

SAFEGUARDING POLICY AND PROCEDURES

Adults at Risk

Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect (Care Quality Commission, 2014).

Newport Live recognises that safeguarding is everyone's business and everyone's responsibility, therefore, regardless of an employee's job they should be fully aware of what actions they need to follow should they identify a concern for an adult at risk or family whom they may come into contact with during their working day.

Relevant Legislation

This policy is in accordance with:

- Sexual Offences Act 2003 +(s22A – Positions of Trust)
- Safeguarding Vulnerable Groups Act 2006
- Social Services and Well-being (Wales) Act 2014
- Care Act 2014
- Well-being of Future Generations (Wales) Act 2015
- The Mental Capacity Act 2005
- Welsh Government "Working together to safeguard people" guidance
- Wales Safeguarding Procedures 2019 –Available via the website (www.safeguarding.wales) and downloadable app.
- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
- United Nations – Convention on the Rights of Persons with Disabilities
- United Nations Principles of Older People
- Serious Crime Act 2015 (Wilful abuse or neglect by member of household)
- Criminal Justice and Courts Act (Wilful abuse or neglect by Care worker)
- Forced Marriage Act 2017
- Modern Slavery Act 2015
- Female Genital Mutilation Act 2003
- Terrorism Act 2000
- Data Protection Act 2018
- General Data Protection Regulations 2018
- European Convention of Human Rights (Articles 2, 3, 5, 6 and 8)
- Human Rights Act 1998
- Equality Act 2010
- Public Interest Disclosure Act 1998
- Health and Care Act 2022

As of the 6th April 2016, the Gwent-wide Adult Safeguarding Board (Gwasb) is a Statutory Board as set out in the Social Services and Well-Being (Wales) Act 2014. This was followed by the creation of the South East Wales Violence Against Women, Domestic Abuse and Sexual Violence Partnership Board.

Although there are currently two separate Safeguarding Boards, Gwent wide Adult Safeguarding Board (Gwasb) and South East Wales Safeguarding Children Board (SEWSCB), promotional materials and awareness raising activities are undertaken using the Gwent Safeguarding brand.

Key Principles

The investigation of suspected or actual abuse of an adult at risk remains the lead responsibility of Social Services and the Police, but it is everyone's business and everyone's responsibility to identify and report abuse.

Staff are not expected to be specialists in this area and are not expected to be trained to deal with protection, or to investigate concerns themselves however, staff do need to be aware of the following key aspects:

- Abuse does happen.
- Staff have a responsibility to be alert and aware of possible concerns.
- Staff should talk to their Line Manager if they have concerns for an adult at risk and report these so that appropriate action can be made.
- Newport Live has a Lead Safeguarding Officer, who is able to provide advice and support where necessary. They can be contacted on 01633 233685.
- To report a concern staff should contact Newport City Councils, Social Services, Protection of Vulnerable Adults Team on 01633 656656 for advice or to make a referral. If out of hours (8.30am- 5pm) contact the Emergency Out of Hours Service on 0800 328 4432.
- In an **emergency** situation, contact the Police directly on 101 / 999.
- You do not need a families consent to make a referral to the Protection of Vulnerable Adults Team. But it is best practice to gain the consent of the adult you are concerned about before making a referral.

It may be tempting not to want to get involved or to be afraid of the consequences but remember that by doing nothing, an adult at risk may continue to be abused. If you have concerns it is your responsibility to share those concerns but it is not your responsibility to investigate those concerns for yourself.

Newport Live has adopted the Wales Safeguarding Procedures (2019) These procedures detail the agreed processes which should be followed in order to safeguard and protect adults at risk.

The Wales Safeguarding procedures and guidelines can now be accessed online [Social care Wales \(safeguarding.wales\)](https://www.wales.gov.uk/socialcare/safeguarding) and via an app. All staff are encouraged to download the app, so that they have guidance and information to hand.

Staff do not need to know the high level of detail within the procedures, however, you must be aware of your duties and responsibilities to respond to concerns identified for an adult at risk and that there is a clear process which should be followed to report your concerns.

Who is defined as an "Adult at Risk"?

An Adult at Risk is: *'a person over 18 years of age who is, or may be in need of community care services, by reason of mental or other disability, age, or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation'*.

This definition may include a person who: has learning disabilities; has mental health problems, including dementia; is an older person with support/care needs; is physically frail or has a

chronic illness; has a physical or sensory disability; misuses drugs or alcohol; has an autistic spectrum disorder

Significant harm refers to: Ill-treatment (including sexual abuse and forms of ill treatment that are not physical), Impairment of, or an avoidable deterioration in, physical or mental health, Impairment of physical, emotional, social or behavioural development.

Mental Capacity

The Mental Capacity Act 2005 (the Act) provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make particular decisions for themselves.

The Act's starting point is to confirm in legislation that it should be assumed that an adult (aged 16 or over) has full legal capacity to make decisions for themselves (the right to autonomy) unless it can be shown that they lack capacity to make a decision for themselves at the time the decision needs to be made. This is known as the presumption of capacity.

Consent

Most adults are deemed, in law, capable of giving or withholding consent. In adult protection it is vital to consider if an adult at risk is capable of giving consent and, if so, their consent must be sought. However, even where an adult declines action under the Adult Protection Policy and Procedures, staff have an **overriding duty** to report abuse if that adult, or others, are at risk.

If the adult at risk seems able to make an informed decision and does not want action or intervention, their wishes should be respected, unless:

- statutory duty to intervene (a crime may have been committed / may well be);
- public interest e.g. another person or people are put at risk;
- it is suspected the adult may be under the undue influence of someone else.

What is abuse?

Wales Safeguarding Procedures (2019) and the Social Services and Well-Being (Wales) Act 2014 recognises the following categories of abuse:

- **Physical abuse**
- **Emotional/psychological abuse**
- **Sexual abuse**
- **Neglect**
- **Financial abuse**

Abuse always falls into one of the five categories identified however important work has been undertaken into particular forms and contexts of abuse that you should also be aware of, these are: Self neglect, Institutional abuse, Poor care, Institutional neglect, Wilful abuse or neglect, Discrimination and hate crime, Disability hate crime, Abuse by a stranger, Domestic abuse, Forced marriage, Modern slavery, Sexual Exploitation, Female Genital Mutilation, Cuckooing, Radicalisation, Stalking.

Safeguarding All Customers

Newport Live work with organisations to safeguard their customers. Organisations such as the Police, Probation and Prison Services work together with other agencies to manage the risk posed by violent and sexual offenders living in the community in order to protect the public.

Staff Roles and Responsibilities

If any employee has knowledge, concerns or suspicions that an adult is suffering, has suffered or is likely to be at risk of harm, it is his or her responsibility to ensure that they share their concerns with their line manager/ safeguarding officer in a timely manner.

The actions to follow including what employees need to know, sources of advice and expertise, who to contact for such advice, can be found on the Safeguarding Children and adults at risk – Your Responsibilities procedures. These are located in staff areas across all of the Newport Live venues.

If an individual, parent, caregiver, relative or member of the public expresses concerns about an individual's welfare to an employee, that employee must ensure that they receive the information from the person and report this to their Line Manager. If an incident or concern is raised at a Newport Live site then the Leisure Operations Officer / Duty Manager / Lead Manager should be informed and if appropriate will investigate the concern. The Lead Officer will discuss this with the Lead Safeguarding Officer and if appropriate will make a referral to the Protection of Vulnerable Adults Team.

The conduct expected of all employees is defined in the **Employee Code of Conduct**.

Designated Person for Safeguarding

Within Newport Live there is a designated Lead Safeguarding Officer. This person is responsible for ensuring that the safeguarding policy, procedures are in place and communicated to staff. The Lead Officer for Safeguarding can be contacted on 01633 233685 for advice and support where required.

Recognising and responding to suspected abuse and neglect

It is your responsibility to ensure that the concerns in respect of the alleged/ reported/ suspected abuse are shared with the appropriate statutory agencies in a timely and appropriate manner and that in emergency situations that you contact Social Services and/ or the Police immediately.

In addition to Statutory Services it may also be necessary to inform other agencies of investigations. Particularly true in the case of incidents occurring within sporting clubs, where it would be necessary to inform the National Governing Body. It may also be necessary to inform the Disclosure and Barring Service of a coaches behaviour.

Research suggests that adults with disabilities have increased levels of vulnerabilities and are therefore at a higher risk of abuse or neglect for a number of reasons (eg a lack of communication skills therefore making it more difficult for the adult to disclose that abuse is occurring).

Suspicions or concerns regarding the potential or suspected abuse of an adult at risk may arise from a number of circumstances including;

- Injuries to an adult
- Direct disclosures to you from the adult, or another individual
- A change in the adult's physical appearance or demeanour
- Observed behaviours of an individual towards the adult (e.g. Low warmth and high criticism towards the adult; unrealistic expectations of the adult; physical/ verbal aggression towards the adult)
- Displays sexualised behaviour in inappropriate circumstances
- Remarks made to you by the adult or by friends or other person
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Responding to a disclosure that a child or young person is being abused

If someone tells a member of staff that they or another adult is being abused:

- Stay Calm- show that you have heard what they have said and that you take their allegation seriously.
- Support the adult to talk but do not prompt or ask leading questions, don't interrupt the child and do not ask them to repeat their story to other people.
- Do not promise to keep a secret- you have a responsibility to report any concerns but explain that only the people who need to know will be told.
- Explain what actions you must take in an appropriate manner and in a way that the adult will understand.
- Write down what you have been told trying to use the exact words that were used wherever possible, also note the time and date and if any other persons were present.
- Do NOT confront the alleged abuser.
- Report your concerns as soon as possible (certainly within 24 hours) to your Line manager and if on site the Leisure Operations Officer, Duty Manager or designated person for Safeguarding, this person will be responsible for completing a referral to the Protection of Vulnerable Adults Team.

When the concern has been reported, the role of the designated safeguarding person is to: Receive and record information, Assess the information properly and carefully, Consult with the Lead Safeguarding Officer / Protection of Vulnerable Adults Team to discuss concerns, Be responsible for submitting a referral to the Protection of Vulnerable Adults Team and where necessary, the Police.

Responding to allegations of abuse against a staff member or other professional

Where concerns are identified in respect of any member of staff, that those concerns are acknowledged and responded to appropriately, including informing partner agencies such as NGBs. It is essential that suspicions/ allegations regarding the staff member are investigated in strict confidence thus enabling information to be shared freely and fully. It is also necessary to consider what action should be taken in respect of any contact the suspected person has with any other adult at risk or child, including their own children and family. Concerns are to be reported to your line manager.

If you have worries or feel that the concerns in respect of the alleged suspected person have not been managed or investigated appropriately then you can also refer your concerns to the following organisations;

Gwent-wide Adult Safeguarding Board