

SAFEGUARDING POLICY

Responsible Officer

Director of Customer Services

1.0 Aim of the Policy

All Phoenix staff, contractors, partner organisations and volunteers that work with us have a duty to ensure that action is taken if they have any concerns that an adult, child or young person is at risk of significant harm or abuse.

Phoenix also expects partners from whom we commission external services to follow this policy or have their own safeguarding policy and procedures in place. This includes our subsidiaries.

This policy sets out Phoenix's approach to Safeguarding Adults, Children and Young People and applies to the Phoenix Group.

1.1 Designated Safeguarding Lead

The Director of Customer Services is the Designated Safeguarding Lead and has overall responsibility for ensuring that this policy, associated guidance and procedures are implemented.

2.0 Policy Statement

Phoenix will not tolerate or collude with any form of neglect or abuse.

Our Safeguarding Policy is based on six key principles from the Care Act 2014:

- 1) **Empowerment** – taking a person-centred approach and supporting people to make their own decisions and informed consent.
- 2) **Prevention** – it is better to act before harm occurs.
- 3) **Proportionality** – proportionate and least intrusive response appropriate to the risk presented
- 4) **Protection** – Support and representation for those in greatest need.
- 5) **Partnership** – Personal and sensitive information is shared appropriately, and the person is involved.
- 6) **Accountability** – accountability and transparency in safeguarding practice

We aim to promote and safeguard the welfare of all our residents including children and young people and will be proactive in responding to any allegation or suspicion of abuse. A child or young person is any person under the age of 18.

Where abuse takes place or is suspected, we will provide support to the individual and make referrals to and share information securely with external agencies such as the Police and Social Services.

We will also empower our residents by ensuring they are fully aware of how to recognise abuse, know how to report it and where to access support.

3.0 Policy Scope

This policy outlines our approach to Safeguarding Adults, Children and Young People living in our properties or using our services, Phoenix staff, contractors, partner organisations and volunteers that work with us.

We will also use our Disciplinary policies and procedures where an allegation relates to a member of staff abusing a resident.

3.1 Our Approach to Safeguarding Children

[The London Child Protection Procedures & Guidance 2017 and Working Together to Safeguard Children Guidance 2018](#)

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes

The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children, and gives local authorities a duty to make enquiries (Section 47) to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or likely to suffer, significant harm.

Section 11 of the Children Act 2004 and as amended by the Children and Social Work Act 2017 strengthens and places a duty on key persons and bodies to work together and make arrangements in any local area to safeguard and promote the welfare of children and improve the outcomes for children.

All professionals in agencies with contact with children and members of their families must make a referral to local authority children's social care if there are signs that a child or an unborn baby:

- Has suffered significant harm through abuse or neglect;
- Or is likely to suffer significant harm in the future.

Identifying children who require early help

Effective early help relies upon local organisations and agencies working together to:

- identify children and families who would benefit from early help
- undertake an assessment of the need for early help
- provide targeted early help services to address the assessed needs of a child and their family which focuses on activity to improve the outcomes for the child

We will work with local authorities, under section 10 of the Children Act 2004, have a responsibility to promote inter-agency co-operation to improve the welfare of all children.

We recognise that there may be 'at risk' groups who access or need support to access our services. The following list gives possible examples; it is not exhaustive but illustrative. **Each child or young person will be considered on an individual basis so that we can meet their diverse needs.**

- is disabled and has specific additional needs
- has special educational needs (whether or not they have a statutory Education, Health and Care Plan)
- is a young carer
- is showing signs of being drawn into anti-social or criminal behaviour, including gang involvement and association with organised crime groups
- is frequently missing/goes missing from care or from home
- is at risk of modern slavery, trafficking or exploitation
- is at risk of being radicalised or exploited
- is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse
- is misusing drugs or alcohol themselves
- has returned home to their family from care
- is a privately fostered child

Contextual Safeguarding

We operate on the basis that threats to children can take a variety of different forms and children can be vulnerable to multiple threats, including: exploitation by criminal gangs and organised crime groups such as county lines; trafficking, online abuse; sexual exploitation and the influences of extremism leading to radicalisation. Extremist groups make use of the internet to radicalise and recruit and to promote extremist materials. Any potential harmful effects to individuals identified as vulnerable to extremist ideologies or being drawn into terrorism will also be considered

People in position of trust

We will have clear policies when working with children and families for dealing with allegations against people who work with children. We will make a clear distinction between an allegation, a concern about the quality of care or practice or a complaint.

An allegation may relate to a person who works with children who has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children

3.2 Our Approach to Safeguarding Adults

The Care Act 2014

Safeguarding duties (under the Care Act 2014) apply to an adult:

- Who has needs for care and support (whether or not the Authority is meeting any of those needs)
- Who is experiencing, or is at risk of abuse or neglect
- And, as a result of those needs, is unable to protect his/herself against the abuse or neglect or risk of it.

Statutory guidance states that “organisations should always promote the adult’s wellbeing in their safeguarding arrangements. People have complex lives and being safe is only one of the things they want for themselves. Professionals should work with the adult to establish what being safe means to them and how that can be best achieved. Professionals and other staff should not be advocating ‘safety’ measures that do not take account of individual wellbeing, as defined in Section 1 of the Care Act 2014”

Phoenix considers residents or member of their household to also be ‘at risk’ if they experience difficulties with day to day living due to health, learning, language, behaviour, family, financial, social, radicalisation or other circumstances or a combination of these circumstances.

Phoenix recognises that there may be ‘at risk’ groups who access or need support to access our services. The following list gives possible examples; it is not exhaustive but illustrative. **Each person will be considered on an individual basis so that we can meet their diverse needs.**

- Anyone known to have a social worker, Community Psychiatric Nurse or other mental health support drug or alcohol worker;
- Anyone known to have a Community Support Worker;
- Women under 19 who are pregnant;

- Anyone known to have a probation officer or Youth Offending Team worker;
- Refugees;
- People leaving hospital, prison or care;
- People with known drug or alcohol problems;
- People whose learning disability makes them vulnerable;
- People whose physical or sensory impairment makes them vulnerable;
- People who are frail due to old age;
- Survivors of domestic abuse;
- Lone parents under 25 taking up their first tenancy;
- Anyone accepted as statutory homeless in the last 2 years;
- Anyone leaving a supported housing project or care.

4.0 The Policy

We will apply the six key safeguarding principles when working with adults at risk of abuse.

- 4.1 We will record and refer all concerns, suspicions or allegations of abuse or neglect including self neglect and hoarding to external agencies responsible for carrying out safeguarding assessment and enquiries.

We will involve adults at risk of abuse in any safeguarding decisions, unless there is a serious risk of harm to the individual or another person; we will seek to obtain permission before making a referral using this policy.

- 4.2 We will assume that adults have the capacity to make informed choices and decisions as set out in the Mental Capacity Act (2005), unless they have been deemed to lack capacity by a qualified professional. Where someone lacks the capacity to make a decision or is at high risk of serious harm, we will act in their best interest and where appropriate involve carers and family members.
- 4.3 We will report any incidents of abuse that are a criminal offence to the Police.
- 4.4 We will also report any allegations of abuse or potential abuse by People in Positions of Trust to the LADO. If we are uncertain whether an allegation should be reported we will always take advice.
- 4.5 We will handle data in accordance with the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2016. We will record information in relation to visits, communications and conduct for the protection of our staff, contractors and residents.

- 4.6 We will cooperate, work in partnership with and share information securely with statutory agencies for the purposes of safeguarding.
- 4.7 We will develop and implement internal procedures for staff, contractors, partner organisations and volunteers to report safeguarding concerns.
- 4.8 We require all contractors, partner organisations including those from whom we commission external services that have access to properties or buildings that we own or manage to follow our policy in relation to the safeguarding of adults and children. This includes our subsidiaries.
- 4.9 We will apply *Prevent Strategy (HD Prevent 2011)* principles when identifying and making referrals to external agencies for those susceptible to violent extremism. We will also apply *Prevent Strategy* principles when commissioning or procuring services and during funding processes to reduce the risk of individuals becoming involved in terrorism.

5.0 Recruitment, Selection and Induction

- 5.1 We will carry out safe recruitment practices for all staff and ensure that:
 - At least two references are provided; more if they do not cover the last three years; we ensure references are provided in the event of an applicant working abroad.
 - Risk assessments are carried out and reviewed for job roles and staff who are in regular contact with at risk adults and children.
 - Disclosure and Barring Service (DBS) checks are in place where assessed as needed and renewed as required.
 - No-one found to have been convicted of sex offences is permitted to undertake roles with direct contact (however limited) with residents, families and children.
- 5.2 We will ensure all staff receive information, guidance and training on our Safeguarding policy, procedure and all related policies during their induction.

6.0 Training

- 6.1 We will ensure that all staff receive appropriate training at regular intervals and are aware of how to recognise the signs of and identify abuse.
- 6.2 We will ensure that adequate supervision and support mechanisms are in place to support staff involved in Safeguarding Investigations.

7.0 Key Performance Indicators

We will monitor performance in relation to the number of referrals made to Social Services through our Safeguarding Panel including:

- The number of suspected cases of abuse reported.
- The number of referrals made to the local authority.

We will provide the Local Authority Safeguarding Adults and Children Boards with compliance statements and assessments when requested.

8.0 Legislation

- The Rehabilitation of Offenders Act (1974)
- The Housing Act (1988)
- Environmental Protection Act (1990)
- The Children Act (2004)
- The Mental Capacity Act (2005)
- Equalities Act (2010)
- The Anti-Social Behaviour Crime & Policing Act (2014)
- The Care Act (2014)
- Modern Slavery Act (2015)
- Counter Terrorism and Security Act (2015)
- Children and Social Work Act (2017)
- The Data Protection Act (2018)
- London Child Protection Procedures and Guidance 2017
- Working together to Safeguard Children Guidance 2018

9.0 Review

This policy will be reviewed every 3 years or earlier if required as a result changes to the law, good practice or other learning.

Reference to other documents and associated policies and procedures

- Anti-bribery Policy
- Anti-fraud Policy
- Comments, Complaints, & Compliments Policy
- Data Protection Policy
- DBS Policy
- Dignity at Work Policy
- Disciplinary Policy
- Domestic Abuse Policy
- Equality & Diversity Charter
- Managing Allegations Policy (being developed)
- Phoenix Standards
- HD Prevent Strategy 2011
- Recruitment Guidance
- Safeguarding Guidance
- Safeguarding Procedure
- Safer Recruitment Guidance (being developed)

- Staff Code of Conduct
- Supporting Residents At Risk Policy
- Whistle Blowing Policy
- ASB Strategy
- S11 & At Risk Action Plan
- 'Green Flag' Checklist
- Residents to exercise caution with guidance

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10.0 Definitions

Abuse can be defined as “the violation of an individual’s human and civil rights by another person or persons.” (*No Secrets DH 2000*)

It is behaviour that either deliberately or unknowingly causes harm or endangers life or infringes on rights.

It may be a single or repeated act. It may be deliberate neglect or lack of appropriate action. It can also be where a person is persuaded to do something to which s/he has not consented or cannot consent.

Abuse causes harm or distress to a person and is often a crime. It can often occur where there is an expectation of trust.

Below are examples of abuse that should be reported as a safeguarding concern. Remember, there is no such thing as a wrong referral.

Examples of Abuse		
Type	Adults	Children
Physical	<p>Hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm, including fabricating the symptoms of, or deliberately causing, ill health to someone. Forced marriage, female genital mutilation.</p> <p>Slavery and human trafficking.</p>	<p>Any physical act that is likely to cause a child significant harm. For example: hitting a child with an implement or with such force as to leave a mark. Forced marriage, female genital mutilation</p>
Sexual	<p>Forcing or enticing someone to take part in sexual activities, whether or not the victim is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include involving victims in looking at, or in the production of pornographic material, or encouraging them to behave in sexually inappropriate ways</p>	<p>Child Sexual Exploitation (using children for sexual gratification), rape, sexual assault, involving children in any sexual act including seeing/watching pornography, preparing a child for sexual activity (grooming), taking sexual images of children. Children do not need to actually be assaulted for sexual abuse to take place.</p>
Psychological	<p>Stalking, harassment, verbal abuse, restricting people's rights and freedoms. Persistent emotional ill-treatment of someone as to cause severe and persistent adverse effects on their emotional state or development. It may involve conveying to the victim that they are worthless or unloved, inadequate or only valued insofar as they meet the needs of another person. It may also involve acts induced to frighten, exploit</p>	<p>Persistent emotional ill-treatment of someone as to cause severe and persistent adverse effects on their emotional state or development. It may involve conveying to the victim that they are worthless or unloved, inadequate or only valued insofar as they meet the needs of another person</p>

Examples of Abuse		
Type	Adults	Children
	or corrupt adults.	
Neglect	Persistent failure to meet the victim's basic physical and/or psychological needs, likely to result in the serious impairment of their health or development. This may take the form of failing to provide adequate food, shelter or clothing. It may also take the form of neglect of, or unresponsiveness to the victim's basic emotional needs.	Failing to provide children with their basic needs, food water, clothing, warmth, security, safety, education, protection and emotional support.
Financial / Material Abuse	Theft, fraud, exploitation or the misuse/misappropriation of property, possessions or benefits.	Exploitation, extortion or using threats, coercion to involve children in fraud, crime or the misappropriation of their funds, benefits or assets.
Discriminatory	Racist abuse, sexist abuse, abuse based on a person's disability, and other forms of harassment, slurs or similar treatment.	Abuse based upon a child's protected characteristics.
Complex (organised or multiple)	Abuse involving one or more abusers and a number of related or non-related victims. The abusers concerned may be acting together to abuse, sometimes acting in isolation or using an institutional framework or position of authority to recruit victims for abuse.	Failing to protect children at risk of significant harms as an entire organisation. Failing to listen to children or being institutionally dismissive of their concerns, reports or requests for help when they are in need of protection.

In addition, we will also recognise, record concerns and make referrals for individuals at risk of self neglect and hoarding.

Type	Adults	Children
Self Neglect	Being unable to feed, hydrate or medicate self (where necessary), or to protect themselves from serious harm (fire), or with hygiene so poor that their health or the health of others is compromised.	May affect older children especially those unable to eat, medicate or protect themselves adequately from abuse when there is no parent or other support available that can protect them.
Hoarding	Acquiring an excessive number of items and storing them in a chaotic manner. The amount of items interferes with everyday living for example, the individual is unable to use their bathroom or kitchen and cannot access rooms. The amount of items is causing significant distress or negatively affecting the individual's quality of life or their family's or neighbours.	

People in Position of Trust

'Position of trust' is a legal term that defines certain roles and settings where an adult has regular and direct contact with children. Examples of positions of trust include:

- teachers
- care workers
- youth justice workers
- social workers
- doctors.

There are many roles which are not legally defined as being positions of trust, such as swimming coaches or faith group leaders. This means it's not currently against the law for people in these roles to have a sexual relationship with a 16– or 17-year-old in their care.

LADO- Local Authority Designated Officer