# Appendix A

# Safeguarding Adults at Risk

# Procedures

## 11.1 Raising a safeguarding concern

Paragraph numbering may need adjusting depending on what paragraphs are used in the main Policy. Use this section to describe what a person should do if they suspect abuse or neglect is taking place. For example.

**ORGANISATION** recognises that it has a duty to act on reports, or suspicions of abuse or neglect. Anyone who has contact with adults with care and support needs and hears disclosures or allegations of abuse or neglect or who has a concern about potential abuse or neglect has a duty to pass them on, appropriately[[1]](#footnote-1).

### 11.2 Responsibilities of all Trustees/Management Committee Members, staff, and volunteers

If any trustees, staff member or volunteer has reason to believe that abuse is or may be taking place you have a responsibility to act on this information. It does not matter what your role is. Doing nothing is not an option.

**If an adult discloses abuse to you directly, use the following principles to respond to them:**

* Assure them that you are taking the concerns seriously
* Do not be judgemental or jump to conclusions
* Listen carefully to what they are telling you, stay calm, get as clear a picture as you can. Use open ended questions
* Do not start to investigate or ask detailed or probing questions
* Explain that you have a duty to tell your manager or the Designated Safeguarding Lead.
* Reassure the person that they will be involved in decisions about them

**Your responsibilities are:**

1. To take action to keep the person safe if possible.

* Is an urgent police presence required to keep someone safe? Call 999
* Does the person need urgent medical assistance, do they need an ambulance? Call 999

1. If a crime has occurred, be aware of the need to preserve evidence, when reporting a crime make a record of the crime reference number.
2. Always inform the Designated Safeguarding Lead for your organisation. You cannot keep this information secret, even if the person asks you to.
3. Clearly record what you have witnessed or been told in the form at appendix H, record your responses and any actions taken.

If consulting with your Designated Safeguarding Lead will lead to an undue delay and thereby leave a person in a position of risk, you should raise a safeguarding concern yourself.

### 11.3 Reporting a safeguarding concern

Safeguarding concerns must be reported as soon as possible to ensure that the local authority is able to provide a timely and appropriate response. Never assume that another person or organisation will report the concern, even if they tell you they will.

There is an expectation that safeguarding concern(s) are reported to the local authority within 24 hours of identification.

Safeguarding concerns should be reported whenever there is a reasonable belief that first 2 criteria of the safeguarding duty apply:

1. The adult has need for care and support (regardless of whether these have been assessed or are being met by the local authority); and
2. They are experiencing, or at risk of experiencing abuse or neglect.

Raising a safeguarding concern, means reporting a concern about abuse or neglect to the local authority under the safeguarding adult’s procedure. Anyone can raise a safeguarding concern; often however this is undertaken by the Designated Safeguarding Lead in the organisation. See Appendices B and C, below.

**12. Reporting an allegation against an employee, volunteer or trustee**

*(This section will need adjusting if your organisation does not employ staff or does not work in regulated activity)*

12.1 ORGANISATION will ensure that any allegations made against staff, volunteer(s) or trustee(s) will be dealt with swiftly. Where a member of staff/volunteer/trustee is thought to have committed a criminal offence the police will be informed. If a crime has been witnessed the police should be contacted immediately.

Where the allegation involves alleged abuse of an adult with care and support needs, a concern should be raised following the process outlined in this document. Report a safeguarding concern by contacting North Yorkshire Council via this link:

[Report adult abuse (safeguarding) | North Yorkshire Council](https://www.northyorks.gov.uk/adult-social-care/protecting-adult-harm/report-adult-abuse-safeguarding)

The safety of the adult(s) at risk is paramount and it should be ensured that they are safe and away from the person(s) who is alleged to have caused harm.

The named person will liaise with the Designated Safeguarding Lead to discuss the best course of action and to ensure that ORGANISATION’s Disciplinary Procedures are coordinated with any other enquiries taking place as part of the on-going management of the situation. (N.B. A Disciplinary Procedure can only be used for staff – it should not be used for a volunteer)

# Referrals to the Disclosure and Barring Service

Where a person/organisation has a legal duty to refer, there are two main conditions which should be met for a referral to be made, these are:

1) They have permanently removed a person from ‘regulated activity’ through dismissal or permanent transfer from ‘regulated activity’ (or would have if the person had not left, resigned, retired, or been made redundant); and

2) They believe the person has:

a. Engaged in ‘relevant conduct’

b. Satisfied the ‘harm test’ (i.e., no action or inaction occurred but the present risk that it could was significant), or

c. Received a caution or conviction for a ‘relevant offence’ (a list of these offences is available on the DBS website below or call the helpline for advice telephone 03000 200 190).

**For more information see the Disclosure and Barring Service: Referral Guidance - Frequently asked questions on the DBS website:** <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/143692/dbs-referral-faq.pdf>

A referral should not be made when an allegation is first made. An investigation and evidence gathering should be first undertaken by the person or organisation that would normally refer to the DBS. This is to establish if the allegation has foundation, for example as part of an internal disciplinary process. Without evidence or substance to the claims many allegations will be quickly closed as there will be no foundation on which the DBS can proceed. Information on the referral duty for other groups can be found on the DBS website, [www.homeoffice.gov.uk/DBS](http://www.homeoffice.gov.uk/DBS)

or call the DBS helpline on 03000 299 190 for further information.

**13. Storage of safeguarding reports**

This should be done in adherence to Data Protection Act 2018 (including GDPR).

**13.1 Paper records**

*(Adjust this section depending on how you are going to store records)*

Paper records should be stored in a secure, lockable cabinet or drawer. Access should be limited to authorised personnel only (State who: eg designated safeguarding officers). If records need to be moved (e.g., between locations), ensure they are transported in sealed, secure envelopes or containers and kept out of public view. Only those with a legitimate need to know will have access to this sensitive information and a log will be kept of those accessing the records.

**13.2 Computerised records**

Digital records will be stored on encrypted systems or drives to prevent unauthorized access. A strong, unique password will be used and where possible a two-factor authentication (2FA) will be implemented. Access to records will be restricted to role-based authorised personnel to ensure users can only access the data they need and a log will be kept of those accessing the records.

Software, operating systems, and antivirus tools will be kept up-to-date to guard against security vulnerabilities. If cloud-based storage services are used, only those that comply with UK GDPR standards will be used and the service provider will have the appropriate security measures in place (e.g., ISO 27001 certification).

Secure, encrypted backups will be made regularly and stored in a separate secure location (if non-cloud-based).

**13.3 Retention and disposal of records**

Records will be retained for 8 years after the last contact with the individual unless the safeguarding concern relates to an employee. In this case records will be kept until the individual reaches retirement age or for 10 years (whichever is longer). If the case involves legal proceedings records may be retained indefinitely, depending on the circumstances.

Regular reviews will be conducted to determine if the retention period remains valid. Data will be shredded or permanently deleted ensuring data is unrecoverable once the retention period expires unless an exception applies.

### Appendix B Managing Safeguarding Concerns Flowchart

**You are informed or become aware of possible abuse or neglect**

Gather information, including the desired outcome of the adult, in order to inform your decisions

Take action to ensure the immediate safety and welfare of the adult at risk (and any other person at risk)

Consider:

* Is urgent medical attention/ambulance required? (Dial 999)
* Is an urgent police presence required? (Dial 999)

Does a crime need to be reported and do I have the adult’s consent to do so?

(Dial 101 unless there is an immediate risk, in which case dial 999)

Be aware of the possible need to preserve forensic evidence

Decide whether to raise a safeguarding concern, and if so, take action

Do this:

* Immediately where the concern is urgent and serious
* Within the same working day for any other concerns

Refer to Appendix C: Key Questions when deciding whether to raise a safeguarding concern, for further guidance

Document the incident and any actions or decisions taken

Ensure key people are informed

For example, Designated Safeguarding Lead, CQC, relatives as appropriate, contract teams

### Appendix C – Consider whether to raise a Safeguarding Concern

Provide support for the person identifying the safeguarding concern

### Appendix D - Considering whether to report a concern to the police

**Q1. Does the adult have care and support needs** (whether or not the local authority is meeting any of those care and support needs)**?**

**Q2. Is the person experiencing, or at risk of, abuse and neglect?**

Domestic abuse 🞏 Modern Slavery 🞏 Neglect or acts of omission 🞏

Physical abuse 🞏 Discriminatory abuse 🞏 Self-neglect 🞏

Sexual abuse 🞏 Organisational abuse 🞏 Radicalisation 🞏

Financial or material Psychological or Another form of abuse: 🞏

abuse 🞏 emotional abuse 🞏 (Specify):

NB: Abuse may sometimes occur without any intent to cause harm

**Q3. What is the nature and seriousness of the risks?**

Consider:

* The adult’s individual circumstances
* The nature and extent of the concerns
* The length of time it has been occurring
* The impact of any incident
* The risk of repeated incidents for the adult
* The risk of repeated incidents for others

Wherever possible, consider the wishes and desired outcomes of the adult. In other words, what do they want to happen next, what do they want to change about their situation and what outcome do they want to achieve?

Sometimes it will be necessary to raise a concern even if this is contrary to the wishes of the adult. Any such decision should be proportional to the risk, for example:

* It is in the public interest e.g., there is also a risk to others, a member of staff or volunteer is involved, or the abuse has occurred on property owned or managed by an organisation with a responsibility to provide care.
* The adult lacks mental capacity to consent, and it is in the adult’s best interests.
* The adult is subject to coercion or undue influence, to extent that they are unable to give consent.
* It is in the adult’s vital interests (to prevent serious harm or distress or life-threatening situations).

**If you remain unsure whether to raise a safeguarding concern, seek advice:**

* Contact your organisation’s designated safeguarding lead
* Contact North Yorkshire Council: Safeguarding Adults on 0300 131 2131

If you believe a crime has been committed:

* seek the person’s consent to report the matter immediately to the police.

Seeking the person’s consent to report a crime will be in addition to raising a safeguarding concern with the local authority

If the person has mental capacity in relation to the decision and does not want a report made, this should be respected unless there are justifiable reasons to act contrary to their wishes, such as:

* the person is subject to coercion or undue influence, to the extent that they are unable to give consent, or
* there is an overriding public interest, such as where there is a risk to other people
* it is in the person’s vital interests (to prevent serious harm or distress or in life- threatening situations)

There should be clear reasons for overriding the wishes of a person with the mental capacity to decide for themselves. A judgement will be needed that considers the circumstances.

**If the person does not have mental capacity in relation to this decision, a Mental Capacity Assessment must be undertaken, and a decision taken in their best interests.**

### Appendix E - Who else to inform

**Preserving evidence**

If a crime has occurred, try to preserve evidence in case there is a criminal investigation.

* Try not to disturb the scene, clothing, or victim if possible
* Secure the scene, for example, lock the door, if possible,
* Preserve all containers, documents, locations, etc.
* Evidence may be present even if you cannot see anything
* If in doubt, contact the police and ask for advice

The police should be contacted for advice wherever required.

If you are a service provider and a safeguarding concern has been raised, notify your regulatory body, if any, and the authority that commissions your service for the adult at risk.

You may also need to inform:

* The Charity Commission, if your service is a registered charity
* Your line manager (and Safeguarding Lead if different) of your decisions and actions in line with this procedure
* Your Manager/a trustee if allegations or concerns relate to a member of staff or volunteer
* Staff delivering a service on a need-to-know basis so that they do not take actions that may prejudice an enquiry

### Appendix F - Document the concern and any actions or decisions taken

Ensure all actions and decisions are fully recorded. It is possible that your records may be required as part of an enquiry, be as clear and accurate as you can. Record the reasons for your decisions and any advice given to you in making these decisions.

### Appendix G - How to report a Safeguarding Concern:

Ensure that appropriate records are maintained, including details of:

* The nature of the safeguarding concern/allegation
* The wishes and desired outcome(s) of the adult at risk
* The support and information provided to enable the adult at risk to make an informed decision
* Assessment(s) of Mental Capacity, where indicated
* The decision of the organisation to raise a concern or not.

To raise a safeguarding concern, complete the online safeguarding concern via this link:

[Report adult abuse (safeguarding) | North Yorkshire Council](https://www.northyorks.gov.uk/adult-social-care/protecting-adult-harm/report-adult-abuse-safeguarding)

Or you can contact the North Yorkshire Customer Service Centre on:

* **03000 131 2 131** (24h hours)
* The person you speak to will ask you for details about the safeguarding concern.
* If you have reported the incident to the police, tell the person this as well.

### Appendix H: Useful Contacts

*Use this section to record useful telephone numbers that are relevant to safeguarding adults in the context of your organisation.*

|  |  |
| --- | --- |
| **NAME OF ORGANISATION Safeguarding Lead** | |
| **Management Committee Lead for Safeguarding**  **Work telephone number**  **Mobile number**  **Emergency contact number**  **Safeguarding Concerns Manager/Lead Named person for safeguarding adults**  **Work telephone number**  **Mobile number**  **Emergency contact number**  **Deputy Safeguarding Concerns Manager/ Lead: Name of deputy person**  **Work telephone number**  **Mobile number**  **Emergency contact number** |  |
| **North Yorkshire Council Customer Service Centre: (24hours)**  **To raise a safeguarding concern about an adult, click on the link to access the online form, for safeguarding adults.** | [Report adult abuse (safeguarding) | North Yorkshire Council](https://www.northyorks.gov.uk/adult-social-care/protecting-adult-harm/report-adult-abuse-safeguarding)  **Telephone:** 03000 131 2 131 |
| **Contacting the police:**  If the person is in imminent danger  If you need to report a crime, but the person is not in imminent danger | **Telephone:** 999 (Emergency Service)  **Telephone:** 101 (Non-Emergency Service) |
| If you have a concern regarding the safety or wellbeing of a child or young person you can obtain guidance from the North Yorkshire Safeguarding Children Partnership’s website.  To raise a safeguarding concern about a child or young person contact North Yorkshire Council. | [www.safeguardingchildren.co.uk/worried-about-child](http://www.safeguardingchildren.co.uk/worried-about-child)  **North Yorkshire Council**  **Customer Service Centre**  **Telephone:** 03000 131 2 131 |
| **Care Quality Commission:** | **Post:**  CQC National Customer Service Centre  Citygate  Gallowgate  Newcastle upon Tyne  NE1 4PA  **Tel:** 03000 616161  **Email:** [Enquiries@cqc.org.uk](mailto:Enquiries@cqc.org.uk)  **Website**: <https://www.cqc.org.uk> |
| **Charity Commission for England and Wales:**  Open during office hours of 9am to 5pm Monday | **Telephone:** 0300 066 9197 |
| **Independent Care Group:**  ICG is the recognised representative body for independent care providers (private and voluntary) in York and North Yorkshire. | **Website:**  <https://www.independentcaregroup.co.uk> |
| **Notifying contracting/ commissioning authority:**  ***Add details as appropriate*** | ***Add details as appropriate*** |
| **Disclosure and Barring Service (DBS):** | [**Telephone:** 03000](Tel:03000) 200 190  <https://www.gov.uk/government/organisations/disclosure-and-barring-service> |
| **Protect:**  **Protect is a whistleblowing charity which provides legal advise to whistleblowers, supports employer with whistleblowing arrangements.**  **Advice Line is open:**  **Mondays, Tuesdays, Thursdays: 09:30am-1pm, 2pm - 5pm.**  **Wednesdays and Fridays: 09:30-1pm.** | **Telephone:** 020 3117 2520  Website: <https://protect-advice.org.uk/contact-protect-advice-line/>  [Contact our Advice Line - Protect - Speak up stop harm (protect-advice.org.uk)](https://protect-advice.org.uk/contact-protect-advice-line/) |
| **Cloverleaf Advocacy in North Yorkshire:** | **Telephone:** [01924 454875](tel:01924454875)  **Email:** referrals[@cloverleaf-advocacy.co.uk](mailto:enquiries@cloverleaf-advocacy.co.uk)  **Post:**  Cloverleaf Advocacy, 5th Floor, Empire House, Wakefield Old Road, Dewsbury, WF12 8DJ  Fax: 0300 666 0125  Text: [07860 021502](sms:07860021502) |

1. Under GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is lawful basis to do so, such as where safety may be at risk. If you do decide to share then record what you have shared, with whom, and for what purpose. [↑](#footnote-ref-1)