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# Safeguarding of Vulnerable Adults and Children Policy

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TARGET AUDIENCE (including temporary staff)	
People who need to know this document in detail	All staff
People who need to have a broad understanding of this document	All staff
People who need to know that this document exists	All staff

## 1. Policy Summary / Statement

The purpose of this policy is to ensure that:

- All Adults, Children and Young People that are supported within our services are protected from harm and abuse.
- Staff working within St Andrew's Healthcare know how to take appropriate action to protect individuals from abuse
- Staff affected by Safeguarding issues are supported by St Andrew's Healthcare

Safeguarding is about protecting the health, wellbeing and human rights of individuals, which allow people to live free from harm, abuse and neglect. It is fundamental to high-quality health and social care. (Care Quality Commission, 2017, Safeguarding people). It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect" (Department of Health, 2014).

At St Andrew's Healthcare, safeguarding patients is a core element of our care. It is the policy of the Charity to provide a safe and secure environment for patients, in which all aspects of their welfare will be protected. The Charity will always endeavour to minimise the situations in which harm or abuse might occur. Whilst anyone can be vulnerable to abuse at some time in their life, the Charity is aware that the people they support have a variety of mental health needs and as such their vulnerability to being exploited or abused by others is higher therefore it is essential that the staff working with patients in our care are trained to spot the signs of abuse and respond appropriately to keep patients safe.

The safeguarding agenda is informed by and must be consistent with national legislation, government guidance and area Inter-Agency Procedures. The aim of this policy is to apply the principles of national legislation and locality policies and to guide St Andrew's Healthcare employees in what to do when a safeguarding incident happens. This policy provides definitions of the types of abuse, and sets out the key arrangements for safeguarding and promoting the welfare of children, young people and vulnerable adults. It sets out roles and responsibilities of those involved in safeguarding patients from abuse, the procedures and processes that apply.

The Care Act 2014 was implemented in April 2015 consolidating existing community care legislation, therefore placing safeguarding adults on a statutory footing. Care and Support Statutory Guidance (2016) was issued under the Care Act 2014 and replaces the previous Guidance: No Secrets (2000). A vulnerable adult is defined as a person aged 18 years or over who may be in need of care services by reason of mental or other disability, age or illness and who is or may not be able to take care of himself or herself.

All children are vulnerable and are defined as anyone who has not yet reached their eighteenth birthday (Children Act 1998). Children who are disabled or who are identified as having complex needs as well as Looked After Children are recognized as having increased vulnerability.

This policy therefore relates to all patients across the Charity. All staff and volunteers must have an understanding of the principles of this policy. Managers are responsible for ensuring that the policy is implemented. Senior managers have responsibility for ensuring that the relevant training and support networks are available to all staff working within the Charity to ensure that staff are equipped to work safely with patients and respond appropriately when safeguarding incidents occur.

This policy sets out the organisation's statement of purpose for all members of staff to promote the wellbeing of everyone who uses services and their carers; act positively to prevent harm, abuse or neglect (including self-neglect) and respond effectively if concerns are raised.

St Andrew's Healthcare has a zero tolerance of all forms of abuse. Staff found not to work positively and safely with patients will be subject to internal policies and procedures re: conduct. The Charity will also work proactively with external partners including the police when safeguarding incidents involving staff and patients occur.

## 2. **Links to Policies and Procedures**

Disciplinary Policy  
Persons in Positions of Trust (PiPoT) Procedure

Safeguarding Procedures –  
CAMHS Safeguarding Reporting Process Guidance  
Adult Safeguarding Reporting Process Guidance

StAH Policies and Procedures are available via the Policy A-Z.  
[Policies - Policies - A-Z \(sharepoint.com\)](#)

Useful external documents referring to Safeguarding Adults and Children are listed below:

Safeguarding Reporting Process Northampton  
<https://www.northamptonshire.gov.uk/councilservices/adult-social-care/safeguarding/Pages/default.aspx>

Safeguarding children within the CAMH service in Northampton  
[The Partnership - Northamptonshire Safeguarding Children Board \(northamptonshirescb.org.uk\)](http://ThePartnership-NorthamptonshireSafeguardingChildrenBoard.northamptonshirescb.org.uk)

Safeguarding Reporting Process Birmingham  
<https://www.bsab.org/how-to-report-abuse/>

Safeguarding Reporting Process Nottinghamshire  
<https://www.nottinghamshire.gov.uk/care/safeguarding/reporting-abuse-professionals>

Safeguarding Reporting Process Essex  
<https://www.essex.gov.uk/report-abuse-or-neglect>

Referral to Serenity Sexual Assault Referral Centre (SARC) in Northamptonshire  
<https://www.nhft.nhs.uk/serenity>

## 3. **Scope**

This policy applies to all staff and therefore all staff working within the Charity should have a full working knowledge of this policy.

## 4. **Background**

### 4.1. **Safeguarding Procedures and Processes**

There are a number of internal and external procedures for staff to follow when a safeguarding incident occurs. They are collated within the appendices of this policy and address both adult and Child safeguarding processes, Staff should follow

internal safeguarding procedures as a matter of course when a safeguarding incident occurs.

#### 4.2. Stakeholders have been involved in the creation of this Policy:

- Northants Assurance team (Safeguarding Adults)
- Northants ICB
- Northants Designated Officer
- Northants Police (Safeguarding)
- PoWhER Advocacy

#### 4.3. Staff Support:

It is acknowledged that staff working within or for the Charity may also be affected by safeguarding incidents that occur within the hospital services, either by what they see or hear. Support networks are available within the organisation for staff as well as signposting to external agencies, this can include Managers as well as HR. The wellbeing service within St Andrew's will guide staff to the right support, this can be found via the following link:

<https://sahcorp.sharepoint.com/sites/Reward/SitePages/Wellbeing.aspx>

#### **For further information in relation to Safeguarding:**

Please contact the St Andrew's Healthcare Safeguarding team on [safeguardinginbox@standrew.co.uk](mailto:safeguardinginbox@standrew.co.uk)

## 5. Key Requirements

Effective safeguarding arrangements seek to prevent and protect individuals from harm or abuse, regardless of their circumstances. In the UK, the foundations of adult safeguarding legislation are held within the European Convention on Human Rights.

For the purposes of this policy document it covers all Children and Adults within the Charity's care.

All health organisations are required to adhere to the following arrangements and legislation,

- The Crime and Disorder Act 1998
- Female Genital Mutilation Act 2003
- Mental Capacity Act 2005 and Mental Capacity (Amendment) Act 2019
- Convention on the Rights of Persons with Disabilities 2006
- Mental Health Act 2007
- Children and Families Act 2014
- Modern Slavery Act 2015
- Serious Crime Act 2015
- Health and Social Care Act 2008 (updated 2020) Safeguarding legislation specific to adults
- The Care Act 2014
- Care and Support Statutory Guidance (Department of Health) Issued under the Care Act 2014 - Section 14 Safeguarding
- Adult Safeguarding: Roles and Competencies for Health Care Staff 2018.
- Domestic Abuse Act 2021
- Sexual Offences Act 2003
- Counter-Terrorism and Security Act 2015
- Domestic Violence, Crime and Victims Act 2004 Serious Crime Act 2015

- Working Together 2023
- Children Act 1989 and 2004

[\(Safeguarding Children, Young People and Adults at Risk in the NHS: Safeguarding Accountability and Assurance Framework, NHS England and NHS Improvement, Version 3, July 2022\)](#).

### 5.1. Allegations against Staff

Concerns will be taken seriously regarding any staff that are alleged to have abused any patient in-line with Charity's Policies related to Disciplinary Procedures. If substantiated, actions taken may include police prosecution and referral to any relevant professional body or register for possible disciplinary action. It may be necessary to remove the member of staff concerned in order to ensure patient safety. Once an allegation or concern has been raised in respect of a member of staff, the appropriate line manager will be notified and advice should be sought from the Charity's Human Resources (HR) department.

In the first instance the Senior Manager will advise as to how to deal with the alleged perpetrator and how to proceed with an investigation into the conduct and performance of the staff member. A simultaneous notification must be made to the relevant Local Authority in respect of the abuse or the local Designated Officer in relation to children and to the police wherever criminal activity is believed to have occurred. The Charity's Safeguarding Team must be informed of the incident and kept up to date with any on-going investigation and its' outcome. The ICB Designated Nurse should be informed of all allegations where a child is involved as the victim.

The Charity will demonstrate commitment to this undertaking by working in partnership with both the Northamptonshire Safeguarding Adults Board (NSAB) and The Northamptonshire Safeguarding Children Partnership (NSCP). The Charity's satellite sites in Birmingham, Essex and Nottinghamshire will work collaboratively with their local partners. The purpose of the Adult Safeguarding and Child Safeguarding partners are to help and protect adults and children at risk, through coordination of a multi-agency system made up of Local Authority Social Services, the Integrated Care Boards, Commissioners and providers, the Police and voluntary sector partners.

This policy should therefore be read in conjunction with the Multi-Agency Safeguarding Policy and Procedures published by partner Safeguarding Adults Boards and Safeguarding Children Partnerships, which can be found on the relevant local websites.

There may also be cause to refer staff's behaviour through the Charity's Persons in Positions in Trust (PiPoT) procedure if safeguarding threshold is not met but concerns are raised about staff's abuse of their role when working with vulnerable people.

### 5.2. Safeguarding Adults

Six key principles underpin all adult safeguarding practice and should inform the ways in which all St Andrew's Healthcare employees work with adults,

- 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.

In addition to these six key principles, it is vital all organisations recognise that adult safeguarding arrangements are there to protect vulnerable individuals. Making Safeguarding Personal (MSP) means that safeguarding practice should be person-led and outcome focused engaging the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control, as well as improving quality of life, well-being and safety.

Chapter 14 of the Care and Support Statutory Guidance June 2014 (Updated October 2018) issued under the Care Act 2014 provides guidance on sections 42 to 46 of the Care Act 2014. The chapter replaces the Department of Health (DH) No secrets: Guidance (2000).

The Care and Support Statutory Guidance describes adult safeguarding as, *“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 aims of adult safeguarding being to,

- Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs.
- Safeguard individuals in a way that supports them in making choices and having control in how they choose to live their lives.
- Promote an outcomes approach in safeguarding that works for people resulting in the best experience possible.
- Raise public awareness so that professionals, other staff and communities as a whole play their part in preventing, identifying and responding to abuse and neglect.

St Andrew’s Healthcare is committed to providing safe and high quality care and support.

The **Care Act 2014**, aims to ensure the wellbeing of adults in need of care and support services. It also aims to bring about the personalisation of care services, putting the person at the centre of the process. It encourages caregivers to take a person-centred approach when safeguarding vulnerable adults. It is noted that when the principles of the Care Act are followed that the vulnerable person’s wellbeing and needs are placed at the forefront of safeguarding processes. St Andrew’s is committed to ensuring personalised care and support for all patients that it supports and this ethos is embedded into safeguarding actions and responses when working with individuals.

The Charity will ensure that it will seek to gain patients views about their care and safety when safeguarding responses are necessary and work collaboratively to keep

them safe and minimise risks. Staff will ensure that any patient who needs help to understand and take part in safeguarding processes and to express their views will be offered independent support through the Advocacy service 'together'. The views and wishes of patients will be integrated into safeguarding planning unless this places other patients at risk. Any dissent from following a patient's views and wishes will be fully explained and evidenced in case records and the safeguarding investigation process.

Safeguarding is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect and as such this policy should be read in conjunction with the support offered by NHS England and NHS Improvement in relation to Safeguarding [NHS England » Safeguarding](#)

As well as the appropriate local authority Safeguarding Adults Board Inter-Agency Policy and Procedures.

### 5.3. Safeguarding Children

Legislation specific to children and to young people transitioning into adults, including children in care,

- United Nations Convention on the Rights of the Child 1989
- Children Act 1989 and 2004
- Promoting the Health of Looked After Children Statutory Guidance 2015
- Children and Social Work Act 2017
- Working Together to Safeguard Children Statutory Guidance 2023
- Safeguarding Children and Young People: Roles and Competencies for Healthcare Staff 2019
- Looked After Children: Knowledge, skills and competences of health care staff 2015.

Working Together 2023 (<http://www.workingtogetheronline.co.uk/>) describes a co-ordinated approach making it clear what individuals, organisations and agencies must and should do to keep children safe and emphasising that effective safeguarding is achieved by putting children at the centre of the system and by every individual and agency playing their full part.

The Working Together to Safeguard Children 2023 statutory guidance on inter-agency working to safeguard and promote the welfare of children, defines the safeguarding and promoting the welfare of children 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
- taking action to enable all children to have the best outcomes.

St Andrew's Healthcare is committed to providing safe and high quality care and support with safeguarding being everyone's responsibility. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.

This policy should be read in conjunction with/alongside the NHS England and NHS Improvement Safeguarding Policy and Northamptonshire Safeguarding Children Partnership Online Procedures Manual which can be found at, <http://northamptonshirescb.proceduresonline.com>

The Northamptonshire Safeguarding Children Partnership (previously Northamptonshire Safeguarding Children Board) website can be found at: <http://www.northamptonshirescb.org.uk>

The Charity also recognises its responsibilities as an education provider. The Charity and its staff will seek to work within the recommendations of and ensure good practice as outlined within the government entitled *Keeping Children Safe in Education 2020* [Keeping children safe in education - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

#### 5.4. Wider Issues covering all patient groups

##### **CONTEST:**

The CONTEST strategy, published by the Government in 2018 and relaunched in 2023, is part of the governments overall counter-terrorism strategy. The aim of the CONTEST strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. In the Act this has simply been expressed as the need to “prevent people from being drawn into terrorism”.

It is acknowledged that due to the risk profile of some of the patients supported by St Andrew's that they may pose as a risk to other more vulnerable patients. Therefore, increased staff support and vigilance will be key in ensuring that exploitation of patients by other patients placing them at risk of radicalisation is prevented.

The Charity takes seriously its responsibility to work within the expectations of the CONTEST strategy. As such, specialist training is part of the corporate induction for all staff, which occurs prior to starting in clinical posts. There is an identified Executive Lead within the Charity and the safeguarding team will support all staff who may have concerns about a patient's vulnerability to being drawn into thoughts and/or acts of terrorism. The Charity will support referrals to local area specialist teams and will work collaboratively with external partners and the Police to support investigations and ongoing work with patients who are vulnerable to exploitation in this area.

Refer to the CONTEST strategy here - [CP 903 – CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023 – July 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114442/cp903-2023-07-23.pdf)

##### **Patient to Patient Safeguarding concerns:**

It is acknowledged that patients within St Andrew's Healthcare may be detained within its services due to the risks that they pose to others. The Charity will ensure that all patients will be offered the same level of care, kindness and support irrelevant of any previous offending history or current risk presentation. If there are known risks towards others on admission, then care plans will reflect the individual needs of that person and preventive measure will be put in place to ensure the safety of other patients placed within the same ward environment. If an incident occurs during admission where one patient presents as a risk towards another patient then safety plans will be put in place to keep all patients safe, including the alleged perpetrator.

#### 5.5. Support for Service Users and Carers

The welfare of service users and their carers is a key priority for the Charity. Service users and/or carers are likely to need support from the Charity when concerns or allegations of abuse arise. Any strategy discussion or meeting concerning abuse must also consider how support can be offered and by whom. It will generally be the



responsibility of key supporting staff to ensure that patients and their carers are provided with support.

It may be appropriate to offer the support of the Family Liaison service provided by St Andrew's Healthcare and signpost them to the Carers service for support and advice. Any user feedback, positive or negative, about how a case has been handled should be forwarded to the Carers Lead for reporting within CASG for future learning.

Advocacy is offered to all patients within the charity and is provided by **Together**. Patients have access to Advocacy to support them when a safeguarding incident occurs and **Together** practitioners will also raise safeguarding concerns on behalf of patients. All safeguarding incidents which hit threshold for referral outside of the organisation have a patient 'opt out' option in relation to Advocacy support.

### 5.6. Freedom To Speak Up Guardians and SafeCall

In 2019 the Charity launched a 'Freedom to Speak Up' programme in line with NHS best practice. The aim is to give staff a confidential and effective way to seek support and guidance in addressing issues and clinical concerns within the Charity to improve safety and quality of services.

We now have a number of Freedom to Speak Up Guardians, who have been trained to listen and help you raise any concerns staff may have. Staff can approach any of the Freedom to Speak Up Guardians either directly or via the email address:

[FreedomToSpeakUp@standrew.co.uk](mailto:FreedomToSpeakUp@standrew.co.uk)

Discussions with the Freedom to Speak Up Guardians can:

- Provide confidential advice and support to employees about any concerns they have about risks, malpractice or wrongdoing in the workplace
- Help create a culture of openness across St Andrew's, encouraging people to speak up and enable lessons to be learned that will in turn improve care
- Help to raise the profile of raising concerns in St Andrew's and the different routes available to do this
- Support and provide guidance to employees to speak up
- Work collectively to remove barriers to speaking up
- In the first instance, someone with a concern will be signposted to their line manager and or HR representative. The FTSU Guardian will be able to offer guidance and support if an individual cannot speak up through the normal line management chain.

The Charity wants staff to feel safe to voice any worries about colleagues and working practices, if staff feel inhibited to use other more direct avenues of support the Charity has arrangements with the highly regarded whistleblowing service Safecall where concerns can be shared confidentially. If you are concerned about unethical behaviour at work and don't feel that you can discuss it with your manager or another colleague, then staff can contact SafeCall for an independent and confidential discussion on 0800 915 1571.

Key Documents			
Name of form	Where to find the form	Who to complete	Frequency of completion
N/A	N/A	N/A	N/A

## 6. Roles and Responsibilities

### **Board of Directors**

The Board, through the Executive, are ultimately accountable for the design and delivery of all policies and procedures.

### **Chief Executive Officer**

The Chief Executive maintains overall responsibility for ensuring safe practices for patients and staff, which are delivered in part by the development and implementation of, and maintenance and monitoring of compliance to, related policies of the Charity.

### **Chief Quality Officer**

Responsible for ensuring operational compliance with this policy, along with monitoring and reviewing of safe practice.

### **Group Owner**

Child and Adult Safeguarding Group is responsible for the implementation of the Safeguarding of Vulnerable Adults and Children policy, monitoring and reviewing the effectiveness of the policy.

### **Managers**

All managers should be aware of this policy and bring it to the attention of all staff in their area.

### **All St. Andrew's Healthcare Staff**

Follow policy, procedures and best practice in all relevant behaviours. Report any issues of concern or non-compliance relevant to this policy.

### **Board and Senior Management Overview and Responsibility:**

Safeguarding within St Andrew's Healthcare is a key priority at all levels of staffing and Management.

There is a delegated Non-Executive Director who has responsibility for Safeguarding whilst the Chief Quality Officer has taken on responsibility for Safeguarding within the Charity Executive Team. Safeguarding remains a standing agenda item within all internal meetings within the Charity both at Divisional and at Executive Team level.

There is clear Board oversight by means of reporting to meeting groups within the Charity and to both Executive and Non-Executive members responsible for safeguarding. Information sharing processes are clearly documented so that relevant information is shared at the right meetings and with the right people. Learning from safeguarding incidents and investigation outcomes are shared through the 'learning lessons' group that highlights relevant learning and ensures that this is shared with all staff.

## 7. Monitoring and Oversight

This policy will be approved by the Child and Adult Safeguarding Group (CASG) and will be reviewed two-yearly or in response to any significant changes to mandatory requirements, national NHS or social care guidance and policy change or as a result of significant learning from serious safeguarding incidents, Domestic Homicide Reviews, Serious Case Reviews or Serious Adult Reviews. The Policy is the responsibility of the Safeguarding Lead or delegated responsibility into the CASG, which will ensure that the policy incorporates any changes or new guidance.

The responsibility for monitoring adherence to the policy sits with CASG, which meets Bi-monthly, and is accountable to and reports to the Charity's internal governance and management structures. Safeguarding issues are reported into CASG and discussed using information generated by the Charity's internal reporting Information System (Datix).

In order to ensure compliance with the duties set out in within this policy, there will be a standing agenda item at CASG where consideration will be given to themes within safeguarding allegations, allegations against staff and complaints where the abuse of adults and children may be a feature. The Safeguarding Team will monitor the management and progress of safeguarding concerns and subsequent investigations, complaints and allegations against staff to ensure that due process is being followed and policy adhered to.

CASG will also monitor attendance at mandatory safeguarding training on receipt of monthly training reports from the Learning and Development department. Attention will be focused especially on areas where non-attendance at training is identified as a concern and consider strategies for support when areas of risk due to underperformance have been identified. Action plans and lessons learned in respect of safeguarding concerns and allegations against staff will be monitored by CASG to ensure that they are implemented as expected. Information about risks and support strategies will be shared with the Executive Team to ensure Executive oversight of any themes and areas of concern within the Charity.

Other means of monitoring and ensuring adherence to this policy include:

- Weekly safeguarding review meetings within each division attended by senior managers and clinicians to ensure that there is local oversight of safeguarding concerns, allegations and outcomes, to include action planning and implementation as necessary.
- Audits in respect of safeguarding matters and included in the annual audit schedule for the Charity. This will comprise audits of staff awareness and compliance to policies.
- Audit results will be collated by the Charity's clinical audit team and will be reported to the Quality and Safety Group (QSG). The Child and Adult Safeguarding Group will consider audit outcomes.
- The Quality and Safety Committee periodically monitor, review and assess the level of assurance received in relation to the Charity's strategies, policies and procedures associated with Safeguarding.

This policy is also accounted for within the Charity's Risk Management Framework, incorporating appropriate controls and mitigations and as such there will be periodic reviews over the accuracy and effectiveness of any policy/procedure related controls. For further information, go to the Risk Management Hub page.

## 8. Diversity and Inclusion

St Andrew's Healthcare is committed to *Inclusive Healthcare*. This means providing patient outcomes and employment opportunities that embrace diversity and promote equality of opportunity, and not tolerating discrimination for any reason

Our goal is to ensure that *Inclusive Healthcare* is reinforced by our values, and is embedded in our day-to-day working practices. All of our policies and procedures are analysed in line with these principles to ensure fairness and consistency for all those who use them. If you have any questions on inclusion and diversity please email the inclusion team at [DiversityAndInclusion@stah.org](mailto:DiversityAndInclusion@stah.org).

## 9. Training

### **Mandatory Training**

In line with the statutory requirements of the intercollegiate documents, Safeguarding training is mandatory for all staff.

<https://www.rcn.org.uk/-/media/Royal-College-Of-Nursing/Documents/Publications/2019/January/007-366.pdf>

<https://www.rcn.org.uk/-/media/Royal-College-Of-Nursing/Documents/Publications/2020/December/009-486.pdf>

<https://www.rcn.org.uk/-/media/Royal-College-Of-Nursing/Documents/Publications/2022/June/007-069.pdf>

All staff must undertake Safeguarding training as a minimum every three years. An employee's role will determine what level of training is required to ensure they are confident and competent to carry out their duty with reference to safeguarding both Adults and Children.

The organisation will ensure that a sufficient number of training events will be provided at the appropriate level. Training will be provided for all new staff within the induction programme; all other training events will be added to the mandatory training schedule for staff. Training can also be provided on request from individual teams via the safeguarding team in conjunction with the Learning and Development team.

It is the responsibility of individual staff members and their line managers to ensure that they attend training in line with their personal development plans. This will be monitored as part of individual staff appraisal as well as thematically within the CASG. The internal SAP system will notify managers of non- attendees and it will be the responsibility of managers to follow up directly with the relevant staff member.

Training is provided up to Board level to ensure that all staff working within or for the Charity are trained and competent to carry out their role within the organisation. Safeguarding training needs for the organisation will continue to be reviewed and re-developed in line with changing statutory guidance and expectations. Training plans and delivery will be in line with external Safeguarding partnership expectations as well as statutory guidance.

## 10. References to Legislation and Best Practice

### **St Andrew's Safeguarding Procedures are underpinned by the following: Children Act 2004**

The child protection system is based on the 1989 Children Act. It enshrines a number of principles. The "paramourncy principle" means that a child's welfare is paramount when making decisions. The Act sets out in detail what local authorities and the courts should

do to protect the welfare of children, charging local authorities with a duty to investigate.  
eg Section 47 (safeguarding)

Section 11 of the Children Act 2004 places a duty that services discharge their functions with regard to the need to safeguard and promote the welfare of children. This is defined as:

- Protecting children from maltreatment
- Preventing impairment of children's development or health
- Ensuring that children are growing up in circumstances consistent with safe and effective care
- Enabling those children to have optimum life chances and enter adulthood successfully
- Demonstrating that staff are appropriately trained

Further information can be found here:

<http://www.legislation.gov.uk/ukpga/2004/31/contents>

### **Every Child Matters (ECM) 2003**

A green paper for England and Wales, leading to the Children Act 2004. Covers children and young people to 19 or 24 with disabilities

<https://gov.uk/government/publications/every-child-matters>

### **Working Together to Safeguard Children 2023**

Key principles:

Safeguarding is everyone's responsibility: for services to be effective each individual and organisation should play their full part and ensure a child centred approach; for services to be effective they should be based on a clear understanding of the needs and views of children.

<http://www.workingtogetheronline.co.uk/>

### **The United Nations Convention on the Rights of the Child (1989)**

The UK government signed and agreed to in 1991. eg Article 2 Non-discrimination, Article 3 Best interest of the child, Article 6 Right to life, survival and development, Article 12 Right to be heard

[https://downloads.unicef.org.uk/wpcontent/uploads/2010/05/UNCRC\\_summary.pdf](https://downloads.unicef.org.uk/wpcontent/uploads/2010/05/UNCRC_summary.pdf)

### **Safeguarding Children and Young People: roles and competencies for health care staff (Intercollegiate Document) 2019**

This document provides a competency framework which identifies the competencies required, with respect to safeguarding children, for all health care staff together with guidance on education and training.

### **Female Genital Mutilation (FGM) Act 2003 (Amendments to the Serious Crimes Act 2015)**

FGM is illegal under the 2003 act. The amendments within the serious crimes act strengthen the legislative framework. There is a legal duty to report concerns in relation to FGM. Regulated health and social care professionals and teachers are required to report cases of FGM in girls under the age of 18 to the police which they identify in the course of their professional work. <https://www.gov.uk/government/collections/serious-crime-bill>

### **Safeguarding Adults Responsibilities Care Act 2014**

This Act replaced existing, outdated and complex legislation, providing a new legal framework for the provision of adult social care and support in England.

Six key principles will underpin all adult safeguarding work:

- Empowerment – People being supported to make their own decisions
- Prevention – It is better to take action before harm occurs.
- Proportionality – The 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.
- Accountability –and transparency in delivering safeguarding.

### **Universal Legislation and regulation:**

#### **Mental Capacity Act 2005**

This provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions and applies to people over the age of 16 years. It is underpinned by a presumption of capacity and that decisions made on behalf of someone must be made in their best interest.

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

#### **Human Rights Act (1998)**

eg Article 2 - the right to life; Article 3 - the right not to be tortured or treated in an inhuman or degrading way; Article 4 - Prohibition of slavery and forced labour; Article 8 - the right to respect for your family and private life

<https://www.citizensadvice.org.uk/law-and-courts/civil-rights/human-rights/what-rights-are-protected-under-the-human-rights-act/>

#### **Safeguarding Vulnerable People in the NHS: Accountability and Assurance Framework (NHS England 2022)**

Sets out the safeguarding roles, duties and responsibilities of all organisations commissioning NHS health and social care.

[B0818\\_Safeguarding-children-young-people-and-adults-at-risk-in-the-NHS-Safeguarding-accountability-and-assuran.pdf \(england.nhs.uk\)](#)

#### **Equality Act 2010**

Need to eliminate discrimination and promote equality of opportunity. No individual or group must be treated less favourably than others in having access to effective services to meet their particular needs.

<https://www.gov.uk/guidance/equality-act-2010-guidance>

#### **Health and Social Care Act 2008 (Regulated Activities) Regulation 20 Duty of Candour**

Providers must be open and transparent with people who use services in relation to their care and treatment. It sets out specific requirements that providers must follow when things go wrong with care and treatment, eg. Following a notifiable safety incident

<http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour>

#### **Public Interest Disclosure Act 1998**

Provides whistle blowers with some protection where they disclose crime or malpractice in the public interest.

<https://www.gov.uk/whistleblowing>

#### **Serious Crimes Act 2015**

A criminal offence was introduced of 'Controlling or Coercive Behaviour in an intimate or family relationship'

<https://www.gov.uk/government/collections/serious-crime-bill>

### Modern Slavery Act 2015

Designed to tackle human trafficking, slavery, servitude and forced and compulsory labour. <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

### Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012

All staff and volunteers recruited will have enhanced criminal records checks at the start of their employment and at regular intervals during their employment within St Andrew's Healthcare.

It is the duty of the Charity to ensure that all people who are, or may be, in need of support from its services are protected from abuse. This policy applies to all patients supported within our care and all staff (including volunteers and contracted services) who work within the service.

## 11. Exception Process

Please refer to the exception process [Policy and Procedure Exception Application Link](#)

## 12. Key changes

The Safeguarding Adults and Children Policy will be reviewed every 2 years or in response to any significant changes to mandatory requirements, national NHS or social care guidance or as a result of significant learning from serious safeguarding incidents, Domestic Homicide Reviews, Serious Case Reviews or Serious Adult Reviews. The Policy is the responsibility of the Safeguarding Lead or delegated responsibility into the CASC

Version Number	Date	Revisions from previous issue
1.0	January 2020	Updated Policy
2.0	September 2023	Full review and update to the new template
2.1	November 2023	Updated names of appendices.
2.2	February 2024	Updated the Working Together to Safeguard Children 2022 reference to note the change in year to 2023
2.3	Dec 2024	Added a new statement within the monitoring section to highlight this policy has an associated risk as recorded within the risk register

Appendix 1	Safeguarding Policy Required Definitions
Appendix 2	Safeguarding Reporting Process Guidance - CAMHS
Appendix 3	Safeguarding Reporting Process Guidance - Adults
Appendix 4	Flowchart for Patient to Adult Patient Incident
Appendix 5	Flowchart for Staff to Adult Patient Incident
Appendix 6	Safeguarding Police Involvement Flowchart