



## Healthwatch Cambridgeshire Safeguarding Adults Policy

### 1. PURPOSE OF THIS DOCUMENT

The purpose of this policy is to ensure that Healthwatch Cambridgeshire works in such a way that safeguards the wellbeing of adults and protects them from abuse and neglect.

To achieve this, the Board will appoint a named person responsible for this policy. That person is Sandie Smith, CEO.

### 2. GUIDING PRINCIPLES

Healthwatch Cambridgeshire will:

- Ensure that the welfare of adults at risk is given the highest priority by the organisation, its Board of Directors, employees and volunteers
- Promote good practice and ensure that employees and volunteers are able to work with adults at risk with confidence
- Ensure that this Practice Guidance and Procedures is enacted and monitored including the briefing, training and gathering feedback from employees and volunteers
- Monitor contact with adults at risk to ensure that the frequency and intensity of contact is consistent with the DBS threshold levels, for employees and volunteers.
- Act as the main contact for disclosing information around safeguarding adults at risk concerns
- Ensure that the concerns of adults at risk are heard and acted upon
- Be responsible for reporting incidents or concerns to appropriate authorities
- Attend appropriate training relevant to the level of engagement with adults at risk to ensure all employees/volunteers remain up to date with current practice and legislation
- Ensure employees and volunteers have access to further appropriate information

### 3. Cambridgeshire County Council's Safeguarding Adults Policy and Procedures

Healthwatch Cambridgeshire support the right of adults at risk to be protected from abuse and neglect and to making sure all staff and volunteers work to follow best practice laid out in Section 42 - 46 of the Care Act 2014. Healthwatch Cambridgeshire will act promptly when dealing with allegations or suspicions of abuse or neglect and has agreed to work to the standards set out in the County Council guidance and procedures:

- Cambridgeshire County Councils Safeguarding Policy and Procedures  
[http://www.cambridgeshire.gov.uk/info/20166/working\\_together/582/adult\\_safeguarding\\_policy\\_and\\_procedures](http://www.cambridgeshire.gov.uk/info/20166/working_together/582/adult_safeguarding_policy_and_procedures)

Healthwatch Cambridgeshire believe that:

- Safeguarding Is Everybody's Business - Safeguarding is the responsibility of everyone. We will work together to prevent and minimise abuse. If we have concerns that someone is being abused our loyalty to the adult at risk comes before anything else - our group, other service users, our colleagues and the person's friends and family.
- Doing Nothing Is Not An Option - If we know or suspect that an adult is being abused, we will do something about it.

### 4. WHO IS AN ADULT AT RISK?

Some adults are more at risk of being abused than others, such as:

- older people
- people with a visual or hearing impairment
- people with a physical disability
- people with learning disabilities or mental health problems
- people living with HIV or AIDS who have care and support needs

Local Authorities have safeguarding duties which will apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs), and
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.  
(Section 42 -The Care Act 2014)

## 5. WHAT IS ABUSE?

Abuse is any behaviour towards a person that causes him or her harm, endangers life or violates his or her rights.

Abuse might be one or a combination of the following:

- **Physical** e.g. shaking, slapping, pushing or kicking someone
- **Sexual** e.g. any sexual activity that the person does not want, understand or agree to
- **Psychological/Emotional** e.g. threats of harm or abandonment or humiliation, intimidation or verbal abuse
- **Financial** e.g. stealing someone's money or denying them access to their money or possessions
- **Neglect** e.g. ignoring someone's medical or care needs, or withholding food, drink or aids to daily living
- **Discriminatory** e.g. abusive remarks or actions regarding a person's age, race, religion, sex or abilities
- **Domestic abuse** e.g. emotional and physical violence, bullying, threats, mental and verbal abuse, financial and social control over one person by another within the home or family
- **Professional abuse** e.g. the misuse of power and abuse of trust by professionals, the failure of professionals to act on suspected abuse/crimes, poor care practice or neglect in services
- **Institutional abuse** e.g. involves the collective failure of an organisation to provide an appropriate and professional service to vulnerable people

## 6. REPORTING AND RECORDING PROCEDURE

Anyone who suspects that an adult is at risk of abuse or is being abused must report their concern immediately. People have the right to expect that information shared with a member of staff should be treated as confidential. However, it should be made clear that where the staff member has a reason to be concerned for the welfare of an adult they **must** share the information with someone who is in a position to take action or responsibility.

Abuse and neglect can take many forms including physical, emotional, sexual and financial. It is not the responsibility of anyone working within HWC in a paid or unpaid capacity to decide whether or not abuse has taken place. It is therefore vital that staff raise all cases of suspected or alleged abuse in line with the procedures identified in this policy. It is important to do this, as there may already have been concerns expressed by other members of staff and failure to report concerns may put a person at risk.

Any disclosure or suspicion of abuse should be reported to the staff member's / volunteer's line manager as soon as possible. Where the perpetrator is a member of staff or volunteer HWC will invoke their Disciplinary and Whistleblowing Codes alongside this procedure.

The person in charge responsible for overseeing the safeguarding concerns will contact Cambridgeshire County Customer Services to report any concerns.

If a disclosure of abuse is made by a service user, care should be taken to explain to them the procedure that will be followed and they should be told that it may not be possible for HWC to maintain confidentiality.

**All relevant information about the allegation should be recorded as simply and clearly as possible and stored securely.**

**Customer Services**

Cambridgeshire County Council  
PO Box 144, St Ives. PE27 9AU

Tel: 0345 045 5202

Email: [referral.centreadults@cambridgeshire.gov.uk](mailto:referral.centreadults@cambridgeshire.gov.uk)

**In an out of hours emergency:** The Emergency Duty Team on 01733 234 724

## **7. CONSENT AND THE SHARING OF INFORMATION:**

### **7.1 Consent:**

Many of the Data Protection issues surrounding the disclosure of information can be avoided if the informed consent of the individual has been sought and obtained. Consent must be freely given after the alternatives and consequences are made clear to the person from whom permission is being sought.

If the data is classified as sensitive data, the consent must be explicit. In this case, the specific detail of the processing should be explained, the particular types of data to be processed, the purposes of the processing and any specific aspects of the processing which may affect the individual disclosures.

### **7.2 Where an overriding public interest exists:**

If informed consent has not been sought or sought and withheld, the agency must consider if there is an overriding public interest of justification for the disclosure being made to a third party.

In making this decision and compliant with the Human Rights Act, the following questions may be considered:

- ❖ Is the disclosure necessary for the prevention or detection of crime, to protect public safety or to protect the rights and freedoms of others?
- ❖ Is the disclosure necessary for the protection of young or vulnerable people?
- ❖ What risk to others is posed by this individual (alleged offender)?
- ❖ What will be the impact of the disclosure on the offender?
- ❖ Is the disclosure proportionate to the intended aim?
- ❖ Is there an equally effective but less intrusive alternative means of achieving that aim?

Having due regard to the seriousness of the abuse and the potential risk to others, disclosure in such circumstances would be justified. It is important that it is made clear to the alleged victim and their relatives (if appropriate) that in these cases there is a necessity for the police and/or agency to investigate due to the possible risk to other adults.

### **7.3 Confidentiality**

Whether or not planning a response to an adult safeguarding concern is through informal consultations or a formal meeting you are likely to be sharing information that would normally be considered confidential.

Each agency holds information, which in the normal course of events, is regarded as confidential and will have their own safeguards and procedures for sharing this with other related agencies. Some information will be subject to the Data Protection Act 1998.

An adult safeguarding concern provides sufficient grounds to warrant sharing information on a “need to know” basis and/or “in the public interest” and unnecessary delays in sharing that information should be avoided. Whenever possible the person must be consulted about information being shared on their behalf. Often consent has been given through the usual assessment process. There will be a need to share information with other agencies for example Health, Advocacy and the Police, and generally permission would be asked before doing so.

However in exceptional circumstances e.g. if it is considered someone is at serious risk of abuse then information may be disclosed without consent. Where they have capacity and they are not being pressured or intimidated their agreement should be sought and their refusal respected.

If other adults are at risk the “public interest” principle may override their decision.

The principles governing the sharing of information include:

- ❖ confidentiality must not be confused with secrecy
- ❖ information will only be shared on a 'need to know basis' when it is in the best interests of the service user(s)
- ❖ informed consent should be obtained but if it is not possible and other adults are at risk, it may be necessary to override the requirement
- ❖ it is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk

## 8. WHISTLEBLOWING

All staff/volunteers and others with serious concerns about any aspect of their work are encouraged to come forward and voice those concerns. The Whistleblowing Policy has been designed to assist, encourage and enable employees to make serious concerns known within the within the organisation.

Furthermore, in respect of issues concerning adult abuse if any employee suspects fraud, corruption or other malpractice then they must report their concerns to the CEO, HWC. If it would be inappropriate to report to the CEO, or the employee is nervous or worried about doing so, then they should contact the HWC Chair.

Whistleblowers should know how to access support and to protect their own interests. Even if they decide that they wish to make an anonymous report, the information they provide will be taken into account and treated seriously. Further support can be found at Public Concern at Work - on their website or call for confidential whistleblowing advice - 020 7404 6609. For staff working within the NHS or Social Care Sector, call 08000 724 725.

All requests for anonymity by the referrer will be fully respected. It cannot however be guaranteed, especially if the referrer's information becomes an essential element in any subsequent legal proceedings.

In addition, the Data Protection Act 1998 removes the blanket confidentiality of third party information.

Staff who do not report concerns about the possible abuse of a vulnerable adult in accordance with the multi-agency practice guidance and procedures, could be disciplined for not doing so, or for colluding with the abuse.

For the purposes of the practice guidance and procedures "staff" includes volunteers as well as employees of agencies.

Refer to the HWC Whistleblowing Policy for further information.

Whistleblowers should know how to access support and to protect their own interests. Even if they decide that they wish to make an anonymous report, the information they provide will be taken into account and treated seriously.

## **10. REPORTING TO CQC**

HWC's Adult Safeguarding Lead will follow outcome 20 of the CQC Essential Standards; 'Notification of Other Incidents'<sup>1</sup>. The Adult Safeguarding Lead will complete an Outcome 20 notification to the Care Quality Commission where the Outcome 20 criteria are met.

## **11. ESCALATING TO HEALTHWATCH ENGLAND**

If the safeguarding issue is not resolved to HWC's satisfaction HWC's Adult Safeguarding Lead will escalate to Healthwatch England using the process set out on the HWC Escalation Policy.

**Approved by Healthwatch Cambridgeshire Board of Directors**

Date: 13 November 2013

**Reviewed**

Date: January 2017

**Next Review**

Date: January 2018

**Responsible Officer**

Chief Executive Officer of Healthwatch Cambridgeshire

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<sup>1</sup> [http://www.cqc.org.uk/sites/default/files/media/documents/gac\\_-\\_dec\\_2011\\_update.pdf](http://www.cqc.org.uk/sites/default/files/media/documents/gac_-_dec_2011_update.pdf)