



EDEN HOUSING ASSOCIATION LIMITED

SAFEGUARDING CHILDREN & VULNERABLE ADULTS POLICY

Document Reference Number:	CORP07a
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Approved By:	Board
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Policy Implementation Date:	23 JULY 2024
Revision cycle:	(3 Years)

This policy applies to Eden Housing Association and all its wholly owned subsidiaries, including Mitre Housing Association

Review/Amendments Record

Date	Change by	Summary of Change
3.7.18	Caroline Leonard	Change of front page. Addition of Review/Amendments Record
28.06.21	Jenny Everingham	Full Policy review Addition of EIA Adult safeguarding self-assessment checklist – completed
6.7.24	Jenny Everingham	Full policy review Combining separate children's and adults' policies Adult safeguarding self-assessment checklist - completed

1. AIM

- 1.1 Safeguarding is about protecting an individual's right to live in safety, free from abuse and neglect. Our intention is to safeguard whilst supporting individuals to maintain control over their lives and making informed choices without coercion.
- 1.2 The term safeguarding describes the action that is taken to promote the welfare of children, young people and adults at risk and protect them from harm.
- 1.3 It is also about doing as much as possible to prevent abuse happening by raising awareness and understanding. It's about working together to support individuals to make decisions about the risks they face in their lives, and protecting those who lack mental capacity to make these decisions.

2. POLICY STATEMENT

- 2.1 EHA fully recognises that safeguarding is everyone's responsibility which means:
 - commitment at the strategic level of the Organisation
 - a strong culture that we will *never turn a blind eye and always take responsibility*.
 - having operational arrangements in place that are effectively implemented;
 - everyone working for EHA understands their individual contribution and responsibilities.
- 2.2 Fundamentally, safeguarding is about prevention, achieving good outcomes for the individual, putting the individual's interests at the heart of all that we do, recognising that some risks are acceptable and people have the right to make the "wrong" decisions.

3. LEGISLATION / REGULATION

This policy complies with legislation including:

- Working Together to Safeguard Children 2018
- Children's Act 1989
- Children's Act 2004
- Children's and Families Act 2014
- Education Act 2002
- Children Leaving Care Act 2000
- Safeguarding Vulnerable Groups Act 2006
- Care Act 2014
- Mental Capacity Act 2005 and Mental Capacity Act Code of practice 2007
- Criminal Justice Act 2003
- Human Rights Act 1998
- Crime and Disorder Act 1998
- Protection from Harassment Act 1997
- Housing Acts 1985, 1988, 1996, 2004
- Health Act 2006
- Equality Act 2010

- Domestic Violence Crime and Victims Act 2004
- Sexual Offences Act 2003
- Protection of Freedoms Act 2012
- Data Protection Act 2018 (GDPR)
- Modern Slavery Act 2015.

4. GENERAL PRINCIPLES

4.1 Our policy and procedures are underpinned by the six principles of safeguarding, as enshrined in the Care Act 2005 and its statutory guidance:

- Empowerment – adults should be supported to retain control of their own lives, with their wishes, feelings, values and beliefs should be fully considered. The professional's role is to support the person to make informed decisions throughout the process. Taking action without consent should only be done if there is a clear justification to act contrary to the person's wishes e.g. if the person lacks capacity, if they and/or others are in danger, if a serious crime has been committed;
- Protection – the safeguarding framework should support people to safeguard themselves from abuse, or be protected if they are unable to make their own decisions about their safety
- Prevention – is the primary goal and includes increasing the understanding, promoting awareness and supporting people to safeguard themselves. Arrangements should be in place to minimise the risk of abuse.
- Proportionality – responses to concerns must be proportional to the assessed risk and the nature of the concern. Where a person lacks mental capacity, any decisions made on their behalf must be made in their "best interest" and be least restrictive to their rights and freedoms.
- Partnerships – working collaboratively to prevent and respond effectively to concerns of abuse. This includes with the person, other partners, relatives, friends, informal carers and advocates to achieve positive outcomes
- Accountability – decisions made should be transparent, recorded and defensible. Organisations and its staff need to understand what is expected of them, fulfil their responsibilities and work collaboratively with others.

4.2 Our safeguarding arrangements also accord with the Mental Capacity Act 2005, its principles and associated Code of Practice to ensure that any decisions made on behalf of those who lack capacity are always made in the person's best interests and as least restrictive as possible. We also recognise that there could be overlaps with deprivation of liberty issues and safeguarding.

4.3 The procedures which support this policy aim to ensure that staff and managers know what to do when any concerns come to light, including where a member of staff may be implicated. Our procedures have been formulated in accordance with Local Authority multi-agency procedures and include requirements for recording of information and information sharing.

4.4 Safeguarding is much more than a set of procedures. It is about embedding safeguarding in all that we do, working with the person and others, raising awareness with our customers and communities and working together to support each other, ensure staff have the confidence to deal with concerns, to speak up, and where necessary, "blow the whistle".

- 4.5 Our procedures reflect the change of culture now firmly embedded into legislation which is about making safeguarding personal. This means keeping the individual at the heart of the process rather than a tick-box, process-led approach. *Making it personal* means that we focus on involving the individual from the very beginning, asking the individual what they want to happen, helping the individual make informed choices to achieve the outcomes they want and ensuring the individual's voice is heard. This includes recognising that an individual has the right to make unwise decisions and for those without capacity, that decisions are made in line with the principles of the Mental Capacity Act.
- 4.6 When it comes to safeguarding children and young people, we define a child as anyone who has not yet reached their 18th birthday. We have a responsibility to safeguard children when we become aware of, or identify, a child at risk of harm.

This includes:

- protecting children from maltreatment.
 - preventing impairment of children's health or development.
 - ensuring that children grow up in circumstances consistent with the provision of safe and effective care.
 - taking action to enable all children to have the best outcomes.
- 4.7 Safeguarding is fundamentally about prevention, wherever possible. By ensuring our staff are observant means that we can make a real difference through early and positive interventions. Also promoting awareness with our customers and wider communities in which we work.

5. DEFINITION OF ABUSE

- 5.1 Abuse is defined as "*the violation of an individual's human and civil rights by another person or persons*". Abuse can take place anywhere in any relationship. Anyone can be the perpetrator of abuse be it an individual, group or organisation.
- 5.2 Abuse is behaviour that either deliberately or unknowingly causes harm or endangers life or infringes on rights, it can take many forms and may
- consist of a single or repeated act.
 - be physical, verbal, psychological or emotional.
 - be an act of neglect or omission to act.
 - occur when a person is persuaded to enter into a financial or sexual transaction to which they had not consented or cannot consent.
 - be deliberate or unintentional or result from lack of knowledge.

Physical Abuse	Includes: Assault, hitting, slapping, pushing, misuse of medication, restraint inappropriate physical sanctions.
Domestic abuse	Psychological, physical, sexual, economic, emotional abuse, honour based violence, forced marriages, female

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 or was pressured into consenting.
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.
Economic Abuse (Financial or material)	Theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with 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 using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
Discriminatory abuse	Harassment, slurs or similar treatment because of race, gender and gender, identity, age, disability, sexual orientation; and religion.
Organisational abuse	Neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home.
Neglect and acts of omission	Ignoring medical, emotional or physical care needs; failure to provide access to appropriate health care and support or educational services; and the withholding

Self-neglect	This covers a range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. Safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support.
Radicalisation	Comparable to other forms of exploitation, such as grooming and child sexual exploitation. Radicalisation's aim is to attract people to another way of reasoning, inspire new recruits and embed extreme views and persuade vulnerable people of another cause's legitimacy. This may be through face-to-face encounters or through social media.
County Lines	Can see vulnerable adults and children exploited by gangs or individuals to transport illegal drugs from one place to another.

5.3 Abuse is often a crime. For example, assault, rape, theft, fraud, domestic abuse, harassment/ discrimination, anti-social behaviour, hate crime including disability hate crime, wilful neglect or mistreatment

5.5 Who abuses and neglects adults? Anyone can abuse or cause neglect, including:

- Spouses/partners
- Other family members
- Neighbours
- Friends
- Acquaintances
- Local residents
- People who deliberately exploit adults they perceive as vulnerable to abuse
- Paid staff or professionals (people in a position of trust)
- Volunteers and strangers
- Carers
- Other adults with care and support needs Abuse can happen anywhere: for example, in someone's own home, in a public place, in hospital, in a care home or in college. It can take place when an adult lives alone or with others.

- 5.6 Who abuses and neglects children? Children can be abused by an adult or adults or another child or children.

6. MENTAL CAPACITY, CONSENT & BEST INTERESTS

- 6.1 Section 2 of the Mental Capacity Act 2005 says 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.”

- 6.2 Lacking capacity includes where your ability to make decisions is affected

Permanently

Where your ability to make decisions is always affected. This might be because, for example, you have a form of dementia, a learning disability or brain injury

In the short term

Where your ability to make decisions changes from day to day. This might be because, for example, you are confused because you're on medication or because of some mental health conditions, or you are unconscious.

- 6.3 Where a person's capacity to make a decision is in question, colleagues should adhere to the requirements set out in the Mental Capacity Act 2005 and should consider the 5 key principles during interactions:

A presumption of capacity

Every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise

Supporting individuals to make their own decisions

A person must be given all practicable help before anyone treats them as not being able to make their own decisions

Unwise decisions

Just because an individual makes what might be seen as an unwise decision, they should not be assumed to lack capacity to make that decision

Best Interests

An act done, or decision made under the Act for or on behalf of a person who lacks capacity must be done in their best interests.

Least restrictive option

Anything done for or on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person's rights and freedoms of action, or whether there is a need to decide or act at all.

7. WHO DOES SAFEGUARDING APPLY TO?

7.1 All children

We have a responsibility to safeguard all children when we become aware of, or identify a child at risk of harm. A child is defined as anyone who has not yet reached their 18th birthday.

7.2 Adults with care and support needs

Adult safeguarding duties apply to any adult with care and support needs who is experiencing or is at risk of abuse and is unable to protect themselves because of their care and support needs. An adult with care and support needs may be:

- an older person
- a person with a physical disability, a learning disability or a sensory impairment
- someone with a mental health condition, including dementia or a personality disorder
- a person with a long-term health condition
- someone who is dependent on others to maintain their quality of life
- someone who misuses alcohol or substances to the extent that it affects their ability to manage day-to-day living

7.3 Other adults

The statutory guidance also recognises people who are victims of sexual exploitation, domestic abuse and modern slavery. It also recognises that unpaid carers e.g. a family member will sometimes have care and support needs of their own and may be experiencing intentional or unintentional harm from the adult they are trying to support.

7.4 People with care and support needs are not inherently vulnerable but may come to be at risk of abuse or neglect at any point due to ill health, disability, getting older, not having support networks, being socially isolated etc

8. OUR APPROACH

8.1 As a provider of services, we have a responsibility and duty to consider and follow a safeguarding policy in respect of both adults at risk, children and young people. We are required to keep confidential and secure records of all safeguarding issues.

8.2 As a service provider Eden Housing Association will be mindful of its role to safeguard children and adults at risk in all its day-to-day activities.

8.3 Whilst carrying out visits to our tenant's homes, and when organising community-based activities, we will be mindful of our responsibility to safeguard children, young people and adults at risk. Should we become aware of a safeguarding issue in one of tenant's homes where we believe abuse is being carried out, this policy will guide our actions.

9. REPORTING & LIAISING

- 9.1 We will record and refer concerns, suspicions and allegations of abuse, harm or neglect to the lead statutory agency responsible for carrying out safeguarding assessments and enquiries. In most cases, this will be the local authority or Police.
- 9.2 We will ensure that all safeguarding referrals that colleagues or customers have made are recorded appropriately, and we will also record any incidents where we refer onto another agency.
- 9.3 We will record all decisions made not to refer a concern, and the reason why.
- 9.4 We will engage with, and fully contribute to, multi-agency working in response to safeguarding concerns. This includes responding to requests for information from the local authority, Safeguarding Boards, Serious Case Reviews, Domestic Incident Reviews and so on.
- 9.5 We will implement learning points from relevant reports, Serious Case Reviews and best practice.
- 9.6 We recognise that safeguarding is an area where professional disagreements can occur and where professional challenge is essential for effective safeguarding practice.
- 9.7 Where that is a disagreement/ challenge is amongst colleagues within EHA, cases will be escalated to the Director of Operations as strategic lead for safeguarding, and they will help guide and determine actions arising.
- 9.8 Where disagreement / challenge is between EHA colleagues and other agency representatives, EHA colleagues will be supported to utilise escalation procedures provided by that service.
- 9.9 All serious incidents, including any significant near misses and ALL incidents that involve a member of staff are reported to the local authority. All concerns where a member of staff is implicated must also be reported to the HR Team (either alleged, suspected or actual). HR will work with Managers to decide if a referral needs to be made the Disclosure and Barring Service.

10. RESPONSIBILITIES

- 10.1 Safeguarding is everyone's responsibility. This includes EHA employees and our contractors and volunteers.
- 10.2 **Operational Managers** are responsible for ensuring that
 - They contribute to developing a culture that does not tolerate abuse and which encourages people to raise concerns.
 - They listen to and support colleagues raising concerns.

- Colleagues are familiar with EHA's safeguarding policy and procedure
- Lessons learnt are cascaded to their teams

10.3 **Director of Operations** is the Designated Safeguarding Officer. Their specific responsibilities include

- Owning the Safeguarding Policy and the supporting procedures and guidance
- Embedding safeguarding practice across the organisation
- Ensuring induction and refresher training on safeguarding takes place
- Ensuring safeguarding concerns are reported to the relevant local authority
- Ensuring Board are updated with safeguarding information quarterly

10.4 **Housing Options Team Leader** is the operational safeguarding lead. Their specific responsibilities include

- Supporting the Operational Managers with safeguarding decisions
- Maintaining accurate and timely records relating to all safeguarding concerns
- Supporting the Director of Operations to deliver their specific responsibilities

11. QUALITY ASSURANCE AND PERFORMANCE REPORTING

11.1 Safeguarding is embedded into our corporate framework including making links with other policies, our values, competency framework and training programmes. EHA's Risk Register includes reference to safeguarding.

11.2 A safeguarding log is held securely by the Director of Operations. This enables data to be collated and key trends identified and reported operationally and to Board quarterly. Learning from serious cases, including significant "*near misses*" (both areas for improvement and positive practice) will be sensitively cascaded via Operational Managers.

11.3 Part of our preventative approach includes annual training for colleagues using our E-learning system Skillgate as a minimum. Further training is also provided using links to the local authority training provided for all partner agencies.

11.4 EHA recognises that it could be expected to "*make enquires*" for the local authority in line with their duties under Section 42 of the Care Act. This could be where CCC considers EHA better placed to make such enquiries on its behalf, to help the authority decide what action to take to support and protect an individual. EHA's procedures reflect local authority procedures and thus provide a robust framework to undertake such enquires if required.

11.5 EHA is also committed to cooperating and participating fully in any formal reviews instigated by a statutory agency – usually the local authority and arising from an instance where death or serious harm has occurred from suspected or actual abuse. The purpose being to learn lessons, improve joint working and practices.

12. ASSOCIATED POLICIES AND PROCEDURES

12.1 Safeguarding is not a stand-alone policy or a separate activity. Rather, it is very much part of our wider policy and operational frameworks. There are a variety of interlinking policies and procedures in place to ensure that we fulfil our safeguarding responsibilities. In particular:

- Whistleblowing
- Disclosure and Barring Service
- Domestic Abuse
- Anti-Social Behaviour & Estate Management
- Neighbourhood Management
- Data Protection

13. EQUALITY AND DIVERSITY

13.1 It is every person's human right to live a life free from abuse or neglect. Every child and every adult who has care and support needs has an equal right to support and protection, irrespective of their individual differences or circumstances. This policy and its associated procedures applies equally to all children and adults at risk and all forms of abuse. It also seeks to ensure that those who could be at risk of abuse due to care and support needs are positively supported.

13.2 Through implementation of this policy, we will not discriminate on the grounds of any protected characteristic and due regard will be given to individual differences including age, disability, gender, gender reassignment, disability, race and ethnicity, religion or belief, sexual orientation, caring responsibilities, culture, language, marital or civil partnership status.

13.3 This policy reflects responsibilities expected to be taken by housing providers as set out in the Care Act's statutory guidance. It also accords with the local authority multiagency procedures. It supports those who lack capacity in accordance with the Mental Capacity Act (2005), its associated principles and Code of Practice.

13.4 In order to ensure that no protected groups under the Equality Act 2010 have been disadvantaged or discriminated against as part of this work, an Equality Impact Assessment (EIA) has been undertaken as part of this policy. The EIA can be viewed at Appendix 2.

14. POLICY REVIEW

14.1 This policy and the associated procedures will be reviewed every three years, or more frequently if required to accommodate amendments to legislation or good working practice.

Adult safeguarding self-assessment checklist against the Care Act statutory guidance for housing and housing support providers.

Assessment completed 6/7/24

	Question	Para reference in the statutory guidance	Yes	No	In progress	Comments/ evidence
1a	Do you have a senior manager with strategic responsibility for safeguarding? OR	14.187 14.109				Director of Operations
b	Do you have an operational lead for adult safeguarding?	14.187 14.109				Housing Options Manager (Deputy Lead)
2a	Have you a safeguarding adults' policy and internal procedures that cover ALL staff and are regularly reviewed?	14.29, 14.30, 14.41,14.54, 14.86, 14.196, 14.205				Formally reviewed every 3 years or sooner if new legislation or good practice is introduced
b	Do they include the 6 principles? Do they include guidance on record keeping? Are staff vigilant about adult safeguarding?	14.13 14.87, 14.150 14.29, 14.30				See policy above Staff a vigilant about ASG – demonstrated by regular reports
c	Do you have internal systems in place to ensure compliance with policies and procedures?					All managers ensure compliance
3	Have you regular safeguarding training for all staff in contact with adults at risk?	14.30, 14.86				Skillgate & Cumbria County Council training
4	Can staff access regular face to face supervision from skilled managers? Can staff access practical and legal guidance, advice and support?	14.46, 14.172 14.40				Regular 1-2-1's are held with staff.

5	Are you involved in a Safeguarding Adults Board (SAB) or housing sub group? If you are not directly involved, are you able to get involved via a housing representative on any SABs? Have you worked with other local housing providers to seek housing representation and other engagement with the SAB?	14.117			Whilst we do have links through the Cumbria Homelessness Forum, more work can be done on this to ensure meaningful engagement and representation
6	Have you discussed (internally and with the adult social care safeguarding lead) the implications of S42(2) in the Care Act and related para in the guidance of the possibility of being asked to 'make enquiries'?	14.84, 14.59			Aware of our duties, included in the policy.
7	Have you sought to engage with the local multi-agency safeguarding hub (MASH) (if one exists?)	14.164			Engaged with the hub and attend multi-agency meetings when required.
8	Has anyone in your organisation made effective links with Local Authority Safeguarding Leads to ensure cooperation and information sharing, improve joint working, addressing barriers? Are roles and responsibilities clear and is there collaboration at all levels?	14.53, 14.154, 14.34 14.167			No concerns with information sharing, however significant changes following LGR have led to a lack of clarity on roles and responsibilities at the local authority.
9	Do you have arrangements in place to ensure review and learning?				Safeguarding log formally reviewed quarterly, reported to Board & Exec. Lessons learnt shared with teams.

10	Do you engage with all customers regarding safeguarding (e.g. information, awareness raising)?	14.11, 14.165				Updates on social media.
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4 November 2014 (based on final Care Act statutory guidance) replacing version dated 25 July 2014 (based on draft Care Act statutory guidance)

Please email Imogen Parry with corrections or any suggested improvements to this checklist: imogen.parry@btopenworld.com

Equality Impact Assessment

Question	Response
1. Name of the policy/practice/activity being assessed	Safeguarding Children & Vulnerable Adults Policy
2. Summary of aims and objectives of the policy/practice/activity	To safeguard children and vulnerable adults at risk of abuse or neglect; ensuring staff are equipped to respond appropriately to disclosures
3. What involvement, consultation, engagement has taken place for the policy/practice/activity (e.g relevant groups/stakeholders)	No direct consultation or engagement with tenants or service users has taken place. Our safeguarding responsibilities are statutory and so there is little scope for influence.
4. Who is affected by the policy/practice/activity	Tenants, staff and the wider community
5. What are the arrangements for monitoring and reviewing the impact of the policy/practice/activity	Quarterly review of safeguarding register by DoO 3 yearly review of policy

Protected Group	Is there a potential for a positive or negative impact	Explain and provide evidence/data used	Action to address the negative impact
Disability	No		
Gender reassignment	No		
Marriage or civil partnership	No		
Pregnancy or maternity	No		
Race	No		
Religion or belief	No		
Sexual orientation	No		
Sex (gender)	No		
Age	No		

Evaluation

Question	Explanation	
Is it possible the proposed policy/practice/activity could discriminate or unfairly disadvantage people	Eden Housing Association is committed to ensuring that no person or group of persons will be treated less favourably than another person or group and will carry out its duty with positive regard for the following core strands of equality.	
Decision	Tick the relevant box	Include any justification required
1. No barriers identified – proceed	X	
2. Barriers identified towards one (or more) protected groups – stop		
3. Barriers identified towards one (or more) protected groups – adapt or change the policy/practice/activity		
4. Barriers identified towards one (or more) protected groups – no proportionate way to amend the policy/practice/activity so proceed with caution		

Completed by – and date	Jenny Everingham – July 2024		
Reviewed by – and date	Exec Team – July 2024		
Review Date (if applicable)			
Will this EIA be published	Completed EIAs will be appended to each policy document. Any public related policies will be uploaded to the EHA website		

Action (To be completed as required)

If the Evaluation has resulted in Decision 4, complete a risk assessment and record on Operational Risk Register	Date Completed:
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Change Log

Name	Date	Version	Change
	When published	1	

