



Operational Policy

Title:	Safeguarding Policy
Originator:	Assistant Director Housing Services
Approval Date:	ELT Board 16.06.21
Date for Review:	6th June 2024

1. INTRODUCTION

This policy has been developed with reference to Local Authority Inter-agency Safeguarding Frameworks, to ensure that Magenta Living complies with its duty to cooperate in Safeguarding matters.

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

- Safeguarding is everybody's responsibility and includes measures to prevent or minimise the potential for abuse occurring
- Child Protection is the statutory responsibility of the local authority for 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 adopt preventative measures to minimise risks to individuals.
- Such measures 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 relevant liaison will take place with relevant external services in accordance with agreed protocols, e.g. local Family Safety Unit (FSU), Police etc.

- The local authority has the statutory responsibility for rehousing where risks associated with domestic violence and child sexual exploitation are identified.

2. STATEMENT OF INTENT

The purpose of this policy is to ensure Magenta Living meets its duty to cooperate within the respective safeguarding frameworks of local authorities and that staff, volunteers and contractors and Board 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. Where there are concerns identified, appropriate actions should be taken to address those concerns in line with the organisation's policy and procedures.

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 its duty under 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 and householders.

Within the organisation, all staff are responsible for immediately 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 through the Contact Centre as one single point of access, where they will be triaged and recorded. Where necessary, the Specialist Housing Services team will escalate potential child or adult Safeguarding concerns to the relevant Local Authority for action within their Statutory Framework. All other concerns will be addressed internally through the relevant service area, including the provision of a Sustainability or Tenancy Enforcement service.

Contractors are expected to raise any concerns through a simple process within the Contact Centre. Neighbours and stakeholders may also raise concerns in a similar manner.

Magenta Living is committed to safe recruitment, selection and vetting for staff and volunteers (where appropriate) whom, due to the nature of their role, are likely to be in more regular contact with children or adults at risk. However, as a Registered Provider, the organisation does not deliver any statutory services and we are not therefore regulated by the Care Quality Commission.

Magenta Living does however work within the regulatory requirements of the Regulator for Social Housing and other relevant legislative and regulatory guidance and duties.:

- 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
- Domestic Abuse Act 2021

Magenta Living will also meet its duties within the frameworks of respective Local Authority 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 21st birthday (or 25 years in higher education)
- All young people disabled or not can ask for assistance with educational issues up to their 21st 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 eligibility for adult (over 18 years)

social care is outlined in the Care Act 2014, The Children and Families Act 2014 applies from birth to age 25 years, entitling 18-25 year olds to services as relevant under both acts.

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 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' 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 in the first instance as 'safeguarding' lead officer. The officer will liaise directly with HR, or the relevant service area to fully assess the concerns raised. Where necessary the Lead Officer will escalate cases in line with the Safeguarding Framework of the Local Authority

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 Supported People (SP) contractual arrangement with the local authority, 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 has adopted the escalation procedures previously 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. The Executive Leadership Team will approve all formal responses prior to submission.

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 has 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, after school 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
- GDPR Operational policy
- Professional Boundaries policy
- Domestic Abuse policy
- Hate Harassment policy
- Health and Safety policy
- Recruitment and Selection policy
- Whistle blowing policy
- Data Protection policy
- Lone Worker Policy
- Anti Social Behaviour (ASB) policy
- Equality and Diversity policy
- Recruitment and Selection Procedure
- Serious Case Review procedure

4.1 Training

All relevant staff will receive training at a level proportionate to their role and all staff must undergo Skillgate Training in related policies. . This policy will 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 in how to alert Magenta Living of identified concerns.

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 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 1st June 2021 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 concerns 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 Assistant Director, Housing Services is responsible for formulating this policy and ensuring it is effectively implemented

The responsible officer for formulating, reviewing and monitoring the implementation is the 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 2024.

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.
April 2021	Domestic Abuse Act 2021	Inclusion and review
	Sect.3.3 .Introduction of Childrens & Family Act.	CFA provides care from birth to age 25 years.

	Sect.3.6 Reference to Supporting People Funding removed	SP Grant no longer exists.
	Sect.3.7 Serious case Review submissions	Final submissions to be approved by Executive Leadership Team