

# Safeguarding Adults, Children & Young People Policy

1. Guinness has a vital role to play to keep our residents, and people who live with them, safe so they may live free from abuse and neglect. "Safeguarding" describes the action taken to ensure the safety and wellbeing of people and to protect them from harm, abuse or neglect. It is everyone at Guinness's responsibility, however, customer-facing colleagues are more likely to witness or receive safeguarding concerns.
2. This policy applies to customers of The Guinness Partnership Ltd, Guinness Housing Association Ltd, and City Response Ltd (Guinness) but excludes customers receiving care and support services. A separate Safeguarding Adults Policy applies in those circumstances as there are different responsibilities for services regulated by the Care Quality Commission. Safeguarding allegations against colleagues will be treated seriously and is covered in our Disciplinary Policy.

## The Guinness Policy

3. Our policy is that we will:
  - Comply with legal and regulatory requirements;
  - Aim to have robust safeguarding arrangements in place;
  - Work in partnership with other agencies to reduce the risk of harm and abuse for our residents;
  - Always act in the resident's best interests by making safeguarding personal to them;
  - Keep residents at the heart of everything we do, expecting colleagues to act if something doesn't seem right;
  - Be responsive to the changing needs and vulnerabilities of our residents; and
  - Make safeguarding the responsibility of all Guinness colleagues.

## Background

4. Registered providers of social housing ("registered providers") such as Guinness are expected to have appropriate arrangements in place to provide for the safeguarding of adults, children and young people. This is set out in the Children Act 1989, the Children Act 2004, (Children Acts), and the Care Act 2014 including supporting guidance. The Acts place a legal duty on Guinness to:
  - Be alert to safeguarding concerns we encounter in performing our day-to-day functions;
  - Have robust policies and procedures in place;
  - Report concerns to the local authority;
  - Share information with the local authority and relevant agencies; and
  - Co-operate with the local authority about safeguarding matters.
5. The Regulator of Social Housing's Neighbourhood and Community Standard requires that registered providers "co-operate with local partnership arrangements and strategic housing functions of local authorities where they are able to assist them in achieving their objectives." This requirement is relevant in respect of local authorities' safeguarding function. This policy and associated procedures must be understood and followed by all Guinness colleagues, to ensure that we meet our legal and regulatory requirements.
6. Technical terms are defined in Annex 1 and examples of what constitutes abuse and neglect are set out in Annex 2.

## Further detail

7. Some aspects of safeguarding apply only to adults, others only to children and young people and some apply to both. We have set out this policy accordingly.

**A. Safeguarding adults, children and young people***Preventing harm*

8. We will take action to prevent and minimise the risk of harm. This includes being alert to concerns about a resident's welfare. We will do this by working closely with or sharing information with our colleagues in other teams.
9. We use indicators of abuse so that we are able to identify, assess and report concerns early. We will train our colleagues to do this and encourage them to be aware of and act upon changes in behaviour that might suggest a cause for concern.
10. We will help keep people safe by having clear information for our residents on how to report suspected abuse and neglect.

*Guinness safeguarding arrangements*

11. We will establish clear lines of responsibility and accountability for the detection, recording and reporting of safeguarding concerns. This includes clear robust processes and timescales for sharing information with lead agencies and local safeguarding boards. We will undertake regular audits to ensure policy and procedures are followed.
12. We have a specialist team in place to assess and manage safeguarding concerns.
13. We have a separate policy that specifically sets out our response to reports of domestic abuse affecting our residents.
14. We produce annual modern slavery and human trafficking statements as required by the Modern Slavery Act 2015. Guinness is fundamentally opposed to slavery and human trafficking and we will do what we can to ensure it is not taking place in our business or supply chains. There is more about this in paragraph 24.

*Reporting to statutory agencies*

15. We will record and refer concerns, suspicions and allegations of abuse, harm or neglect to the lead statutory agency responsible for carrying out safeguarding assessments and enquiries. In most cases, this will be the local authority. We will record all decisions made not to refer a concern, the reasons why and any other action taken.

*Our non-statutory arrangements*

16. We will take appropriate action to support residents where we identify broader welfare concerns. This includes residents with welfare concerns where the referral has not been accepted by the local authority. For instance, signposting to charities, drug and alcohol services or support accessing health services.

*Liaising with other agencies*

17. We will engage with, and fully contribute to, multi-agency working in response to safeguarding or welfare concerns. This includes responding to requests for information from the local authority, Safeguarding Adult Boards, Safeguarding Children Boards, Child Protection Conferences, Serious Case Reviews and Serious Adult Reviews, wherever appropriate.

#### *Data protection*

18. We will comply with our obligations under the General Data Protection Regulation 2018 (GDPR) and Data Protection Act 2018. We will ensure that any systems relating to the recording of safeguarding matters are robust, secure and confidential.
19. We will only share data in compliance with the above legislation. We will seek consent to share data from adults unless:
  - There is a public interest consideration;
  - An immediate risk of harm;
  - The adult requires urgent medical attention; or
  - Where there is clear evidence of lack of capacity.
20. We will seek permission from the parent if the concern is about a child, unless to do so may place the child at risk of harm; or if we believe a crime has been, or will be, committed.

#### *Action against the perpetrator*

21. Potential criminal offences will be immediately reported to the police and the local authority. We will take action against our customer in conjunction with the local authority and/or police where they are found to be the perpetrator of safeguarding concerns.

#### *Colleague training*

22. We will require that all Guinness colleagues understand their role in relation to safeguarding. Customer-facing colleagues including those who have contact with customers over the telephone, are more likely to come into contact with safeguarding concerns. In view of this, they will be trained to be competent at recognising abuse and neglect, and to be vigilant and able to respond appropriately to concerns. Mandatory training, including refresher training, will be provided for colleagues that come into contact with children and young people or potentially vulnerable adults in their everyday work. The training provided will be appropriate for the nature of the role.

#### *Contractors, suppliers and agents*

23. All our new contractors, suppliers and agents will be expected to understand and discharge their safeguarding responsibilities.
24. We require new contractors, suppliers and consultants to understand their responsibilities under the Modern Slavery Act 2015.

#### *Public awareness*

25. We will raise customer awareness of safeguarding by providing accessible information to help residents understand the different types of abuse, the signs of abuse, how to stay safe and how to report their concerns.

#### *Continuous improvement*

26. We are committed to learning from safeguarding reviews in order to improve our safeguarding practices. All Guinness safeguarding activity will be assessed against a quality assessment framework to identify and implement improvement opportunities. We will complete section 11 reviews and adult assurance statements as required by local authorities to demonstrate the extent to which we meet safeguarding requirements and standards. The Guinness Partnership Executive Team and The Guinness Partnership Board will receive an annual report which will include details of mandatory safeguarding training compliance, reported safeguarding incidents and action taken.

**B. Safeguarding adults**

27. We are committed to improving outcomes for those experiencing abuse or neglect. We will use the six key principles that underpin all adult safeguarding work as our framework for safeguarding adults as required by the Care Act 2014 statutory guidance. We will also “Make safeguarding personal” which is defined in the Care and Support statutory guidance 2014 as “person-led and outcome focused”. The key adult safeguarding principles are set out in Annex 3.

*Mental capacity*

28. We will comply with the requirements set out in the Mental Capacity Act 2005. This includes assuming that residents have capacity to make their own decisions in the first instance. Where a resident is found to lack capacity to make a decision then any action, or any decision made for or on their behalf, will be made in their best interests.

**C. Safeguarding children and young people.**

29. We are committed to safeguard children and young people who use or are connected to our services and to protect them from abuse. In doing so, we will act in accordance with the two key principles of the Children Acts by “making safeguarding everyone’s responsibility” and adopting a “child-centred approach”. We will always act in the best interests of the child when there is a safeguarding concern, which may mean contradicting their wishes.

**Period of review**

30. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. We will review this policy every three years.

**Key legal and regulatory references**

- Children Act 1989 and 2004
- Human Rights Act 1998
- Mental Capacity Act 2005
- Children and Young Persons Act 2008
- Equality Act 2010
- Regulator of Social Housing’s Neighbourhood and Community Standard 2012
- Working Together to Safeguard Children 2013 (Last updated 2019)
- Care Act 2014
- Care and Support Statutory Guidance (Last updated 2018) issued under the Care Act 2014
- Modern Slavery Act 2015
- Data Protection Act 2016 (Last updated 2018)
- General Data Protection Regulations 2018.

**Related policies**

- Allocations Policy
- Anti-social Behaviour, Hate Crime & Hate Incidents Policy
- Arrears Policy
- Disciplinary Policy
- Diversity & Inclusion Policy
- Information Security Policy
- Reasonable Adjustments Policy
- Resident Domestic Abuse Policy
- Tenancy Fraud Policy.

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<b>Lead Director</b>	Scott Morrison, Director of Customer Contact		
<b>Policy owner</b>	Trafford Wilson, Executive Director of Customer Services		
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<b>Version number</b>	<b>Review trigger</b>	<b>Date of approval</b>	<b>Brief description of the main changes</b>
3.0	Cyclical review	1 <sup>st</sup> December 2019	The changes include inserting the policy into the new corporate template and re-drafting the clauses.
4.0	Cyclical review	30 <sup>th</sup> November 2022	The changes include: a new policy principle; paragraph to cover current operational practice in relation to broader welfare concerns; and other minor updates to reflect current operational practice.

**Annex 1: Definitions**

Term	Description
Abuse or neglect	There is no statutory definition of abuse or neglect. It can be described as a violation of individuals' human and/or civil rights by any other person or persons who cause harm to a person in need of care and support. It may be a single or repeated acts or omissions occurring within a personal or close relationship where there is an expectation of trust.
Adult assurance statement	This is a self-audit tool that relevant agencies may be required to use to demonstrate compliance with adult safeguarding requirements. It was introduced by the Care Act 2014 and its supporting guidance which requires that the local authority assures itself that local safeguarding arrangements are in place.
Adults at risk	<p>"An adult who:</p> <ul style="list-style-type: none"> <li>a) Has needs for care and support (whether or not the authority is meeting any of those needs),</li> <li>b) Is experiencing, or is at risk of abuse and neglect, and</li> <li>c) As a result of those needs is unable to protect himself or herself against abuse or neglect or the risk of it." Care Act 2014.</li> </ul>
Child	A person up to 18 years old.
Modern slavery and human trafficking	This is a broad term used to encompass the offences of slavery, servitude and forced or compulsory labour and human trafficking. The term extends to slavery-like practices such as debt bondage, sale or exploitation of children or adults and forced or servile marriage. While varied in nature, all involve one person depriving another person of their liberty, in order to exploit them for personal or commercial gain.
Perpetrator	The person or persons committing the abuse or causing neglect.
Person-centred approach	This means keeping the person in focus when making decisions about their lives and working in partnership with them, taking their views and wishes into account.
Safeguarding	The Care and Support statutory guidance 2014 issued under the Care Act 2014 defines safeguarding as "Protecting an adult's right to live in safety, free from abuse and neglect."
Safeguarding Adults Board (SAB)	SABs were established by the Care Act 2014. The main purpose of a SAB is to enable the local authority to assure itself that local safeguarding arrangements are in place. In particular that action is taken to help and protect adults in its area who has needs for care and support. The adult may be experiencing, or at risk of abuse or neglect, and as a result of their care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect. Each local authority must set up a SAB.
Safeguarding Children Board (SCB)	<p>SCBs were established by the Children Act 2004. Local authorities are required to establish one in their area. They are multi-agency bodies involving agencies such as the police, health service and the probation service and others. Their role is to:</p> <ul style="list-style-type: none"> <li>• Co-ordinate what is done by everyone on the SCB to safeguard and promote the welfare of children in the area; and</li> <li>• Make sure that each organisation acts effectively when they are doing this.</li> </ul> <p>SCBs also publish policies and procedures for child protection in their area.</p>
Section 11 audit	Section 11 of the Children Act 2004 places a range of duties on organisations and individuals to ensure their functions and any service that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Section 42 enquiry	Section 42 of the Care Act 2014 requires that each local authority must make enquiries, or cause others to do so, if it believes an adult has care and support needs, and believes the adult is experiencing or is at risk of, abuse or neglect and, as a result of those needs, is unable to protect themselves against the abuse or neglect or the risk of it.
Serious case review or serious adult review	A serious case review or serious adult review in England is held after a child or vulnerable adult dies or is seriously injured under circumstances where abuse or neglect are thought to be involved. Its purpose is to learn lessons to help prevent future similar incidents.
Adults with care and support needs	<p>These are people at risk of safeguarding concerns. They include, but are not limited to, a person who:</p> <ul style="list-style-type: none"> <li>• Is elderly, with poor health, a physical disability or cognitive impairment</li> <li>• Has a learning disability</li> <li>• Has a physical disability and/or sensory impairment</li> <li>• Has mental health needs including dementia or a personality disorder</li> <li>• Misuses substances or alcohol; and</li> </ul> <p>Is unable to demonstrate the capacity to make an informed decision as defined by the Mental Capacity Act 2005 and is in need of care and support.</p>
Young persons	<p>Under the Children and Young Persons Act 2008, “young persons” comprises former “looked after” children i.e. children under the parental care of the local authority:</p> <ul style="list-style-type: none"> <li>• Up to 21 years old (25 years old if in formal education); and</li> <li>• Disabled children up to 18 years old (25 years old if in formal education).</li> </ul>

## **Annex 2: What constitutes abuse and neglect**

This information is taken from the “Care and Support statutory guidance 2014” (updated October 2018) issued under the Care Act 2014.

This includes the different types of abuse and neglect. It is not an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern.

### **Physical abuse** including:

Assault, hitting, slapping, pushing, misuse of medication, restraint, inappropriate physical sanctions.

### **Domestic abuse** including:

Psychological, physical, sexual, financial, emotional abuse, so called “honour based” violence<sup>1</sup>.

### **Sexual abuse** including:

Rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography, or witnessing sexual acts, indecent exposure, sexual assault, sexual acts to which the adult has not consented or was pressured into consenting.

### **Psychological abuse** including:

Emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation, unreasonable and unjustified withdrawal of services or supportive networks.

### **Financial or material abuse** including:

Theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, the misuse or misappropriation of property, possessions or benefits.

### **Modern slavery** including:

Slavery, human trafficking, forced labour and domestic servitude, traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

### **Discriminatory abuse** including forms of:

Harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation; and religion.

### **Organisational abuse** including:

Neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one’s own home.

### **Neglect and acts of omission** including:

Ignoring medical, emotional or physical care needs; failure to provide access to appropriate health care and support or educational services; and the withholding of the necessities of life, such as medication, adequate nutrition and heating.

### **Self-neglect**

This covers a range of behaviour neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a section 42

enquiry. An assessment should be made on a case by case basis. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support.

<sup>1</sup> There is no specific definition of 'honour'-based violence (HBV). The Crown Prosecution Service describes 'honour'-based violence as an incident or crime "which has, or may have, been committed to protect or defend the 'honour' of the family and or the community."

HBV can occur when perpetrators perceive that a relative has shamed the family and/or community by breaking their honour code. It often occurs with some degree of approval and or collusion from the extended family and/or local community. HBV includes, but is not limited to: forced marriage, domestic abuse, sexual harassment, rape, threats to kill, kidnap, forced abortion, social ostracism, denial of access to children, pressure to go or move abroad, house arrest/ restrictions of freedom, denial of access to the telephone, internet etc; and isolation from friends and family.

**Annex 3: The six principles of adult safeguarding**

This information is taken from the Care and Support statutory guidance 2014 (updated October 2018) issued under the Care Act 2014. It sets out the six principles that underpin all adult safeguarding work. The principles apply to all sectors and settings including housing. The principles should inform the ways in which professionals and other employees work with adults. The principles can also help SABs, and organisations more widely, by using them to examine and improve their local arrangements.

<b>Principle</b>	<b>Outcome</b>	<b>Customer experience</b>
Empowerment	People being supported and encouraged to make their own decisions and informed consent.	"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."
Prevention	It's better to take action before harm occurs.	"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."
Proportionality	The least intrusive response appropriate to the risk presented.	"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."
Protection	Support and representation for those in greatest need.	"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."
Partnership	Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.	"I know that employees treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."
Accountability	Accountability and transparency in delivering safeguarding.	"I understand the role of everyone involved in my life and so do they."