



<b>Policy name:</b>	Safeguarding Adults Policy
<b>Author:</b>	Ben Butcher, Head of Operations
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Revision number	Date	Details of Change(s)
2	13/03/2023	<ul style="list-style-type: none"> <li>• Safeguarding Adults Legislation image</li> <li>• Updating of language from Safeguarding Vulnerable Adults to just Adults</li> <li>• Inclusion of Adult at Risk</li> <li>• Update of Care Act 2014 definition</li> <li>• Updated forms of abuse to include domestic abuse and modern slavery</li> <li>• Tower Hamlets referral numbers updated on flow chart</li> <li>• Included 6 key principles to adult safeguarding in appendices</li> <li>• Inclusion of Lead Trustee for Safeguarding</li> </ul>
3	17/10/2024	<ul style="list-style-type: none"> <li>• Format updated in line with new MM policy format</li> <li>• Overall policy setup changed to match that of Ann Craft Trust templates (adult safeguarding specialist charity)</li> <li>• Change to safeguarding adults (rather than 'adults at risk')?</li> <li>• Designated Safeguarding Lead changed to Ben Butcher (from Susan Langford)</li> <li>• Split guidance for staff, (D)DSL, project managers</li> </ul>
		<p>For update and inclusion at next review:</p> <ul style="list-style-type: none"> <li>• Create summary for document</li> <li>• Code of conduct for the organisation</li> <li>• Values</li> <li>• Linked key documents</li> </ul>

It is important that we are all alert to the issues discussed in the policy. Please contact the Designated Safeguarding Lead (contact details below) if you have any concerns, comments or suggestions relating to this policy or the procedures contained within.

Large parts of this policy are adjusted for Magic Me's context from the Ann Craft Trust templates and guidance which can be found [here](#).

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## Magic Me's Safeguarding Officers (contact details):

### Designated Safeguarding Lead (DSL) & Appointed Person:

Ben Butcher Head of Operations

[benbutcher@magicme.co.uk](mailto:benbutcher@magicme.co.uk)

020 3222 6064

Out of hours: 07852722166

### Deputy Designated Safeguarding Lead & Appointed Person absence cover:

Kate Hodson, Programme Director

[katehodson@magicme.co.uk](mailto:katehodson@magicme.co.uk)

0203 222 6064

Out of hours: 07709 288953

### Trustee Safeguarding Lead:

Jimena Meza Mitcher

[j.mezamitcher@gmail.com](mailto:j.mezamitcher@gmail.com) / [jimenamezamitcher@magicme.co.uk](mailto:jimenamezamitcher@magicme.co.uk)

### Director and Chair of the Board (for allegations against Lead or Deputy Lead)

Susan Langford (Director)

[susanlangford@magicme.co.uk](mailto:susanlangford@magicme.co.uk)

David Russell (Chair of Trustees)

[chair@magicme.co.uk](mailto:chair@magicme.co.uk)

## Tower Hamlets Safeguarding Adults Board (contact details):

Phone: 0300 303 6070

Email: [enquiry@towerhamletsconnect.org](mailto:enquiry@towerhamletsconnect.org)

## Glossary

<b>Adult</b>	A person over the age of 18
<b>Adult at risk</b>	Definition used in legislation for adults who the Local Authority has a responsibility to support to prevent them from experiencing (further) harm caused by abuse and neglect. <a href="#">See below for more information.</a>
<b>Abuse</b>	A violation of a person's physical, emotional or mental integrity by any other person.
<b>Harm</b>	Damage done to a person's well-being.
<b>MASH</b>	Multi-Agency Safeguarding Hubs are used as a one point of contact/safeguarding referrals in some areas. Where they exist a referral to MASH benefits from the information held by and the expertise of various agencies e.g. Local Authority, Police and Health.

<b>Mental Capacity</b>	The ability to consider relevant information, make and communicate a decision.
<b>Safeguarding</b>	Work to prevent and to stop abuse and neglect.
<b>Safeguarding Adult Team</b>	A team set up to manage the safeguarding of adults at risk within an organisation or more commonly across a Local Authority district.
<b>Safeguarding Adults Board (SAB)</b> (England and Wales)	A statutory body set up in line with national legislation. Statutory membership includes the Local Authority, Police and NHS. Representatives from the voluntary sector and of 'citizens' e.g. a representative from a disabled people's forum are often also included. Their role is to coordinate safeguarding work across the Local Authority district.

## Policy

### Introduction

Magic Me is committed to Safeguarding Adults in line with national legislation and relevant national and local guidelines. We will safeguard adults by ensuring that our activities are delivered in a way which keeps all adults safe.

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

### Policy Statement

Magic Me believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.

Magic Me is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

Magic Me acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved in Magic Me activities.

Magic Me recognises that degrees of health, well-being, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points in people's lives.

Actions taken by Magic Me will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

## Purpose

The purpose of this policy is to demonstrate the commitment of Magic Me to safeguarding adults and to ensure that everyone involved in Magic Me is aware of:

- The legislation, policy and procedures for safeguarding adults.
- Their role and responsibility for safeguarding adults.
- What to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult within the organisation.

## Scope

This Safeguarding Adults Policy and associated procedures apply to all individuals involved in Magic Me including Board members, Staff, Artists, Volunteers and freelancers and to all concerns about the safety of adults whilst taking part in our organisation, its activities and in the wider community.

## Commitments

In order to implement this policy Magic Me will ensure that:

- Everyone involved with Magic Me is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult.
- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with Magic Me Safeguarding Adults Policy and Procedures.
- The well-being of those at risk of harm will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve. Those views and wishes will be respected and supported unless there are overriding reasons not to.
- Any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm.
- Confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with Magic Me's Data Protection Policy .
- Magic Me acts in accordance with best practice advice, for example, National Governing Bodies, NSPCC, Ann Craft Trust.
- Magic Me will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.
- All Board members, staff, officials and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.
- Magic Me uses safer recruitment practices and continually assesses the suitability of staff, volunteers and artists to prevent the employment/deployment of unsuitable individuals in this organisation and within the community.
- Magic Me shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Services, Police, Local Authority/Social Services.
- When planning activities and events Magic Me creates a risk assessment of, and risk to, the safety of all adults from abuse and neglect.
- Actions taken under this policy are reviewed by the People Committee and senior leadership team on an annual basis.
- This policy, related policies (see below) and the Safeguarding Adults Procedures are reviewed no less than on a annual basis and whenever there are changes in relevant legislation and/or government guidance as required by the Local Safeguarding Board and/or National Governing Bodies and or as a result of any other significant change or event.

## Implementation

Magic Me is committed to developing and maintaining its capability to implement this policy and procedures.

In order to do so the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of all adults.
- Access to relevant legal and professional advice.
- SLT reports to the People Committee on an annual basis detailing how risks to adult safeguarding are being addressed and how any reports have been addressed.
- Safeguarding adult procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice.
- A Safeguarding Lead (see Appendix 1).
- A deputy Safeguarding Lead.
- Arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.
- A Code of Conduct for staff, board members, volunteers, artists that specify zero tolerance of abuse in any form.
- Risk assessments that specifically include safeguarding of adults.
- Policies and procedures that address the following areas and which are consistent with this Safeguarding Adults policy.

- ✓ Safeguarding Children and Young People
- ✓ Bullying and harassment
- ✓ Equality, diversity and inclusion
- ✓ Safe activities risk assessments
- ✓ Code of Conducts and a process for breach of these
- ✓ Discipline and grievance
- ✓ Concerns, Complaints and Compliments

- ✓ Whistleblowing
- ✓ Safe recruitment and selection (included within this and Safeguarding Children and Young People policies)
- ✓ Contract compliance
- ✓ Data protection policy

# Reporting concerns (procedures)

## Reporting concerns about yourself (for participants)

If you are in immediate danger or need immediate medical assistance contact the emergency services 999.

Please contact the Safeguarding Lead ([see above contact information](#)). If you would prefer, please contact another member of staff who will help you raise the issue with the Safeguarding Lead. If the Safeguarding Lead is implicated or you think has a conflict of interest, then report to the Magic Me Director or Chair of the Board of Trustees details also above.

You can also contact the Police, Social Services, your doctor or other organisations that can provide information and give help and support (see Appendix 1 Other sources of support).

Magic Me will follow the procedure in this document. If you do not think your concerns are being addressed in the way that they should be, please contact the Chair of the Board of Trustees or the Safeguarding Lead Trustee ([see above contact information](#)).

At all stages you are welcome to have someone who you trust support you and help you to explain what happened and what you want to happen.

It is of utmost importance to Magic Me that you can take part in our activities safely and we will take every step to support you to do that.

## Reporting concerns about others

You may be concerned about harm to another person because of something you have seen or heard, information you have been told by others or because someone has confided in you about things that are happening or have happened to them.

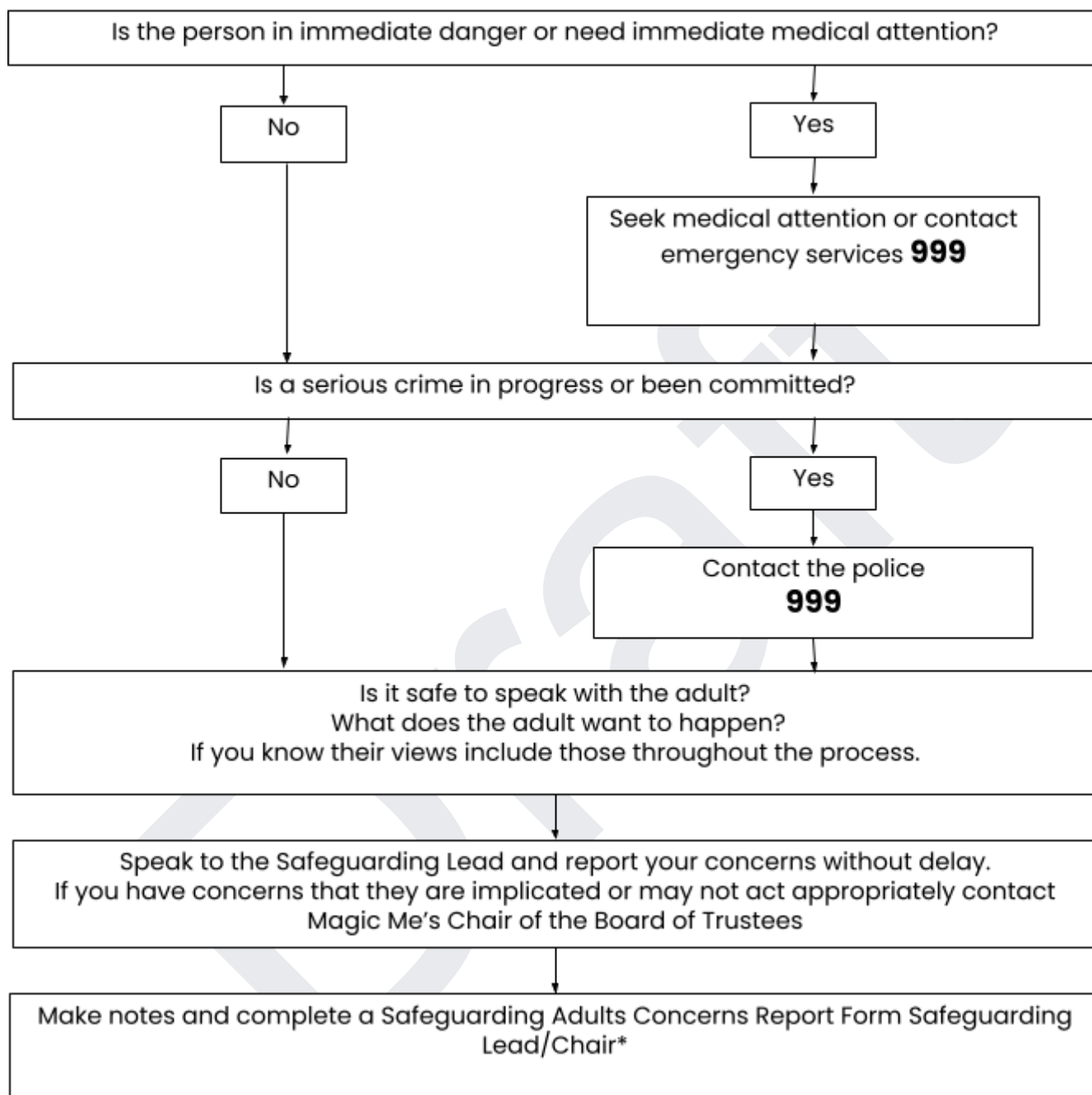
You should not keep safeguarding concerns to yourself. If you have concerns and/ or you are told about possible or alleged abuse, poor practice or wider welfare issues you must contact the Magic Me's Safeguarding Lead as soon as you can. [See contact details above](#). If the Safeguarding Lead is implicated or you think has a conflict of interest, then report to the Magic Me Chair.

If you are concerned about harm being caused to someone else, please follow the guidance below.

- It is not your responsibility to prove or decide whether an adult has been harmed or abused. It is, however, everyone's responsibility to respond to and report concerns they have.
- If someone has a need for immediate medical attention call an ambulance on 999.
- If you are concerned someone is in immediate danger or a serious crime is being committed contact the police on 999 straight away. Where you suspect that a crime is being committed, you must involve the police.
- Remember to be person centred/make safeguarding personal. If it will not put them or you at further risk, discuss your safeguarding concerns with the adult and ask them what they would like to happen next. Inform them that you have to pass on your concerns to your Safeguarding Lead. Do not contact the adult before talking to your Safeguarding Lead if the person allegedly causing the harm is likely to find out.
- Remember not to confront the person thought to be causing the harm.

## Procedure for reporting concerns about others

You have a concern, or have been told about, possible abuse of someone else, poor practice or wider welfare issues.



## Responding to a direct disclosure

If an adult indicates that they are being harmed or abused, or information is received which gives rise to concern, the person receiving the information should:

- Take it seriously.
- Stay calm.
- Listen carefully to what is said, allowing the adult to continue at their own pace.
- Be sensitive.



- Keep questions to a minimum, only ask questions if you need to identify/ clarify what the person is telling you.
- Reassure the person that they have done the right thing in revealing the information.
- Ask them what they would like to happen next.
- Explain what you would like to do next.
- Explain that you will have to share the information with the Safeguarding Lead.
- Ask for their consent for the information to be shared beyond the Safeguarding Lead i.e. outside the organisation. There are some situations where consent does not have to be obtained. These are indicated below. If consent is not obtained and the below criteria are not met then the information cannot be shared.
  - It would increase the risk of harm to the person or others
  - It threatens the person's or others safety
  - It threatens the public interest
  - The person lacks the mental capacity to make that decision
  - Other people are, or may be, at risk, including children
  - It would prejudice the prevention, detection, or prosecution of a serious crime
  - It would lead to an unjustified delay in making enquiries about allegations of significant harm
- Make an arrangement as to how you/the Safeguarding Lead can contact them safely.
- Help them to contact other organisations for advice and support (e.g. Police, Domestic Abuse helpline, Victim Support -see Appendix 1).
- Act swiftly to report and carry out any relevant actions.
- Record in writing what was said using the adult's own words as soon as possible.
- Send a copy of your report to the Safeguarding Lead

It is important not to:

- Dismiss or ignore the concern.
- Panic or allow shock or distaste to show.
- Make negative comments about the alleged perpetrator.
- Make assumptions or speculate.
- Come to your own conclusions.
- Probe for more information than is offered.
- Promise to keep the information secret.
- Make promises that cannot be kept.
- Conduct an investigation of the case.
- Confront the person thought to be causing harm.
- Take sole responsibility.
- Tell everyone.

## Record keeping

- Complete a Safeguarding Adults Report Form and submit to the Safeguarding Lead without delay.
- Describe the circumstances in which the concern came about and what action you took/ advice you gave.
- It is important to distinguish between things that are facts, things that have been observed or over-heard and opinions, in order to ensure that information is as accurate as possible.
- If someone has told you about the harm or abuse, use the words the person themselves used. If someone has written to you (including by email, message) include a copy with the form.

**Be mindful of the need to be confidential at all times.** This information must only be shared with the Safeguarding Lead and others that have a need to know –e.g. to keep the person safe whilst waiting for action to be taken.

## Procedure for Safeguarding Lead

### Immediate response:

1. Ensure any immediate actions necessary to safeguard anyone at risk have been taken.

If the risk is said to be due to the behaviour of an employee or other person involved in the organisation/activities use the relevant procedures (e.g. breach of code of conduct, breach of contract, disciplinary or grievance procedures) to prevent that person making contact with the adult being harmed.

2. If you have been sent a Safeguarding Report Form check that you can understand what is written and that all the necessary parts have been completed.

If you are being contacted directly by a member of staff or a volunteer, request that they complete a Safeguarding Report Form if they have not already done so as soon as possible.

If the report is being made by the adult themselves or a member of the public fill in the report form yourself gaining the details from the person contacting you.

3. Inform, reassure, and advise the person making the report e.g. what to do/what not to do. Explain what will happen next. Reinforce the need for confidentiality.

4. Consider what is known about the situation, what the risks are, what is known of the views of the adult, whether they have given their consent to the report being made and whether they might be considered to be an 'adult at risk'.

Find out whether the person making the report believes the adult has the mental capacity to make decisions about what safeguarding actions they want to be taken (they are not expected to assess this, only provide their opinion).

Decide if you need to contact the adult to get more information, determine their wishes, or explain what actions you need to take.

5. Ensure that the adult has been given information about the process and what will happen next. Ensure that they have been provided with information about other organisations that can support them (see Appendix 1).

ONLY do this if you have a known safe way of contacting them.

6. Consult and decide

If necessary, consult with the Local Authority/the Police and decide which of the following actions need to be taken.

- a. Contact the police (where the crime took place) if:
  - i. a serious crime has been committed.
  - ii. a crime has been committed against someone without the mental capacity to contact the police themselves.
  - iii. the adult has asked you to make a report to the Police on their behalf because they are unable to themselves.

- b. Make a referral/report to the Local Authority Safeguarding Adults Team or Multi-Agency Safeguarding Hub (MASH) (where the adult lives) if you believe they may be an adult at risk  
AND
  - i. the adult appears not to have the mental capacity to make decisions about their own safety and well-being.
  - ii. the risk is from a person employed or volunteering in work with adults with care and support needs.
  - iii. there are other 'adults at risk' (e.g. another family member, another club member or other people using a service).
  - iv. the adult at risk lives in Wales or Northern Ireland (no consent required).
  - v. the adult at risk lives in England or Scotland and they have asked you to make a report or have given their informed consent to you making it. If a child is at risk you must also make a child safeguarding referral to the Local Authority. This includes all situations where there is domestic abuse within the household where the child lives.

If you are unsure whether or not to make a referral/report you can ask for advice by contacting the Local Authority Safeguarding Adults Team/Multi-agency Safeguarding Hub and discuss the situation with them without disclosing the identity of the adult or the person who may be causing harm

- 7. Use policy and procedures to stop harm within the organisation  
If the allegation is against a person involved in Magic Me in whatever capacity, inform the Director and Head of Operations. In the event that the allegation is against one of these staff then contact the Chair of the Board of Trustees.

Decide what policy and procedures the organisation will use to decide which actions will be taken e.g. breach of code of conduct, disciplinary procedures, breach of contract.

Agree what short term arrangements can be put in place to enable the adult, who may be being harmed, to be able to continue participating in the organisation's activities.

The arrangements made must respect the rights of the person who may be causing harm and must be consistent with the relevant policy and procedures.

- 8. If statutory agencies are involved, work together with them to agree the next steps. E.g. the Police may need to interview an employee before a disciplinary investigation is conducted.

Attend and contribute to any safeguarding adults strategy or case meetings that are called by the Local Authority.

If statutory agencies say that they will not be taking any action in relation to a referral this should not stop Magic Me taking internal steps to safeguard the adult e.g. the Police may decide not to pursue a criminal investigation where there is an allegation against an employee, but the organisation should still follow its disciplinary procedure.

- 9. Decide who in the organisation will maintain contact with the adult to consult with them, keep them informed and make sure they are receiving the support they need.

Unless advised not to by the Police or Local Authority, and only if there is a safe way to do so, contact the adult to let them know about the actions you have taken and the outcomes so far. Find out if the actions taken are working, what matters to them, what they would like to happen next and what outcomes they want to achieve.

10. Ensure records are complete and stored securely. Collate monitoring information, including feedback from the person who was at risk of harm and report to SLT and the People Committee as appropriate.

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# Safeguarding in projects

## Setting up and running projects

Projects need to be set up and run in a way which is safe, supportive and positive for all concerned. Whilst planning a project, Magic Me personnel and staff from partner organisations (e.g. teachers, activities organisers) need to pay particular attention to protection issues at all the key stages:

Setting up the project will include:

- Agreeing selection criteria (with partner organisations if they are involved) before people are invited to participate. This will need to be done very sensitively when working with some client groups, for example, people living with dementia, so that guidelines on acceptable behaviour are drawn up with the staff who know participants.
- Agreeing what level of staff supervision and support will be needed for the particular group of participants and ensuring this level is available.
- Ensuring that partner organisations understand that they must take responsibility for recruiting carefully from their own members or users, bearing in mind that young people may also be involved.
- Ensuring that partner organisations take responsibility for dealing with any issues that arise with their members or users as the project progresses.
- Considering any additional safeguarding measures (including behaviour codes, safe online practices) should any of the project be delivered online.

Preparing participants before they meet will include:

- For intergenerational work: working with young people on how to build safe relationships with strangers including older people, how to communicate with older adults, personal safety issues and comfort zones.
- Devising and agreeing rules for appropriate behaviour during the project which will include:
  - discussion about private and public spaces in the venues and which ones participants may go into or use;
  - and discussion about issues of confidentiality in relation to participants and supporting staff, including when it is right to break confidentiality.

Running and managing the project will include:

- Establishing ways of working which encourage and enable participants to raise with the group or leaders any concerns or discomforts they may have about the project or the older people.
- Establishing ways of working which encourage and enable artists and other staff to reflect on their own and one other's practice, building a thoughtful and critical approach to the work.

Projects are time limited. From the outset thought must be given to how a project will finish and how participants will say goodbye to one another, so that there is a sense of completion.

Magic Me cannot take responsibility for individual participants' safety or well-being once a project is over.

## Safeguarding checklist for Project Managers

1. Partnership working with other agencies
  - a. Letter of Roles and Responsibilities includes confirmation of arrangements for Safeguarding of Children, Adults and Adults at Risk, including:
    - i. Contact details for reporting concerns
    - ii. The vetting arrangements for any adults involved.
    - iii. Selection criteria and support for children involved, to ensure wellbeing E.g. when a child has very limited English, is disabled or has special needs.
      1. How this may relate to the particular group of adults selected.
    - iv. When working outside Tower Hamlets, contact details of LADO (the Local Area Designated Officer) and Safeguarding teams, including out of hours, are documented in the project Risk Assessment.
2. Risk Assessment
  - a. A Risk Assessment is done in liaison with partner staff e.g. teachers, and artists, so that all are aware of the reasons behind actions listed, using the agreed format. The Risk Assessment will include:
    - i. Assessing the roles of all those involved in the project, and what vetting of adults is required.
    - ii. The right proportion of staff to vulnerable adults for any given activity.
3. Vetting staff, freelance artists, volunteers, students and participants:
  - a. Where any person paid or unpaid will have regular contact with participants, as detailed in DBS guidance, then an Enhanced DBS check is done.
  - b. Until the DBS process is complete and their record found to be satisfactory by the designated safeguarding lead, they must be supervised by another member of staff when working with participants.
4. Artists and staff leading projects have included in the project plans:
  - a. Preparation of participants, including how to build safe relationships with each other, communication skills, personal safety and comfort zones
  - b. Agreeing a Group Agreement which covers appropriate behaviour during the project sessions; outside the project sessions and when the project ends.
  - c. A safe travel / walking route for a group who go out during project activities.
  - d. Establishing a time and way for participants to voice their feelings and any concerns about the project.
  - e. Referred to the Magic Me Artists Handbook for detailed guidance on best practice in creating a safe and supportive project environment.
  - f. A good ending for the project and guidance on safe behaviour afterwards.
5. Photographs and video
  - a. Have referred to Magic Me's Policy on use of Photographs, including websites.

# Supporting information

## Key Points

- There is a legal duty on Local Authorities to provide support to 'adults at risk'.
- Adults at risk are defined in legislation and the criteria applied differs between each home nation.
- The safeguarding legislation applies to all forms of abuse that harm a person's well-being.
- The law provides a framework for good practice in safeguarding that makes the overall well-being of the adult at risk a priority of any intervention.
- The law in all four home nations emphasises the importance of person-centred safeguarding, (referred to as 'Making Safeguarding Personal' in England).
- The law provides a framework for making decisions on behalf of adults who can't make decisions for themselves (Mental Capacity).
- The law provides a framework for organisations to share concerns they have about adults at risk with the local authority.
- The law provides a framework for all organisations to share information and cooperate to protect adults at risk.

## Safeguarding Adults Legislation

Safeguarding Adults in all home nations is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018

The practices and procedures within this policy are based on the relevant legislation and government guidance.

- England - The Care Act 2014  
Care and Support Statutory Guidance (especially chapter 14) 2014
- Wales - Social Services and Well Being Act 2014  
Wales Safeguarding Procedures 2019
- Scotland - Adult Support and Protection Act 2007  
Adult Support and Protection (Scotland) Act 2007 Code of Practice 2014
- Northern Ireland - Adult Safeguarding Prevention and Protection in Partnership 2015

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

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

Each home nation also has legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- England and Wales - Mental Capacity Act 2005
- Scotland - Adults with Incapacity Act 2000
- Mental Capacity (Northern Ireland) 2016



- There are specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer: e.g. wilful neglect and wilful mistreatment.

## Definition of an Adult at Risk

The Safeguarding Adults legislation creates specific responsibilities on Local Authorities, Health, and the Police to provide additional protection from abuse and neglect to Adults at Risk.

When a Local Authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult. In Scotland and Wales, the Local Authority can gain access to an adult to find out if they are at risk of harm for example, if that access is being blocked by another person.

The actions that need to be taken might be by the Local Authority (usually social services) and/or by other agencies, for example the Police and Health. An organisation may need to take action as part of safeguarding an adult, for example, to use the disciplinary procedures in relation to a member of staff or member who has been reported to be harming a participant. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

**An adult at risk is** an individual aged 18 years and over who:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs) AND;
- (b) is experiencing, or at risk of, abuse or neglect, AND;
- (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

England (Care Act 2014)

## Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all of the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

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

- Physical
- Sexual
- Psychological
- Neglect
- Financial

Abuse can take place in any relationship and there are many contexts in which abuse might take place; e.g. Institutional abuse, Domestic Abuse, Forced Marriage, Human Trafficking, Modern Slavery, Sexual Exploitation, County Lines, Radicalisation, Hate Crime, Mate Crime, Cyber bullying, Scams. Some of these are named specifically within home nation legislations.

Abuse can take place within an arts context and the person causing harm might be any other person. For example: a member of staff, a coach, a volunteer, a participant or a fan. Some examples of abuse include:



- Harassment of a participant because of their (perceived) disability or other protected characteristics.
- Not meeting the needs of the participant e.g. running sessions without a necessary break.
- Someone who sends unwanted sexually explicit text messages to a participant with learning disabilities.
- A participant threatens another participant with physical harm

Abuse or neglect outside of workshop could be carried out by:

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

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

The **England Care Act 2014** defines categories of adult abuse and harm as follows.

- Physical
- Sexual
- Emotional/Psychological/Mental
- Neglect and acts of Omission
- Financial or material abuse
- Discriminatory
- Organisational / Institutional
- Self-neglect
- Domestic Abuse (including coercive control)
- Modern slavery

## Signs and Indicators of Abuse and Neglect

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

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

- Unexplained bruises or injuries – or lack of medical attention when an injury is present.
- Person has belongings or money going missing.
- Person is not attending / no longer enjoying their sessions. You may notice that a participant in a team has been missing from practice sessions and is not responding to reminders from team members or coaches.
- Someone losing or gaining weight / an unkempt appearance or a deterioration in hygiene.
- A change in the behaviour or confidence of a person. For example, a participant may be looking quiet and withdrawn when their brother comes to collect them from sessions in contrast to their personal assistant whom they greet with a smile.
- Self-harm.
- A fear of a particular group of people or individual.
- A parent/carer always speaks for the person and doesn't allow them to make their own choices
- They may tell you / another person they are being abused – i.e. a disclosure

## Wellbeing Principle

The concept of 'well-being' is threaded throughout UK legislation and is part of the Law about how health and social care is provided. Our well-being includes our mental and physical health, our relationships, our connection with our communities and our contribution to society.

Being able to live free from abuse and neglect is a key element of well-being.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For example, removing an adult at risk from their own home when there were other ways of preventing harm. In the words of Justice Mumby *'What good is it making someone safe when we merely make them miserable?'* What Price Dignity? (2010)

For that reason any actions taken to safeguard an adult must take their whole well-being into account and be proportionate to the risk of harm.

## Person Centred Safeguarding/ Making Safeguarding Personal

The legislation also recognises that adults make choices that may mean that one part of our well-being suffers at the expense of another – for example we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner living with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand 'What matters' to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding'/'Making Safeguarding Personal' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, well-being and safety. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).

### The Principles of Adult Safeguarding in England (Care Act 2014) are as follows:

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

## Mental Capacity and Decision Making

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

The Law says that to make a decision we need to:

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

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Most adults have the ability to make their own decisions given the right support however, some adults with care and support needs have the experience of other people making decisions about them and for them.

Where Magic Me works directly with participants it is very unlikely that they will be lacking in mental capacity or unable to make their own decisions. Should it be considered that a participant may be unable to make a decision for themselves then this should be referred to the Safeguarding Lead.

In the environments where Magic Me staff, artists or volunteers, are likely to engage with participants who require support to make their own decisions (such as care homes) then discussions with the participant will be held in conjunction with another member of staff while remaining in line with all other safeguarding principles (i.e. the conversation would not involve a member of staff against whom an allegation may have been raised).

## Recording and Information Sharing

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse. Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation
- Case management meetings can take place to agree to coordinate actions by the organisation

There are also many situations in which it is legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are overriding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk.
- you believe they or someone else is at risk, including children.
- you believe the adult is being coerced or is under duress.
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- the adult does not have mental capacity to consent to information being shared about them.
- the person causing harm has care and support needs.
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the Local Authority).

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information, seek advice e.g. seek legal advice and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with the reasons to share or not share information.

## Multi-Agency Working

Safeguarding adults' legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations.

Magic Me may need to cooperate with the Local Authority and the Police including to:

- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals e.g. Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.
- Provide a safe environment for the adult to continue their activity/ their role in the organisation.

## Appendix 1 – Sources of Information and Support

### **Tower Hamlets Adult Safeguarding Board**

If you think you or someone you know is being abused or neglected, you should call the Tower Hamlets Connect helpline Team on 0300 303 6070 and follow up by email to [enquiry@towerhamletsconnect.org](mailto:enquiry@towerhamletsconnect.org).

Link to the Tower Hamlets Adult Safeguarding Board [here](#).

### **Action on Elder Abuse**

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research and collecting and disseminating information.

Tel: [020 8765 7000](tel:02087657000)

Email: [enquiries@elderabuse.org.uk](mailto:enquiries@elderabuse.org.uk)

[www.elderabuse.org.uk](http://www.elderabuse.org.uk)

### **Ann Craft Trust (ACT)**

A national organisation providing information and advice about adult safeguarding. ACT have a specialist Safeguarding Adults in Sport and Activity team to support the sector

Tel: 0115 951 5400

Email: [Ann-Craft-Trust@nottingham.ac.uk](mailto:Ann-Craft-Trust@nottingham.ac.uk)

[www.anncrafttrust.org](http://www.anncrafttrust.org)

### **Men's Advice Line**

For male domestic abuse survivors

Tel: 0808 801 0327

### **National LGBT+ Domestic Abuse Helpline**

Tel: 0800 999 5428

### **National 24Hour Freephone Domestic Abuse Helpline England:**

Tel: 0808 2000 247

[www.nationaldahelpline.org.uk/Contact-us](http://www.nationaldahelpline.org.uk/Contact-us)

### **Rape Crisis Federation of England and Wales**

Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.

Email: [info@rapecrisis.co.uk](mailto:info@rapecrisis.co.uk)

[www.rapecrisis.co.uk](http://www.rapecrisis.co.uk)

### **Respond**

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

Tel: [020 7383 0700](tel:02073830700) or

[0808 808 0700](tel:08088080700) (Helpline)

Email: [services@respond.org.uk](mailto:services@respond.org.uk)

[www.respond.org.uk](http://www.respond.org.uk)

### **Stop Hate Crime**

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

24 hours service:

Telephone: 0800 138 1625

Web Chat: [www.stophateuk.org/talk-to-us/](http://www.stophateuk.org/talk-to-us/)

E mail: [talk@stophateuk.org](mailto:talk@stophateuk.org)

Text: 07717 989 025

Text relay: 18001 0800 138 1625

By post: PO Box 851, Leeds LS1 9QS

### **Susy Lamplugh Trust**

The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological.

[Tel: 020 83921839](tel:02083921839)

[Fax: 020 8392 1830](tel:02083921830)

Email: [info@suzylamplugh.org](mailto:info@suzylamplugh.org)

[www.suzylamplugh.org](http://www.suzylamplugh.org)

### **Victim Support**

Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.

Tel: 0808 168 9111

[www.victimsupport.com](http://www.victimsupport.com)

### **Women's Aid Federation of England and Wales**

Women's Aid is a national domestic violence charity. It also runs a domestic violence online help service.

[www.womensaid.org.uk/information-support](http://www.womensaid.org.uk/information-support)