

Happy Days Children's Charity - Safeguarding Adults Policy

Introduction

Happy Days Children's Charity is committed to Safeguarding Adults in line with national legislation and relevant national and local guidelines. An adult is an individual who is over the age of 18.

We will safeguard adults by requiring our user groups, who organise the activities funded by our charity, to have their own Safeguarding Adults policy and deliver the activities in a way which keeps all adults safe.

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

This extends to recognising and reporting harm experienced anywhere, including within our activities, within other organised community or voluntary activities, in the community, in the person's own home and in any care setting.

Happy Days Children's Charity believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.

Happy Days Children's Charity is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

Happy Days Children's Charity acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse and neglect through safeguarding the welfare of all adults involved, particularly by encouraging the same commitment from workers and volunteers of the user groups.

Actions taken by Happy Days Children's Charity will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

The Purpose and Scope of this Policy

The purpose of this policy is to demonstrate the commitment of Happy Days Children's Charity to safeguarding adults and to ensure that everyone involved in Happy Days Children's Charity is aware of:

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

This safeguarding adult policy and associated procedures apply to all individuals involved in or associated with Happy Days Children's Charity including Board members, Staff and Volunteers.

We expect our user groups to have their own Safeguarding Adults policy and to adopt and demonstrate their commitment to the principles and practice as set out in this Safeguarding Adults Policy and associated procedures.

The Safeguarding Officer is responsible for reviewing, maintaining and enforcing this policy.

Adults at risk

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

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

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs) AND;
- (b) is experiencing, or at risk of, abuse or neglect, AND;

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. (Care Act 2014)

When a Local Authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult.

The actions that need to be taken might be by the Local Authority (usually social services) and/or by other agencies, for example the Police and Health. The Safeguarding Officer at Happy Days or the Safeguarding Officer of the user group may need to take action, for example, to use the disciplinary procedures in relation to a member of staff or member who has been reported to be harming an adult participant. The appropriate safeguarding officer will depend on which organisation the adult at risk is associated with and also which member of staff discovered the abuse.

Abuse and Neglect

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

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

There is a range of types of abuse, including:

- Physical
- Sexual
- Emotional/Psychological/Mental
- Neglect and acts of Omission
- Financial or material abuse
- Discriminatory
- Organisational / Institutional
- Self-neglect

- Domestic Abuse (including coercive control)
- Modern slavery

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

Abuse could take place within the activities funded by Happy Days but organised and run by a user group. The person causing harm might be any other person, such as a member of staff, a volunteer, a participant or an activity leader.

Some examples of abuse include:

- Harassment of a participant because of their (perceived) disability or other protected characteristics.
- Not meeting the needs of the participant e.g. excluding them from the activity run by the user group.
- A volunteer who sends unwanted sexually explicit text messages to a participant with learning disabilities.
- A participant threatens another participant with physical harm.

Abuse or neglect outside of the activity run by a user group could be carried out by:

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

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

Signs and Indicators of Abuse and Neglect

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

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

- Unexplained bruises or injuries – or lack of medical attention when an injury is present.
- Person has belongings or money going missing.
- Person is not attending / no longer enjoying their sessions run by the user group.
- Someone losing or gaining weight / an unkempt appearance, such as a deterioration in hygiene.
- A change in the behaviour or confidence of a person. For example, a participant may be looking quiet and withdrawn when their brother comes to collect them from group.

- the activities in contrast to their personal assistant whom they greet with a smile.
- Self-harm.
 - A fear of a particular group of people or individual.

- A parent/carer always speaks for the person and doesn't allow them to make their own choices
- They may tell you / another person they are being abused – i.e. a disclosure

Mental Capacity and Decision Making

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health. A person's mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves.

Mental Capacity is important for safeguarding for several reasons.

Not being allowed to make decisions that someone is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their parent who is their carer won't allow them to and will not provide the support they would need.

Another situation is where an adult is being abused and they are scared of the consequences of going against the views of the person abusing them. It is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'.

Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened, however, in some situations the adult may not have the mental capacity to understand the choice or to tell you their views.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected you will need to refer the situation to the Local Authority, and this should result in health or social care professionals making an assessment of mental capacity and/or getting the person the support they need to make decisions.

There may be times when a worker/employer of the user group may need to make decisions on behalf of an individual in an emergency. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them.
- Stopping them being in contact with the person causing harm.
- If a decision has to be made for someone else then it must consider their best interests (for their benefit) and take into account the information known about their preferences and wishes.
- If the decision can wait, wait – e.g. to get help to help the person make their decision or until they can make it themselves.

Safeguarding Officer

We will seek to keep adults safe by appointing our own safeguarding officer to monitor and ensure that our safeguarding policy is followed. They will also ensure that the user groups have and enforce their own safeguarding policies.

Contact details

Name: Ryan Sinclair

Email: ryan@happydayscharity.org

Phone: 01462 530710

The Safeguarding Officer will review this policy on an annual basis and will make any necessary amendments.

Commitments

In order to implement this policy Happy Days Children's Charity will ensure that:

- Everyone involved with Happy Days Children's Charity is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult.
- The safeguarding officer will ensure that the user groups have their own safeguarding officer and safeguarding policy.
- Any concern that an adult is not safe which is reported to Happy Days' safeguarding officer, will be taken seriously, responded to promptly, and followed up in line with Happy Days Children's Charity Safeguarding Adults Policy and Procedures. Any concerns related to adults associated with the user groups should be reported to the user group's safeguarding officer.
- Confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with our Data Protection Policy and Procedures.
- Happy Days Children's Charity will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult.
- All Board members, staff and volunteers understand their role and responsibility for safeguarding adults
- Happy Days Children's Charity shares information about anyone found to be a risk to adults with the appropriate bodies. For example: Disclosure and Barring Service, Services, Police, Local Authority/Social Services.
- When planning activities and events, Happy Days Children's Charity recommends that each user group carries out an assessment of, and risk to, the safety of all adults from abuse and neglect and designates a person who will be in attendance as a safeguarding lead for that

event.

Reporting Concerns about Other Adults

Where any person has a concern regarding the conduct of an adult connected to the Charity, which poses or may pose a safeguarding risk to adults such as:

- harming an adult either physically or emotionally
- engaging in criminal activity concerning an adult at risk

This must be raised in the first instance with the appropriate Safeguarding Officer, so that the next appropriate steps may be agreed and actioned. Where this is not appropriate, the individual should consult a different senior member of the organisation. We recognise that there could be circumstances where a person may need to report a matter that has occurred at an event funded by Happy Days and run by a user group, in which case the individual should consult the user group's safeguarding officer.

Usually, any appropriate steps following a safeguarding referral in respect of an individual connected to the Charity will include either:

- further initial enquiries
- escalation to the applicable Local Authority department for assessment and/or the police for investigation
- instigation of any appropriate disciplinary, formal investigation processes and suspension of any person concerned within the Charity or user group
- a referral to the Disclosure and Barring Service, or any other relevant regulatory bodies

Any person within the Charity or user group who has allegations made against them shall be informed properly in a formal meeting of the particulars of the allegations and the relevant next steps which shall be taken. Such a meeting should ordinarily be held by either Happy Days' Safeguarding Officer or the user group's safeguarding officer, depending on the circumstances. On certain occasions, such a meeting may not be convened until this has been approved by any authorities involved (such as the police or the relevant Local Authority).

Any person who has allegations made against them shall be treated fairly. All enquires, investigations and decisions taken shall be just and fair, with the safety of any child concerned at the heart of the process.

Responding to a Safeguarding Concern

Where an adult is at immediate risk of serious harm, any adult present should call 999. Thereafter, the Safeguarding Officer of the user group should be contacted as soon as is reasonably practicable.

Where there is a safeguarding concern but no immediate risk of serious harm, the adult who has heard or witnessed this concern should consult with the appropriate Safeguarding Officer (either Happy Days' officer or the officer of the user group, depending on the circumstances), as soon as practicable and by no later than the end of that same day.

Where any adult makes a disclosure relating to harm or abuse to an adult, it is important for that adult to:

- listen calmly and carefully, showing that their views are taken seriously
- provide an appropriate and honest level of reassurance
- avoid interrogating the individual and asking probing, intrusive and/or leading questions
- avoid making false promises regarding secrets and confidentiality (because any concern of abuse/harm must be shared with the Safeguarding Officer and any subsequent safeguarding referral)
- make a confidential written record of the discussion either during the discussion or immediately afterwards. The record should include the key details of the disclosure together with any relevant times, dates, places and people concerned. Audio and video recordings of the individual making disclosures should be avoided
- It is not the role of the worker to investigate any allegations and the allegation should not be discussed with anyone except the correct people in authority
- refer all relevant information to the appropriate Safeguarding Officer as soon as practicable afterwards, and by no later than the end of the day

Upon receipt of any safeguarding concern, the Safeguarding Officer shall consult with any other relevant persons and will make any appropriate referrals to the relevant authorities, such as the applicable Local Authority department.

Recording and Information Sharing

All organisations must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information, with the right people, is central to good practice in safeguarding adults.

However, information sharing must only ever be with those with a 'need to know'.

This does **NOT** automatically include the person's spouse, partner, adult, children, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

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

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation

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

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

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

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

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

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

All workers/volunteers will receive a copy of this Safeguarding Policy.

Photography and sharing

Happy Days' Photographs

On some occasions, the user groups may take photographs featuring children and they may send them to the charity. We recognise that photography of children carries risks, such as:

- the potential for images to be re-used, shared or adapted in a damaging or inappropriate manner
- the general risk of sharing images and the impact this could have on child's public image as they grow older

In view of these risks, we will:

- always ask for written permission from their parent/guardian or user group before taking and sharing any image of them
- always ensure that the parent/guardian or user group are properly informed how an image will be used and shared
- always ensure that the adult's identity is protected as far as is possible within any published material
- ask that parents, guardians and user groups and any other person connected to them who may wish to share any of our published images which features other adult's to refrain from doing so unless they have the permission of the other adult's and their parent/guardian or user groups.
- Always store photos in accordance with our data protection policy.

Safer Recruitment

New Workers

In light of the work that Happy Days does and the user groups that it engages with, Happy Days conducts the following checks when recruiting paid workers and volunteers. This includes but is not limited to the following steps:

- An interview by the Chief Executive who will take the final decision;
- Identifying reasons for gaps in employment, and other inconsistencies in a persons employment history
- Checking of the applicants' identity (passport, driving license, etc);
- Taking up references
- Ensuring criminal record checks have been carried out through relevant local agencies approved by the Disclosure and Barring Service (DBS);
- Taking appropriate advice before employing someone with a criminal record;
- Allowing no unaccompanied access to children until all of the above have been completed;
- A probationary period of 3 months for new paid workers and volunteers;
- On-going supervision of paid workers and volunteers;

- Ensuring good practice is followed in working with children and young people by providing appropriate training and guidance;

All new workers/volunteers will receive training on the contents and application of this Safeguarding Policy. Existing workers/volunteers will receive training to provide an update on any significant policy amendments.

This policy will be reviewed each year in the month of December and was reviewed by Ryan Sinclair (Chief Executive) on 11th December 2024