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This policy should be read in conjunction with Kinergy's:

- Confidentiality Policy
- Note Taking Policy
- Grievance and Disciplinary Policy

Kinergy Safeguarding Policy and Procedures for Adults and Children

1. Statement

1.1 This policy will enable Kinergy to demonstrate its commitment to keeping safe the vulnerable adults and young people with whom it works. Kinergy acknowledges its duty to act appropriately to any allegations, reports or suspicions of abuse. The policy applies to all staff, including managers, management committee members, trustees, paid staff, volunteers and anyone working on behalf of Kinergy.

Kinergy will:

- ensure that all managers, management committee members, trustees, paid staff, volunteers, service users, and carers/families are familiar with this policy and procedures
- work with other agencies where appropriate
- act within its confidentiality policy and will, if appropriate, gain permission from service users before sharing information about them with another agency or organisation
- inform service users that where a person is in danger, a child is at risk or a crime has been committed then a decision may be taken to pass information to another agency without the service user's consent
- make a report to the Police, Safeguarding Teams and/or GP where needed
- endeavor to keep up to date with national developments relating to preventing abuse and welfare of adults
- ensure that the designated Safeguarding Officers understand their responsibility to refer incidents of adult abuse to the relevant statutory agencies

1.2 In order to implement the policy Kinergy will work:

- to promote the freedom and dignity of the person who has or is experiencing abuse
- to promote the rights of all people to live free from abuse and coercion
- to ensure the safety and well-being of people who do not have the capacity to decide how they want to respond to abuse that they are experiencing
- to manage services in a way which promotes safety and prevents abuse
- recruit staff and volunteers safely, ensuring all necessary checks are made including a Disclosure and Barring Service and 2 references
- provide effective management for staff and volunteers through supervision, support, regular training and inductions

They should be contacted for support and advice on implementing this policy and procedures. Should they not be available, or there is no immediate risk, staff should contact their supervisors who are also aware of Kinergy's safeguarding policy. Or if they are not immediately available the Chair of Trustees:

2. Legal Framework

This policy has been drawn up on the basis of law and guidance set out by the Care Act (2014), No Secrets (2000), the Children Act (2004), Working Together to Safeguard Children (2015) and the BANES, Bristol City, North Somerset, South Gloucestershire, and Somerset, Safeguarding Adults Multi – Agency Policy (2017).

3. Categories and Definitions

3.1 The Policy and Procedures relate to the safeguarding of vulnerable adults, children and young people.

3.2 Vulnerable adults are defined as:

- People aged 18 or over
- Who are receiving or may need community care services because of learning, physical or mental disability, age, or illness
- Who are or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

(No Secrets, Department of Health, 2000)

3.3 The Children Act 2004 provides the legislative framework for agencies to take decisions on behalf of children, and to take action to protect them from abuse and neglect.

3.4 The Care Act's 2014 statutory guidance lists 10 types of abuse but states that local authorities should not limit their view of what constitutes abuse or neglect to those types, or the different circumstances in which they can take place. These are:

- Physical abuse
- Domestic abuse
- Sexual abuse
- Psychological / emotional abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational or institutional abuse
- Neglect and acts of omission
- Self-neglect

Abuse can consist of a single or repeated act(s); it can be intentional or unintentional or result from a lack of knowledge. It can affect one person, or multiple individuals. Professionals and others should be vigilant in looking beyond single incidents to identify patterns of harm. In order to see these patterns, it is important that information is recorded and appropriately shared.

4. Disclosure of Abuse

4.1 This is where a person discloses that they are being abused or any service user discloses that they are involved in the abuse of a vulnerable person.

There should always be the opportunity to discuss welfare concerns with them and consult with a supervisor or one of the safeguarding officers before any action is taken but **never delay emergency action to protect a vulnerable person, where the person would be at immediate risk if you do not act.**

4.2 When abuse is disclosed or suspected, risk to others needs to be considered, including if the alleged perpetrator has contact with other vulnerable adults or children. If it is assessed that a child or vulnerable adult is being abused or likely to suffer abuse, then confidentiality can be breached within procedural guidelines.

4.3 A staff member or volunteer informed of abuse should remind the service user of Kinergy's confidentiality policy and cannot guarantee confidentiality where a vulnerable adult or child is at risk of abuse or further abuse.

The member of staff or volunteer should discuss the service user's options with them, including reporting to police directly, anonymous reporting and the member of staff, volunteer or Safeguarding Officer reporting on their behalf.

4.4 The Care Act (2014) advises that the first priority in safeguarding should always be the safety and well-being of the individual. Making Safeguarding a person-centred approach which encourages adults to make their own decisions and be provided with support and information that empowers them to do so. The approach recognises that adults have a general right to independence, choice and self-determination including control over information about themselves. Staff and volunteers should strive to deliver effective safeguarding consistently within these principles.

It is essential in adult safeguarding to consider whether the adult is capable of giving consent in all aspects of their lives. If they are able, their consent should be sought.

4.5 Adults may not give their consent to the sharing of safeguarding information for a number of reasons. For example, they may be unduly influenced, coerced or intimidated by another person, they may be fearful of reprisals, they may fear losing control, they may lack trust in statutory services, or fear their relationship with the abuser will be damaged. Reassurance and appropriate support can help to change their view on whether it is best to share information, and staff should consider the following approaches:

- Explore the reasons for the adult's objections – what are they concerned about;
- Explore the concern and why you think it is important the information is shared;
- Tell the adult with whom you may be sharing the information with and why;

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- Explain the benefits, to them or others, of sharing information – could they access better help and support;
- Discuss the consequences of not sharing the information – could someone come to harm;
- Reassure them that the information will not be shared with anyone who does not need to know;
- Reassure them that they are not alone, and that support is available to them.

4.6 If after this, the adult refuses intervention to support them with a safeguarding concern, or requests that information about them is not shared with other safeguarding partners, in general their wishes should be respected. **However, there are a number of circumstances where staff can reasonably override such a decision**, including:

- Whether the adult has the mental capacity to make that decision – this must be properly explored and recorded in line with the Mental Capacity Act;
- If other vulnerable adults or children are at risk, is being abused, or likely to suffer abuse if it is not reported;
- Emergency or life-threatening situations may warrant the sharing of relevant information with the emergency services without consent;
- If there is an aspect of public interest (e.g. not acting will put other adults or children at risk);
- Sharing the information could prevent a serious crime;
- If there is a duty of care on a particular agency to intervene (e.g. the police if a crime has been/may be committed);
- The risk is unreasonably high;
- Staff are implicated;
- There is a court order or other legal authority for taking action without consent.

Kinergy operates a confidential service, but if it is assessed that that any of the above criteria is met, then confidentiality can be breached within procedural guidelines. **If the decision is to take action without the adult's consent, then unless it is unsafe to do so, the adult should be informed that this is being done and of the reasons why.**

4.7 It is important for staff and volunteers to make written records of any incidents or concerns that they have as soon as possible. It is also important to make a record of conversations with the person using the same language they used, especially names used for body parts or sexual acts.

Full written records must be maintained of all disclosures and actions following disclosure. (See Note Taking Policy)

4.8 Kinergy support survivors of sexual abuse who have also disclosed historical sexual harmful behaviour and sexual harmful thoughts. This policy and Kinergy's confidentiality policy will inform decisions on disclosing any information and how best to support the survivor and other clients.

5. Suspicion of Abuse

5.1 There may be circumstances when a volunteer or member of staff suspects that a vulnerable person is being abused or neglected.

5.2 These concerns must be discussed with a Safeguarding Officer before any action is taken but, **never delay emergency action to protect a vulnerable person, where the person would be at immediate risk if you do not act.**

Where appropriate this should be discussed with the service user and procedures in section 4 should be followed.

6. Child Safeguarding

6.1 Kinergy work with people aged 16 and over. In England, Wales, Northern Ireland and Scotland, a child is anyone under the age of 18. However, this policy applies to any disclosure or suspicion of abuse where a child is currently at risk.

If a member of staff or volunteer has a suspicion of child abuse or there has been a disclosure, they must:

- Find an appropriate opportunity to explain it is likely that information will need to be shared with other agencies and do not promise to keep secrets.
- Notify a supervisor or a Safeguarding Officer.
- If there is an immediate risk of significant harm, they must report to the police straight away.
- It is important for staff and volunteers to make written records of any incidents or concerns that they have as soon as possible. It is also important to make a record of conversations with the person using the same language they used, especially names used for body parts or sexual acts.
- Full written records must be maintained of all disclosures and actions following disclosure. (See Note Taking Policy)

7. Making a Report

7.1 Staff, Volunteers and Safeguarding Officers should work within the following timescales for reporting allegations or suspicions of abuse:

- Immediately if the vulnerable person is at risk of serious physical harm, or a serious criminal act has taken place, and evidence will need to be kept safe.
- Within 24 hours if it relates to a specific incident which is, or may be still going on, or may happen again.
- Within 7 days if it is a more general concern which does not indicate immediate harm.

7.2 If the service user wants to report, the options are:

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- The service user contacting relevant agencies (Police and where appropriate Safeguarding Teams)
- The member of staff or volunteer reporting on their behalf. Information will need to be gathered using open questions including;
 - The service users name, address, telephone number and date of birth.
 - When did the abuse occur?
 - Where did the abuse take place?
 - What are the details of the alleged abuse?
- Detailed notes need to be made as soon as possible about the process.

7.3 If the service user does not want to report but criteria has been met (see above) to report without consent:

- As much information that has been given needs to be passed onto the relevant agencies (Police and where appropriate Safeguarding Teams).
- This needs to be done in the service users' language and terminology.
- Detailed notes need to be made as soon as possible about the process.

8. Support to Staff and Volunteers

8.1 Kinergy will support staff and volunteers where a report has been made. If the Police or relevant agencies need further involvement from staff or volunteers following a report of abuse, the Safeguarding Officers will be the point of contact within Kinergy and will feed back to the member of staff or volunteer in order for them to update the service user.

8.2 If staff or volunteers feel the need for further support when a report has been made, this is to be discussed with one of the Heads of Counselling and where possible, this will be facilitated.

9. Preventing Abuse by Staff and Volunteers

9.1 It is important that any staff or volunteers who are working on behalf of Kinergy are thoroughly vetted before being employed. This means as well as references being checked there will also be a requirement for offences to be declared and a Disclosure and Barring (DBS) check undertaken.

9.2 Regular supervision, training and a full induction is mandatory in order to continue working at Kinergy.

10. Allegation of Abuse Made Against a Staff Member or Volunteer

10.1 Staff and volunteers may be subject to abuse allegations. Kinergy will offer support in these circumstances, but the Police will be assisted in their investigation and the disciplinary procedure may be implemented. (See Grievance and Disciplinary Policy)

10.2 If a member of staff has a concern about a colleague in regards to Safeguarding, this should be reported to a Safeguarding Officer. If the concern is about this person, it should be reported to the Chair of Trustees.