

**Minehead and Coast Development Trust**  
**Safeguarding Adults and Children Policy**



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Review by: 12/05/2023

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Date: 12/05/2022

Staff, volunteers, or other individuals identifying possible abuse must report the allegation to:

Designated safeguarding lead: Zara Aitken

### **Introduction**

Minehead and Coast Development Trust is committed to creating and maintaining a safe and positive environment and accepts our responsibility to safeguard the welfare of all adults and children involved in all activities in accordance with the Care Act 2014.

Minehead and Coast Development Trust's safeguarding policy and procedures apply to all individuals involved with Minehead and Coast Development Trust be they members of staff, trustees, or volunteers.

Minehead and Coast Development Trust will encourage and support partner organisations to adopt and demonstrate their commitment to the principles and practice of equality as set out in this safeguarding adults policy and procedures.

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## Principles

The guidance given in the policy and procedures is based on the following principles:

- All, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation, marital or gender status have the right to be protected from abuse and poor practice and to participate in an enjoyable and safe environment.
- Minehead and Coast Development Trust will seek to ensure that our activities are inclusive and make reasonable adjustments for any ability, disability or impairment, we will also commit to continuous development, monitoring and review.
- The rights, dignity and worth of all individuals will always be respected.
- We recognise that ability and disability can change over time, such that some individuals may be additionally vulnerable to abuse, in particular those individuals with care and support needs
- We all have a shared responsibility to ensure the safety and well-being of all adults and children and will act appropriately and report concerns whether these concerns arise within Minehead and Coast Development Trust or, for example, inappropriate behaviour between trustees, employees and others, or in the wider community.
- All allegations will be taken seriously and responded to quickly in line with Minehead and Coast Development Trust's Safeguarding Policy and Procedures.
- Minehead and Coast Development Trust recognises the role and responsibilities of the statutory agencies in safeguarding adults and children and is committed to complying with the procedures of the Local Safeguarding Adults Boards.

## The Six Principles of Safeguarding

The Care Act 2014 sets out the following principles that should underpin safeguarding:

- **Empowerment** - People being supported and encouraged to make their own decisions and informed consent.  
"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** – The least intrusive response appropriate to the risk presented  
"I am sure that the professionals will work in my interest, 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 and with me 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.”

## Making Safeguarding Personal

‘Making safeguarding personal’ means that safeguarding should be person led and outcome focussed. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice, and control. As well as improving quality of life, wellbeing, and safety.

Wherever possible discuss safeguarding concerns with the individual to get their view of what they would like to happen and keep them involved in the safeguarding process, seeking their consent to share information outside of the organisation where necessary.

## Wellbeing Principle

The concept of wellbeing is threaded throughout the Care Act. Wellbeing is different for each of us however the Act sets out broad categories that contribute to our sense of wellbeing. By keeping these themes in mind, we can all ensure that adult participants can take part in Minehead and Coast Development Trust activities fully.

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional wellbeing
- Protection from abuse and neglect
- Control by the individual over their day-to-day life (including over care and support provided and the way they are provided)
- Participation in work, education, training or recreation
- Social and economic wellbeing
- Domestic, family and personal domains
- Suitability of the individual’s living accommodation
- The individual’s contribution to society.

## Legislation

The practices and procedures within this policy are based on the principles contained within the UK legislation and Government Guidance and have been developed to complement the Safeguarding Boards policy and procedures. They take the following into consideration:

- The Care Act 2014
- The Protection of Freedoms Act 2012
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- The Equality Act 2010
- The Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Sexual Offences Act 2003
- The Human Rights Act 1998

- The Data Protection Act 1998

## Definitions

To assist working through and understanding this policy a number of key definitions need to be explained:

**Adult** is anyone aged 18 or over.

**Child** is anyone aged under 18.

**Adult / Child at Risk** is a person who:

- has needs for care and support (whether or not the local authority is meeting any of those needs);  
and;
- is experiencing, or is 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 of, or the experience of, abuse or neglect.

**Being in need of care and support** is determined by a range of factors including personal characteristics, factors associated with their situation or environment and social factors. Naturally, a person's disability or frailty does not mean that they will inevitably experience harm or abuse.

In the context of safeguarding adults, the likelihood of an adult in need of care and support experiencing harm or abuse should be determined by considering a range of social, environmental and clinical factors, not merely because they may be defined by one or more of the above descriptors. In recent years there has been a marked shift away from using the term 'vulnerable' to describe adults potentially at risk from harm or abuse.

**Abuse** is a violation of an individual's human and civil rights by another person or persons.

**Adult safeguarding** is protecting a person's right to live in safety, free from abuse and neglect.

**Capacity** refers to the ability to make a decision at a particular time, for example when under considerable stress. The starting assumption must always be that a person has the capacity to make a decision unless it can be established that they lack capacity (MCA 2005). For further information see Appendix 2.

## Types of Abuse and Neglect

There are different types and patterns of abuse and neglect and different circumstances in which they may take place. The Care Act 2014 identifies the following as an illustrative guide and is not intended to be exhaustive list as to the sort of behaviour which could give rise to a safeguarding concern.

**Self-neglect** – This covers a wide range of behaviour: neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

**Modern slavery** – Encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

**Domestic abuse and coercive control** – Including psychological, physical, sexual, financial and emotional abuse. It also includes so called 'honour' based violence. It can occur between any family members.

**Discriminatory abuse** – Discrimination is abuse which centres on a difference or perceived difference particularly with respect to race, gender or disability or any of the protected characteristics of the Equality Act.

**Organisational abuse** – Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to ongoing ill treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

**Physical abuse** – Including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

**Sexual abuse** – Including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

**Financial or material abuse** – Including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**Neglect** – Including ignoring medical or physical care needs, failure to provide access to appropriate health social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

**Emotional or psychological abuse** – This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

**Not included in the Care Act 2014 but also relevant:**

**Cyber Bullying** – Cyber bullying occurs when someone repeatedly makes fun of another person online or repeatedly picks on another person through emails or text messages, or uses online forums with the intention of harming, damaging, humiliating, or isolating another person. It can be used to carry out many different types of bullying (such as racist bullying,

homophobic bullying, or bullying related to special educational needs and disabilities) but instead of the perpetrator carrying out the bullying face-to-face, they use technology as a means to do it.

**Forced Marriage** – Forced marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of a third party in identifying a spouse. The Anti-social Behaviour, Crime and Policing Act 2014 make it a criminal offence to force someone to marry. The forced marriage of adults with learning disabilities occurs when the adult does not have the capacity to consent to the marriage.

**Mate Crime** – A 'mate crime' as defined by the Safety Net Project as 'when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act but still has a negative effect on the individual.' Mate crime is carried out by someone the adult knows and often happens in private. In recent years there have been a number of Serious Case Reviews relating to people with a learning disability who were murdered or seriously harmed by people who purported to be their friend.

**Radicalisation** – The aim of radicalisation is to attract people to their reasoning, inspire new recruits and embed their extreme views and persuade vulnerable individuals of the legitimacy of their cause. This may be direct through a relationship, or through social media.

## Signs and Indicators of Abuse and Neglect

Abuse can take place in any context and by all manner of perpetrator. Abuse may be inflicted by anyone in the Trust who a person comes into contact with. Or Minehead and Coast Development Trust trustees and staff may suspect that an individual is being abused or neglected outside of the work/course setting. There are many signs and indicators that may suggest someone is being abused or neglected, these 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.
- Someone losing or gaining weight / an unkempt appearance. This could be someone whose appearance becomes unkempt, does not wear appropriate clothing, and has a deterioration in hygiene.
- A change in the behaviour or confidence of a person. For example, someone may be looking quiet and withdrawn when speaking with a specific individual, in contrast to others whom they greet with a smile.
- They may self-harm.
- They may have a fear of a particular group or individual.
- They may tell you / another person they are being abused – i.e., a disclosure.
- Not meeting the needs of the individual.
- A member of staff intentionally striking an individual.
- This could be an individual who sends unwanted sexually explicit text messages to a learning-disabled adult.

- This could be an individual threatening another with physical harm and persistently blaming them for poor performance in the workplace or during an event.

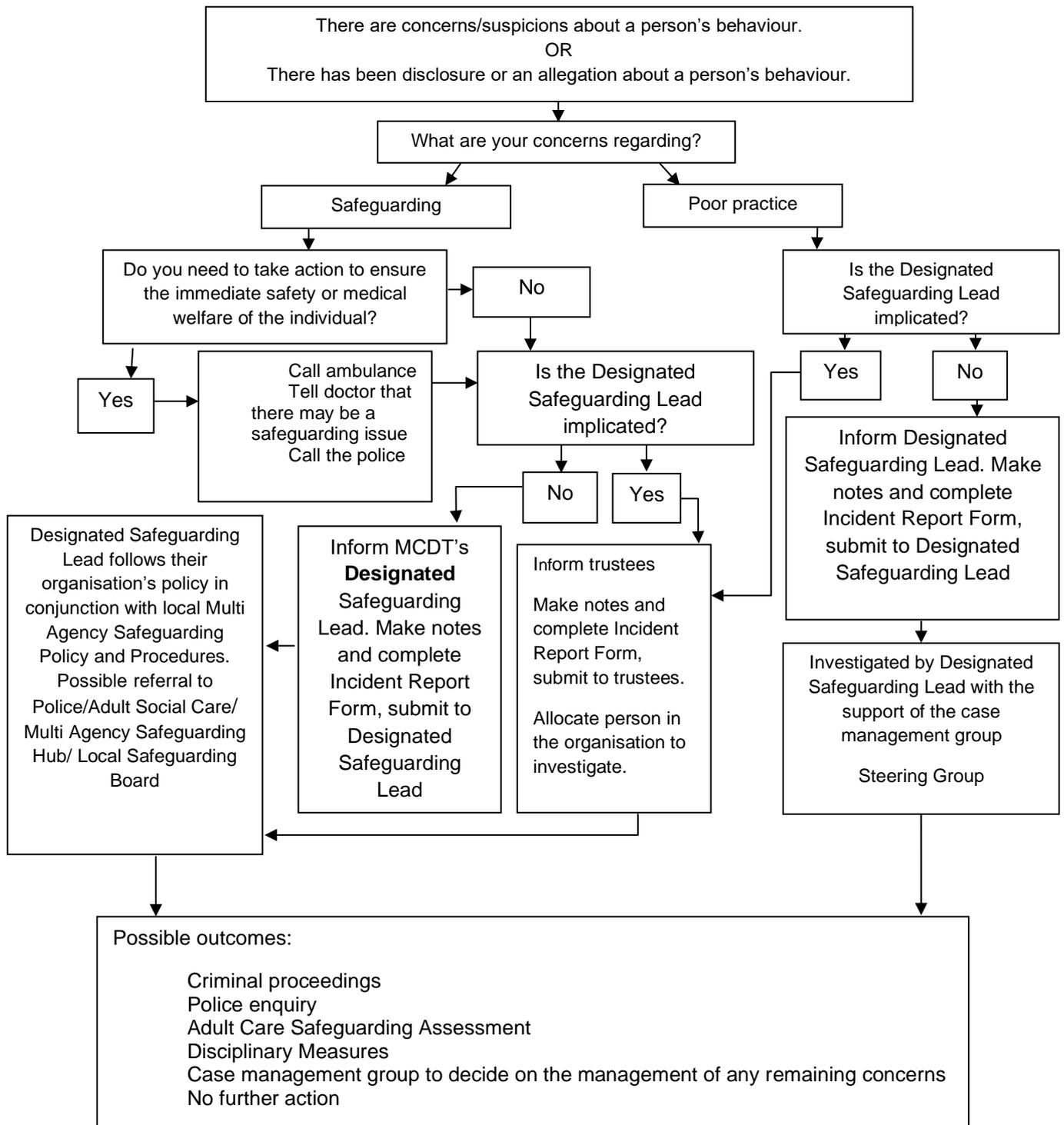
## What To Do if You Have a Concern or Someone Raises Concerns with You

- It is not your responsibility to decide whether or not an individual has been abused. It is however everyone's responsibility to respond to and report concerns.
- If you are concerned someone is in immediate danger, contact the police on 999 straight away. Where you suspect that a crime is being committed, you must involve the police.
- If you have concerns and/or you are told about possible or alleged abuse, poor practice or wider welfare issues you must report this to the Minehead and Coast Development Trust's Designated Safeguarding Lead, or, if the DSL is implicated then report to another trustee.
- When raising your concern with the DSL, remember Making Safeguarding Personal. It is good practice to seek the adult's views on what they would like to happen next and to inform the adult you will be passing on your concern.
- It is important when considering your concern that you also ensure that you keep the person informed about any decisions and action taken about them and always consider their needs and wishes.

## How to Respond to a Concern

- Make a note of your concerns.
- Make a note of what the person has said using his or her own words as soon as practicable. Complete an Incident Form and submit to Minehead and Coast Development Trust's DSL or another trustee.
- Remember to make safeguarding personal. Discuss your safeguarding concerns with the adult, obtain their view of what they would like to happen, but inform them it's your duty to pass on your concerns to DSL.
- Describe the circumstances in which the disclosure came about.
- Take care to distinguish between fact, observation, allegation and opinion. It is important that the information you have is accurate.
- Be mindful of the need to be confidential at all times, this information must only be shared with your Designated Safeguarding Lead and others on a need-to-know basis.
- If the matter is urgent and relates to the immediate safety of an adult at risk, then contact the emergency services immediately.

# Safeguarding Flowchart



**Remember to involve the individual at risk throughout the process wherever possible and gain consent for any referrals to social care if the person has capacity**

# Roles and Responsibilities for Those Within Minehead and Coast Development Trust

Minehead and Coast Development Trust is committed to having the following in place:

- Designated Safeguarding Lead to produce and disseminate guidance and resources to support the policy and procedures.
- A clear line of accountability within the organisation for work on promoting the welfare of all adults.
- Procedures for dealing with allegations of abuse or poor practice against members of staff and volunteers.
- A Steering Group or Case Management or Case Referral Group that effectively deals with issues, manages concerns and refers to a disciplinary panel where necessary (i.e., where concerns arise about the behaviour of someone within or linked to Minehead and Coast Development Trust).
- A Disciplinary Panel will be formed as required for a given incident, if appropriate and should a threshold be met.
- Arrangements to work effectively with other organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.
- Appropriate whistle blowing procedures and an open and inclusive culture that enables safeguarding and equality and diversity issues to be addressed.
- Clear codes of conduct are in place for staff, trustees, volunteers and other relevant individuals.

## Good Practice, Poor Practice and Abuse

### Introduction

It can be difficult to distinguish poor practice from abuse, whether intentional or accidental. It is not the responsibility of any individual involved in Minehead and Coast Development Trust to make judgements regarding whether or not abuse is taking place, however, all Minehead and Coast Development Trust personnel have the responsibility to recognise and identify poor practice and potential abuse, and act on this if they have concerns.

### Good practice

Minehead and Coast Development Trust expects that staff and trustees:

- Adopt and endorse the Minehead and Coast Development Trust Code of Conduct.

Everyone should:

- Aim to make the experience of working with Minehead and Coast Development Trust professional, inspirational and enjoyable.

- Not tolerate the use of prohibited or illegal substances.
- Treat all adults equally and preserve their dignity.

## Safeguarding Children

### **Minehead and Coast Development Trust's Safeguarding Children Policy and Procedures**

In addition to the policy and procedure detailed above, there are specific considerations and measures for the effective safeguarding of those under 18 years of age.

Minehead and Coast Development Trust acknowledges the duty of care to safeguard and promote the welfare of children (those under 18 years of age) and is committed to ensuring safeguarding practice reflects statutory responsibilities, government guidance and complies with best practice of National Governing Body requirements.

This policy recognises that the welfare and interests of children are paramount in all circumstances. It aims to ensure that regardless of age, ability/disability, gender reassignment, race, religion or belief, sex or sexual orientation, socio-economic background, all children:

- have a positive and enjoyable experience at Minehead and Coast Development Trust sponsored events and activities in a safe and child centred environment
- are protected from abuse whilst participating in events and/or activities or outside of the activity.

Minehead and Coast Development Trust acknowledges that some children, including disabled children and young people or those from ethnic minority communities, can be particularly vulnerable to abuse and we accept the responsibility to take reasonable and appropriate steps to ensure their welfare.

As part of our safeguarding policy Minehead and Coast Development Trust will:

- promote and prioritise the safety and wellbeing of children and young people
- ensure everyone understands their roles and responsibilities in respect of safeguarding and is provided with appropriate learning opportunities to recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children and young people
- ensure appropriate action is taken in the event of incidents/concerns of abuse and support provided to the individual/s who raise or disclose the concern
- ensure that confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored
- prevent the employment/deployment of unsuitable individuals
- ensure robust safeguarding arrangements and procedures are in operation.

The policy and procedures will be widely promoted and are mandatory for everyone involved in Minehead and Coast Development Trust's business and activities. Failure to comply with

the policy and procedures will be addressed without delay and may ultimately result in dismissal from the organisation.

## Monitoring

The policy will be reviewed a year after development and then every three years, or in the following circumstances:

- changes in legislation and/or government guidance
- as required by the Local Safeguarding Children's Board
- as a result of any other significant change or event.

## Safer Recruitment

### Statement

Minehead and Coast Development Trust is committed to safeguarding and ensuring the welfare of children, young people and vulnerable adults and expects all employees, trustees and volunteers to share this commitment.

The suitability of all prospective employees, trustees or volunteers will be assessed during the recruitment process in line with this commitment.

### Aims and Objectives

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of Minehead and Coast Development Trust's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position.
- to ensure that all job applicants are considered equally and consistently.
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.
- to ensure compliance with all relevant legislation, recommendations and guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that Minehead and Coast Development Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees and trustees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

## DBS (Disclosure and Barring Service) Check

It is Minehead and Coast Development Trust's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is Minehead and Coast Development Trust policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than three months (i.e. maternity leave, career break etc) must be re-checked before they return back to work. Members of staff are aware of their obligation to inform the Directors or General Manager of any cautions or convictions that arise between these checks taking place. DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

### Dealing with convictions

Minehead and Coast Development Trust operates a formal procedure if a DBS certificate is returned with details of convictions.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Trustees. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Directors will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, Minehead and Coast Development Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### Promotion of the policy

This policy is public and is shared with employers and volunteers on first engagement and is referenced and promoted on Minehead and Coast Development Trust's website.

## Further Information

Policies, procedures and supporting information are available on the Minehead and Coast Development Trust's website: <https://www.mineheadandcoast.org.uk/>

Designated Safeguarding Lead:

Zara Aitken

E: [zara@mineheadandcoast.org.uk](mailto:zara@mineheadandcoast.org.uk)

# Appendix 1

## Incident Report Form

		<h3>Safeguarding Concern Form</h3>	
<p>Use this form to record any safeguarding concern, however trivial. Forward it <b>immediately</b> to the Designated Safeguard Leads (DSL). Answer every question; continue on a blank sheet if necessary.</p>			
<b>Report ref no.</b> (DSL to complete)			
<b>Details of person at risk</b>			
Name of person		DOB:	
Address			
<b>About You (the person filling in this form)</b>			
Your name		Job title	
		Date	
<b>About the safeguarding concern</b>			
If this incident/concern has also been reported on an Incident/Accident Report, attach the report.			
Are you reporting your own concern or one raised by someone else?			
If you are raising a concern made by someone else, please provide their full name, status and contact details			

<p>Please provide details of the concern you have including dates, times, descriptions of events, full names and whether the information is first hand or the accounts of others</p> <p><b>Note: If you have already reported this information on an Incident/ Accident Report, simply write 'See attached Inc/Acc form.</b></p>	
<p>The person at risk's account (if applicable). <b>Include what they want the outcome to be</b></p>	
<p>Provide details of the person causing harm (if known)</p>	
<p>Provide details of any witnesses to the concern</p>	
<p>Provide details of any previous incidents or concerns relating to this person (if known)</p>	
<p><b>Actions:</b> Please state the immediate actions you took in response to the concern:</p>	

**Note: If you have already reported this information on an Incident/Accident Report, simply write 'See Inc/Acc Report'**

**People contacted**

*You must pass this form **immediately** to the Designated Safeguarding Leads (DSL). The DSL will then inform external people as necessary. You should only contact people outside Minehead and Coast Development Trust to deal with an immediate emergency (for example, police or ambulance service).*

**Give details below of any people outside Minehead and Coast Development Trust that you have communicated this concern to – give name, position, contact details, and the date and time that you contacted them:**

**Declaration:** I have completed all sections of this form to the best of my knowledge

Signature

## Appendix 2

### Guidance and Information

#### **Making Safeguarding Personal**

There has been a cultural shift towards Making Safeguarding Personal within the safeguarding process. This is a move from prioritising outcomes demanded by bureaucratic systems. The safeguarding process used to involve gathering a detailed account of what happened and determining who did what to whom. Now the outcomes are defined by the person at the centre of the safeguarding process.

The safeguarding process places a stronger emphasis on achieving satisfactory outcomes that take into account the individual choices and requirements of everyone involved. “What good is it making someone safer if it merely makes them miserable?” – Lord Justice Mundy, “What Price Dignity?” (2010)

What this means in practice is that adults should be more involved in the safeguarding process. Their views, wishes, feelings and beliefs must be taken into account when decisions are made.

The Care Act 2014 builds on the concept, stating that “We all have different preferences, histories, circumstances and lifestyles so it is unhelpful to prescribe a process that must be followed whenever a concern is raised.”

However, the Act is also clear that there are key issues that should be taken into account when abuse or neglect are suspected, and that there should be clear guidelines regarding this.

<https://www.local.gov.uk/topics/social-care-health-and-integration/adult-social-care/making-safeguarding-personal>

#### Capacity – Guidance on Making Decisions

The issue of capacity or decision making is a key one in safeguarding adults. It is useful for organisations to have an overview of the concept of capacity.

We make many decisions every day, often without realising. We make so many decisions that it's easy to take this ability for granted.

But some people are only able to make some decisions, and a small number of people cannot make any decisions. Being unable to make a decision is called “lacking capacity”.

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 like learning disability, dementia, mental health needs, acquired brain injury, and physical ill health.

The Mental Capacity Act 2005 (MCA) states that every individual has the right to make their own decisions and provides the framework for this to happen.

The MCA is about making sure that people over the age of 16 have the support they need to make as many decisions as possible.

The MCA also protects people who need family, friends, or paid support staff to make decisions for them because they lack capacity to make specific decisions.

Our ability to make decisions can change over the course of a day.

Here are some examples that demonstrate how the timing of a question can affect the response:

- A person with epilepsy may not be able to make a decision following a seizure.
- Someone who is anxious may not be able to make a decision at that point.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

In each of these examples, it may appear as though the person cannot make a decision. But later in the day, presented with the same decision, they may be able to at least be involved. The MCA recognises that capacity is decision-specific, so no one will be labelled as entirely lacking capacity. The MCA also recognises that decisions can be about big life-changing events, such as where to live, but equally about small events, such as what to wear on a cold day.

To help you to understand the MCA, consider the following five points:

- Assume that people are able to make decisions, unless it is shown that they are not. If you have concerns about a person's level of understanding, you should check this with them, and if applicable, with the people supporting them.
- Give people as much support as they need to make decisions. You may be involved in this – you might need to think about the way you communicate or provide information, and you may be asked your opinion.
- People have the right to make unwise decisions. The important thing is that they understand the implications. If they understand the implications, consider how risks might be minimised.
- If someone is not able to make a decision, then the person helping them must only make decisions in their "best interests". This means that the decision must be what is best for the person, not for anyone else. If someone was making a decision on your behalf, you would want it to reflect the decision you would make if you were able to.

- Find the least restrictive way of doing what needs to be done.

Remember:

- You should not discriminate or make assumptions about someone's ability to make decisions, and you should not pre-empt a best-interest's decision merely on the basis of a person's age, appearance, condition, or behaviour.
- When it comes to decision-making, you could be involved in a minor way, or asked to provide more detail. The way you provide information might influence a person's ultimate decision. A person may be receiving support that is not in-line with the MCA, so you must be prepared to address this.

## Consent and Information Sharing

Workers and volunteers within charitable organisations should always share safeguarding concerns in line with their organisation's policy, usually with their safeguarding lead or welfare officer in the first instance, except in emergency situations. As long as it does not increase the risk to the individual, the worker or volunteer should explain to them that it is their duty to share their concern with their safeguarding lead or welfare officer.

The safeguarding lead or welfare officer will then consider the situation and plan the actions that need to be taken, in conjunction with the adult at risk and in line with the organisation's policy and procedures and local safeguarding adults board policy and procedures.

To make an adult safeguarding referral you need to call the local safeguarding adults team. This may be part of a MASH (Multi-Agency Safeguarding Hub). A conversation can be had with the safeguarding adults team without disclosing the identity of the person in the first instance. If it is thought that a referral needs to be made to the safeguarding adults team, consent should be sought where possible from the adult at risk.

Individuals may not give their consent to the sharing of safeguarding information with the safeguarding adult's team for a number of reasons. Reassurance, appropriate support and revisiting the issues at another time may help to change their view on whether it is best to share information.

If they still do not consent, then their wishes should usually be respected. However, there are circumstances where information can be shared without consent such as when the adult does not have the capacity to consent, it is in the public interest because it may affect other people or a serious crime has been committed. This should always be discussed with your safeguarding lead and the local authority safeguarding adults team.

If someone does not want you to share information outside of the organisation or you do not have consent to share the information, ask yourself the following questions:

- Is the adult placing themselves at further risk of harm?
- Is someone else likely to get hurt?

- Has a criminal offence occurred? This includes: theft or burglary of items, physical abuse, sexual abuse, forced to give extra money for lessons (financial abuse) or harassment.
- Is there suspicion that a crime has occurred?

If the answer to any of the questions above is 'yes' - then you can share without consent and need to share the information.

When sharing information there are seven Golden Rules that should always be followed.

1. Seek advice if in any doubt
2. Be transparent - The Data Protection Act (DPA) is not a barrier to sharing information but to ensure that personal information is shared appropriately; except in circumstances where by doing so places the person at significant risk of harm.
3. Consider the public interest - Base all decisions to share information on the safety and well-being of that person or others that may be affected by their actions.
4. Share with consent where appropriate - Where possible, respond to the wishes of those who do not consent to share confidential information. You may still share information without consent, if this is in the public interest.
5. Keep a record - Record your decision and reasons to share or not share information.
6. Accurate, necessary, proportionate, relevant and secure - Ensure all information shared is accurate, up-to-date; necessary and share with only those who need to have it.
7. Remember the purpose of the Data Protection Act (DPA) is to ensure personal information is shared appropriately, except in circumstances where by doing so may place the person or others at significant harm.

## Appendix 3

### Legislation and Government Initiatives

#### **Sexual Offences Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

The Sexual Offences Act introduced a number of new offences concerning vulnerable adults and children. [www.opsi.gov.uk](http://www.opsi.gov.uk)

#### **Mental Capacity Act 2005**

<http://www.legislation.gov.uk/ukpga/2005/9/introduction>

Its general principle is that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, that anything done for or on behalf of people without capacity must be in their best interests and there should be least restrictive intervention. [www.dca.gov.uk](http://www.dca.gov.uk)

#### **Safeguarding Vulnerable Groups Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Introduced the new Vetting and Barring Scheme and the role of the Independent Safeguarding Authority. The Act places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance. [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **Deprivation of Liberty Safeguards**

<https://www.gov.uk/government/collections/dh-mental-capacity-act-2005-deprivation-of-liberty-safeguards>

Introduced into the Mental Capacity Act 2005 and came into force in April 2009. Designed to provide appropriate safeguards for vulnerable people who have a mental disorder and lack the capacity to consent to the arrangements made for their care or treatment, and who may be deprived of their liberty in their best interests in order to protect them from harm.

### **Disclosure & Barring Service 2013**

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Criminal record checks: guidance for employers - How employers or organisations can request criminal records checks on potential employees from the Disclosure and Barring Service (DBS). [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

### **The Care Act 2014 – statutory guidance**

<http://www.legislation.gov.uk/ukpga/2014/23/introduction/enacted>

The Care Act introduces new responsibilities for local authorities. It also has major implications for adult care and support providers, people who use services, carers and advocates. It replaces No Secrets and puts adult safeguarding on a statutory footing.

### **Making Safeguarding Personal Guide 2014**

<http://www.local.gov.uk/documents/10180/5852661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>

This guide is intended to support councils and their partners to develop outcomes-focused, person-centred safeguarding practice.