



# Operational Policy

<b>Title:</b>	<b>Safeguarding Policy</b>
<b>Originator:</b>	<b>Paula McGlynn</b>
<b>Approval Date:</b>	<b>SLT Lite 15.2.18</b>
<b>Date for Review:</b>	<b>February 2021</b>

## 1. INTRODUCTION

This policy has been developed with reference to Local Authority Inter-agency Safeguarding Policies, Procedures, Guidance, and good practice drawn from other registered housing providers. It ensures Magenta Living complies with its duty to cooperate in Safeguarding.

The Government states that safeguarding is everybody's responsibility. There is a difference between safeguarding children/adults at risk and child/adult protection:

- Safeguarding is everybody's responsibility and includes measures to prevent or minimise the potential for abuse occurring
- Child Protection is a statutory local authority responsibility in response to individual cases where a risk of harm has been identified
- Safeguarding Adults (sometimes referred to as Adult Protection) is an overarching term that encompasses all the essential components of prevention of abuse and response to concerns, allegations and disclosure of abuse
- Magenta Living expect all staff, contractors, Board Directors, volunteers and neighbours to raise their concerns regarding children and adults at risk. To achieve this, a simple procedure is in place to evaluate those concerns and where required Magenta Living will alert relevant statutory agencies
- In their day-to-day contact with families and tenants, staff may become aware of needs or welfare issues where the organisation may assist in minimising the risk to individuals.
- Such assistance for example may involve the provision of adjustments to the home to assist with the mobility needs of adults and children. However, in a number of cases, the expertise of statutory and voluntary agencies will be required. The Specialist Housing Services team within Magenta Living will ensure tenants can access the services they need and are entitled to through effective signposting and referral. In addition, where a tenancy is at risk, relevant assessed support will be provided.

- Where domestic violence is identified, the safety of children will be fully assessed and appropriate liaison will take place with relevant external services eg local Family Safety Unit (FSU), police etc.
- The local authority has the statutory responsibility for rehousing in the case of domestic violence and child sexual exploitation.

## **2. STATEMENT OF INTENT**

The purpose of this policy is to ensure Magenta Living meets its duty to cooperate with the safeguarding frameworks of the local authority and that staff, volunteers and contractors are aware of the role they play in achieving this. All staff in contact with children, young people, their families, and adults at risk should take all reasonable measures to minimise the risks of harm to the welfare of children, young people and adults at risk; and where there are concerns identified, appropriate actions are taken to address those concerns.

## **3. POLICY**

Magenta Living has a duty of care to its tenants and aims to take all reasonable measures to provide safe accommodation and services for its customers and users of our services.

The role of Magenta Living in safeguarding children and adults at risk, is one of an alerting agency. To fulfil this role Magenta Living has adopted a robust approach aimed at minimising risks to its tenants.

Within the organisation, all staff are responsible for raising any concerns relating to the health and well-being of children or adults at risk as detailed in the internal Safeguarding Children and Adults at Risk procedure. The organisation has a clear and simple framework in place for staff and contractors who need to raise concerns. All initial referrals are received at one single point of access through our Contact Centre who will centrally record and triage the referral. Adult or children safeguarding issues will be sent to the Tenancy Sustainability team group email to ensure a quick response and full ownership of the referral. Where necessary, cases will be escalated to the relevant Local Authority for action within their Safeguarding Framework. Other concerns may be addressed internally through provision of a Sustainability or Tenancy Enforcement service.

Contractors are expected to raise any concerns through a simple process by ringing a designated number within the Contact Centre. The advisor will record details of the concern raised by the contractor and proceed through the referral process.

Tenants may also raise concerns in the same manner.

We are committed to safe recruitment, selection and vetting for staff and volunteers (where appropriate) who are likely to be in more regular contact with children or adults at risk. We do not however engage in activities that involve personal or health care.

Magenta Living will work within relevant legislative and regulatory guidance and duties as follows:

- The Children Act 1989
- The Human Rights Act 1998
- The Data Protection Act 1998
- Public Interest Disclosure Act 1998
- The United Nations Convention on the Rights of the Child
- The Protection of Children Act 1999
- No Secrets – Department of Health DH 2000
- Every Child Matters DH 2003
- The Children Act 2004
- The Children and Young Persons Act 2008
- National Service Framework for Children, Young People and Maternity Services 2004.
- Mental Capacity Act DH 2005
- Safeguarding Vulnerable Groups Act 2006
- Prevent Strategy 2011-15
- Equality Act 2010
- Working Together to Safeguard Children (DoE) 2013
- The Care Act 2014

Magenta Living will also work within the frameworks of Local Authorities Safeguarding Children and Safeguarding Adults Partnership Boards or similar.

This policy covers the responsibilities of Magenta Living Board Directors, staff, volunteers and those who work on its behalf, in relation to the protection of children and adults at risk.

### **3.1 Definitions**

Abuse is defined as "a violation of an individual's human and civil rights by any other person or person's". Types of abuse are:

- Physical
- Psychological/emotional
- Financial
- Neglect
- Discrimination
- Sexual
- Institutional
- Multiple forms of abuse

The definition of children is:

- Children and young people up to 18 years old

- Former Looked after Child (LAC) - Local Authorities have responsibilities to keep in touch until their 21<sup>st</sup> birthday (or 25 years in higher education)
- All young people disabled or not can ask for assistance with educational issues up to their 21<sup>st</sup> birthday (or 25 years in higher education)

Due to the nature of Magenta Living's role as a housing provider, it is entirely possible that 'children and young people' may be either young tenants of our accommodation (16-18 years old), receiving an outreach service or the children of customers or service users, e.g. within Community Houses. For ease of reference, the terms "child" and "children" are used throughout the policy to refer to all children and young people up to the age of 18 (Children Act 1989).

The term "Adult at Risk" is used to refer to anyone aged 18 or over who appears to:

- have health or social care needs
  - be at risk of harm
  - be unable to safeguard themselves as a result of their health or social care needs
- or
- be unable to safeguard their own well-being, property, rights or other interests.

### **3.2 Information Sharing**

The procedure linked to this policy establishes the need to share information about concerns with relevant agencies. In all circumstances Magenta Living staff will ensure they consider confidentiality and refer to the Magenta Living's Confidentiality policy.

Where the use of photographs or filming of an activity is required for marketing purposes, the parents/carers of these children will be informed and written signed approval obtained prior to the event.

### **3.3 Domestic Abuse and Hate Multi Agency Risk Assessment Committee's (MARAC)**

Magenta Living is a signatory to and actively participates in both Wirral's domestic abuse and hate information sharing protocols (ISP), recognising the impact domestic abuse and hate harassment has on children and adults at risk.

Where domestic abuse or hate harassment is identified, the local multi agency risk assessment frameworks will be used. The Thresholds of Need framework will be used to identify any risks to children that relate to their housing circumstances and the local authority Children's and Young Peoples Department will be advised accordingly. The Fair Access to Care Services

(FACS) guidance will be used to identify issues for adults at risk that relate to their housing circumstances.

### **3.4 Child Sexual Exploitation (CSE)**

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, attention, gifts, money) as a result of them performing, or others performing on them, sexual act or activities.

Magenta Living will work collaboratively to ensure identified concerns are quickly raised through the appropriate routes such as local authority Multi-Agency CSE forums or a similar groups.

All such concerns are referred to Magenta Living Contact Centre as the first point of contact and escalated for action to the Specialist Housing Services team

### **3.5 Children's/Adults Local Authority Designated Staff(LADO/ALADO)**

There are two Local Authority Designated staff, one for children and the other for adults. Their responsibility includes managing the process for allegations made against adults working with children and young people or adults at risk.

The officers also represent the local Safeguarding Boards in MAPPAs (Multi Agency Public Protection Arrangements) meetings for offenders who are to be released into the community where their index offence is related to children, young people, adults at risk or whom are considered to pose a risk to the wider community.

### **3.6 Allegations against staff including contractors' staff and volunteers**

Magenta Living has guidelines in place for managing allegations against staff including contractors' staff and volunteers as ratified by Local Safeguarding Boards for Children and Adults at risk. The guidelines reflect local Safeguarding Frameworks and ensure identified internal and external officers are made aware of allegations in a timely, confidential and sensitive manner.

All such concerns are reported to Magenta Living's Head of Specialist Housing Services .who is the senior lead officer responsible for liaising with parties in cases of allegations against staff including contractors' staff and volunteers.

Within the organisation's procurement process, contractors and suppliers are expected to have sufficiently robust recruitment procedures in place to minimise the risk employing individuals whom could pose a risk to Magenta Living residents

In accordance with existing Supporting People (SP) contractual arrangement with the local authority e any serious incidents involving SP grant funded clients, will be formally reported to the administering authority.

### **3.7 Serious Case Reviews**

In learning lessons from Serious Case Reviews (SCR) Magenta Living have adopted the escalation procedures agreed by both children's and adults Local Safeguarding Boards. The Head of Specialist Housing Services will be responsible for liaising with, handling and formulating a response in an SCR that may involve the organisation. This will include investigating and coordinating a chronology in line with the SCR requirements.

### **3.8 Disclosure and Barring Service**

The primary role of the Disclosure and Barring Service (DBS) is to help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. .

The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a duty on employers of people working with children or adults at risk to refer to the DBS. This relates to when an employer has dismissed or removed a person carrying out "regulated activity" from working with children or adults at risk (or would or may have if the person had not left or resigned etc.) whom has :

- i) been cautioned or convicted for a relevant offence; or
- ii) engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or
- iii) satisfied the 'Harm Test' in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists].

A referral to DBS will be required for any staff or volunteers whom hold an enhanced DBS check. The appropriate Local Authority Disclosure Officer (LADO) can offer advice on the need to refer to the DBS.

### **3.9 Eligibility for Disclosure and Barring Service checks**

The SVGA 2006 sets out different criteria for those staff who only work with children or adults or both adults and children. The DBS has published a [list of roles](#) eligible for disclosure checks. Magenta Living have identified roles within its organisation that align to the published list for whom such checks are duly applied which are :

- i) Adults. For staff whom wholly or mainly work alone with vulnerable adults, an enhanced DBS check is required.
- ii) Children. For staff and volunteers whom are involved in the supervision of children, (breakfast, afterschool and youth clubs etc) on a frequent basis. Frequent is defined as once a week or more, or four times or more in any 30 day period.
- iii) Magenta Living does not carry out any personal care or health care activities. However, as good practice, DBS checks will be carried out for staff in specified service areas.

#### **4. IMPLEMENTATION**

This approved policy will be communicated through team meetings and will be available via the Intranet.

This policy should be read in conjunction with policies, detailed procedures and guidance on:

- Concerns Procedure and Guidance
- Safeguarding Guide for staff, contractors and volunteers
- Confidentiality policy
- Professional Boundaries policy
- Discipline policy and procedure
- Domestic Abuse policy
- Hate Incidents and Crimes policy
- Health and Safety policy
- Recruitment and Selection policy
- Whistle blowing policy
- Data Protection policy
- Lone Worker Policy
- Anti Social Behaviour (ASB) policy
- Diversity policy
- Recruitment and Selection Procedure
- Serious Case Review procedure

##### **4.1 Training**

All relevant staff will be appropriately trained in applying this policy. The level of training will be proportionate to the role. This policy will however be brought to the attention of relevant staff before they are able to carry out their role unsupervised. Service specific and more detailed local induction training will take place within the first two weeks of commencement of employment.

Contractors will be expected to have safeguarding procedures in place as per Magenta Livings procurement process. In addition however, contractors will be made aware of procedures within this organisation.

Awareness sessions are also conducted in our Sheltered and Extra Care schemes and details are provided to new tenants in such schemes about who

what to do 'if you suspect abuse'. The process is similar to that of our Contractors.

## **5. Consultation**

Consultation has taken place with Magenta Living Senior Leadership team members and a range of customers. Comments and feedback have been incorporated into this policy.

## **6. Equality Analysis**

We are committed to equality of opportunity and want to ensure all residents and their children, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, racial origin, religion, belief and non belief, sex and sexuality these are the definitions of protected characteristics in the Equality Act 2010. Magenta Living will ensure people are treated fairly and in a consistent way and that no-one is discriminated against.

An Equality Analysis was undertaken on 20.3.18 and found that this policy and its procedures have no equality implications and was assessed as Green.

## **7. Monitoring Performance**

Magenta Living will use intelligence to inform the service and its development and to ensure the mitigation of risks to its residents involve both the organisation and its partner agencies by:

- monitoring concern referred by staff/contractors etc to identify outcomes and trends for preventative actions
- Identifying the number of safeguarding referrals to Local Authorities
- Identifying the percentage of safeguarding referrals accepted by Local Authorities
- reporting key indicators and activities to the Executive Leadership Board and Board of Directors

## **8. Scheme of Delegation**

The responsible authority for approving this policy is SLT Lite  
The responsible AD for formulating this policy and ensuring it is effective implementation is Paula McGlynn.

The responsible officer for formulating, reviewing and monitoring the implementation is Justin Danher Head of Specialist Housing services that includes the Sustainability & Assessment service through which Safeguarding concerns are managed and escalated.

## **9. Policy Review**

The policy will be reviewed periodically every three years or earlier if deemed necessary through the performance monitoring process.



This policy will be reviewed where:

- There are significant changes to legislation or regulation;
- There are found to be deficiencies or failures in this policy, as a result of complaints or findings from a serious case review or similar

The next policy review is scheduled for February 2021.

### 10. Amendment Log

*Validity check recording outcome of previous reviews.*

Date of revision:	Reason for revision:	Record of amendments:
March 2014	Changes to Disclosure and Barring Service	Changed CRB to DBS
March 2014	QAF feedback	Providing feedback to Supporting People of any serious incidents occurring to clients funded by Supporting People
March 2014	Equality Act 2010	Changed Equality Impact Assessment to Equality Analysis
May 2014	QAF feedback	Definitions of abuse
December/Jan 2017/18	Referral process (Sect.3)	summary
	Relevant guidance (Sect.3)	Inclusion of Prevent Strategy
	Lead Officer (3.6)	Head of specialist Housing services
	DBS clarity (3.9)	We do not provide personal or health care but we carry out DBS checks in specified service areas.
	Monitoring of service (Sect.7)	Reported to ELT Board and subsequently to ML Board of Directors on a quarterly basis.