



# Safeguarding Policy

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Relevant Legislation and Guidance	<ul style="list-style-type: none"><li>• Mental Capacity Act 2005</li><li>• Mental Health Act 2007</li><li>• Safeguarding Vulnerable Groups Act 2006</li><li>• Deprivation of Liberty Safeguards (DoLs) 2007</li><li>• ASB, Crime and Policing Act 2014</li><li>• Equality Act 2010</li><li>• Care Act 2014</li><li>• Modern Slavery Act 2005</li><li>• The Human Rights Act 1998</li><li>• Protection of Freedoms Act 2012</li><li>• Children and Families Act 2014</li><li>• The Children Act 1989 and 2004</li><li>• Health and Social Care Act 2008</li><li>• Female Genital Mutilation Act 2003</li><li>• Domestic Violence Crime and Victims Act 2004</li><li>• Sexual Offences Act 2003</li><li>• General Data Protection Regulation 2018</li><li>• Neighbourhood and Community Standard</li><li>• Tenant Involvement and Empowerment Standard</li></ul>
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## 1. Purpose and Scope of Policy

- 1.1 As a social housing landlord, we have a responsibility to keep our residents and their households safe from harm. This policy outlines our approach to safeguarding adults, children and young people who are being abused or neglected or are at risk of abuse and neglect.
- 1.2 The purpose of this policy is to provide clear definition of abuse and neglect and to set out how we will fulfil our legal obligations by reporting any safeguarding concerns to the appropriate authorities in a timely manner and with the residents' best interests.
- 1.3 This policy should be used by all staff, contractors and volunteers of Birnbeck to ensure that everyone understands the obligations placed on them to ensure a staff environment for both residents and employees within our homes.
- 1.4 For the purpose of this policy whenever residents are referred too, this may also include any members of their household or visitors to their home.

## 2. Definitions

- 2.1 Safeguarding as defined by The Care Act 2014 is '*protecting an adult's right to live in safety, free from abuse and neglect.*'
- 2.2 There is no set definition of abuse, however it is widely referred to as a '*violation of an individual's human and civil rights by any other person or persons*' (Department of Health: Unknown). Listed below are some other important definitions when dealing with abuse or neglect.
- 2.3 Harm – is physical and/or psychological injury.
- 2.4 Perpetrator – is the person or persons committing the abuse or causing neglect.
- 2.5 Adult – is anyone over the age of eighteen
- 2.6 Child – is anyone under the age of eighteen.
- 2.7 Young person – is a care leaver who is aged over eighteen but still receiving support from children's services.
- 2.8 Vulnerable Adults – are people at risk of safeguarding concerns, such as someone who:



- Is elderly, with poor health, a physical disability or cognitive impairment.
- Has a learning disability
- Has a physical disability and/or a sensory impairment
- Has mental needs including dementia
- Misuses substances or alcohol and is unable to demonstrate capacity to make an informed decision as set out by the Mental Capacity Act 2005.

### 3. Types of Abuse

3.1 The Care Act 2014 identifies ten categories of abuse and neglect, these are:

Physical abuse	Assault, hitting, slapping, pushing, misuse of medication, restraint, inappropriate physical sanctions
Domestic abuse	Psychological, physical, sexual, financial, emotional abuse, honour based violence
Sexual abuse	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, sexual acts where the adult felt pressure to consent
Psychological abuse	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	Theft, fraud, internet scamming, coercion (including wills, property, inheritance or financial transactions), the misuse or misappropriation of property, possessions or benefits
Modern Slavery	Slavery, human trafficking, forced labour and domestic servitude, traffickers and slave masters forcing individuals into a life of slavery
Discriminatory abuse	Harassment, slurs or similar treatment, racism, gender and gender identity, ageism, disability, sexual orientation, religion
Organisational abuse	Neglect and poor care practice (one off incidents or ongoing ill-treatment), neglect as a result of the structure, policies, processes and practices within an organisation
Neglects and acts of	ignoring medical, emotional or physical care needs failure to provide access to appropriate health,



omission	support or educational services; the withholding of the necessities of life (medication, heating, food)
Self-neglect	neglecting to care for personal hygiene, neglecting to care for personal health, neglecting to care for personal surroundings (including hoarding)

#### 4. Consent

- 4.1 The Care Act 2014 sets out the importance of putting the individual at risk at the centre of the safeguarding process. For this reason, wherever possible, consent should be obtained when making an adult safeguarding referral.
- 4.2 If consent has not been given, you should speak to your Manager to ascertain that if the risks are that high, that you need to override the need for consent. A record should be made of the decision and the reasons for overriding consent.
- 4.3 For child safeguarding concerns, it is not necessary to obtain consent. Where possible it is good practice to inform a parent/carer that a safeguarding referral is being made, however if it is deemed that this may put the child at further risk, then a parent/carer should not be informed. If you are unsure whether to inform a parent/carer of a referral, please speak to your Manager.

#### 5. Principles of Safeguarding

- 5.1 The Care Act 2014 sets out six key principles that underpin all safeguarding. These are:
- Empowerment - people being supported and encouraged to make their own decisions and informed consent.
  - 2. Prevention - it is better to take action before harm occurs.
  - 3. Proportionality - the least intrusive response appropriate to the risk presented.
  - 4. Protection - support and representation for those in greatest need.
  - 5. Partnership - local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
  - 6. Accountability - accountability and transparency in safeguarding practice.

#### 6. Mental Capacity



6.1 The Mental Capacity Act 2005 states that a person lacks capacity in relation to a matter if at the material time they are unable to make a decision for themselves in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain. The impairment or disturbance can be permanent or temporary.

6.2 The Mental Capacity Act 2005 sets out five key principles. These are:

- Always assume the person is able to make the decision until you have proof they are not.
- Try everything possible to support the person make the decision themselves.
- Do not assume the person does not have capacity to make a decision just because they make a decision that you think is unwise or wrong.
- If you make a decision for someone who cannot make it themselves, the decision must always be in their best interests.
- Any decisions, treatment or care for someone who lacks capacity must always follow the path that is the least restrictive of their basic rights and freedoms.

6.3 A person may have capacity for some decisions but not others, or they may not have capacity right now but may regain it in the future with support. This means all capacity decisions should be regularly reviewed to make sure they still reflect the person's ability to make decisions.

## **7. Modern Slavery**

7.1 Modern Slavery refers to when a person or people are being exploited and completely controlled by someone else and are unable to leave that situation. They may be unable to leave the situation due to such things as threats, violence, coercion, deception or abuse of power.

7.2 Types of exploitation can be:

- Human trafficking – the use of violence, threats or coercion to transport, recruit or harbour people in order to exploit them for purposes such as forced prostitution, labour, criminality, marriage or organ removal.
- Forced labour – any work or services people are forced to do against their will, usually under threat of punishment.
- Debt bondage/bonded labour – the world's most widespread form of slavery. People trapped in poverty borrow money and are forced to work to pay off the debt, losing control over both their employment conditions and the debt.
- Descent-based slavery (where people are born into slavery) – a very old form of slavery, where people are treated as property, and their "slave" status has been passed down the maternal line.



- Child slavery – when a child is exploited for someone else’s gain. This can include child trafficking, child soldiers, child marriage and child domestic slavery.
- Forced and early marriage – when someone is married against their will and cannot leave. Most child marriages can be considered slavery.
- Domestic servitude – domestic work and domestic servitude are not always slavery, and when properly regulated can be an important source of income for many people. However, when someone is working in another person’s home, they may be particularly vulnerable to abuses, exploitation, and slavery, as they might be hidden from sight and lack legal protection.

(Definitions sourced from [antislavery.org](http://antislavery.org))

## **8. Reporting and Responding to a Safeguarding Concern**

- 8.1 We take all reports of abuse or suspected abuse very seriously and all staff are required to report safeguarding concerns.
- 8.2 If any concerns, suspicions, or allegations of abuse arise, staff are expected to discuss any concerns with their manager who will confirm whether a safeguarding referral should be made. If a decision is made that a referral should be carried out then the staff member must make the referral to the statutory agency responsible for carrying out the assessment, this is normally the local authority and/or the Police.
- 8.3 A record should be made of all decisions whether to refer or not and the reasons for the decisions. Where a safeguarding referral is made, the referral will be recorded factually and appropriately, containing records of any incidents that have occurred and the reasons for the referral.
- 8.4 We will create a safe and supportive environment for both residents and staff to report abuse; and will ensure that we adopt the six principles of safeguarding when dealing with any safeguarding concerns.
- 8.5 We will cooperate with local authorities and any other statutory agencies when responding to any requests regarding safeguarding.

## **9. Responsibilities**

- 9.1 Safeguarding is everyone’s responsibility. If staff have any concerns about a safeguarding issue, they should contact Head Office immediately for advice and follow the steps in this policy for reporting a safeguarding concern.



9.2 It is everybody's responsibilities to ensure that safeguarding concerns are reported and appropriate action is taken. It is not our role to decide whether an adult or child has been abused; this is the legal responsibility of the statutory agency.

9.3 Staff failure to adhere to this policy could result in disciplinary action.

## **10. Safeguarding Lead Officer**

10.1 Birnbeck's designed Safeguarding Lead Officer is the Chief Executive who is the owner of the safeguarding policy.

10.2 The Safeguarding Lead Officer is responsible for ensuring the following:

- That safeguarding practices are embedded across the organisation.
- That staff report all safeguarding concerns to the relevant Safeguarding Team.
- That all safeguarding referrals are review and implement and lessons learnt.
- To ensure that safeguarding is reviewed at Board level.

## **11. Recruitment**

11.1 Birnbeck ensure that safeguarding is taken into account when recruiting staff.

11.2 All appropriate staff will be subject to the relevant Disclosure and Barring Service (DBS) checks in line with best practice.

## **12. Data Protection, Storage and Retention**

12.1 Staff are aware of the importance of good, factual record keeping and that written records may need to be disclosed upon request.

12.2 All records are stored in line with data protection legislation.

12.3 All information relevant to each resident will be treated in the strictest confidence. Information will only be shared is necessary and in the best interest of any resident.

## **13. Equality and Diversity**



13.1 This policy aims to ensure those most at risk are protected from abuse and / or neglect. It supports, and is compatible with Birnbeck's Equality Policy and the Equalities Act 2010.

13.2 A key principle of safeguarding is that people are listened to, have their views taken into account, are supported to make their own decisions and are treated with dignity and respect at all times. Any interventions will involve a review of the individual's situation to avoid discrimination on the grounds of any of the protected characteristics.