

## **1. Aims**

- The aims of adult safeguarding are defined by the Care Act (2014) as:
  - To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
  - To safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives
  - To promote an outcomes approach in safeguarding that works for people resulting in the best experience possible
  - To raise public awareness so that professionals, other staff and communities as a whole play their part in preventing, identifying and responding to abuse and neglect
- In order to achieve these aims it is necessary to
  - Ensure that the roles and responsibilities of individuals and organisations are clearly laid out
  - Create a strong multi-agency framework for safeguarding
  - Enable access to mainstream community safety measures
  - To clarify the interface between safeguarding and quality of service provision
- In addition to adhering to and servicing the above, the aim of this policy is to:
  - Provide clear definitions as to what constitutes an 'adult at risk'
  - Provide clear definitions as to what constitutes abuse and neglect
  - Provide practice and procedures to prevent abuse of vulnerable adults
  - Provide a clear framework for action when abuse is suspected
  - Raise awareness as to individual and collective roles and responsibilities in regards to adult safeguarding

## **2. Scope**

- This policy covers and is applicable to all those affiliated to Rural Arts whose role regularly involves contact with service users who may be considered adults at risk
- This is regardless of a person's status as employee, freelancer or volunteer
- This policy also covers Trustees who have overall responsibility for ensuring the implementation of this policy and the safeguarding of those who may be considered adults at risk
- Rural Arts considers it the duty of both the Company and individuals to protect adults at risk with whom they come into contact from abuse



### **3. Introduction**

- Rural Arts provides services for and works with individuals who may be defined as 'adults at risk'
- Rural Arts has obligations to strive to protect adults at risk who it believes or suspects to have been subject to or at risk of abuse or neglect
- This policy is informed by and adheres to up-to-date legislation and statutory guidance, as well as industry best practice, including:
  - Care Act (2014)
  - Care and Support Guidance (2015, updated 2020)
  - Mental Capacity Act (2005)
  - North Yorkshire Safeguarding Adults Board guidance
  - Six Safeguarding Principles (see 5.)

### **4. Definitions**

- The Care Act (2014) states that duties apply to any adult who:
  - Has needs for care and support (whether the local authority is meeting any of those needs), and
  - Is experiencing, or at risk of, abuse or neglect, and
  - As a result of those care and support needs is unable to protect themselves from either the risk or, or the experience of abuse or neglect
- The Care Act (2014) does not define abuse nor neglect however does provide categories and examples of both, including:
  - Physical abuse – including hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions;
  - Sexual abuse – including rape and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting;
  - Psychological abuse – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or unreasonable and unjustified withdrawal of services or supportive networks;
  - Exploitation – either opportunistically or premeditated, unfairly manipulating someone for profit or personal gain;
  - Financial or material abuse – including theft, fraud, exploitation, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits;



- Neglect and acts of omission – including ignoring medical or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating;
- Discriminatory abuse – including discrimination on grounds of race, gender and gender identity, disability, sexual orientation, religion, and other forms of harassment, slurs or similar treatment; and
- Institutional abuse – including neglect and poor care practice within an institution or specific care setting like a hospital or care home, for example. This may range from isolated incidents to continuing ill-treatment
- The Care Act introduces concepts of domestic abuse, modern slavery and self-neglect into adult safeguarding
- Rural Arts also considers radicalisation as a separate and significant form of harm
  - Rural Arts' duty under the PREVENT agenda can be found in Appendix 1
- 'No Secrets (2000)', which the Care Act of 2014 replaced, defined abuse as 'violation of an individual's human and civil rights by any other person or persons'
- In the absence of a more up-to-date definition, Rural Arts considers this to be a sufficient definition of abuse, in which 'person or persons' can also include institutions or organisations
- 'Designated Safeguarding Officer' (DSO) refers to the posts of Outreach Coordinator and Creative Producer (Visual Arts), currently held by Jayne Rawlins and Sorcha McCole respectively
- 'Designated Safeguarding Lead' (DSL) refers to the post of Director, currently Max May
- In cases when the Designated Safeguarding Lead is unavailable, for example when on annual leave or in transition between postholders, the role is assumed by the Operations Manager, currently Angela Holt

## **5. Principles**

- As detailed in the Care and Support Guidance (2015), six key principles underpin all adult safeguarding work:
  - Empowerment – People being supported and encouraged to make their own decisions and informed consent



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*“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”*

- Prevention – It is better to take action before harm occurs

*“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”*

- Proportionality – Proportionate and least intrusive response appropriate to the risk presented

*“I am sure that the professionals will work for my best interests, as I see them and they will only get involved as much as needed”*

- Protection – Support and representation for those in greatest need

I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.

- Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse

*“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together to get the best result for me.”*

- Accountability – Accountability and transparency in delivering safeguarding

*“I understand the role of everyone involved in my life and so do they.”*

This ensures that policies and procedures are person-centered, allowing adults at-risk to be the decision-maker where possible.



## **6. Responsibilities**

- Individuals at Rural Arts have a responsibility to be aware and alert to signs of potential or actual abuse of an adult at risk
- Neither individuals nor Rural Arts are responsible for diagnosing, investigating or providing a therapeutic or medical response to abuse
- Due care must be given to provisions under the Mental Capacity Act (2005) and the Care Act (2014) to foreground the wishes, choices and capacity of the individual
- Neither Rural Arts nor individuals associated with Rural Arts may make assessments under the Mental Capacity Act
  - This does not preclude either an individual or the organisation going against the will of an adult at risk to progress or refer a disclosure or concern of abuse or neglect
  - Rural Arts' duty of care extends past the point of confidentiality or adherence to wishes. This does not represent a deprivation of liberty
- Individuals must refer any safeguarding incident (suspicion or disclosure of abuse or neglect) to a Designated Safeguarding Officer urgently, without delay and within 24 hours
  - This is also the practice when an individual representing Rural Arts is working with an external organisation and their service users
    1. Disclosures should be referred to a Designated Safeguarding Officer within 24 hours for multi-agency working with the partner organisation
    2. All safeguarding concerns should be discussed by the Designated Safeguarding Officer/s with the Designated Safeguarding Lead within 24 hours to discuss the severity of the concern
- Incidents of a terrorist or suspected terrorist nature should additionally be referred to the Anti-Terrorism hotline: 0800 789 321
- A Designated Safeguarding Officer must review the details of any safeguarding incidents and take appropriate action as detailed in the procedures of this policy, including discussions with the Designated Safeguarding Lead.
- A Designated Safeguarding Officer must share the details of any safeguarding incidents with relevant authorities, organisations or other individuals if satisfied or required by the procedures of this policy
- The Designated Safeguarding Lead must refer serious safeguarding incidents to the Chair for consideration and potential action within 24 hours of receiving the concern, as well as emergency services and Safeguarding boards as appropriate.



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- Rural Arts recognises the responsibility to assist adults at risk to understand the options available to them, as well as the potential for conflicts of interest between adults at risk and their carers and service providers
  - Rural Arts celebrates the rights to self-determination
  - Rural Arts will disseminate information on and assist the understanding of self-determination under the Mental Capacity Act (2005) to adults at risk via programmes of work, awareness documentation and individual consultation
  - Rural Arts will provide individual and independent advice to those requesting further explanation or support as to how to access services or exercise rights
- In compliance with Section 68 of the Care Act and best practice guidelines, Rural Arts will work with nominated advocates as advised by the local authority, and signpost adults at risk to advocacy services
- Rural Arts maintains robust and up-to-date policies to work in tandem with this policy to uphold the safety and wellbeing of all adults, particularly those at risk
  - Issues of risk and risk management are discussed with adults at risk in order that service user involvement may feed into the development of practicable and responsive policies and procedures
  - Please see individual policies for further details:
    1. Employee handbook
    2. Volunteering policy
    3. Health and Safety Policy
    4. Complaints procedure
- Rural Arts recognises importance of the Deprivation of Liberty Safeguards to ensure those assessed under the Mental Capacity Act are not unfairly restricted access to liberty
- Deprivations of liberty can only be authorised and enforced by trained professionals in hospitals and care home environments. Neither individuals working on behalf of, nor Rural Arts the organisation, are authorised to do so
- Rural Arts do not provide personal care to service users
  - Due to the nature of the Rural Arts' services staff may sometimes be present during the changing of costumes specifically related to performances and workshops
  - In such cases, staff may support the changing of costumes only when full consent has been received from the adult at risk and/or their carer

## **7. Disclosure of Abuse**

- If an adult at risk discloses that they are being abused or any service user discloses that they are involved in abuse of an adult at risk, action should continue as detailed in section 9
- All action must proceed urgently (within 24 hours) and without delay

## **8. Suspicion of Abuse**

- Should an adult at risk be suspected of being subject to or at risk of abuse or neglect,
  - The situation should be discussed immediately with a Designated Safeguarding Officer
  - Action should continue as in section 9
- All action must proceed urgently and without delay

## **9. Action on Disclosure of Abuse**

- There should always be the opportunity to discuss welfare concerns with and seek advice from a Designated Safeguarding Officer, but:
  - Never delay emergency action to protect an adult at risk
  - If it's an emergency, dial 999
  - Individuals may report disclosures of abuse to relevant authorities irrespective of the opinion of other colleagues or a Designated Safeguarding Officer or Lead
- Always record in writing concerns about an adult at risk's welfare, whether or not further action is taken
  - Always record conversations using the language and terminology used by the adult at risk
  - Give descriptions of any actions or signals used
  - If appropriate include sketches of sites and sizes of injuries
  - Include date and time notes were recorded
- Do not encourage, ask for elaboration or provide confirmation or validation during a disclosure
- If possible, the disclosure should be witnessed by more than one person in a public space
- If an adult at-risk part discloses or intimates to disclose it may be necessary to continue as if a full-disclosure had been given





- In these circumstances, the adult at risk must be notified in advance of the decision to report or progress the disclosure
- Adults at risk should be informed, upon disclosure of abuse, that confidentiality cannot be guaranteed
- Always record in writing discussions about an adult at risk's welfare.
- At or by the close of discussion, always reach clear and explicit recorded agreement about who will be taking what action, or that no further action will be taken.
- Where necessary, individuals and Rural Arts will cooperate with and disclose to other organisations, agencies and individuals the disclosure of abuse
- Full written records must be maintained of all disclosures and actions following disclosure for a period of six years before being safely destroyed

#### **10. Action on Suspicion of Abuse**

- There should always be the opportunity to discuss welfare concerns with and seek advice from a Designated Safeguarding Officer, but:
  - Never delay emergency action to protect an adult at risk.
  - If it's an emergency, dial 999
  - Individuals may report suspicion of abuse to relevant authorities irrespective of the opinion of other colleagues or a Designated Safeguarding Officer
- Always record in writing concerns about an adult at risk's welfare, whether or not further action is taken
  - Always record concerns using the language and terminology used by the adult at risk
  - Give descriptions of any actions or signals that gave cause for concern
  - If appropriate include sketches of sites and sizes of injuries
  - Include date and time notes were recorded
- Always record in writing discussions about an adult at risk's welfare
- At or by the close of discussion, always reach clear and explicit recorded agreement about who will be taking what action, or that no further action will be taken
- Where necessary, individuals and Rural Arts will cooperate with and disclose to other organisations, agencies and individuals the suspicion of abuse
- Full written records must be maintained of all concerns and actions following disclosure for a period of six years before being safely destroyed



- In all cases of suspected abuse discussion should be had with a Designated Safeguarding Officer and any other relevant parties as to whether issues relevant cultures and lifestyles have any bearing on the matter
  - Rural Arts welcomes the fact that people and lifestyles are diverse and does not make judgements about the acceptability or otherwise of lifestyles
  - Rural Arts believes, in line with the Mental Capacity Act (2005), that where possible the adult at risk's choices and decision should be respected
  - However it is important that this philosophy does not stand in the way of the organisation's responsibility to protect adults at risk from harm, from themselves or others

## 11. Making a Referral

- Social service departments have been designated as the lead agencies with responsibility for coordinating a response to allegations or concerns of abuse
  - Rural Arts has the responsibility of informing North Yorkshire County Council's safeguarding team on 01609 780780
  - Rural Arts should source the Safeguarding lead for the relevant borough/county when starting to work in a new area
  - Referrals of a terrorist or suspected terrorist nature should be made to the Anti-Terrorist hotline: **0800 789 321**
- Rural Arts will work within the following timescales for reporting allegations or suspicions of abuse:
  - If the adult is at risk of serious physical harm, or a serious criminal act has taken place and evidence will need to be kept safe: immediately
    1. **Remember, if it's an emergency, dial 999**
  - If it relates to a specific incident which is, or may still be, going on, or may happen again: within 24 hours
  - If it is a more general concern that does not indicate immediate harm: within seven days
- If in doubt about whether to refer because, for example the allegation appears trivial, it is uncertain whether the situation indicates abuse or previous allegations have been made, then support must be given to individuals in the decision-making process

## **12. Support to Colleagues**

- Rural Arts will support individuals in circumstances detailed in 11 c
- This includes discussions with senior management and the Chair and reflection upon this document, the six principles of safeguarding and North Yorkshire Adult Safeguarding board best practice guides
- If social services need further involvement from colleagues following a report of abuse, the Designated Safeguarding Lead and/or Chair will discuss with the social services department the nature of their needs and how they might be met

## **13. Allegation of Abuse Against Rural Arts**

- Should anyone in their duties associated to Rural Arts be subject to allegation of abuse or neglect by an adult at risk, Rural Arts will:
  - Consult this policy, statutory guidance and best practice information
  - Assist social services and other authorities in their investigations
  - Implement disciplinary procedures in line with relevant employee / volunteer policies
- Adult at risk should feel that they can make a complaint or allegation against those associated with Rural Arts without fear of retribution.
  - Adults at risk are given opportunity to understand what processes, anonymous and not, exist within the organisation to facilitate this
  - For further reference, please see Rural Arts' Complaints Procedure
- Rural Arts reminds volunteers, trustees, staff, freelancers and all other employs of Rural Arts that they are legally protected from retributive actions by their employer by the 1998 Public Interest Disclosure Act

## **14. Preventing Abuse by Rural Arts**

- All those who come into regular one-on-one contact with adults at risk are thoroughly vetted before appointment. This includes:
  - Two current, unrelated and professional references
  - A full check with the Disclosure and Barring Service
- All those who come into regular one-on-one contact with adults at risk must receive updates to their Disclosure and Barring Service certification every two years

- Rural Arts, with the permission of the individual, takes copies of the original certification for safe storage
  - Only records with direct relation to their engagement with adults at-risk will be considered and/or disclosed by Rural Arts
  - In line with the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (which updated the Rehabilitation of Offenders Act 1974), custodial and non-custodial sentences shall not legally preclude the opportunity of employment, however there may be some circumstances in which the outcome of the DBS check makes an individual ineligible for the advertised position
  - Copies of DBS certification will be stored securely and confidentiality for the period of the individual's engagement plus six months, under recommendations from the Information Commissioner's Officer, the Data Protection Act and Rural Arts' Data Protection Policy.
- Rural Arts provides Safeguarding Training to all staff, including more exhaustive training for Designated Safeguarding Officers and the Designated Safeguarding Lead
- Where relevant, accredited training in de-escalation processes will be provided to support both individuals and adults at risk with behaviour that challenges
- Rural Arts recognises the difficulty of reporting a concern about other individuals associated with the organisation however the safety and protection of the adult at risk must be the priority in any decision made
  - Rural Arts will endeavor to support, protect and anonymise the individual reporting the concern
- Rural Arts and its staff do not, as standard, have permission or privilege to enforce physical restraint
  - The first point of call should always be the relevant emergency or social service
  - There may be certain circumstances where trained professionals such as care workers are permitted to use physical restraint
    1. This is reserved as a final measure and is only applicable in contexts where the consent of the adult at risk is outweighed by urgent public benefit, e.g. controlling violence, averting danger

## **15. When Abuse Constitutes a Crime**

- Many of the categories of abuse are actions that may constitute criminal offences. Such actions include:
  - Assault whether physical or psychological
  - Sexual assault and rape
  - Theft
  - Fraud or other forms of financial exploitation
- When complaints about alleged abuse suggest that a criminal offence may have been committed, it is imperative that reference should be made to the police as a matter of urgency
- Non-emergency referrals to the police are discussed with service users and the organisations duty to protect service users and staff
- In cases where a crime has been committed and a criminal investigation is being conducted, all other investigations will be conducted in consultation with the police

## **16. Confidentiality**

- a. Rural Arts' dedication to confidentiality does not preclude the disclosure of abuse or neglected, reported or suspected, to the appropriate authorities, agencies and individuals
- b. For further reference, please see Rural Arts' Data Protection Policy
- c. Information held about a person is the under the ownership of that person
- d. Information should not be shared between organisations or across agencies without the informed consent of the adult at risk
- e. If consent is not given or available, information can still be exchanged should it pass the public interest test:
  - i. This tests whether the benefit to the public in sharing this information is greater than the potential detriment to the owner of the information
  - ii. Public benefit includes the avoidance, prevention, detection or removal of current or future abuse and neglect
    1. For example, if a workshop leader witnesses abuse towards an adult at risk from a carer but is asked by the adult not to disclose, the sharing of this information without consent would pass the public interest test as the prevention of future abuse of this and other adults at risk outweighs the potential detriment of the disclosure of this information

## Appendix 1: Rural Arts' Policy to Support the Prevention of Extremism and Radicalisation (PREVENT)

### 1. INTRODUCTION

The current threat from terrorism and extremism in the United Kingdom is real and severe and can involve the exploitation of vulnerable people, including our learners.

This policy is designed to provide a clear framework to structure and inform our response to safeguarding concerns for these vulnerable people.

**Radicalisation** is defined as the process by which people come to support terrorism and extremism and, in some cases to then participate in terrorist groups.

**Extremism** is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance.

**All staff should have an awareness of the PREVENT agenda and the various forms of radicalisation. Staff should be able to recognise signs and indicators or concern and respond appropriately. Training is provided for staff and PREVENT is discussed at every staff meeting.**

### 2. VULNERABILITY/RISK INDICATORS

There is no such thing as a 'typical extremist' and those involved in extremism come from a range of backgrounds and experiences:

#### Vulnerability

Identity crisis:	Distance from heritage/culture and uncomfortable in society
Personal crisis:	Family tensions, isolation, low self-esteem, searching for answers
Personal circumstances	Migration, sense of grievance, experience of racism
Unmet aspirations:	Feelings of failure and/or rejection
Criminality	Experiences of prison, involvement with criminal groups

**Access to extremist influences** is also a risk factor.

### 3. REFERRAL AND INTERVENTION PROCESS

Any concerns identified **MUST** be reported to the named Designated Safeguarding Lead MAX MAY who will deal with the matter according to procedures agreed with North Yorkshire County Council.

Individuals should also refer to the Anti-Terrorism hotline: 0800 789 321 and the website: <https://www.gov.uk/government/publications/prevent-duty-guidance>

In the event of an emergency, call 999.

#### **Safeguarding Guidelines Declaration**

All staff and / or volunteers are required to sign and return the following declaration. The completed form will be stored in a secure place with limited access to designated people, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure).

I, ..... (*print full name*), have read and understood Rural Arts North Yorkshire Safeguarding Guidelines.

I agree to work in line with the Safeguarding Guidelines.

I understand that I may be required to undertake an Enhanced DBS check should my role require it.

I understand that Rural Arts will fully support and protect anyone, who, in good faith, reports their concern that a colleague is, or may be, abusing a child or vulnerable adult.

Signed: .....

Date:.....