

Back on Track

Safeguarding Adults and Prevent Policy

Policy Owner: Siobhan Pollitt (CEO)
Policy approved by: Judy Harrison (Trustee Safeguarding Lead)
Date Policy approved: April 2025
Next review Date: April 2026

Contents

Section 1: Policy Principles3

Introduction.....3

Policy Statement4

Purpose5

Scope.....5

Commitments.....6

Policy breaches.....7

Implementation7

Training8

Safeguarding Procedures9

Our processes9

Incidents observed in the class/centre.....9

Reporting suspicion of abuse or concern about risk.....	9
Handling a disclosure or allegation of abuse.....	10
Witnessing suspected abuse or exploitation.....	11

Section 2: Supporting Information..... 12

Key Points.....	12
Safeguarding Adults Legislation.....	13
Definition of an Adult at Risk	13
Abuse and Neglect.....	14
Signs and Indicators of Abuse and Neglect.....	15
Wellbeing Principle	15
Person-Centred Safeguarding/ Making Safeguarding Personal.....	15
Consent.....	18
Mental Capacity and Decision Making.....	19
Recording and Information Sharing	20
Multi-Agency Working.....	22

Section 3: Appendices.....23

Appendix 1 – Role Description: Safeguarding Lead	23
Appendix 2 – Information Sharing Flowchart.....	24
Appendix 3 – Sources of Information and Support	25

Section 1: Policy Principles

Introduction

Back on Track is committed to Safeguarding Adults in line with national legislation and relevant national and local guidelines.

Safeguarding is a fundamental part of Back on Track's work, and this commitment is reflected in the values of our organisation, which inform and support all of our safeguarding activity. We will be person-centred and uphold rights in our safeguarding work. We aim to be transparent in our approaches and recognise the need for continuous learning and improvement.

Everyone at Back on Track has a responsibility to keep people who need care and support safe from abuse, neglect, and radicalisation. We will put sensible measures in place to prevent abuse, including the use of safe recruitment practices, promoting safe working practice, and raising awareness of safeguarding.

We will provide policy, procedures, information, and training to enable all Back on Track staff to identify and respond appropriately to concerns about abuse. Back on Track will work in partnership with statutory, regulatory, and other relevant organisations to ensure that safeguarding concerns are responded to appropriately and that we comply with all legal requirements.

In respect of safeguarding people from radicalisation, Back on Track works to the Prevent element of the government's Counter Terrorism Strategy. We recognise that radicalisation can occur in any section of society and is not particular to any racial, ethnic, or social group. We also recognise that often the process of radicalisation is essentially one of grooming by others.

Back on Track is committed to creating a culture of zero-tolerance of harm to adults which necessitates: the recognition of adults who may be at risk and the circumstances which may increase risk; knowing how adult abuse, exploitation, or neglect manifests itself; and being willing to report safeguarding concerns.

This extends to recognising and reporting harm experienced anywhere, including in our activities, in other organised community or voluntary activities, in the community, in the person's own home, and in any care setting.

Related documents:

- Recruitment and Selection policy
- IT, internet and email policy

- Professional boundaries policy
- Whistle-blowing policy
- Staff Handbook
- Volunteer Handbook

Policy Statement

Back on Track 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.

Back on Track 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.

Back on Track acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved.

Back on Track recognises that health, wellbeing, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points in people's lives.

Back on Track recognises that there is a legal framework within which a community learning setting must work to safeguard adults who have needs for care and support and for protecting those who are unable to take action to protect themselves and will act in accordance with the relevant safeguarding adult legislation and with local statutory safeguarding procedures.

Actions taken by Back on Track 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 our commitment to safeguarding adults and to ensure that everyone involved in Back on Track 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 within the organisation.

Scope

This safeguarding adult policy and associated procedures apply to all individuals involved in Back on Track including Board members, staff, and volunteers and to all concerns about the safety of adults whilst taking part in our organisation, its activities, and in the wider community. All staff and volunteers will undertake training and refresher training every two years and familiarise themselves with our Safeguarding and Prevent Policy and Procedures.

Trustees: Back on Track trustees approve the Safeguarding and Prevent Policy and have a duty of care to the charity, which includes taking the necessary steps to safeguard those at risk from abuse, managing risk, and protecting the reputation of the charity. There is a nominated trustee on the board for safeguarding and Prevent matters.

Senior team: Senior managers have a responsibility to ensure that safeguarding is included, where appropriate, in our strategic plans, risk assessments, communications, and quality assurance processes. In some cases, they will need to make decisions in relation to complex or serious safeguarding or Prevent concerns, in consultation with the Designated Safeguarding Lead.

Other managers: Managers are responsible for ensuring that they, and their team, are aware of Back on Track's safeguarding and Prevent policy and procedures and access relevant training. They should promote the discussion of safeguarding at team meetings and as part of one-to-one meetings. They may be required to make decisions relating to complex or serious safeguarding or Prevent concerns and can seek advice from the Designated Safeguarding Lead where required.

Tutors: Tutors will promote the basic values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those of different faiths and beliefs in classes and activities. These values will be embedded in curriculum design as well as teaching, learning and assessment.

Designated Safeguarding Team: The Designated Safeguarding Lead (DSL) is the designated person for safeguarding at Back on Track. She is responsible for developing and quality-assuring safeguarding activity across Back on Track. The Lead is supported by a Deputy Designated Safeguarding lead.

Back on Track partners: Back on Track partners will make their own arrangements for safeguarding, in partnership with their local Adult and Children's (where required) Safeguarding Boards.

Commitments

In order to implement this policy Back on Track will ensure that:

- Everyone involved with Back on Track is aware of the safeguarding adult procedures 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 Back on Track Safeguarding Adults Policy and Procedures.
- 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 (see the Safeguarding Procedures).
- 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 and Procedures. Back on Track will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.
- All Board members, staff, 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.
- Back on Track uses safe recruitment practices and continually assesses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in this organisation.
- Back on Track shares information about anyone found to be a risk to adults with the appropriate bodies. For example: police, local authority/social services, other support services.
- When planning activities and events Back on Track includes an assessment of the risk to and safety of all adults from abuse and neglect and designates a person who will be in attendance as a safeguarding lead for that event.
- Actions taken under this policy are reviewed by the Board and senior management team on an annual basis.

- This policy, and the Safeguarding Procedures, 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 the Local Safeguarding Board, or as a result of any other significant change or event.

Policy breaches

Failure to comply with the Back on Track safeguarding policy may be managed in a number of ways, depending on the nature and consequences of any incident. Any breaches that resulted in serious consequences may involve a combination of responses, including:

- Local authority co-ordinated safeguarding investigation
- Police investigation
- Referral to the Disclosure & Barring Service (DBS)
- Disciplinary process
- Internal review or co-operation with an external review

Implementation

Back on Track is committed to developing and maintaining its capability to implement this policy and procedures. 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.
- Regular management reports to the Board 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 (see Appendix 1).
- A delegated Safeguarding Lead for events/trips
- 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 Board members, Staff, Volunteers and Members and other relevant individuals that specify zero tolerance of abuse in any form.
- Risk assessments that specifically include safeguarding of adults.
- Policies and procedures that address the following areas and which are consistent with this Safeguarding Adults policy.

- ✓ Bullying and harassment
- ✓ Social Media
- ✓ Equality, diversity and inclusion
- ✓ Safe activities risk assessments

- ✓ Code of Conducts and a process for breach of these – Staff, Volunteers, Participants/Members

- | | |
|---|---|
| ✓ Discipline and grievance | ✓ Contract compliance |
| ✓ Concerns, Complaints and Compliments | ✓ Information policy, data protection and information sharing |
| ✓ Whistleblowing | |
| ✓ Safe recruitment and selection (staff and volunteers) | |

Training

Back on Track recognises the importance of ensuring that all staff, volunteers, and trustees have suitable training in safeguarding. More specifically:

- All new staff, no matter their role, undertake Prevent training and L2 Adult Safeguarding as part of their induction. Successful completion of that training is a pre-condition for completing induction and probation.
- Certificates and an overall record of mandatory staff training are recorded and stored centrally.
- All staff must ensure that their training is renewed every two years. Reminders are provided based on our centralised training records.
- According to roles, staff will also undertake additional specialist safeguarding training. The DSL and DDSL are required to complete enhanced safeguarding training.
- As part of their induction all volunteers and trustees must also complete safeguarding training appropriate to their roles. This is monitored and renewed, as necessary, every two years.

Safeguarding Procedures

Our processes

At Back on Track, we encourage reporting of anything that may be a concern in relation to the safety and wellbeing of members of our community. We use different approaches depending on the nature/seriousness of the concern.

Incidents observed in the class/centre

These are any behaviours, actions, or other incidents that staff feel should be flagged as a concern; for example, a tutor noticing a change in a member's (service user's) behaviour, or a Duty Officer observing a member who is making inappropriate comments or discloses a welfare concern.

- a) Record a Welfare Concern case note on GMTHINK (case management system) and notify the appropriate staff member of new incident.
- b) The GMTHINK welfare report is monitored on a weekly basis by the DSL/DDSL to identify any emerging patterns/concerns and where appropriate these will be discussed in weekly team meetings. A safeguarding flag will be recorded on the person's record if appropriate

Reporting suspicion of abuse or concern about risk

Staff members and volunteers may sometimes see or hear something that raises a concern about risk or may suspect that abuse or exploitation is taking place. Sometimes a member will raise a concern with us about someone else too. These suspicions should be reported as below and appropriate action will be taken.

- a) If a staff member suspects that one of our members (service users) or volunteers may be being abused or exploited, they must report this to the DSL as follows:
- b) Staff must record suspicions of abuse or exploitation using the Record of Safeguarding and Prevent Concerns and a case note that a form has been completed on GMTHINK. The form should be emailed immediately to the DSL with DDSL copied in. Relevant staff members will also be notified. This record will be stored electronically in a restricted folder only available to designated staff.
- c) If a volunteer suspects that one of our members may be being abused or exploited, they must report this to a staff member; the staff member will complete the Record of Safeguarding and Prevent Concerns and follow the process above.

- d) The concern will be reviewed by the Safeguarding leads and Senior Management Team. This will inform on subsequent actions including whether to undertake referral of suspected abuse to the relevant authorities. Other staff should not make referrals or do any kind of investigation.
- e) The status of all such concerns is tracked by the DSL, and progress on all open cases monitored on a monthly basis by the Safeguarding Team. When a referral has been made or a decision taken that no such referral is needed, all cases will be closed.

Handling a disclosure or allegation of abuse

Staff members may hear disclosures about current abuse or risk of abuse from members, volunteers, or from a member of public contacting the organisation, which may lead staff to believe that a child or vulnerable adult is at risk.

- a) Assess situation. If person allegedly being abused or others are in immediate danger, dial 999. If they are not in immediate danger, continue as below.
- b) If staff hear a disclosure from a vulnerable adult about themselves as a victim they should: stop all other activity in order to focus on what is being shared; not promise confidentiality (but state that only other people who will deal with the matter will be informed); provide verbal support; only ask what is needed in order to make an assessment about the issue; remain objective; obtain details of the concern, taking notes as stated by the person.
- c) Contact the DSL, or in their absence the Deputy or a Senior Manager to alert them of the situation. Complete a Record of Safeguarding and Prevent Concerns and send it immediately to that person so that action can be taken, if necessary.
- d) DSL will assess whether it is a safeguarding situation, and if so, will seek consent from the person at risk, refer to the Police and/or Social Services Safeguarding Team for the case to be investigated. Action (referral, further investigation, NFA) will be taken within 24 hours of receiving the Record of Safeguarding and Prevent Concerns form or telephone call.
- e) DSL will also ensure all paperwork is completed and stored electronically in a restricted folder.
- f) If the Safeguarding Team are unable to deal with the situation immediately, the staff member should discuss with the vulnerable adult what they can do to 'make themselves safe' in the situation. If necessary, the staff member can contact the police who can take the person to a place of safety.
- g) It is the responsibility of the Safeguarding Team to make the referral decision, seek consent from the person at risk, and undertake referral of reported abuse to the relevant authorities.

Witnessing suspected abuse or exploitation

Emergency action: if a staff member observes abuse or exploitation taking place in our service, they should act immediately to do everything possible to stop the abuse, without putting themselves or the vulnerable adult at undue risk. They should advise the perpetrator of their concerns, advise them to stop the action immediately, and ask them to move to another area (e.g. off the premises or a contained area where vulnerable adults are not present.).

- a) If someone is in immediate danger, call 999.
- b) If the perpetrator does not desist, the staff member should call for assistance and take further action to stop the abuse.
- c) If the perpetrator does desist, the staff member should stay with the vulnerable adult until they can be transferred to the care of another responsible adult.
- d) The matter should be referred to a member of the Safeguarding Team immediately.
- e) The witness should take notes of what was seen and said and should write up the incident on a Record of Safeguarding and Prevent Concerns.

The Record of Safeguarding and Prevent Concerns can be found [here](#).

Section 2: Supporting Information

Key Points

- There is a **legal duty on Local Authorities** to provide support to 'adults at risk'.
- 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**
- The law provides a framework for making decisions on behalf of adults who can't make decisions for themselves (**Mental Capacity**).
- The law provides a framework for organisations to **share concerns** they have about adults at risk with the local authority.
- The law provides a framework 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 and procedures within this policy are based on The Care Act 2014 and Care and Support Statutory Guidance (especially chapter 14) 2014

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

- | | |
|-----------------------------------|---|
| • Murder/attempted murder | • Modern slavery and Human exploitation |
| • Physical Assault | • Hate crime |
| • Sexual Offences | • Harassment |
| • Domestic Abuse/Coercive control | • Listing and Barring of those unsuitable to work with adults with care and support needs |
| • Forced Marriage | |
| • Female Genital Mutilation | |
| • Theft and Fraud | |

The Mental Capacity Act 2005 states the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- 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, Health, 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 health. Back on Track may need to act as part of safeguarding an adult, for example, to use the disciplinary procedures in relation to a member of staff or volunteer who has been reported to be

harming a participant. 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:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs) AND.
- (b) is experiencing, or at risk of, abuse or neglect, AND.
- (c) 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 of 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.

Safeguarding legislation in each home nation lists categories of abuse differently. However, they all include the following types of abuse:

- Physical
- Sexual
- Psychological
- Neglect
- Financial

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, scams.

Abuse or neglect could be carried out by:

- A spouse, partner or family member
- Neighbours or residents
- Friends, acquaintances, or strangers
- People who deliberately exploit adults they perceive as vulnerable
- Paid staff, professionals, or volunteers providing care and support

Often the perpetrator is known to the adult and may be in a position of trust and/or power.

Signs and Indicators of Abuse and Neglect

An adult may confide to a member of staff, volunteer or another participant that they are experiencing abuse inside or outside of the organisation's setting. Similarly, others may suspect that this is the case.

There are many signs and indicators that may suggest someone is being abused or neglected. There may be other explanations, but they should not be ignored. The signs and symptoms include but are not limited to:

- Unexplained bruises or injuries – or lack of medical attention when an injury is present
- Person has belongings or money going missing
- Person is not attending / no longer enjoying their sessions and is not responding to reminders/contact
- Someone losing or gaining weight / an unkempt appearance
- A change in the behaviour or confidence of a person. For example, a member may be looking quiet and withdrawn
- Self-harm
- A fear of a particular group of people or individual
- They may tell you / another person they are being abused – i.e. a disclosure

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.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past: for example, removing an adult at risk from their own home when there were other ways of preventing harm.

For that reason, any 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 that 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. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views, wishes, feelings, and beliefs must be considered when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity, and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

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).

The Principles of Adult Safeguarding – The Care Act 2014

The Care Act sets out the following principles that should underpin the safeguarding of adults:

- Empowerment – People are supported and encouraged to make their own decisions and informed consent.
- Prevention – It is better to act before harm occurs.
- Proportionality – The least intrusive response appropriate to the risk presented.
- Protection – Support and representation for those in greatest need.
- Partnership – Services offer local solutions through working closely with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse.
- Accountability – Accountability and transparency in delivering safeguarding.

The Care Act also recognises 10 categories of abuse that may be experienced by adults:

1. Self-neglect – neglecting to care for one's personal hygiene, health, or surroundings. An example of self-neglect is behaviour such as hoarding.

2. Modern Slavery – slavery, human trafficking, forced labour, and domestic servitude.
3. Domestic Abuse – includes psychological, physical, sexual, financial, and emotional abuse perpetrated by anyone within a person’s family. It also includes so-called “honour” based violence.
4. Discriminatory – abuse that centres on a difference or perceived difference, particularly with respect to race, gender, disability, or any of the protected characteristics of the Equality Act.
5. Organisational – includes neglect and poor care practice within an institution or specific care setting, such as a hospital or care home, or in relation to care provided in one’s own home.
6. Physical – includes hitting, slapping, pushing, kicking, restraint, and misuse of medication. It can also include inappropriate sanctions.
7. Sexual – includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault, or sexual acts to which the adult has not consented or was pressured into consenting.
8. Financial or Material – includes theft, fraud, internet scamming, and coercion in relation to an adult’s financial affairs or arrangements. It can also include the misuse or misappropriation of property, possessions, or benefits.
9. Neglect and Acts of Omission – includes ignoring medical or physical care needs and failing to provide access to appropriate health social care or educational services.
10. Emotional or Psychological – includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks.

There are four additional types of harm that are not included in The Care Act, but which are also relevant to safeguarding adults.

1. Cyber Bullying – occurs when someone repeatedly makes fun of another person online or repeatedly picks on another person through emails or text messages. The main difference is that, instead of the perpetrator carrying out the bullying face-to-face, they use technology to do it.
2. Forced Marriage – a marriage in which one or both of the parties are married without their consent or against their will.

3. Mate Crime – is when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act, but it still has a negative effect on the individual.
4. Radicalisation – the aim of radicalisation is to inspire new recruits, embed extreme views, and persuade vulnerable individuals to the legitimacy of a cause. This may be direct through a relationship or through social media.

Consent

The Care Act emphasises the need to empower people, to balance choice and control for adults against preventing harm and reducing risk, and to respond proportionately to safeguarding concerns. Wherever possible informed consent to share information should be obtained from the person. However, there may be situations where consent is withheld, or the person is unable to give informed consent.

Absolute assurances of confidentiality cannot be given, especially where other vulnerable people may be at risk. If consent is withheld and the risk of harm is assessed as low at that time the Safeguarding Team will consider what can be offered to the vulnerable person to enable them to get help in the future.

If the person is unable to give informed consent and information needs to be shared in order to prevent or protect them from abuse, then the principle of “need to know” must be observed.

Adults have a general right to independence, choice and self-determination including control over information about themselves. In the context of adult safeguarding these rights can be overridden in certain circumstances. Action to respond to a concern should be taken even if the adult does not consent, when:

- It is an emergency or life-threatening situation
- There are risks to others. For example, if the person alleged to have caused the harm is in a position of trust with other adults
- The adult’s decision to not consent appears to be made under undue influence, coercion, or intimidation
- The adult lacks capacity to decide about their own safety. If the adult has been assessed or does not appear to have capacity to decide about their own safety, a decision can be made in their best interests
- Gaining consent would put the person at further risk. The adult should be informed of the decision to refer and the reasons, unless telling them would jeopardise their safety or the safety of others

Wherever possible the vulnerable person should be told what information is being shared, with whom and why. An adult can request to see information held upon them under the Data Protection Act. They may be provided with information regarding themselves only – all other information will be removed.

Mental Capacity and Decision Making

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

The Law says that to make a decision an individual should:

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

If someone has a disability that means they need support to understand or make a decision, this must be provided. A small number of people cannot make any decisions. 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, 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.

Another situation is where an adult is being abused, and they are scared of the consequences of going against the views of the person abusing them. It is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'.

Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened. However, in some situations the adult may not have the mental capacity to understand the choice or to tell you their views.

Legislation describes when and how we can make decisions for people who are unable to make decisions for themselves.

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If possible, the decision should wait, e.g. to get help to help the person make their decision or until they can make it themselves.
- If we have to decide 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 their freedom and rights as little as possible.

Many potential difficulties with making decisions can be overcome with preparation. A person needing support to help them make decisions whilst attending Back on Track will ordinarily be accompanied by someone (e.g. a family member or formal carer) whose role includes supporting them to make decisions.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected, we would refer the situation to the Local Authority, and this should result in health or social care professionals assessing mental capacity and/or getting the person the support they need to make decisions.

There may be times when an organisation needs to make decisions on behalf of an individual in an emergency. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them.
- Stopping them being in contact with the person causing harm.

Recording and Information Sharing

All organisations 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 person's 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.

It is often not possible to let the person who has reported the concern know the progress or outcome of the matter due to confidentiality. If it is appropriate to do so, the Safeguarding Team may contact you to let you know if action has been taken and/or whether the matter has been resolved.

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.

Organisations may 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.
- Provide a safe environment for the adult to continue their activity/ their role in the organisation.

Section 3: Appendices

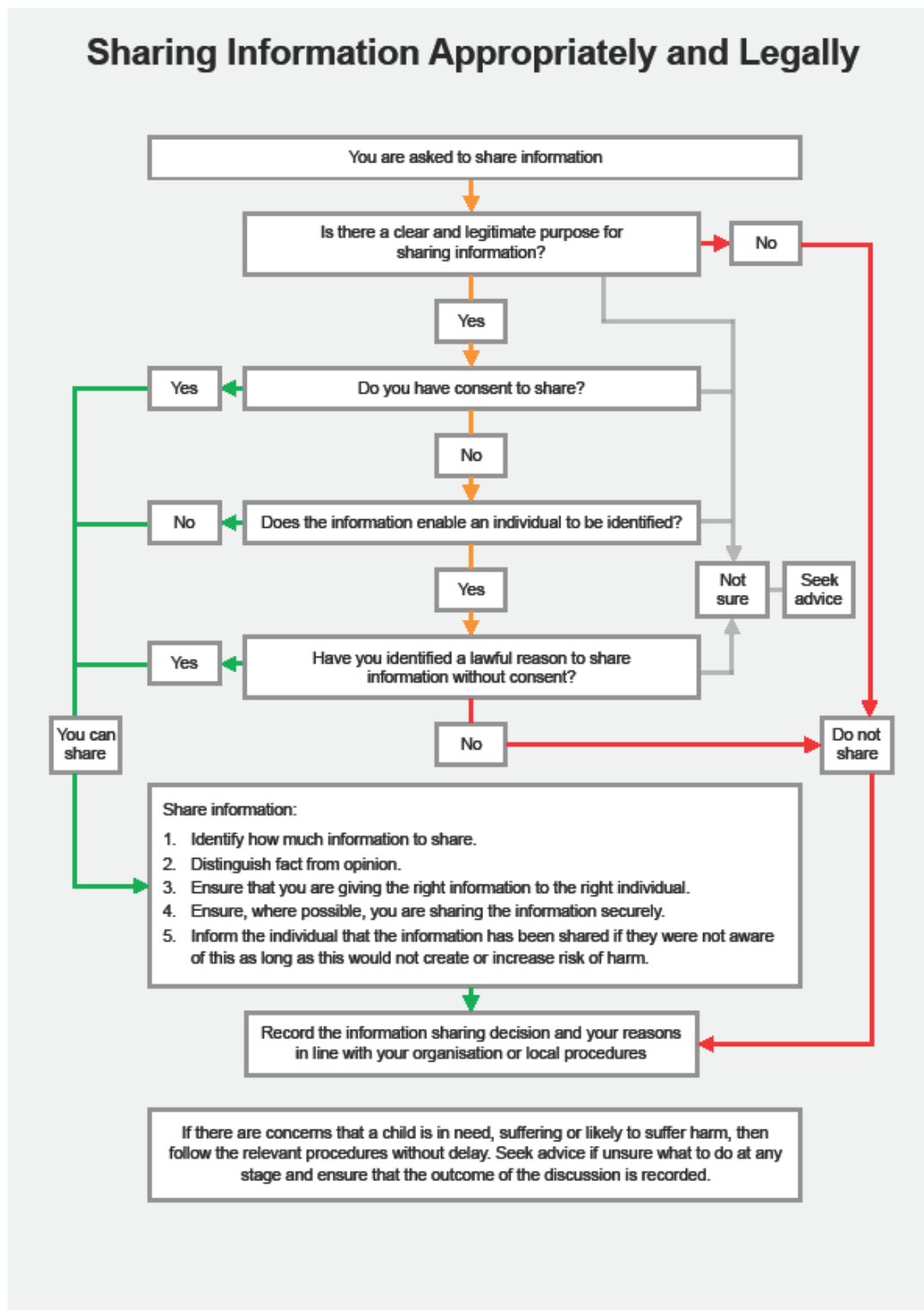
Appendix 1 – Role Description: Safeguarding Lead

The designated person has primary responsibility at Back on Track for putting into place procedures to safeguard adults at risk, and for managing concerns about adults at risk.

Duties and responsibilities include:

- Working with others within the organisation to create a positive inclusive environment.
- Playing a lead role in developing and establishing the organisation's approach to safeguarding adults and in maintaining and reviewing the organisation's implementation plan for safeguarding adults in line with current legislation and best practice.
- Coordinating the dissemination of the safeguarding adult policy, procedures and resources throughout the organisation.
- Contributing to ensuring other policies and procedures are consistent with the organisation's commitment to safeguarding adults.
- Advising on the organisation's training needs and the development of its training strategy.
- Receiving reports of and manage cases of poor practice and abuse reported to the organisation – including an appropriate recording system.
- Managing liaison with, and referrals to, external agencies for example adult social-care services and the police.
- Creating a central point of contact for internal and external individuals and agencies concerned about the safety of adults within the organisation.
- Representing the organisation at external meetings related to safeguarding.

Appendix 2 – Information Sharing Flowchart



Appendix 3 – 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

Greater Manchester Rape Crisis

Provides free, confidential and non-judgmental support for women who have experienced any form of rape or sexual abuse at any time in their lives.

Tel: Office (Mon to Fri: 10am – 4pm) 0161 273 4591

Tel: Helpline 0161 273 4500

Email: help@manchesterrapecrisis.co.uk

www.manchesterrapecrisis.co.uk

Greater Manchester Victims' Service

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

Tel: 0800 876 6155

Email: GMvictims@catch-22.org.uk

Text relay: 18002 0800 876 6155

www.gmvictimsservices.org/en-US/HateCrime

Manchester Community Safety Partnership: Prevent Programme

A multi-agency approach to identify and provide support to individuals who are at risk of being drawn into radicalisation. It focuses on all forms of extremism and adopts an early intervention and prevention approach.

Email: prevent@manchester.gov.uk

www.manchester.gov.uk/makingmcrcsafer/info/6/work/12/prevent/4

Manchester Safeguarding Partnership

A statutory body coordinating safeguarding procedures across Manchester, including the council, police, and health services

www.manchestersafeguardingpartnership.co.uk

Men's Advice Line

For male domestic abuse survivors

Tel: 0808 801 0327

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

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

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

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

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