



Portishead Town Council Safeguarding Adults Policy

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Section 1. Safeguarding Adults Policy

Introduction

Safeguarding is Everybody's business

Safeguarding is everyone's responsibility including statutory, independent, and voluntary agencies as well as residents of the wider community. We will work together to prevent and minimise abuse.

Equality

Each agency and organisation are committed to supporting the rights of adults at risk to be safeguarded from abuse, ensuring that all Town Councillors, Officers and volunteers work together in accordance with this policy and act promptly in investigating allegations or suspicions of abuse. It is recognised that adults at risk from specific key groups may experience discrimination and less favourable treatment on the grounds of their age; disability; gender reassignment; marital status; race (including ethnic or national origins, colour or nationality); religion or belief (including lack of belief); sex and sexual orientation.

There are additional areas that can cause discrimination: - financial or economic status; HIV status; homelessness or lack of fixed address; political view or trade union activity; or unrelated criminal convictions. We will take positive steps to refer any unfair/unlawful discrimination and carry out positive action where lawful.

Doing nothing is not an option

If we know or suspect that an adult at risk is being abused, we will do something about it and ensure our work is properly recorded.

Reporting a Concern

If you need to make a safeguarding referral the number for North Somerset Council is:

Tel: 01275 888801

Complaints

If you have reason to believe that concerns about a Safeguarding Adults issue have not been appropriately addressed, you may make a formal complaint by contacting the complaints department at North Somerset Council:

Tel: 01275 882171



Please note: all references within this policy to 'Guidance' refer to the Care and Support Statutory Guidance, Department of Health (2016).

Policy Statement

The Care Act 2014 was implemented on 1st April 2015. The Policy replaces all previous Policy documents for the participating Local Authorities and reflects the new legal requirements of the Care Act 2014, together with its associated guidance.

The Care Act 2014 sets out a clear legal framework for how Local Authorities and other parts of government should protect adults at risk from abuse or neglect. Local Authorities have new safeguarding duties.

In terms of the Care Act 2014 'Local Authority' means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London.

Therefore, Portishead Town Council is not directly responsible as a Local Authority - North Somerset Council is the Local Authority for the Portishead area. However, Portishead Town Council believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status and has a duty to Safeguard and refer any individuals who may require assistance.

Furthermore, Portishead Town Council is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

Actions taken by Portishead Town Council will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

Purpose

The purpose of this policy is to demonstrate the commitment of Portishead Town Council to safeguarding adults and to ensure that everyone involved in Portishead Town Council is aware of:

- The legislation, policy and procedures for safeguarding adults.
- Their role and responsibility for safeguarding adults.
- What to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult.



Scope

This Safeguarding Adult Policy applies to all individuals involved in Portishead Town Council business and projects, including Councillors, Officers, Volunteers and Residents and to all concerns about the safety of adults whilst taking part in our organisation.

We expect our partner organisations, including for example, statutory organisations, suppliers, community groups, organisations, registered charities, and sponsors to adopt and demonstrate their commitment to the principles and practice as set out in this Safeguarding Adults Policy.

Commitments

Everyone involved with Portishead Town Council is aware of the Safeguarding Adult Policy and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult.

Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with Portishead Town Council Safeguarding Adults Policy.

The wellbeing of those at risk of harm will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve. Those views and wishes will be respected and supported unless there are overriding reasons not to. Any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm.

Confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with our Data Protection Policy.

Portishead Town Council acts in accordance with best practice advice, for example, from North Somerset Council.

Portishead Town Council will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.

All Councillors, Officers and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.

Portishead Town Council uses safe recruitment practices and continually assesses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in this organisation and within the wider community.

Portishead Town Council shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Police, Local Authority/Social Services.



When planning activities and events Portishead Town Council carries out a risk assessment of, and risk to, the safety of all adults from abuse and neglect.

This policy and related policies (see below) are reviewed no less than on a two-yearly basis and whenever there are changes in relevant legislation and/or government guidance as required by North Somerset Council, the Local Safeguarding Board, and/or National Governing Bodies or as a result of any other significant change or event.

Implementation

Portishead Town Council is committed to developing and maintaining its capability to implement this policy.

In order to do so the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of all adults.
- Access to relevant legal and professional advice.
- Management reports to the Council detailing how risks to adult safeguarding are being addressed.
- Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice.
- A Safeguarding Lead/ Welfare Officer (see Appendix 1).
- Arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.
- Codes of conduct for Councillors, Officers and volunteers that specify zero tolerance of abuse in any form.
- Risk assessments that specifically include safeguarding.
- Policies that address the following areas and which are consistent with this Safeguarding Adults policy:
 - Safeguarding children
 - Bullying and harassment
 - Social media
 - Equality, diversity and inclusion
 - Code of conduct
 - Discipline and grievance
 - Concerns, complaints and compliments
 - Whistleblowing
 - Safe recruitment and selection (staff and volunteers)
 - Contract compliance
 - Information policy, data protection and information sharing



Section 2. Supporting Information

Key Points

There is a legal duty on Local Authorities to provide support to 'adults at risk'. Adults at risk are defined in legislation and the safeguarding legislation applies to all forms of abuse that harm a person's wellbeing.

The law provides a framework for good practice in safeguarding that makes the overall wellbeing of the adult at risk a priority of any intervention. The law emphasises the importance of person-centred safeguarding, (referred to as 'Making Safeguarding Personal' in England).

The law provides a framework for making decisions on behalf of adults who can't make decisions for themselves (Mental Capacity) and for all organisations to share information and cooperate to protect adults at risk.

Safeguarding Adults Legislation

Safeguarding Adults is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018

The practices within this policy are based on The Care Act 2014 Care and Support Statutory Guidance (especially chapter 14) 2014.

Many other pieces of UK legislation also affect adult safeguarding and include different forms of abuse risk and those that govern information sharing. For example, legislation dealing with:

- | | |
|-----------------------------------|--|
| - Physical Assault | - Modern slavery and trafficking |
| - Sexual Offences | - Preventing radicalisation |
| - Domestic Abuse/Coercive control | - Hate crime |
| - Forced Marriage | - Harassment |
| - Female Genital Mutilation | - Listing and Barring of those unsuitable to work with vulnerable adults |
| - Theft and Fraud | |

The Mental Capacity Act 2005

This Act provides legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves and there are specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer: e.g. wilful neglect and wilful mistreatment.

Definition of an Adult at Risk

The Safeguarding Adults legislation creates specific responsibilities on Local Authorities, the NHS, and the Police to provide additional protection from abuse and neglect to Adults at Risk.



When a Local Authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult.

The actions that need to be taken might be by the Local Authority (usually social services) and/or by other agencies, for example the Police and the NHS. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

An adult at risk is an individual aged 18 years and over 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.

Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

The Safeguarding Legislation England (Care Act 2014) includes the following types of abuse:

- Physical
- Sexual
- Emotional/Psychological/Mental
- Neglect and acts of omission
- Financial or material abuse
- Discriminatory
- Organisational / institutional
- Self-neglect
- Domestic abuse (including coercive control)
- Modern slavery

Abuse can take place in any relationship and there are many contexts in which abuse might take place; e.g. institutional abuse, domestic abuse, forced marriage, human trafficking, modern slavery, sexual exploitation, county lines, radicalisation, hate crime, mate crime, cyber bullying and scams.

Wellbeing Principle

The concept of 'wellbeing' is threaded throughout UK legislation and is part of the Law about how health and social care is provided. Our wellbeing includes our mental and physical health, our relationships, our connection with our communities and our contribution to society.

Being able to live free from abuse and neglect is a key element of wellbeing.



Actions taken to safeguard an adult must take their whole wellbeing into account and be proportionate to the risk of harm.

Person Centred Safeguarding/ Making Safeguarding Personal

The legislation also recognises that adults make choices that may mean that one part of our wellbeing suffers at the expense of another – for example we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand ‘What matters’ to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of ‘Person Centred Safeguarding’/‘Making Safeguarding Personal’ means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, wellbeing and safety.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).

Table 1 The Principles of Adult Safeguarding

<p>England (Care Act 2014)</p> <p>The Act’s principles are:</p> <p>Empowerment - People being supported and encouraged to make their own decisions and informed consent.</p> <p>Prevention – It is better to take action before harm occurs.</p> <p>Proportionality – The least intrusive response appropriate to the risk presented.</p> <p>Protection – Support and representation for those in greatest need.</p> <p>Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.</p> <p>Accountability – Accountability and transparency in delivering safeguarding.</p>
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Mental Capacity and Decision Making

We make many decisions every day, often without realising. UK Law assumes that all people over the age of 16 can make their own decisions unless it has been proved that they can’t. It also gives us the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider them to be unwise.

We make so many decisions that it is easy to take this ability for granted. The Law says that to make a decision we need to:



- Understand information
- Remember it for long enough
- Think about the information
- Communicate our decision.

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Most adults have the ability to make their own decisions given the right support however, some adults with care and support needs have the experience of other people making decisions about them and for them. Being unable to make a decision is called "lacking mental capacity".

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves.

For example:

- A person with epilepsy may not be able to make a decision following a seizure.
- Someone who is anxious may not be able to make a decision at that point.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

Mental Capacity is important for safeguarding for several reasons. Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their parent who is their carer won't allow them to and will not provide the support they would need. Conversely the adult may not seem to be benefiting from an activity other people are insisting they do.

We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed. If the decision can wait, wait – e.g. to get help to help the person make their decision or until they can make it themselves. If we have to make a decision for someone else then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes. If the action we are taking to keep people safe will restrict them then we must think of the way to do that which restricts to their freedom and rights as little as possible.

Recording and Information Sharing

Local Government must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must



be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information, with the right people, is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a 'need to know'.

This does NOT automatically include the persons spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation
- Case management meetings can take place to agree to co-ordinate actions by the organisation

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are over-riding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- It is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk.
- You believe they or someone else is at risk, including children.
- You believe the adult is being coerced or is under duress.
- It is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- The adult does not have mental capacity to consent to information being shared about them.
- The person causing harm has care and support needs.
- When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information seek advice e.g. seek legal advice and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm. Any decision to share or not to share information with



an external person or organisation must be recorded together with the reasons to share or not share information.

Multi-Agency Working

Safeguarding adults' legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations and Local Councils need to cooperate with the Local Authority and the Police including to:

- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals e.g. Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.

Preventing radicalisation to extremism

The Prevent Strategy forms part of the UK's Counter Terrorism and Security Act (2015). Its key objectives are to challenge the ideology that supports terrorism and those who promote it, preventing people from being drawn into terrorism by working with partner agencies, primarily the police, to divert people away from what could be considered to be linked to terrorist activity.

Prevent defines extremism as: *'vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.'* Radicalisation is defined by UK Government within this context as *'the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups'.*



Section 3. Appendix

Appendix 1 - Example Role Description: Safeguarding Lead

The designated person, e.g. the Town Clerk, has primary responsibility for putting into place procedures to safeguard adults at risk. Duties and responsibilities include:

- Working with others within the organisation to create a positive inclusive environment.
- Play a lead role in developing and establishing the Councils approach to safeguarding adults and in maintaining and reviewing the implementation for safeguarding adults in line with current legislation and best practice.
- Coordinate the dissemination of the Safeguarding Adult Policy.
- Contribute to ensure other policies are consistent with the organisation's commitment to safeguarding adults.
- Advise on training needs and the development of its training strategy.
- Support the Chairman to co-ordinate the case management process.
- Manage liaison with, and referrals to, external agencies for example adult social-care services and the police.
- Create a central point of contact for internal and external individuals and agencies concerned about the safety of adults within the Town Council.
- Represent the Council at external meetings related to safeguarding.

Appendix 2 – Sources of Information and Support

Action on Elder Abuse

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research, and collecting and disseminating information.

Tel: 020 8765 7000

Email: enquiries@elderabuse.org.uk

www.elderabuse.org.uk

Men's Advice Line

For male domestic abuse survivors

Tel: 0808 801 0327

Women's Aid Federation of England and Wales

Women's Aid is a national domestic violence charity. It also runs a domestic violence online help service.

www.womensaid.org.uk/information-support

Next Link Domestic Abuse Helpline

Next Link facilitate pattern changing courses and peer support groups where those affected by domestic abuse can receive support, make sense of their experience and talk to others who are, or have been, in a similar situation. Answers between 10am-4pm on weekdays

Tel: 0800 4700 280



National LGBT+ Domestic Abuse Helpline

Tel: 0800 999 5428

National 24Hour Freephone Domestic Abuse Helplines

Tel: 0808 2000 247

www.nationaldahelpline.org.uk/Contact-us

North Somerset Safeguarding Adults Board

NSSAB provide support, guidance, and intervention services for the safeguarding of adults in North Somerset

www.nssab.co.uk/

Rape Crisis Federation of England and Wales

Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.

Email: info@rapecrisis.co.uk

www.rapecrisis.co.uk

Respond

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

Tel: 020 7383 0700 or 0808 808 0700 (Helpline)

Email: services@respond.org.uk

www.respond.org.uk

Stop Hate Crime

Works to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.

24 hours service:

Telephone: 0800 138 1625

Web Chat: www.stophateuk.org/talk-to-us/

E mail: talk@stophateuk.org

Text: 07717 989 025

Text relay: 18001 0800 138 1625

By post: PO Box 851, Leeds LS1 9QS

Susy Lamplugh Trust

The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological.

Tel: 020 83921839



Fax: 020 8392 1830

Email: info@suzylamplugh.org

www.suzylamplugh.org

Victim Support

Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.

Tel: 0808 168 9111

www.victimsupport.com