



NLM Housing Association

Safeguarding Adults and Children Policy

Policy Owner:	Housing Director
Approved by:	Board
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Safeguarding Adults and Children Policy

Policy Statement Scope

- 1.1 The Safeguarding Adults and Children Policy Statement sets out NLM's approach to safeguarding of adults and children at risk of harm, abuse or neglect who use or are connected to our services. It also outlines our commitment to working collaboratively with Local Authorities and other partners to effectively safeguard vulnerable people.
- 1.2 The aim of the policy statement is to provide effective guidance for all our staff to be able to identify potential safeguarding issues, and for us to investigate and refer cases where necessary.
- 1.3 We have developed this policy using guidance from the Department of Health's Care and Support Statutory Guidance 2017 issued under the Care Act 2014.
- 1.4 The Care Act 2014 sets out six key principles that underpin all adult safeguarding work:
 - Empowerment** – Personalisation and the presumption of person-led decisions and informed consent.
 - Prevention** – It is better to take action before harm occurs.
 - Proportionality** – Proportionate and least intrusive response appropriate to the risk presented.
 - Protection** – Support and representation for those in greatest need.
 - Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
 - Accountability** – Accountability and transparency in delivering safeguarding.
- 1.5 Under the latter, housing providers have a duty to co-operate with local authorities implementing their statutory duties around safeguarding. This may include: carrying out 'enquiries' into incidents; information sharing; and participating in statutory local Safeguarding Boards.
- 1.6 Housing providers are expected to make staff familiar with the principles of safeguarding, train staff to be vigilant, recognise signs of abuse and know what to do if they see those signs.

2. Policy Key Objectives

- 1.7 By publishing this policy statement, NLM aims to ensure compliance with the policy key objectives. The policy key objectives set-out what is to be achieved by implementing the policy.
- 1.8 All staff and managers are responsible for ensuring compliance with the policy key objectives.

No	Safeguarding Adults and Children Policy Statement Key Objectives
1	Ensure compliance with all relevant legislation and best practice and ensure that this policy and toolkit are published and promoted within NLM so that all staff are made aware of their responsibility to be vigilant about safeguarding issues, their own conduct, and how to respond to any concerns or suspicions they may have.
2	Ensure a prompt and proportionate response when it appears that a child, young person or adult at risk may be at risk of abuse or neglect.
3	Work with Local Authorities and partner agencies to minimise risk and to ensure that where safeguarding concerns are identified, they are swiftly and appropriately raised, and information is effectively shared.
4	Ensure that the policy is publicised so that children, young people and vulnerable adults are aware of NLM's approach to safeguarding and our responsibilities.

3. Regulatory Code and Legal Framework

- 3.1 This policy statement and associated policy guidance documents and procedures comply with the Housing & Communities Agency's regulatory standards for registered providers of social housing in England.
- 3.2 The most important legislation, case law and national standards/guidance that currently govern registered provider policy and practice are set out in Appendix 1 – Safeguarding Legislation and Policy Framework for Adults and Children.

4 Definitions

The following definitions will be used in this policy. Examples of abuse that must be reported as a safeguarding concern by NLM staff are listed in Appendix 2 – What is Abuse?

Adult at risk	<p>An adult who:</p> <ul style="list-style-type: none"> a) Has needs for care and support (whether or not the authority is meeting any of those needs), b) Is experiencing, or is at risk of, abuse and neglect, and c) As a result of those needs is unable to protect themselves against abuse or neglect or the risk of it.” (Care Act 2014).
Child or young person	<p>A child or young person is anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection.</p>
Safeguarding	<p>Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect.</p> <p>Safeguarding adults includes:</p> <ul style="list-style-type: none"> • Protecting their rights to live in safety, free from abuse and neglect. • People and organisations working together to prevent the risk of abuse or neglect, and to stop them from happening. • Making sure people's wellbeing is promoted, taking their views, wishes, feelings and beliefs into account. <p>Safeguarding children and promoting their welfare includes:</p> <ul style="list-style-type: none"> • Protecting them from maltreatment or things that are bad for their health or development. • Making sure they grow up in circumstances that allow safe and effective care.
Abuse of an adult	<p>Abuse of an adult is a violation of an individual's human and civil rights by any other person(s) who has power over the life of the dependent individual or an adult in need of support or care who is unable to protect themselves from abuse, self-neglect or neglect because of those needs, regardless of the person's capacity to make decisions.</p>
Abuse of a child or young	<p>Abuse of children is any action that could cause them significant harm.</p>

Agent	A person who acts on behalf of another. Examples of NLM's agents include but are limited to contractors, sub-contractors, volunteers, managing agents etc.
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5 Policy Statement

- 5.1 NLM is committed to safeguarding adults and children at risk of abuse or neglect and will ensure that appropriate policies and procedures are in place to safeguard their wellbeing.
- 5.2 It is the responsibility of each person working on behalf of NLM to consider the safety and welfare of the adults and children that they come into contact with.
- 5.3 Where a staff member observes or has concerns about an adult or child's welfare or receives a safeguarding disclosure from a third party, the incident must be treated seriously and immediately responded to in accordance with NLM's Safeguarding Adults and Children Procedure.

Key Principles

Safeguarding Adults at Risk, Children and Young People

- 5.4 The following key principles apply to both safeguarding adults and children at risk of abuse or neglect:
 - i) The NLM will establish clear lines of responsibility and accountability for the detection, recording and reporting of safeguarding concerns.
 - ii) We will ensure any systems related to the recording of safeguarding matters are robust, secure and confidential.
 - iii) We will establish leadership responsibility at a senior level for our safeguarding arrangements.
 - iv) We will undertake regular audits to ensure policy and procedures have been followed.
 - v) We will ensure that contractors and volunteers working on behalf of NLM are aware of this policy statement.
 - vi) We will provide appropriate supervision and support for staff, creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role.
 - vii) We will treat reports from staff that are at risk of reprisals as

anonymous where possible but we cannot guarantee reporters will remain anonymous.

- viii) We will ensure recruitment processes follow the Disclosure and Barring Service (DBS) regulations, which will include checking certain groups of paid staff and volunteers. DBS was set up to prevent unsuitable people from working with children and vulnerable adults.
- ix) We will ensure allegations against perpetrators who are members of staff are treated seriously and consideration will be given to suspending that person from their duties pending the outcome of the investigation in line with our disciplinary policies and procedures.
- x) Appendix 3 sets out who can be referred to local safeguarding services. We will record and refer all concerns, suspicions or allegations of abuse, harm or neglect referrals promptly to the lead agencies responsible for carrying out safeguarding assessments and enquiries; namely Adult Social Care, Children's Social Care or the Police. We will record the reasons why if a decision is made not to refer a concern.
- xi) We will work together with the lead agencies, and other statutory and voluntary agencies to protect the wellbeing of adults at risk, children and young people by contributing to assessments, multi-agency meetings, case conferences, adult or child protection plans and Safeguarding Adult Reviews, or serious case reviews, when requested to do so.
- xii) We will ensure all relevant staff receive training on safeguarding and their roles and responsibilities to identify, record and report concerns of abuse, harm and neglect.

Safeguarding Adults

5.5 The following key principles apply to safeguarding adults:

- i) We will apply this policy to all adults at risk regardless of age, disability, gender reassignment, marriage and civil partner status, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- ii) We will aim to prevent, detect and report significant harm to adults at risk from abuse or other types of exploitation, whilst supporting individuals in maintaining control over their lives and making informed decisions.
- iii) We will follow the Department of Health's six key safeguarding principles when working with adults at risk – empowerment, protection, prevention, proportionality, partnership and

accountability.

- iv) We will assume that adults have mental capacity to make informed choices about their own safety and how they live their lives. The Mental Capacity Act 2005 is central to decisions and actions in safeguarding adults.
- v) We will ensure the wishes of the adult at risk will be taken into account at all times and if a person does not have the capacity to make informed decisions, judgements of what is in their best interests will be made, where appropriate, through discussions with relatives, carers and other agencies.
- vi) We will record and refer all concerns, suspicions or allegations of abuse, harm (including female genital mutilation) or neglect where there is consent from the adult at risk, unless there is a public interest consideration; or where there is immediate risk of harm; or where the adult requires urgent medical attention; or where there is a duty of care; or there is clear professional evidence of lack of capacity.
- vii) We will share relevant personal information about adults at risk with lead agencies where there are safeguarding concerns in line with the General Data Protection Regulation (GDPR) and Data Protection Act 2018,.
- viii) We will have in place arrangements which set out clearly the processes and timescales for sharing information with lead agencies and Local Adult Safeguarding Boards.

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Safeguarding Children and Young People

5.6 The following key principles apply to safeguarding children and young people:

- i) We will apply this policy to all children and young people who have not reached their 18th birthday. No child or group of children will be treated any less favourably than others in being able to access effective services which meet their particular needs. This applies to the process of identification of need and risk faced by the individual child and the process of assessment.
- ii) We will share relevant personal information about children and families with lead agencies where there are safeguarding concerns in line with the General Data Protection Regulation (GDPR) and Data Protection Act 2018,. Data Protection law allows for the sharing of information (without consent) where there is a concern that a child or young person may be being abused, is at risk of abuse, or where the seeking of consent to share information will place additional risk to the child or

young person. In all other circumstances agencies need to obtain consent.

- iii) We will have in place arrangements which set out clearly the processes and timescales for sharing information with lead agencies and Local Children's Safeguarding Boards.
- iv) We will listen to children and take into account their wishes and feelings whilst not promising confidentiality where the child may be at risk.
- v) We will ensure photographs and filming only take place with the explicit consent of parents or guardians.

6 Safeguarding Training

6.1 We will provide safeguarding training to all front line staff and review the training on a regular basis.

6.2 NLM's Designated Safeguarding Officer is responsible for coordinating and monitoring safeguarding referrals, and are provided with a higher level of training to enable them to fulfil these duties.

7 Monitoring, Review and Evaluation

7.1 We monitor performance indicators at directorate and local team levels.

7.2 We will review this Policy to address legislative, regulatory, best practice or operational issues.

8 Appendices

Appendix 1 – Safeguarding Legislation and Policy Framework for Adults and Children
Appendix 2 – What is Abuse?

Appendix 3 – Who can be referred to local Safeguarding services?

Appendix 1 – Safeguarding Legislation and Policy Framework for Adults and Children

Safeguarding Adults	
White Paper Modernising Social Services	Stresses the importance of protection for adults needing care and support
Human Rights Act 1998	Placed a positive duty on public bodies to intervene proportionately to protect the rights of citizens
No Secrets 2000	<p>IMPORTANT NOTE: No Secrets 2000 was repealed by the Care Act 2014 on 1 April 2015. The act contains replacement and mandatory requirements around adult safeguarding. See chapter 14 of 'Care and Support Statutory Guidance'</p> <p><u>Retained for best practice/examples purposes only</u></p> <p>'No Secrets' sets out a code of practice for the protection of vulnerable adults and contains guidance for local agencies who have responsibility to take action when a vulnerable adult is believed to be suffering abuse</p>
Sexual Offences Act 2003	Outlines a range of offences against children and adults with a mental disorder
Disability Discrimination Act	Significantly extends the rights of disabled people
Domestic Violence Crime and Victims Act 2004	<p>Strengthens the protection available to victims of domestic violence by:</p> <ul style="list-style-type: none"> • Criminalising any breach of a non-molestation order • Extending the availability of restraining orders • Making common assault a criminal offence • Introduces a new offence of causing or allowing the death of a vulnerable adult.
Mental Capacity Act 2005	It aims to protect people who cannot make decisions for themselves due to a learning disability or mental health condition. It sets out a single clear test for assessing whether a person lacks capacity to make a decision at a particular time.
Safeguarding Adults – National Framework of Standards 2005	This document collects best safeguarding practice and sets it within 11 good practice standards. These are to be used as an audit tool and guide for those implementing adult protection work.

Safeguarding Vulnerable Groups Act 2006	Strengthens the local governance arrangements for safeguarding by putting Safeguarding Adults Boards on a statutory footing.
Mental Health Act 2007	This makes changes to the procedures for authorising the deprivation of liberty of a person in a hospital or care home who lacks capacity to consent to being there.
Protection of Freedoms Act 2012	Scaling back the criminal records and barring systems to more proportionate levels whilst ensuring that they continue to provide effective protection for those who need it. From 1st December the CRB & Independent Safeguarding Authority merged to become the Disclosure and Barring Service. Legislative changes came into force during 2013/14.
Care Act 2014	<p>The key principles for the Care Act are promoting the wellbeing of individuals and in turn making safeguarding personal. It outlines six key principles which seek to increase the protection of vulnerable adults;</p> <ol style="list-style-type: none"> 1. Empowerment – taking a person centred approach whereby users feel involved and informed 2. Protection – delivering support to victims to allow them to take action protecting them from further harm 3. Prevention – to take action before harm occurs 4. Proportionality – ensuring outcomes are appropriate for the individual 5. Partnership – information is shared appropriately and the person is involved 6. Accountability – all agencies have a clear leadership role in promoting the six key principles <p>The Care Act contains replacement and mandatory requirements around adult safeguarding. See chapter 14 of 'Care and Support Statutory Guidance'</p>
Modern Slavery Act 2015	Addresses the problem of slavery and human trafficking in the 21st century. It is designed to improve law enforcement tools, strengthen criminal penalties and deliver better support and protection for victims.
Department of Health's Care and Support Statutory Guidance 2017	Replaces, No Secrets 2000, which was repealed by the Care Act 2014 on 1 April 2015. The act contains replacement and mandatory requirements around adult safeguarding for Local Authorities and other agencies. See chapter 14 of 'Care and Support Statutory Guidance'

<p>Making Safeguarding Personal: What might 'good' look like for those working in the housing sector?</p> <p>Local Government Association (November 2017)</p>	<p>Making Safeguarding Personal sits firmly within the Department of Health's Care and Support Statutory Guidance, as revised in 2017. It means adult safeguarding:</p> <ul style="list-style-type: none"> • is person-led; • is outcome-focused • engages the person and enhances involvement, choice and control • improves quality of life, well-being and safety <p>Making Safeguarding Personal must not simply be seen in the context of a formal safeguarding enquiry (Care Act 2014, Section 42 enquiry) but also in the whole spectrum of activity.</p>
<p>Children Act 1989</p>	<p>Key aspects:</p> <ul style="list-style-type: none"> • Welfare of the child is paramount • Delay is not in the child's best interests and to be avoided • Children's wishes to be taken seriously
<p>United Nations Convention on the Rights of Child 1989 (ratified by the UK 1991)</p>	<p>In 1989, governments worldwide promised all children the same rights by adopting the UN Convention on the Rights of the Child (CRC). These rights are based on what a child needs to survive, grow, participate and fulfil their potential. They apply equally to every child, regardless of who they are, or where they are from.</p>
<p>Protection of Children Act 1999 POCA</p>	<p>Changed the route by which employers can check whether an actual or potential employee has criminal offences against children and whether they are unsuitable to work with children.</p>
<p>Education Act 2002</p>	<p>Emphasises duty to make arrangements for the safeguarding and promoting of the welfare of children</p>
<p>Homelessness Act 2002</p>	<p>Housing Authorities are required to refer to adult social care services homeless persons with dependent children who are eligible for homelessness assistance</p>
<p>Sexual Offences Act (2003)</p>	<p>Sets out a new legal framework to protect children from sexual abuse, covers internet pornography, grooming & exploitation. Puts restrictions on convicted sex offenders.</p>

Children Act 2004	<p>Key aspects:</p> <ul style="list-style-type: none"> • New role of children commissioner for England • Duty of local authorities to promote • Cooperation between agencies • Establish Local Safeguarding Children's Boards • Develop local arrangements to safeguard and promote the welfare of children • Develop index/data base to hold basic info on children and families • Establishment of new post of Director of Children's Services
Every Child Matters: Change for children 2004	<p>Focuses on a shared programme of national change to provide services "around the needs of children & young people". Achieving better outcomes:</p> <ol style="list-style-type: none"> 1. Be healthy 2. Stay safe 3. Enjoy and achieve 4. Make a positive contribution 5. Achieve economic wellbeing
Education Act 2011	<p>Makes changes to provisions on school discipline and will place restrictions on the public reporting of allegations made against teachers. The intention is for most of the sections of the Act to have commenced by the start of the 2012 academic year.</p>
Protection of Freedoms Act 2012	<p>Scaling back the criminal records and barring systems to more proportionate levels whilst ensuring that they continue to provide effective protection for those who need it. These can into effect 10th September 2012.</p>

<p>Children and Families Act 2014</p>	<p>Introduced a number of reforms including the following provisions:</p> <ul style="list-style-type: none"> • Encourages 'fostering for adoption' which allows approved adopters to foster children while they wait for court approval to adopt. • Introduces a 26 week time limit for the courts to decide whether or not a child should be taken into care. In some cases, this limit may be extended by eight weeks. • 'Staying put' arrangements which allow children in care to stay with their foster families until the age of 21 years. This is provided that both the young person and the foster family are happy to do so. • Introduces a single assessment process and an Education, Health and Care (EHC) Plan to support children, young people and their families from birth to 25 years. The EHC plan will replace
<p>Working Together to Safeguard Children: A Guide to Inter Agency Working 2015</p>	<p>Contains statutory and non-statutory guidance.</p> <p>National frameworks for policies and procedures.</p> <p>Outlines the responsibilities of Local Children's Safeguarding Boards.</p>

Appendix 2 – What is Abuse?

Examples of abuse that should be reported as a safeguarding concern:

Type of Abuse	Adults	Children
Physical	Hitting, slapping, pushing, pulling hair, 'manhandling', scalding, misuse of medication, or use of restraint. This may include domestic violence.	Any physical act that is likely to cause a child significant harm. For example: hitting a child with an implement or such force as to leave a mark. Forced marriage, female genital mutilation
Sexual	Rape, sexual assault, touching, sexual harassment or involving people who lack capacity in sexual acts to which they did not or cannot consent.	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.
Psychological	Stalking, harassment, verbal abuse, restricting people's rights and freedoms, threats, coercion, intimidation, controlling behaviours or exploitation	Emotional Abuse that amounts to significant harm, for example: repeatedly telling a child they are worthless or using a child wholly to fulfil adult's needs
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. <i>Self-neglect includes cases of hoarding where the OCD Foundation's Clutter Image Rating scale rating exceeds '4' (in accordance with NLM's Hoarding Procedure).</i>	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. <i>A child or young person living with an adult in a property where the OCD Foundation's Clutter Image Rating scale rating exceeds '4' must also be reported as a safeguarding concern (in accordance with NLM's Hoarding Procedure).</i>

Financial	Stealing money, assets, misuse or misappropriation of property, possessions or benefits, using pressure, or intimidation to influence financial decisions such as the sale of property, wills or managing inheritances. Taking control over finances when the person does not lack capacity.	Exploitation, extortion or using threats, coercion to involve children in fraud, crime or the misappropriation of their funds, benefits or assets.
Institutional	Processes, attitudes or behaviours that amount to discrimination through unwitting prejudice, ignorance or thoughtlessness and lead to the mistreatment of an individual by an institution. It can also occur through repeated acts of poor or inadequate care or bad professional practise, threats, enforcement of rules or regulations outside of tenancy agreements, common law or human/civil rights. Creating an institution around someone's own home.	Failing to act to protect children at risk of significant harm 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.
Neglect	<p>Deliberately neglecting needs, failing to report abuse, self-neglect. Omitting to share information that could protect a person at risk of harm from abuse/neglect/self-neglect. Ignoring service failure.</p> <p><i>Self-neglect includes cases of hoarding where the OCD Foundation's Clutter Image Rating scale rating exceeds '4' (in accordance with NLM's Hoarding Procedure).</i></p>	<p>Failing to provide children with their basic needs; food, water, clothing, warmth, security, safety, education, protection and emotional support.</p> <p><i>A child or young person living with an adult in a property where the OCD Foundation's Clutter Image Rating scale rating exceeds '4' must also be reported as a safeguarding concern (in accordance with NLM's Hoarding Procedure).</i></p>

Appendix 3 – Who can be referred to local Safeguarding services?

	Any adult who is unable to protect themselves from abuse, self-neglect or neglect, because they have support and/or care needs regardless of their mental capacity.	Every child at risk of significant harm (under 18 years of age)
Who to?	The local authority where the adult normally lives and/or the Police where a crime is suspected or known. Social Services have a duty to ensure that further enquiries are made – Care Act 2014	The local authority where the concern arises or the Police, both have a duty to investigate urgent and non-urgent concerns – Section 47: The Children Act 1989
Immediate Action	Make sure everyone is safe and that evidence is preserved. Do not interview victims or perpetrators beyond the initial disclosure. Record all facts immediately and report to line manager. If staff are implicated then senior managers must consider immediate employment action.	Make sure everyone is safe and that evidence is preserved. Never interview victims or perpetrators beyond the initial disclosure. Record all facts immediately and report to line manager. If staff are implicated senior managers must consider immediate employment action.
What to expect	Social services will decide if the adult meets the criteria for enquiries to be made. If so Social Services will make or ask another agency to make enquiries.	Social Services/Police will investigate and determine any action.
Will authorities intervene?	The local authority is guided to consider the least intervention necessary in order to safeguard adults. Social Services will intervene if either someone who fits the criteria: 1 lacks capacity 2 is unable to protect themselves and agrees to the suggested intervention	Agencies are guided to do what is proportionate, possible and necessary in order to safeguard children.