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Safeguarding adults' policy

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1. Policy statement

We Hear You (WHY) is committed to ensuring that all adults are safe from the risk of abuse as defined by the Care Act 2014 ([Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/26/section/1)).

WHY provides counselling for people who may be vulnerable due to being affected by cancer or other life-threatening conditions.

This policy applies to anyone working on behalf of WHY, including senior managers, the Board of Trustees, employed staff, self-employed staff, and volunteers. This policy refers to workforce as a term which encompasses all these groups of people.

The purpose of this policy is to give the workforce a clear understanding of their statutory duties and to enable them to support adults at risk effectively using relevant safeguarding adults' procedures.

To facilitate our commitment to safeguarding, WHY has developed this safeguarding policy and separate procedures that set out:

- Guidelines to ensure a safe and supportive environment for clients, and members of the workforce.
- Guidance on procedures the workforce should follow if they suspect an adult may be experiencing, have experienced, or be at risk of, harm.

- Management responsibilities and structures, and responsibilities of the workforce.

Principles

WHY is committed to the principle that all adults have a right to live in safety, free from abuse and neglect. At the same time adults have a right to make decisions about their own lives, so consideration of a person's safety must always consider the person's wishes, feelings, and wellbeing. People should be safeguarded in a way that supports them to make choices and have control about how they want to live (Making Safeguarding Personal [Making Safeguarding Personal toolkit | Local Government Association](#)).

All adults should be presumed to have capacity to make decisions about their lives. If they are assessed as lacking capacity to make a particular decision at a particular time, a decision must be made in their best interests ([Mental Capacity Act 2005 \(legislation.gov.uk\)](#) and ([Deprivation of Liberty Safeguards \(DoLS\) at a glance | SCIE](#)).

For more information on the Mental Capacity Act see appendix one.

The following principles underpin the safeguarding policy and procedures and all safeguarding work ([Layout 1 \(england.nhs.uk\)](#)):

- Empowerment – personalisation and the presumption of person-led decisions and informed consent.
- Prevention – it is better to act before harm occurs.
- Proportionality – proportionate and least intrusive response appropriate to the risk presented.
- Protection – support and representation for those in greatest need.
- Partnership – local solutions through services working with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse.
- Accountability – accountability and transparency in delivering safeguarding.

WHY will cooperate with local authorities and other partners in their safeguarding responsibilities.

We are committed to reviewing our policy and procedures annually.

Legal framework

This policy has been drawn up based on legislation, policy and guidance that seeks to protect people who, because of issues such as dementia, learning disability, mental ill-health, or substance abuse, have care and support needs that may make them more vulnerable to abuse or neglect.

The Care Act 2014 sets out statutory responsibility for the integration of care and support between health and local authorities. Local authorities have statutory responsibility for safeguarding. In partnership with health, they have a duty to promote wellbeing within local communities.

The policy and procedures ensure legal duties are met and best practice is maintained.

Relevant legislation:

- Care Act 2014 [Care Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/18/contents)
- Mental Capacity Act 2005 [Mental Capacity Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2005/9/contents)
- Mental Health Act 2007 [Mental Health Act 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2007/12/contents)
- Safeguarding Vulnerable Groups Act 2006 [Safeguarding Vulnerable Groups Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/6/contents)

Supporting documents

This policy should be read alongside additional organisational policies and guidance including:

- Anti-harassment and bullying policy.
- Complaints and allegation management policy.
- Data protection and retention policy.
- Information systems and social media acceptable use policy.
- Health and personal safety at work policy.
- Safeguarding children policy.
- Safer recruitment (including ex-offenders) policy.
- Whistleblowing policy.

Confidentiality

We Hear You is an organisational member of the British Association of Counselling and Psychotherapy (BACP) and bound by its Ethical Framework for Good Practice in Counselling and Psychotherapy ([BACP Ethical Framework for the Counselling Professions](https://www.bacp.co.uk/ethical-framework)). Our therapists make each client the primary focus of attention and work during sessions. As per the Ethical Framework, we consider how we manage situations when protecting clients or others from serious harm or when compliance with the law may require overriding a client's explicit wishes or breaching their confidentiality. In exceptional circumstances, the need to safeguard our clients or others from serious harm may require us to override our commitment to making our client's wishes and confidentiality our primary concern.

We protect the confidentiality and privacy of clients by informing clients about any limitations of privacy or confidentiality in advance of our work together, for example, to protect a client or others from serious harm, including safeguarding commitments, and when legally required or authorised to disclose.

There may be instances where the client wishes for WHY to liaise with a carer or other adult to support them to access the service. If the client gives us permission to do this, it will be recorded on the database.

2. Responsibilities under this policy

The implementation of this policy and associated procedures is mandatory across the full scope of We Hear You's work. Specific responsibilities are outlined below.

Overall accountability for safeguarding adults within WHY rests with the Chief Executive Officer and the Board of Trustees.

Key contact numbers can be found in appendix two.

Board of Trustees

Responsible for:

- Ensuring WHY acts in the best interests of vulnerable adults and takes reasonable steps to prevent any harm to them.
- Assessing and managing risk within WHY.
- Ensuring safeguarding policies and procedures are in place.
- Ongoing monitoring and reviewing to ensure that safeguards are being implemented and are effective.
- Responding appropriately to allegations of abuse and whistleblowing cases.
- Ensuring that all members of the workforce are suitable to act in their role through carrying out relevant checks, including DBS checks.
- Ensuring that all members of the workforce receive regular safeguarding training.

The Safeguarding Lead Trustee supports the work of the charity in relation to safeguarding. This includes working with the CEO and designated safeguarding lead regularly to:

- Ensure safeguarding policies, procedures and measures are fit for purpose and up to date.
- Ensure everyone in the organisation is aware of their safeguarding responsibilities and knows how to respond to concern.
- Review whether the things the organisation has put in place are creating a safer culture and keeping people safe.

Chief Executive Officer

Responsible for:

- Implementation of the WHY safeguarding policy and procedures.
- Ensuring that safeguarding implications are constantly reviewed across the scope of services that WHY delivers and are fully considered in the development of all new pieces of work.
- Considering and authorising any immediate changes in operational policy required due to a safeguarding incident or near miss.
- Ensuring that safeguarding is considered in all appointments of the workforce.

Designated safeguarding lead

Responsible for:

- Fulfilling duties as the designated safeguarding lead. The responsibilities of the designated safeguarding lead are included as appendix three.
- Overseeing all safeguarding referrals, incident reports and actions taken and checking they are recorded, fully reviewed, and in accordance with the organisation's data protection and retention policy.
- Ensuring all members of the workforce are aware of their roles and responsibilities within this policy.
- Developing an open and responsive management culture and ensuring all members of the workforce feel able to discuss safeguarding issues confidentially and receive guidance and support as situations arise.

- Ensuring all members of the workforce feel confident of receiving personal support for needs that may arise because of safeguarding issues and situations.
- Providing oversight to ensure clients are aware of WHY's safeguarding procedures and who to contact if they have any concerns.
- Managing safeguarding training across the organisation. Appraising the training needs of all members of the workforce on a regular basis. Developing guidance and training to increase the level of understanding and expertise on safeguarding including safer recruitment across the organisation.
- Ensuring the safer recruitment policy is always followed.
- Alerting the CEO of any significant safeguarding concerns, leading investigations, contributing to decision-making and ensuring appropriate follow-up to manage and reduce risk.
- Giving feedback to the CEO and the Trustee Board about safeguarding activity, trends, concerns, and emerging issues.
- Ensuring that safeguarding is considered in strategic decision-making.
- Reviewing and updating WHY's safeguarding policy and procedures at least annually.

Managers

Responsible for:

- Promoting and communicating this policy to all members of their teams and monitoring its application.
- Ensuring that workforce members attend the level of safeguarding training appropriate to their role.

Responsibilities of all workforce members

All workforce members have a responsibility for ensuring that the principles outlined in this policy are universally applied.

Responsibilities are to:

- Ensure they have sufficient knowledge and skills to be aware of indicators and predictors of adult abuse and to practise in accordance with the Mental Capacity Act 2005.
- Act in accordance with this policy and We Hear You's safeguarding adults' procedures.
- Ensure the safety and wellbeing of the adult at risk, including calling 999 if there is an urgent need for help.
- Document all issues, discussions, actions, and decisions relating to safeguarding adults.
- Report suspicions/allegations of abuse perpetrated by workforce members to a manager.

3. Safer recruitment

We recognise that everyone has the right to live in safety, free from abuse and neglect, and therefore all reasonable steps are taken to ensure that unsuitable

individuals are prevented from working or volunteering within WHY. The WHY safer recruitment policy must be followed in recruitment of all members of the workforce.

All members of the workforce must be vetted through a Disclosure and Barring Service check. This is set out in the safer recruitment policy.

4. Safeguarding training

WHY will ensure that all its workforce receives safeguarding training, recognising that a proper awareness and understanding of safeguarding vulnerable adults is crucial.

Operational staff will participate in relevant and regular external and internal safeguarding training at a suitable level for their role. They will participate in regular safeguarding vulnerable adults' updates, reviews, discussions, and briefings including scenario-based training sessions. They will update their safeguarding training at least every three years, to continue to provide them with relevant skills and knowledge to safeguard vulnerable adults effectively.

All members of the workforce must complete Adult Safeguarding Level 1 using the the Bath & North East Somerset Council Learning Pool, or equivalent provider, agreed with We Hear You.

All members of the workforce will be required to read the WHY safeguarding adults policy and procedures.

Supervision

Clinical supervision is offered to all employed staff within WHY and provides opportunity for discussion of, and reflection on, complex casework including safeguarding.

Employed staff should also use team meetings and case review meetings as opportunities to reflect on safeguarding issues.

Appendix 1 The Mental Capacity Act (MCA) 2005

Information taken from: <https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance>

Key messages

- The Mental Capacity Act (MCA) 2005 applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves.
- The MCA is designed to protect and restore power to those vulnerable people who lack capacity.
- The MCA also supports those who have capacity and choose to plan for their future – this is everyone in the general population who is over the age of 18.
- All professionals have a duty to comply with the Code of Practice. It also provides support and guidance for less formal carers.
- The Act's five statutory principles are the benchmark and must underpin all acts carried out and decisions taken in relation to the Act.
- Anyone caring for or supporting a person who may lack capacity could be involved in assessing capacity – follow the two-stage test.
- The MCA is designed to empower those in health and social care to assess capacity themselves, rather than rely on expert testing – good professional training is key.
- Understanding and using the MCA supports practice – for example, application of the Deprivation of Liberty Safeguards

Reach

About two million people in England and Wales are thought to lack capacity to make decisions for themselves. They are cared for by around six million people, including a broad range of health and social care staff, plus unpaid carers. Those working in health and social care include doctors, nurses, dentists, psychologists, occupational therapy, speech and language therapists, social workers, residential and care home managers, care staff (including domiciliary care workers), and support workers (including people who work in supported housing).

Someone's Mental Capacity, or ability to make a certain decision, may be impacted by:

- a stroke or brain injury
- a mental health problem
- dementia
- a learning disability
- confusion, drowsiness, or unconsciousness because of an illness or the treatment for it
- substance misuse.

Five key principles

The Act is underpinned by five key principles. It is useful to consider the principles chronologically: principles 1 to 3 will support the process before or at the point of determining whether someone lacks capacity. Once you've decided that capacity is lacking, use principles 4 and 5 to support the decision-making process.

- Principle 1: A presumption of capacity
Every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise. This means that you cannot assume that someone cannot decide for themselves just because they have a particular medical condition or disability.
- Principle 2: Individuals being supported to make their own decisions.
A person must be given all practicable help before anyone treats them as not being able to make their own decisions. This means you should make every effort to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important that you involve the person as far as possible in making decisions.
- Principle 3: Unwise decisions
People have the right not to be treated as lacking capacity merely because they decide that others deem 'unwise'. Everyone has their own values, beliefs and preferences which may not be the same as those of other people.
- Principle 4: Best interests
Anything done for or on behalf of a person who lacks mental capacity must be done in their best interests.
- Principle 5: Less restrictive option
Someone deciding or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person's rights and freedoms of action, or whether there is a need to decide or act at all. Any intervention should be weighed up in the circumstances of the case.

Appendix 2 Key contact numbers

We Hear You key contacts:

- Chief Executive Officer - Lucy Kitchener: 07917 134758
- Clinical Services Manager and designated safeguarding lead – vacancy
- Assistant clinical services manager and deputy safeguarding lead – Gwen Rogerson: 07941 787011
- Chair of trustees and deputy safeguarding lead – Anne Montague: 07545 860013
- Board of Trustees safeguarding lead – Tessa Warry: 07763 216516

Local safeguarding contacts

Somerset

<https://somensetsafeguardingadults.org.uk/report-a-safeguarding-concern/>

Call Monday to Friday 8.30am to 5pm: 0300 123 2224

Email: adults@somerset.gov.uk

Safeguarding alert form: [Safeguarding alert form - Somerset Council](#)

To speak to a social worker outside of office hours, phone Adults and Mental Health out of hours: 0300 123 23 27

Bath and North East Somerset

<https://bcssp.bathnes.gov.uk/report-concern-about-adult>

Adult safeguarding team: 01225 394200

to discuss a case before making a referral, you can call for advice. We have an all-hours service and will respond to your call as quickly as we can.

Day and time	Number	Team
Mon to Thurs 8.30am to 5pm Fri 8.30am to 4.30pm	01225 394200	Regular Social Work Team
Evenings, bank holidays and weekends	01454 615165	Emergency Duty Social Work Team

Reports and referrals online: [B&NES Adult Social Care Portal \(bathnes.gov.uk\)](#)

Swindon

https://www.swindon.gov.uk/info/20011/adult_social_care_and_support/1120/report_a_concern_about_an_adult_at_risk_of_or_experiencing_harm

Safeguarding referrals can only be made online: [Report a safeguarding concern about an adult at risk of, or experiencing, harm | Swindon Borough Council](#)

For any questions about safeguarding, call: 01793 463555.

For any questions relating to other Adult Social Care duties, call: 01793 445 500.

Office hours are Monday to Friday between 9.00am and 5.00pm excluding public holidays.

If you need to contact us out of office hours, you can call on 01793 436699.

Wiltshire

<https://adults.wiltshire.gov.uk/Information/safeguarding>

Non-emergency - for all other concerns including safeguarding please call Advice and Contact: 0300 456 0111

Monday to Thursday between 8:30am and 5:20pm (Friday 4:20pm)

Out of hours, call the Emergency Duty Service: 0300 456 0100

Make a safeguarding referral online:

<https://adultslas.wiltshire.gov.uk/web/portal/pages/referrals/safeguarding>

Appendix 3 Responsibilities of the designated safeguarding lead

As We Hear You works with children or adults at risk, the Charity Commission expects our organisation to have a safeguarding lead. This is generally the individual who would respond to concerns about a child or adult at risk and ensure referral to statutory services.

As We Hear You works with children, it must follow the Working Together to Safeguard Children statutory guidance ([Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/272025/Working_together_to_safeguard_children.pdf)). This requires us to have both a board level lead and an operationally focussed designated safeguarding lead.

Responsibilities of the designated safeguarding lead

The designated safeguarding lead (DSL) acts as the main source of support, advice, and expertise for safeguarding in the organisation.

- Advise and support the senior team in developing and establishing our organisation's approach to safeguarding.
- Play a lead role in maintaining and reviewing our organisation's plan for safeguarding.
- Coordinate the distribution of policies, procedures, and safeguarding resources throughout our organisation.
- Advise on training needs and development, providing training where appropriate.
- Provide safeguarding advice and support to all members of the workforce.
- Manage safeguarding concerns, allegations or incidents reported to our organisation.
- Manage referrals to key safeguarding agencies (e.g., social services or police) of any incidents or allegations of abuse and harm.

Information taken from: <https://www.ncvo.org.uk/help-and-guidance/safeguarding/specialist-guides/certain-roles/designated-leads/responsibilities/role/>