprivation of contact, coercion, harassment, verbal abuse, isolation
- **Financial or material abuse** – theft, fraud, exploitation, scamming, misuse or misappropriation of property or wills, including 'cuckooing' where a vulnerable person's home is taken over by criminals and their benefits or similar are stolen. This can also include using the home as a base for drug dealing
- **Neglect and acts of omission** – including withholding the necessities of life such as medication, food or heating, ignoring medical or physical care needs

- **Discriminatory** – including harassment or slurs, discrimination on grounds of race, gender, and gender identity, disability, sexual orientation, religion and other forms of harassment, slurs or similar treatment
- **Organisational** – including neglect or poor practice due to lack of training, insufficient policies and procedures, or when regimented systems in place are detrimental to the service user
- **Domestic** – including psychological, coercive control, physical, sexual, ‘honour’ based abuse, forced marriage, FGM, financial or emotional abuse between two adults who are or have been intimate partners or family members
- **Modern slavery** – includes very little or no pay, sex work, domestic servitude, excessively long and unusual working hours, poor physical health, not in control of own money, no financial records or ID documents, human trafficking
- **Self-neglect** – wide range of behaviour, neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding (hoarding would need to be risk assessed - can the room be used for its intended purpose? Is there a fire or health risk?)

### **Patterns of Harm & Abuse**

Incidents of abuse may be one-off or multiple and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns, it is important that information is recorded and appropriately shared.

Patterns of abuse vary and include:

- Serial abuse in which the perpetrator seeks out and ‘grooms’ individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse;
- Long-term abuse in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse; or
- Opportunistic abuse such as theft occurring because money or jewellery has been left lying around

### **Disguised Compliance**

BOSP are aware that an individual or parent/carer may engage numerous times following a concern but with no changes having been made, and that an escalation is required.

### **Making Safeguarding Personal**

Making Safeguarding Personal (MSP) is a person-centred approach which means that adults are encouraged to make their own decisions about how they live their lives and how they manage their safety and are provided with support and information to empower them to do so.

This approach recognises that adults have a general right to independence, choice and self-determination including control over information about themselves.

All staff/workers/volunteers at BOSP strive to deliver effective safeguarding consistent with all six of the principles below.

- **Empowerment** – empowered to make their own decisions and informed consent

- **Prevention** – take action before harm occurs; e.g. Safer recruitment, risk assessments, training, care & support plans etc.
- **Proportionality** – how our response is proportional to the risk (least intrusive)
- **Protection** – good robust responses to concerns. What can we do/who can we work with immediately to make the situation safe?
- **Partnerships** – local solutions, good relationship with other organisations
- **Accountability** – be wholly transparent and responsible, including **Duty of Candour** (being open and honest when something goes wrong with a service users' treatment or care, including apologies)

## Consent and Mental Capacity Awareness

To ensure that we make safeguarding personal and meet the 6 principles above, BOSP will seek the consent of the adult at the heart of the safeguarding enquiry before taking action or sharing information.

Adults at risk may not give their consent to a concern being raised, a safeguarding enquiry or the sharing of safeguarding information for several reasons. Reassurance and appropriate support in line with SET guidance below, section 3.4; may help to change their view on whether it is best for the adult at risk to share information:

[set-safeguarding-adult-guidelines-final-2023-v9.pdf \(essex.gov.uk\)](https://www.essex.gov.uk/sites/default/files/2023-09/set-safeguarding-adult-guidelines-final-2023-v9.pdf)

However, there are circumstances where staff/workers can override a decision to refuse consent if they feel a threshold of need has been reached, for example, a life-threatening situation, if staff are implicated or if the person alleged to have caused harm has care and support needs. Considerations, circumstances for overriding consent, decisions for no intervention and actions taken will be fully recorded.

Additionally, when consent cannot be obtained because the adult lacks capacity to give it, but the best interests of the individual or others at risk of harm require action from us. This will be the case for many young adults who attend BOSP.

In these cases, the Mental Capacity Act should be followed and documented, evidencing how we attempted to obtain consent and kept the adult individual involved.

There are five principles to the Mental Capacity Act:

1. Assume capacity
2. Give all practical support to the individual to help them make their own decision
3. Accept that some people will make unwise decisions as everyone has their own beliefs, values or preferences, but it doesn't mean they lack capacity
4. Anything done for or on behalf of a person who lacks mental capacity must be in individuals' best interests, not anyone else's
5. Any support for on behalf of a person who lacks capacity should be the least restrictive (which interferes the least) of their basic rights and freedom

The Mental Capacity Act 2005 had an amendment inserted called the Mental Capacity (Amendment) Act 2019 and includes Liberty Protection Safeguards (LPS), which will eventually replace the previous Deprivation of Liberty Safeguards (DoLS). It is expected that these will be fully updated in 2025. In the mean-time as a community based service, whilst DoLS are not currently required for BOSP's provision, we recognise that some of the restrictions we have in place when caring for a young person/adult to keep them safe, may be

considered a deprivation of their liberty e.g. locked doors, continuous supervision. In the absence of a current community Liberty Protection Framework (LPS) for BOSP to work with, we will ensure that any decisions we make will be in the individuals' best interests, which we believe they would make themselves if they were able.

For individuals over 18 years, without capacity, their main carer/guardian should have sought a court order so they can advocate on their behalf. BOSP ask to see this document, however, we are still able to work in our service users' best interests until this is obtained/we receive this.

As part of a safeguarding referral, a request for a 'Care Act Assessment' which is carried out by a social worker, can be made (where there isn't one) in addition and separately from a SET SAF (Safeguarding Adult Concern Form) from being completed. This assessment for support need eligibility differs from a capacity assessment. See section 9 of the Care Act to help with referral eligibility.

## **PROCEDURES**

### **Support Worker Support and Training**

BOSP is committed to ensuring that it meets its responsibilities in respect of adult safeguarding through the provision of support and training to staff/volunteers. Therefore, BOSP will ensure that:

- All staff, workers and volunteers are carefully recruited, in accordance with our 'Safer Recruitment Policy' (see separate BOSP policy); have verified references and have full and up to date Disclosure and Barring Service checks
- All staff, workers and volunteers are made aware of the main indicators of abuse and are aware of their statutory requirements in respect of the disclosure or discovery of abuse
- All staff, workers and volunteers are given a copy of BOSP's Adult Safeguarding Policy during their induction, have its implications explained to them, and given permission to challenge practises and exercise their professional curiosity beyond their usual role, and speak up
- All staff, workers and volunteers complete a health questionnaire to assess their mental and physical suitability to work at BOSP, and attend a trial day where they are paired with a 'buddy mentor' to risk assess their performance and suitability
- All staff, workers and volunteers are provided with regular training, supervision, and management support commensurate with their responsibilities in relation to Adult Safeguarding, and their requirement to maintain caring and safe relationships with the adults in their care. This includes handbook learning, on-line or face-to-face safeguarding training (Supervisors trained to Level 2), and guidance during session pre and post-session briefings, that if they have any safeguarding concerns to speak to the Supervisor on duty/Adult Protection Lead (not to be disclosed to the whole group)
- Staff, workers and volunteers are aware of procedures in place to record details of visitors to the setting and to ensure that BOSP has control over who comes into the setting so that no unauthorised person has unsupervised access to our service users
- Staff, workers and volunteers are encouraged to be courageous and exercise their 'professional curiosity' if they have any concerns and raise them, especially as many of

BOSP's service users are non-verbal and have complex learning needs. Using capacity and communication skills to explore and understand what is happening within an adult, rather than making assumptions or accepting things at face value

- Personal mobile phones are locked away during the session. Contact instead is made by walkie talkies between workers in different rooms, with the BOSP mobile retained by the Supervisor should carers/parents wish to make contact or for emergency use. Photographs are only allowed to be taken using the BOSP camera/BOSP mobile in-line with parent/carers signed consent forms. The photographs are regularly downloaded, with images saved to a restricted file
- BOSP will audit incidents, looking for possible consistencies and risk assess procedures. It will exercise Duty of Candour, learning and changing, if processes are not quite succinct. Quarterly safeguarding summaries will be forwarded to BOSP's Safeguarding Trustee
- BOSP understands how diversity, beliefs and values of people who use our services may influence the identification, prevention and response to safeguarding concerns

## **Safe Caring**

The staff, workers and volunteers at BOSP are familiar with the organisation's Adult Safeguarding procedures and understand the importance of participating in training and guidance in the principles of safe caring. To this end:

- Staff, workers and volunteers will follow BOSP's safeguarding policies and procedures at all times, remain alert to the possibility of abuse, neglect and self-neglect and work collaboratively with other agencies to safeguard and protect the welfare of people who use BOSP's services
- Every effort will be made to avoid or minimise time when members of staff, workers or volunteers are left alone with a service user. If staff are alone with a service user, the door of the room should be kept open, and another member of staff/worker should be informed
- Staff, workers and volunteers will never carry out a personal task for a service user that they can do for themselves. Where this is essential, staff/volunteers will help a service user whilst being accompanied by a colleague. Unless a service user has a particular need, staff/volunteers should not accompany service users into the toilet
- If a service user makes inappropriate physical contact with a member of staff, student or volunteer, this will be recorded fully on an Incident Record
- Staff, workers and volunteers are aware of the boundaries of appropriate behaviour and conduct. They will be mindful of how and where they touch service users, given their age and emotional understanding. Unnecessary or potentially inappropriate physical contact will be avoided at all times (as outlined in the Staff Handbook - Physical Touch Guidelines)
- We may on occasion request confirmation from a staff, workers or volunteer's GP that they are fit for work, to identify whether there are any causes for concern about an individual's health that might affect their suitability to look after vulnerable adults. To safeguard the people in our care, sessional work will not be offered to staff until this has been confirmed

## **TAKING ACTION**

### **Immediate action by person/manager raising the concern**

- Make an evaluation of the risk and take steps to ensure that the adult at risk is in no immediate danger and arrange any medical treatment if necessary
- If a crime is in progress or life is at risk, dial 999
- Encourage and support the adult at risk to report to the police if a crime is suspected and not an emergency situation (dial 101 or complete the online form)
- Take steps to preserve any evidence if a crime may have been committed, and preserve evidence through recording
- Ensure that others are not in danger
- Establish what the adult at risk views/wishes are about the safeguarding issue
- Seeking consent with the adult at risk to share information, explaining what information will be shared and why, with accurate records of what attempts were made to obtain consent

### **Reporting a Safeguarding Concern**

- Staff, workers and volunteers are encouraged and supported to trust their professional judgment and if they suspect abuse has, or is taking place, to report this at the earliest opportunity to the Supervisor present at the session. The Supervisor will report to a Safeguarding Lead or Deputy in their absence
- A BOSP Safeguarding Incident Form will be completed by the staff involved. Information recorded will include:
  - Full details of the alleged incident
  - Details of all the parties involved (Witnesses should also complete an Incident Record Form)
  - Relevant dates, time line (times of conversations, when shared with safeguarding lead etc.)
  - Use of speech marks to record spoken words of an individual and of questions asked
  - Consent received, or reasons why not obtained
  - Any evidence or explanations offered by interested parties
  - Location
  - Body map if required.
- The Safeguarding Lead will then complete BOSP's Safeguarding Incident Log and, following the SET Guidelines, they will exercise their professional curiosity, contacting Essex LADO (Local Authority Designated Officer) on telephone 03330 139797 if guidance is still needed, and if necessary, complete a Safeguarding Adult Concern Form (SETSAF) for referral to the local authority(s) to assess and possibly investigate. If BOSP is already in contact with the individual's social worker, a SETSAF will still be completed in order to start a formal safeguarding process. Once Case Closure is complete all relevant parties will be informed. If you wish you challenge the outcome, you can go back and escalate the referral

Not all enquiries are opened following a referral, but it is very important to accurately voice and record concerns (but not elaborate) as it could be the first or last piece of the jigsaw in getting someone the right support.

## **Dealing with Allegations against BOSP's Workforce**

- All allegations made by an adult against a member of staff, worker or volunteer will be fully recorded, including any actions taken, on an Incident Record Form and BOSP's Safeguarding Incident Log
- The Supervisor and the Adult Safeguarding Lead will be responsible for ensuring that written records are dated, signed and kept confidentially
- If an allegation of abuse is made against the Supervisor, the incident should be reported to the Adult Safeguarding Lead or Deputy. If the allegation is against one of the Adult Safeguarding Leads, the second Adult Safeguarding Lead will then assume responsibility for the situation and BOSP's Safeguarding Trustee will also be informed
- BOSP will take appropriate action in relation to the findings of any investigation into allegations of abuse, consistent with its duties to protect the safety of adults and uphold fair processes for staff, workers and volunteers
- Any member of staff, worker or volunteer under investigation for the alleged abuse of a vulnerable adult will be subject to the provisions of the Staff Disciplinary Policy

*Under the Public Interest Disclosure Act 1998, we will notify the Disclosure and Barring Service of any person who is dismissed from our employment, or resigns in circumstances that would otherwise have led to dismissal for reasons of safeguarding concern*

## **Dealing with Allegations of a Person who also has Care and Support Needs**

- A review of what support and action may help them not to abuse others
- Where possible there should be a co-ordinated approach and partnership working
- Consideration will be given to the balance of power as part of the reporting process
- Where both parties are receiving service from BOSP, the Safeguarding Leads and Senior Team will discuss cases and consider joint assessment and support plans where appropriate

## **Referring Allegations to Relevant Agencies**

BOSP is committed to ensuring that it meets its responsibilities in respect of adult safeguarding by treating any allegation seriously and sensitively. BOSP will NOT carry out any investigation itself into a suspected abuse incident. If the Supervisor or Safeguarding Leads have reasonable grounds for believing that an adult has been, or is in danger of being subject to abuse, our reporting procedure will be activated.

- At all times, the safety, protection and interests of the adults in our care will take precedence. BOSP will work with and support parents/carers as far as they are legally able
- BOSP will assist the social services and the police, as far as it is able, during any investigation of abuse or neglect. This will include disclosing written and verbal information and evidence

## **Confidentiality**

Adults at risk have the right to expect that information (provided by them as well as others) will be treated respectfully and that their privacy will be maintained. Staff/workers will ensure that



all concerns, allegations and investigations are treated with sensitivity and confidentiality, and only shared with the reporting team/those who need to know. The Supervisor and the Safeguarding Lead will be responsible for ensuring that written records are dated, signed and kept confidentially and in keeping with GDPR (Paperwork kept in locked cupboard, client numbers used in place of names in documentation, where possible, and emails sent by via BOSP's secure email system, Barracuda/or password protected).

## **Whistleblowing**

Please see BOSP's separate Whistleblowing Policy. We want everyone at BOSP to feel able to report safeguarding concerns. However, members of staff/workers/volunteers who feel unable to raise these concerns internally will be supported if they make a disclosure under the Public Interest Disclosure Act.

## **Audit and Review**

BOSP is committed to reviewing its Adult Safeguarding policy and procedures annually with Safeguarding and incident Log records audited on a quarterly basis by BOSP's CEO and BOSP's Safeguarding Trustee. The policy and its procedures are available via our website [www.bosp.co.uk](http://www.bosp.co.uk) and from The BOSP Office.

**Refer to the local authority where the suspected abuse has happened,  
not where the individual resides  
(the NHS Safeguarding App, gives details of every local authority in England)**

### **Essex**

**Telephone:** 0345 603 7630

Monday to Thursday, 8:45am to 5pm /Friday, 8:45am to 4:30pm

**Out of Hours:** 0345 606 1212

**Email:** [socialcaredirect@essex.gov.uk](mailto:socialcaredirect@essex.gov.uk)

### **Southend**

**Telephone:** 01702 215008

**Email:** [council@southend.gov.uk](mailto:council@southend.gov.uk)

### **Thurrock**

**Telephone:** 01375 511000

**Email:** [Thurrock.First@thurrock.gov.uk](mailto:Thurrock.First@thurrock.gov.uk)

**Safeguarding Adult Concerns Website:** <https://www.essexsab.org.uk>

**If at risk of immediate harm, dial 999** Essex Police contact number 101 or 01245 491491

If you feel it is a police matter, don't assume that because you have completed a SET SAF that the police will be notified. If you feel a threshold has been met, still refer. If a crime has been committed, be aware that BOSP's internal investigation may need to be put on hold

## **Appendices:**

**Adult Safeguarding Procedure Flowchart (a summary of the procedure for dealing with an Adult Safeguarding concern)**

**Safeguarding – Signs of Abuse**