



Policy Name:	Safeguarding Adults Policy and Procedure (England & Wales)
Purpose	The purpose of this policy is: The MS Society is committed to safeguarding and promoting the welfare of all who use its services regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that we have a particular responsibility to ensure that adults who may be at risk are protected.
Region	England & Wales
Scope	MS Society staff and volunteers
Lead Officer	Quality & Safeguarding Lead
Responsible Directors	Executive Director of Digital and Services
Key Consultation	Executive Director Digital and Services Safeguarding Oversight group
Approver	Board of Trustees
Last Review Date	December 2020
Review Cycle	Annually unless circumstances dictate an earlier review is required
Key Words	Safeguarding Vulnerable Harm Abuse

MS Society Safeguarding Adults Policy and Procedure (England and Wales)

Safeguarding Adults Policy

1 Purpose and scope

1.1 The MS Society is committed to safeguarding and promoting the welfare of all who use its services regardless of gender, race, disability, sexual orientation, religion/beliefs, whether pregnant or undergoing gender reassignment. We recognise that we have a particular responsibility to ensure that adults who may be at risk are protected.

1.2 Policy objectives

The objectives of this policy and procedure are to:

- contribute to the successful achievement of the MS Society's aims and excellent standards of service for people affected by MS
- ensure that adults who may be at risk and who are in contact with the MS Society are protected effectively from abuse/harm
- ensure all the Society's beneficiaries are protected from harm
- provide a clear framework for action whenever abuse is disclosed or suspected
- ensure all MS Society staff and volunteers are clear about their responsibilities
- ensure the MS Society complies with best practice in this area
- give an assurance to all staff, volunteers and beneficiaries of the Society that all concerns or allegations of abuse will be taken seriously by the Society's trustees and responded to in an appropriate manner.

1.3 This policy and procedure applies to all MS Society trustees, staff and volunteers not just those working directly with service users. This policy which has been approved and endorsed by the board of trustees is for staff, trustees and volunteers in **England and Wales**. Please see our Safeguarding Adults policies for Scotland and Northern Ireland.

1.4 For details of the Society's commitment to safe recruitment and the need for disclosure checks for staff and volunteers working closely with adults with care and support needs, please see the MS Society's Recruitment and Disclosure Policies.

2 Definitions

2.1 Adult with care and support needs /Adult at risk

The term 'adult with care and support needs' has been used in England and the term 'adult at risk' in Wales to replace 'vulnerable adult'. This is because the term 'vulnerable adult' may wrongly imply that some fault for the abuse lies with the adult abused.

The terms 'adult with care and support needs' and 'adult at risk' are used as exact replacements for 'vulnerable adult'. The Society has chosen to use the term 'adult with care and support needs' to encompass both of these terms. The information below gives more detail as to what this term can mean in practice.

An 'adult with care and support needs' is defined as a person aged 18 or over who:

- has needs for care and support (whether or not 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 of, or the experience of abuse or neglect.

An adult with care and support needs may therefore be:

- a person with MS
- a carer such as a family member/friend who provides personal assistance and care.

Having MS does not mean someone is automatically at risk.

2.2 Abuse

Abuse is defined as 'a violation of an individual's human and civil rights by any other person or persons'. Abuse may be deliberate or a result of negligence, indifference or a failure to protect. Abuse can be:

- discriminatory
- domestic violence
- financial or material
- modern slavery
- neglect and acts of omission
- organisational/institutional
- physical
- psychological/emotional
- self-neglect
- sexual
- verbal

2.3 While most abuse takes place when people are in physical contact, it can also take place in a virtual environment, such as an online discussion board or chat room. For more detail see the MS Society's 'Safeguarding Adults: Guidance for Staff and Volunteers'.

3. Responsibilities

3.1 All staff and volunteers have a duty to report any concerns about actual or suspected abuse. Staff and volunteers are assured by the Society's board of trustees and executive group that there will be no retribution for reports or allegations of abuse made in good faith.

- 3.2 The Executive Director of Digital and Services has overall responsibility UK wide to:
- ensure the regular review and effective working of this policy
 - report annually to the Audit, Risk and Finance Committee on the number and nature of safeguarding incidents, making recommendations for improvements in policy and practice.

The Executive Director of Digital and Services will be assisted in this duty by the Safeguarding Oversight Group. See Appendix A for details of the Safeguarding Oversight Group.

- 3.3 The Safeguarding Oversight Group will have responsibility for:
- reviewing, on a regular basis, volume and pattern of reported safeguarding concerns
 - agreeing the Society's policies, approach, procedures and risk management relating to safeguarding.
- 3.4 The MS Society's Safeguarding Responders Group (SRG) is made up of a number of designated managers and staff. Safeguarding responders make all decisions about safeguarding issues, including questions of mental capacity and consent, make referrals and liaise with local Adult Social Services/Safeguarding teams. Details of the Safeguarding Responders Group can be obtained from the Society's Quality and Safeguarding Lead.
- 3.5 Safeguarding Responders Group members have a responsibility to:
- respond to internal safeguarding reports in a timely manner
 - consider all the issues carefully
 - consult with colleagues on the Safeguarding Responders Group
 - ensure all records are kept as agreed and the monitoring log is completed
 - where appropriate, make a referral to the relevant authorities.
- 3.6 The Society will report any serious incident(s) as defined by the Charity Commission promptly to the Charity Commission

4. Policy principles

- 4.1 The following principles underpin this policy and accompanying procedure:
- It is every individual's right to live in a safe environment and to be free from abuse or the threat of abuse.
 - It is every individual's right to live an independent life based on self-determination and personal choice and this includes the right to take risks.
 - The overall aim of safeguarding is to restore the power back to the adult with care and support needs, so that they can exercise choice and control over their life.
 - All staff and volunteers will promote the empowerment and wellbeing of people affected by MS.
 - Safeguarding protected adults is everyone's business: all staff and volunteers will be aware of the policy and procedures for safeguarding adults with care and support needs.

- Staff and volunteers in specific designated roles will have an appropriate Disclosure and Barring Service (DBS) check (see MS Society Disclosure Policy).
- Staff and volunteers in specific designated roles will have the appropriate support and training to ensure they are able to recognise and act on the suspicion or disclosure of abuse.
- Staff or volunteers with concerns or suspicions that an adult with care and support needs is being or is at risk of being abused have a duty to report these concerns or suspicions within the MS Society in a timely way.
- All disclosures and suspicions of abuse will normally be referred to the local Social Services team with the individual's consent.
- Where there is a wider public interest or where a best interest decision is taken following the framework set out in the Mental Capacity Act, the Safeguarding Responders Group may make exceptions to the general principle of seeking the consent of the adult with care and support need. The adult with care and support needs will be advised of this unless doing so will increase the risk.
- Details giving rise to concerns or suspicions of abuse will only be shared with the limited number of individuals who need them in order to make decisions about next steps and referrals. Beyond this, all details will remain confidential.
- Where other MS Society policies and procedures apply to a disclosure of abuse (e.g. grievance, complaints, disciplinary) the welfare and safety of the adult with care and support needs remains paramount.

4.2 The Six Principles of Safeguarding (Care Act 2014) are also incorporated into this policy and accompanying procedure:

Principle 1 - Empowerment

Presumption of person led decisions and consent.

Principle 2 - Protection

Support and representation for those in greatest need.

Principle 3 - Prevention

Prevention of neglect, harm and abuse is a primary objective.

Principle 4 - Proportionality

Proportionate and least intrusive response to the risk presented.

Principle 5 - Partnerships

Local solutions through services working with their communities.

Principle 6 - Accountability

Accountability and transparency when delivering safeguarding.

4.3 *Advice and procedural support*

The Quality and Safeguarding Lead is available to provide support and procedural guidance throughout this process. However, any issues in respect of a staff member will be referred to Assistant Director of HR. The decision of the Assistant Director of HR will be final.

4.4 *Timescales*

All timescales in this policy refer to calendar days. All timescales will be met as far as is reasonably practicable. Timescales may only be varied where this has been agreed in advance by the Executive Director of Digital and Services.

Safeguarding Adults Procedure

The role of all staff members and volunteers is to recognise, respond, record and report internally.

1. Safer recruitment

- 1.1 Staff and volunteers in designated roles will be subject to enhanced disclosure checks, as set out in the MS Society Disclosure Policy.
- 1.2 Staff appointments are all subject to two references, as set out in the MS Society Recruitment and Selection Policy.
- 1.3 Candidates for staff and volunteer roles involving regulated activities will be subject to a disclosure check to ensure they are not barred under the Vetting and Barring Scheme.
- 1.4 Any new roles that are developed will be risk assessed to check whether they are involved in regulated activity and require a disclosure check.
- 1.5 Induction for all staff will include an awareness of the Society's policies to protect adults with care and support needs, with particular reference to their responsibilities.
- 1.6 Staff and volunteers engaged in regulated activity will have appropriate support and training to ensure they are able to recognise and act on the suspicion or disclosure of abuse.

2. Boundaries

All staff and volunteers are expected to be committed and reliable in their role(s) within the Society and need to be able to know the difference between personal and professional relationships. Staff and volunteers should not use their position to pursue inappropriate personal relationships with beneficiaries of the Society's services. It is however, recognised that individuals within the organisation may have existing personal relationships with other individuals within the organisation, whether these are through family connections or other relationships. Where such a relationship exists staff and volunteers engaged in regulated activity should declare this to their line manager/lead volunteer.

3. Overview of reporting procedure

- 3.1 Although rare, no suspicion of abuse or harm should be ignored. Staff or volunteers may become aware of possible abuse when they:
 - witness a form of abuse
 - recognise one or more of the abuse indicators, detailed in the MS Society's 'Safeguarding Adults: Guidance for Staff and Volunteers'
 - are told about abuse by the person with MS
 - are told about abuse by a visitor, carer, relative or friend

- observe online abuse on forums and discussion boards
 - receive a complaint.
- 3.2 The MS Society does not provide an emergency service. If there is an emergency, the staff member or volunteer should inform the adult with care and support needs to call the Police. This includes an emergency outside of normal office hours.
- 3.3 All MS Society staff and volunteers have a duty to report any disclosure, reports or suspicions of abuse or harm without delay by completing a 'Record of Safeguarding Concerns and Actions' form and emailing it to safeguarding@mssociety.org.uk. If a member of staff is affected by what they have heard or seen they should contact their line manager for any support they may need. Any volunteer affected by what they have seen or heard should call the Society's helpline on 0808 800 8000. Remember the role of all staff members and volunteers is to recognise, respond, record and report internally.
- 3.4 The lead safeguarding responder will be responsible for making any referral to the relevant Adult Social Services team. Enquiries or investigations are undertaken only by Adult Social Services; the Police will investigate if there is deemed to be criminal activity. No MS Society staff or volunteer should undertake any kind of investigation.

4. Responding to disclosure, suspicion or witnessing of abuse

- 4.1 Where an adult with care and support needs discloses or discusses potential abuse or harm the staff member or volunteer should be able to:
- ***Recognise:*** identify that the adult with care and support needs may be describing abuse, even when they may not be explicit.
 - ***Respond:*** stay calm, listen and show empathy. Reassure them that it will be taken seriously and explain that there is a duty to report the issues internally and what may happen next.
 - ***Record:*** write up notes of the conversation clearly and factually as soon as possible using the 'Record of Safeguarding Concerns and Actions' form. Try to capture as much of the conversation verbatim as possible.
 - ***Report:*** email the 'Record of Safeguarding Concerns and Actions' form to safeguarding@mssociety.org.uk
- 4.2 Confidentiality must be maintained. Details giving rise to concerns or suspicions of abuse will only be shared with the limited number of individuals who need them in order to make decisions about next steps and referrals. Beyond this, all details will remain confidential.
- 4.3 No staff or volunteer should start any investigation or confront or make contact with the alleged perpetrator.
- 4.4 ***Deciding to refer***
On receiving an internal report the lead safeguarding responder will confer with colleagues on the Safeguarding Responders Group (and possibly seek informal advice from the appropriate Adult Social Services Safeguarding team).

- 4.5 The Safeguarding Responders Group will confirm whether this is a safeguarding issue and requires referral to Adult Social Services or if a crime and therefore requires referral to the Police.
- 4.6 When considering the internal report and deciding whether to refer a case to the local authority, if the Safeguarding Responders are in any doubt as to whether to refer or not. They should err on the side of caution and refer to the local authority.
- 4.7 Seeking consent
Except in exceptional circumstances, where there is a wider public interest or where a best interest decision is taken following the framework set out in the Mental Capacity Act, the lead safeguarding responder will contact the adult with care and support needs to seek their consent to inform the necessary authorities and make the referral.
- 4.8 Capacity to consent will be assumed unless there is evidence to the contrary. Decisions regarding an individual's capacity must be specific to this decision at this time.
- 4.9 Where the individual seems unable to give consent, the lead safeguarding responder will consider and seek advice on their mental capacity to make this decision. If they do not have sufficient mental capacity a referral will be made without their consent.
- 4.10 Where the individual does not wish to give consent, the lead safeguarding responder will consider and seek advice on whether there is a wider public interest issue (such as other adults with care and support needs or children who may be at risk) which would warrant overriding the individual's wishes. In such an instance all efforts should be made to explain to the individual concerned what is being done and why.
- 4.11 Making a referral
Generally a referral would only be made to Adult Social Services once the adult with care and support needs had given their consent. The lead safeguarding responder should also seek consent to contact the Police where there is a possibility that a criminal act has occurred.
- 4.12 All referrals will be made by the lead safeguarding responder within two working days of receiving the disclosure. There may be exceptional circumstances that extend this time.
- 4.13 The referral should be made by phone and the lead safeguarding responder should ensure it has been received by someone able to act on the information (e.g. a social worker).
- 4.14 If the local authority will not accept a safeguarding referral by telephone then it should be made in the manner requested, be as comprehensive as possible and a copy retained in the individual file relating to the concern. See the MS Society's 'Safeguarding Adults: Guidance for Safeguarding Responders Group Members'. Social Services and/or the Police will carry out the enquiries or

investigation. Under no circumstances should a volunteer or staff member attempt to investigate any suspicions or disclosures of abuse.

4.15 Concerns about abuse by another adult with care and support needs

In cases when a referral is being made and the alleged abuser may also be an adult with care and support needs, they should also be referred to Adult Social Services. They may need an assessment in their own right to determine whether they need any specialist services.

4.16 Recording and monitoring

The lead safeguarding responder will keep the adult with care and support needs informed of their actions and developments.

4.17 Once the matter is resolved, the lead safeguarding responder will ensure that all notes are collected and stored electronically and the monitoring log is completed.

4.18 Support for staff and volunteers

Staff should be reminded of the Employee Wellbeing Programme that offers counselling support. Volunteers can access the MS Society Helpline for similar support.

5. Safeguarding concerns about employees or volunteers

5.1 All staff and volunteers have a duty to report any concerns they have about colleagues (volunteers or staff) and beneficiaries who may be involved in abuse or harm, to the Safeguarding Responders Group via safeguarding@mssociety.org.uk.

5.2 The lead safeguarding responder will report the concerns to the Quality and Safeguarding Lead who will consult with the Assistant Director of HR or in their absence a senior member of the HR department who will decide what action to take. This may include:

- the suspension of the member of staff or volunteer
- a referral of the allegations to Social Services or the Police for investigation.

5.3 No internal procedure such as a disciplinary investigation will be initiated until after the investigation of abuse or when the leading authority advises it is appropriate.

5.4 Disclosure and Barring Service (DBS) referral

Following investigations, it is a legal requirement that a referral must be made to the DBS when:

- the Society has withdrawn permission for an individual to work with adults with care and support needs (or would have done so had that individual not resigned, retired, been made redundant or been transferred into another position)
- the Society believes the individual has engaged in activity that causes concern for the safeguarding of adults with care and support needs

- there is harm or risk of harm to adults with care and support needs an individual has received a caution or a conviction for a relevant offence.

5.6 Staff and volunteers who are barred

Staff and volunteers under investigation or reported to DBS will be suspended from regulated activities. If possible they should be moved to other duties, if this is not possible they will be suspended from work pending the outcome of the investigation.

- 5.7 When a member of staff or volunteer is barred they may no longer be involved in any regulated activities. It is a legal offence for the MS Society to allow them to continue working in such a role. In such a situation the Society may consider redeployment to an alternative role. If this is not possible the member of staff or volunteer may be dismissed. Please see the MS Society Disclosure Policy for more details.

6. Monitoring and reporting

- 6.1 Safeguarding Responder Group members will ensure that all records are kept electronically and stored safely in the safeguarding casework file on Microsoft teams.
- 6.2 Monitoring information which is anonymous will be kept indefinitely. Individual records which include sensitive personal data will be kept securely indefinitely.
- 6.3 The Safeguarding Oversight Group will carry out regular reviews of safeguarding incident reports; looking at the number of reports, their source and the outcomes from each with regular reports made to the Audit, Risk and Finance Committee.
- 6.4 The Charity Commission should be advised of any incident:
- Which has resulted in harm to a beneficiary of the Society
 - When a member of staff or volunteer is the perpetrator of harm
 - When a member of staff is the victim of harm

The Quality and Safeguarding Lead will liaise with the Governance team to ensure the incident is reported to the Charity Commission.

- 6.5 This policy will be reviewed annually and after any safeguarding incident of actual or suspected abuse perpetrated between our staff, volunteers and beneficiaries

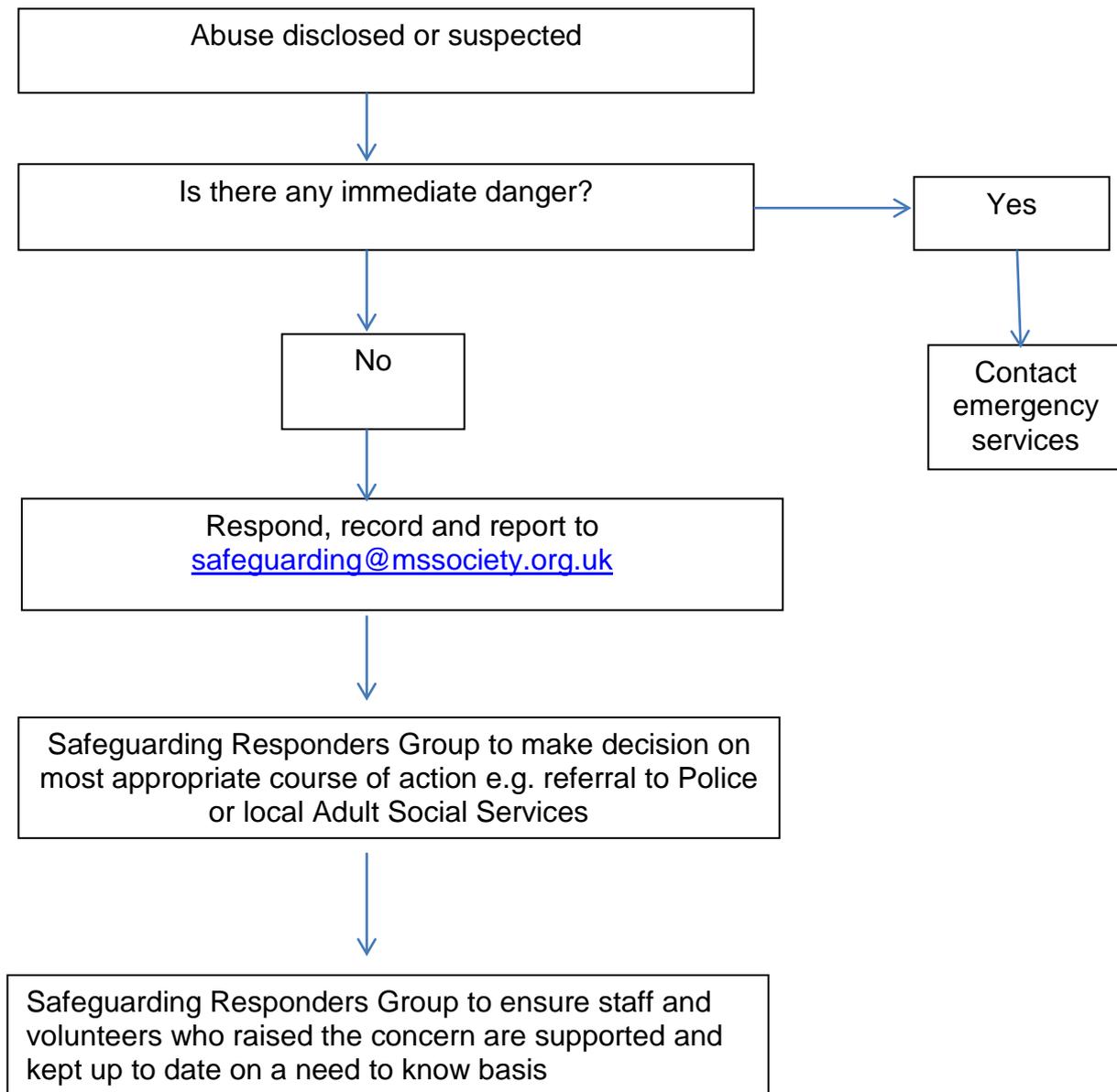
Other relevant policies:

- Recruitment and Selection Policy
- Recruiting Ex-offenders Policy
- Disclosure Policy
- Complaints, Compliments and Comments Policy
- Resolving Volunteer Issues Policy
- Dignity at Work Policy
- Whistleblowing Policy

Relevant legislation

- Human Rights Act 1998
- The Care Act 2014
- The Social Services and Wellbeing (Wales) Act 2014
- In Safe Hands: Implementing Adult Protection Procedures in Wales 2000
- Mental Capacity Act 2005
- Safeguarding Adults - National Framework of Standards 2005
- The Safeguarding Vulnerable Groups Act (England & Wales, 2006)
<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Safeguarding Process Flowchart



Appendix A

Safeguarding Oversight Group

Executive Director of Digital and Services

Assistant Director of HR

Director of Northern Ireland

Director of Scotland

Director of Wales

Quality and Safeguarding Lead