

Safeguarding Adult Policy

NHS Devon

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Policy Sponsor	Chief Nursing Officer
Policy Lead	Head of Safeguarding
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Date	Change	Version number of policy	Comments
09/08/2018	Choose an item.	2.2	Approved by Safeguarding Steering Group
15/08/2018	Policy Amendment	2.3	Reviewed and amended to reflect merger of South Devon & Torbay CCG and North, East & West Devon CCG
01/10/2019	Policy Amendment	3.0	Reviewed and amended to reflect the formation of NHS Devon CCG and the publication of the NHS England Safeguarding Assurance and Accountability Framework 2019
19/03/2020	Policy Amendment	4.0	Reviewed and amended with minor adjustments
tbc	Policy Amendment	5.0	Reviewed and amended with minor adjustments
11/10/2022	Policy Amendment	6.1	Template and all organisation references amended to reflect the change to NHS Devon Integrated Care Board. From here on in this document NHS Devon Integrated Care Board is

			referred to as NHS Devon. Additional wording Section 6.3 Self-Neglect
20/12/2022	Policy Amendment	6.2	Insertion of process into 6.3. Amendment of Appendix A – to provide more detail re appropriate individual to take on enquiry lead role
30/10/2023	Policy Amendment	6.3 & 6.4	New policy template and updated in line with move to an ICB

Equality, diversity and inclusion statement

NHS Devon is committed to the promotion of equal opportunities, addressing health inequalities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.

If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672

Email: pals.devon@nhs.net

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1. Introduction

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

The Care Act 2014 defines an adult at risk as an adult where a local authority "has reasonable cause to suspect in its area" (whether or not ordinary resident there)

- (a) has needs for care and support (whether the local authority is meeting any of those needs)
- (b) is experiencing or is at risk of abuse or neglect and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it."

The NHS Safeguarding Accountability and Assurance Framework (2022) sets out roles and responsibilities for the NHS to ensure that, in discharging its functions, it has regard to the need to safeguard and protect an adult's rights to live in safety, free from abuse and neglect.

As commissioners, NHS Devon must demonstrate effective safeguarding arrangements in order to:

- Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs in line with The Care Act 2014.
- Safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives.
- Promote Making Safeguarding Personal (MSP), ensuring adults at risk are supported to maintain choice and control over the decisions that affect their lives and to be involved to the extent that they are able. Where there is a reason to doubt a person's mental capacity to make a decision regarding the safeguarding process the principles of the Mental Capacity Act (2005) must be followed.
- Promote an outcomes approach in safeguarding that works for people, resulting in the best experience possible by ensuring the principals of Safeguarding, as outlined in The Care Act 2014.

Where a S42 enquiry has also been reported as a serious incident there are regulatory requirements under the [Duty of Candour](#) to liaise with the patient and/or family.

Care Act 2014 Safeguarding Adult Principles

Six Safeguarding Adults Principles	Application within Health Commissioning
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Principle 1	Empowerment – presumption of person led decisions and consent	Patients need to be in control of their care and involved in all aspects to the extent they are able. This includes involving people in how services related to Safeguarding adults are designed and delivered as well as involvement in their own care planning.
Principle 2	Protection - Support and Representation for those in greatest need	Positive obligation to take additional measures for patients who may be ‘adults at risk’ who may not have their voice heard or be unable to protect themselves.
Principle 3	Prevention - It is better to take action before harm occurs	Planning and procuring services that deliver personalised care that reduces the likelihood of neglect and abuse occurring.
Principle 4	Proportionality . Proportionality and least intrusive response appropriate to the risk presented	Efficient and proportionate responses to risks whether this relates to individual patient care or whole service provision.
Principle 5	Partnerships . Local solutions Through services working with their communities	Integrated and cohesive partnerships at all levels of the organisations focused at improving outcomes for patients in the most vulnerable situations, for example: Devon Integrated Care System, Health and Wellbeing Boards; Local Safeguarding Adults Boards; Community Safety Partnerships; Quality Surveillance Groups
Principle 6	Accountability . Accountability and transparency in delivering safeguarding	Duty of Candor: require openness and transparency to patients in how concerns are managed in line with ‘Being Open’ Managing allegations of abuse and neglect in services (including those identified as serious incidents) through inter-agency procedures. Providing assurance on the effectiveness of safeguarding arrangements to patients; public and Local Safeguarding Adults Board

2. Purpose and objectives

- 2.1 The purpose of this policy is to enable NHS Devon and its employees to meet the statutory requirements regarding the duties under the Care Act 2014, and duties in the NHS England Safeguarding Children, Young People and Adults at Risk in the NHS: Safeguarding NHS Accountability and Assurance Framework 2019.
- 2.2 The health service is a key partner with the local authority in the exercise of their functions to protect adults. As such the NHS contract and quality schedules include key requirements and expectations for providers relating to safeguarding adults.

2.3 It is expected that all providers of health services should have their own safeguarding adult policies. All provider organisations should demonstrate compliance with contractual requirements relating to safeguarding adults. It is the responsibility of the contract manager to monitor compliance, working jointly with the Designated Nurses to gain assurance from providers regarding risks and challenges.

2.4 This policy outlines the responsibilities of all staff to identify abuse, share information appropriately and make referrals.

2.5 This policy describes how NHS Devon will:

- Meet and monitor its statutory duty to safeguard adults.
- Assure effective safeguarding arrangements in the services it commissions.
- Work with Local Safeguarding Adult Boards (Plymouth Safeguarding Adult Partnership [PSAP] and Torbay & Devon Safeguarding Adult Partnership [TDSAP]), Devon and Cornwall Police, NHS England, Local Authorities, and other key partners to develop and improve safeguarding practices across the whole health economy.

3 Scope

3.1 This policy applies to all staff of NHS Devon who work directly with patients and carers or commission services for them.

4 Definitions

Terms	Definition
Adult at risk	A person aged 18 or over who is in need of care and support (Regardless of whether they are receiving them), and because of those needs is unable to protect themselves against abuse and neglect.
Adult Safeguarding	Protecting a person's right to live in safety, free from abuse and neglect.
Advocacy	Supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need.
Best Interest	The Mental Capacity Act 2005 (MCA) states that if a person lacks mental capacity to make a particular decision, then whoever is making that decision or taking any action on that person's behalf must do so in the person's best interest. This is one of the principles of the MCA.
Prevent	Part of the government's counter-terrorism strategy which aims to stop people becoming terrorists or supporting terrorism. Its relevance to the work of the Board is that safeguarding work can play a part in protecting people at risk of harm from being drawn into terrorism-related activity against their will.
Safeguarding Enquiry (Section 42 enquiry)	Establishes whether any action needs to be taken to stop or prevent abuse or neglect, and if so, what action and by whom the action is taken
Safeguarding Outcome	An Outcome is what the person who has experienced abuse or neglect wants from any work that is done with them. This may be that they feel safer but it also may mean that they feel that their choices and wishes have been respected.
Self-neglect	Where someone demonstrates lack of care for themselves and or their environment and refuses assistance or services. It can be long-standing or recent

5 Reporting a Concern

- 5.1 Safeguarding adults at risk of abuse or neglect depends on people understanding and doing the following things:
- Being aware of the risks of abuse and neglect that vulnerable adults can face.
 - Knowing what help is available.
 - Understanding their responsibilities.
 - Working together to report and investigate concerns.

- Working together to prevent abuse and neglect.
- 5.2 The Care Act 2014 identifies patterns of abuse and neglect which can take many different forms with different circumstances in which they may take place. This list is not exhaustive.
- Physical abuse
 - Psychological or emotional abuse
 - Sexual abuse
 - Neglect and acts of omission
 - Financial or material abuse
 - Modern slavery
 - Discriminatory abuse
 - Self -neglect
 - Domestic and sexual violence and abuse
 - Organisational abuse
- 5.3 Self-neglect is described in the [Care and Support Statutory guidance](#) (para 14.7) as covering a wide range of behaviour such as neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a section 42 enquiry. An assessment should be made on a case-by-case basis. A decision on whether a response is required under safeguarding processes will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support.
- 5.4 NHS Devon staff should note that a lack of personal care and hygiene (including oral hygiene) can impact upon a person's physical health and wellbeing and can lead to infection and sepsis. Those staff who engage with adults at risk should recognise and support those individuals who are unable to maintain their personal hygiene to manage the potential risk of infection and sepsis.

For more guidance, please look at the following websites:

- [Plymouth Safeguarding Adult Partnership](#).
- [Torbay and Devon Safeguarding Adult Partnership](#)
- [Symptoms of sepsis - NHS \(www.nhs.uk\)](#)
- [Hoarding Disorders UK](#)

- 5.5 Other forms of abuse include hate crime; mate crime; forced marriage; honour-based violence, female genital mutilation and exploitation. Exploitation involves vulnerable individuals being coerced into doing something that they don't want to do for someone else's gain. This can include sexual exploitation, financial exploitation, radicalisation to violent extremism, and criminal exploitation. Safer Devon Partnership has developed a preventing exploitation toolkit: <https://www.preventingexploitationtoolkit.org.uk/>

- 5.6 Those at risk of radicalisation to violent extremism are safeguarded through the Prevent strand of the Government's overall counter-terrorism strategy Contest. The purpose of Prevent is to safeguard and support vulnerable people to stop them from becoming terrorists or supporting terrorism. Prevent works in a similar way to programmes designed to safeguard people from gangs, drug abuse, and physical and sexual abuse. Therefore, NHS Devon's Prevent Policy sits alongside this policy and NHS Devon's Safeguarding Children's Policy.
- 5.7 If staff suspect that an adult at risk is being or is at risk of abuse, they are expected to discuss their concerns to their line manager, senior colleague, or a member of the safeguarding team. If someone is in immediate danger phone 999. Staff need to be familiar with the process of raising a concern with the appropriate local authority pertinent to where any alleged abuse took place:

Devon County Council: Care Direct

03451551007 Mon – Fri or 0845 6000388 out of hours or via on line form
[Report your concern - Devon Safeguarding Adults Partnership](#)

Torbay Council: 01803 219700 online form [Torbay Safeguarding adult enquiry form](#)

Plymouth City Council: 01752 668000 or online form via: [Report adult abuse or neglect | PLYMOUTH.GOV.UK](#)

- 5.8 The concern will be reviewed by the Local Authority to determine whether it has reasonable cause to suspect that an adult with care and support needs is experiencing, or is at risk of, abuse or neglect and as a result of those care and support needs is unable to protect him/herself against the abuse/neglect or the risk of it.
- 5.9 NHS Devon staff can access advice and safeguarding adult supervision from NHS Devon Safeguarding Adult Team via d-icb.safeadults@nhs.net which is monitored throughout working hours. All concerns and actions taken need to be documented in line with the Record Keeping Policy.

6 Information Sharing and Confidentiality

- 6.1 Effective information sharing is key to safe and effective safeguarding practice. All staff must have due regard to the relevant data protection principles and Caldicott Guardian Principles which allow them to share personal information. Information should be shared to help protect an adult who may be subject to or potentially at risk of harm or abuse, or to prevent or detect a crime. In addition, there are some specific statutory provisions under the Care Act (S44(5) and S45) for sharing information in relation to the operation of the local Safeguarding Adult Board (SAB).
- 6.2 Staff must follow NHS Devon policies; Confidentiality and Data Protection Act Policy; Information Security Policy; and Records Management Policy. Where there are concerns regarding the sharing of information regarding an adult at risk there is a duty to discuss this with NHS Devon Caldicott Guardian. Locally agreed Information sharing protocols will also support the appropriate sharing of information.

7 Training

- 7.1 Safeguarding training is mandatory for all staff. Levels of safeguarding training are outlined in the [Safeguarding Training Matrix](#). It is the responsibility of the individual and their manager to ensure training is up to date.

8 Allegations against staff

- 8.1 All allegations against NHS Devon employees will be taken seriously. Allegations relating to an NHS Devon employee who may have abused or neglected an adult at risk either within employment duties or unrelated to their employment must be responded to immediately.
- 8.2 Any allegations against staff must be escalated immediately to the Head of Safeguarding who will liaise with the appropriate Human Resource Officer.
- 8.3 The Head of Safeguarding will raise a safeguarding concern with the appropriate local authority where the alleged incident happened using the Safeguarding Adult Board's Persons in a Position Trust (PiPoT) policy as guidance.
- 8.4 The local authority will determine if a Care Act Section 42 (2) Enquiry is required and will make a referral to the police if appropriate.
- 8.5 The Head of Safeguarding will support the local authority to progress the Safeguarding Enquiry
- 8.6 In conjunction with the Head of Safeguarding, the Line Manager and HR will carry out a risk assessment. A decision will be made regarding proportionate action for the worker. This may include suspension or relocation within the organisation.
- 8.7 The worker will be offered HR and Occupational Health Support as appropriate.

- 8.8 When the local authority and/or Police deem appropriate, the case will be passed to NHS Devon HR team for internal management with support from the Head of Safeguarding.
- 8.9 When raising a concern internally (whistleblowing) staff will be supported, if required, as per the Freedom to Speak Out policy.
- 8.10 In addition, where there is an allegation that a member of staff in primary care services has abused or neglected an adult in their personal life, the designated professional for safeguarding adults in the ICB should be informed and due processes followed.

9 Accountabilities, Duties and Responsibilities

Chief Executive Officer	The Chief Executive Officer has ultimate accountability for the strategic direction and operational management of NHS Devon, including compliance with all legal, statutory and policy requirements.
Chief Nursing Officer	The Executive Lead role for safeguarding is fulfilled by the Chief Nursing Officer. The responsibilities may be delegated to the Deputy Chief Nursing Officer and include: • Providing strategic leadership for adult safeguarding. • Ensuring the Governing Body is appraised of appropriate safeguarding adult issues. • Day to day line management of the Head of Safeguarding. • Represent NHS Devon at the Safeguarding Adult Boards, contributing to its statutory functions, supported by the Designated Nurses Safeguarding Adults, with delegated responsibility as required. • Ensuring that safeguarding adult agendas are integral to NHS Devon's commissioning functions, governance and audit arrangements. • Ensuring that contract specifications include clear service standards for safeguarding adults and are monitored through established quality assurance processes within NHS Devon. • Chair the Safeguarding and the Protection of Vulnerable People Steering Group
Head of Safeguarding	The Head of Safeguarding ensures NHS Devon's statutory safeguarding functions are met. • Provides leadership to the Safeguarding Team. • Provides expert advice to the Senior Leadership Team within NHS Devon.

	• Line manages key staff as outlined in the organisational structure chart. • Attend safeguarding Adult Boards as delegated by Chief Nursing Officer. • Provides assurance to the Quality Patient Experience Committee and the Governing Body. • Ensuring that policy is appropriate for consideration for approval.
Designated Nurses Safeguarding Adults	The key functions of this role include: • Providing specialist advice to NHS Devon. • Support local authorities in carrying out the functions laid down within The Care Act 2014, including, when requested, leading on safeguarding enquiries, S 42.2; as agreed within local multi agency policies and procedures. • Provide strategic professional lead, advising on all aspects of safeguarding adults within the wider Health and Social Care System. • Provide advice and guidance for partner agencies including healthcare providers, Adult Social Care, Police, and the Voluntary Sector in noncomplex cases where allegations are made or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid within a health care setting and caused out to a healthcare provider, NHS Devon will support the Local Authority and the healthcare provider by participating in the S42 enquiry process and provide oversight. This may include reviewing the report prior to conclusion of the safeguarding process, attendance at meetings or chairing meetings. The provider will maintain responsibility for the enquiry lead role in these cases. • Where requested and agreed by the local authority act as enquiry lead in the management of complex cases where allegations are made or concerns raised about a person, whether an employee, volunteer or student, paid or unpaid within a health care setting. • Maintain a contemporaneous recording system of all safeguarding cases shared by local authorities in line with appropriate data protection legislation. • Provide assurance reports to NHS Devon's governance meetings. • Support the business plan of Local Safeguarding Adult Boards by participating and contributing to appropriate subgroups, work plans and Safeguarding Adult Reviews (SARs).

	• Support the work streams of other Boards including the Community Safety Partnerships; specifically, in the undertaking of Domestic Homicide Reviews. • Support as required other reviews such as Mental Health Homicide Reviews and Domestic Homicide Reviews. • ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements and advice from clinical bodies. NHS Devon has identified leads for the Mental Capacity Act (16 years plus), Prevent, Modern Slavery and Domestic Violence and Abuse.
The Quality and Patient Experience Committee	The Quality and Patient Experience Committee has overall accountability for safeguarding and should seek assurance that the organisation effectively fulfils its safeguarding functions. This will be achieved through: - • Ensuring there is clinical engagement in contract performance, negotiations, and agreements. • Ensuring NHS Devon's workforce is competent to fulfil its roles and functions. • There is an appointed Executive who leads for safeguarding. • Ensure that sufficient capacity is in place to fulfil their statutory duties. The policy will be reviewed, agreed and effectiveness monitored by members of the Safeguarding and Vulnerable People Steering Group (SVPSG) and will report to QPEC.
Line Managers	Line managers have a responsibility to ensure their staff comply with NHS Devon policies and standards within their areas of responsibility.
All Staff	All staff are responsible for: • Following both internal and external local multi-agency safeguarding policies and procedures. • Remaining compliant with mandatory safeguarding adult training in line with job role as described in the Safeguarding Training Strategy Matrix. • Discussing any safeguarding concerns for an adult at risk with their line manager, senior colleague, or designated nurse. • Raising safeguarding adult concerns. • If there are any disagreements with decisions made by the local authority regarding the concern this can

	be escalated as per the relevant SAB multiagency policies and procedures. • Those participating in panels to approve funding for care must be able to identify a deprivation of liberty and seek assurance that appropriate processes have been followed in each case.
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10 Implementation

10.1 All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the NHS Devon Intranet.

10.2 NHS Devon Senior Managers, or their designated representatives, will implement this policy by:

- Notifying all staff of its existence. New staff will be informed of this policy as part of their induction.
- Destroying all superseded paper-based versions of the policy and electronic versions retained in their area.
- Having adequate knowledge of, and / or access to, all relevant legislation to ensure that compliance with such legislation is maintained.
- Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance.

11 Approval and Review

11.1 Members of the Safeguarding and Vulnerable People Steering Group will review the policy.

11.2 The policy will be approved by the Chief Nursing Officer and the Chief Medical Officer

11.3 This policy will be reviewed 3 yearly or sooner if required.

12 Monitoring compliance and effectiveness

12.1 The Policy effectiveness will be monitored at the SVPSG at annual review. If concerns are raised regarding the policy, then this will be raised on the corporate or directorate risk register for monitoring more widely.

13 Quality & Equality Impact Assessment (QEIA)

13.1 In line with the Development and Management of Procedural Documents Policy a QEIA is not required for amending policies.

14 References

Other related policy documents

- ICB Safeguarding Children Policy
- ICB Children in Care Policy
- ICB Prevent Policy
- ICB Mental Capacity Act and Deprivation of Liberty Policy
- ICB Safeguarding Supervision Policy
- ICB Domestic Violence and Abuse to Staff Policy

Legislation and statutory requirements

- The Care Act 2014
- [Domestic Abuse Act 2021](#)
- Mental Capacity (Amendment) Act 2019
- Modern Slavery Act 2015
- Serious Crime Act 2015
- Equality Act 2010
- Health and Social Care Act 2008
- Mental Capacity Act 2005
- Female Genital Mutilation Act 2003
- Sexual Offences Act 2003

Care Act Statutory Guidance 2019

Deprivation of Liberty Safeguards 2009 (DoLS) / Liberty Protection Safeguards 2020

The Human Rights Act 1998

Safeguarding Children, Young People and Adults at Risk in the NHS: Safeguarding Accountability and Assurance Framework 2022

Local Authority Safeguarding Adult Multiagency Policies and Procedures Click here for [Torbay and Devon](#); [Plymouth](#);

[Multi Agency Safeguarding Adult Information Sharing Agreement](#)

[TDSAP Information Sharing and Principles for Safeguarding Adults at Risk](#)

Best practice recommendations and other key guidance

Intercollegiate document: Adult Safeguarding Roles and competencies for healthcare staff [Adult Safeguarding: Roles and Competencies for Health Care Staff | Royal College of Nursing \(rcn.org.uk\)](#)

NICE Guidance NG108 [Overview | Decision-making and mental capacity | Guidance | NICE](#)
[Serious Violence Duty Statutory Guidance 2022](#)

Multi-agency Statutory Guidance on Female Genital Mutilation 2020

Mandatory reporting of Female Genital Mutilation 2020

Prevent Duty Guidance 2023

APPENDIX A

NHS Whole Service Section 42 (2) enquiries caused out to NHS Devon by Local Authority

