




Marches Family Network

Safeguarding Adults Policy

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Owner	Trustees and Staff of Marches Family Network
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Introduction

Marches Family Network believes that adults at risk should never experience abuse of any kind. We have a responsibility to promote the welfare of all adults at risk and to keep them safe. We are committed to practice in a way that protects them. All concerns and allegations of abuse will be taken seriously by trustees, staff and volunteers and will be responded to appropriately.

This policy should be read alongside our policies and procedures on:

- Recruitment and training
- Whistleblowing
- Lone working
- Intimate care and physical contact
- Confidentiality
- Health and safety
- Equality and diversity
- Social media
- Working together and information sharing
- Play and inclusion
- Positive Behaviour

Scope

This policy applies to all trustees, employees, workers, volunteers, contractors, and consultants working on behalf of Marches Family Network; for the purposes of this policy all are referred to as staff. Safeguarding is everyone's responsibility. Safeguarding includes any activity that is undertaken to protect adults at risk from abuse, harm, ill-treatment and neglect.

An adult at risk is 'any person who is aged 18 years or over and at risk of abuse or neglect because of their needs for care and support' (Care Act 2014 [England]). The Care Act guidance (2014) describes 'care and support' as 'The mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers. Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations.'

Personal characteristics can make individuals more vulnerable, including age, mental health, disability, illness, gender, race, religion or belief, sexual orientation, economic status, or whether or not they are able to protect themselves against abuse. At Marches Family Network we recognise that the individual's situation can also increase risk, so whether or not an adult may be at risk can change depending on their situation.

The purpose of this policy is:

- To protect adults who are at risk who receive services from Marches Family Network.
- To take action to enable adults who are at risk to have the best outcomes.
- To provide staff with the overarching principles that inform our approach to safeguarding adults.

Legal Framework

This policy has been drawn up on the basis of law and guidance that seeks to protect adults at risk, namely:

- Care Act 2014
- Mental Capacity Act 2005
- Sexual Offences Act 2003

- Safeguarding Vulnerable Groups Act and the Protection of Freedoms Bill
- Criminal Justice and Courts Act 2015
- Public Interest Disclosure Act 1998
- Adult Safeguarding: Multi-agency policy & procedures for the protection of adults with care & support needs in the West Midlands

Marches Family Network recognise that:

- The welfare of adults at risk is paramount.
- All adults at risk, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have a right to equal protection from all types of harm and abuse, and equal access to services which meet their particular needs.
- Some adults at risk are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues.
- Working in partnership with adults at risk, their families and their wider support networks is essential in promoting their welfare.

We will seek to keep adults at risk safe by:

- Valuing them, listening to them and respecting them
- Providing a safe environment
- Supporting them to make positive choices regarding safety and lifestyle choices
- Ensuring they feel included and encouraged to fulfil their potential
- Building open and honest relationships with the key people in their lives
- Developing and implementing effective safeguarding practices and procedures that are easy to understand and to access
- Informing adults at risk and families of the policies and procedures as appropriate
- Providing effective support and training for staff, so they are clear and confident about what is expected of them in relation to safeguarding
- Recruiting staff safely, ensuring all necessary checks are made
- Appointing a Designated Safeguarding Lead (DSL)
- Ensuring that all staff receive regular safeguarding training
- Ensuring that all staff have been provided with the most up-to-date safeguarding policies
- Sharing concerns and relevant information about safeguarding and good practice with the people that need to know, including adults at risk, families, staff, and other agencies
- Responding to, recording and reporting concerns promptly and accurately
- Responding to and recording complaints promptly and accurately

Marches Family Network Safeguarding Procedures

Purpose and Aim of this Procedure

We aim to ensure those adults at risk who attend Marches Family Network sessions, and any other adults at risk who may come to the attention of Marches Family Network, receive the protection and support they need if they are at risk of abuse.

This procedure provides clear direction to staff at Marches Family Network if they have concerns that an adult is at risk from abuse, harm, ill-treatment and neglect.

The Care Act (2014) identifies the following types of abuse or neglect:

- Physical abuse – including assault, hitting, slapping, pushing, misuse of medication, restraint, or inappropriate physical sanctions.
- Domestic violence or abuse - including coercive and controlling behaviour, psychological, physical, sexual, financial or emotional abuse, 'cuckooing', and so-called 'honour' based violence. It can also include forced marriage.
- Sexual abuse – including rape, indecent exposure, sexual harassment, inappropriate looking or

touching, sexual teasing or innuendo, female genital mutilation (FGM), sexual photography, subjection to pornography or witnessing sexual acts, sexual acts to which the adult has not consented to or was pressured into consenting.

- Psychological or emotional abuse – including threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- Financial or material abuse – including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transaction, or the misuse or misappropriation of property, possessions or benefits.
- Exploitation by radicalisers who promote violence – individuals may be susceptible to recruitment into violent extremism by radicalisers.
- Modern slavery – includes slavery, human trafficking, forced labour and domestic servitude.
- Discriminatory abuse – includes forms of harassment, slurs, or similar treatment, because of race, gender and gender identity, age, disability, sexual orientation, or religion. This can also include 'mate crime'.
- Organisational abuse – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or in relation to care provided in an individual's own home. This can range from one-off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- Neglect and acts of omission – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- Self-neglect – this covers a wide range of behaviours. Including, but not limited to, neglecting to care for one's own personal hygiene, health or surroundings, and includes behaviour such as hoarding.

This list is not exhaustive.

Adults with disabilities are at increased risk of abuse due to:

- Staff missing the signs
- Communication barriers
- Increased social isolation
- Dependency on others, particularly for personal care
- Inadequate responses to disclosure
- Lack of education about staying safe
- Impaired capacity to recognise, resist or report abuse
- More frequently away from home

The different forms of abuse and indicators of abuse will be explored more thoroughly through safeguarding training.

The Prevent Duty

In 2011, the Government published the Prevent Strategy which raised awareness of the specific need to safeguard children, young people and families from extremism and radicalisation. The current threat from terrorism in the United Kingdom may include the exploitation of vulnerable people, to involve them in terrorism or in activity in support of terrorism. The normalisation of extreme views may also make adults at risk vulnerable to future manipulation and exploitation. The Prevent Duty is not about preventing adults at risk from having political and religious views and concerns but about supporting them to use those concerns or act on them in non-extremist ways.

Marches Family Network views exploitation and radicalisation as a safeguarding concern and therefore we have a safeguarding duty to protect adults at risk from the risk of radicalisation. Radicalisation refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism.

Any concerns about possible radicalisation and extremism should be referred to the Designated Safeguarding Lead using a safeguarding concern sheet and MFN safeguarding procedures will be followed. All suspicions and investigations will be kept confidential and shared only with those who need to know.

Marches Family Network's Safeguarding Procedures and Systems

Key Points

- Where there is an adult at risk and a child at risk, the child's best interests are paramount.
- All adults have a right to equal protection from all types of harm or abuse.
- All suspicions and allegations of abuse will be taken seriously by staff and responded to appropriately.
- Marches Family Network will use the key principles of working with adults at risk, embedded in the Care Act 2014, to inform our approach to interventions (See Appendix A).
- Where a concern is identified, we must communicate clearly what we have done and will be doing to safeguard the adult at risk, unless to do so would in any way increase risk to them or a child. Capacity will be assumed unless there is reason to believe that the person cannot understand (see Appendix A).
- Where we are working together with adults at risk, their carers', family members and other agencies, we must recognise that, in some limited circumstances, it will not be appropriate to engage with carers or family members in order to protect the adult at risk.
- Marches Family Network has a process for recording incidents, concerns and referrals and will store these securely in compliance with current relevant legislation.
- In matters of data protection, confidentiality and information sharing, the protection of the adult at risk is always the most important consideration.
- Marches Family Network is committed to safe recruitment, selection and vetting of all staff.
- All staff working with adults at risk will have regular training with regard to safeguarding in accordance with their roles and responsibilities. A handbook provides general guidance for the conduct of workers and volunteers, and all staff have access to a copy of the Safeguarding Adults Policy, and other relevant policies, produced by the Charity.
- Adults at risk are informed of the policy and procedures as appropriate.

Designated Safeguarding Lead (DSL) Roles and Responsibilities

- The Designated Safeguarding Lead is the first point of contact for all staff to go to for advice if they are concerned about an adult at risk (this may also need to be out of hours so staff should always know how to contact them).
- They have a higher level of safeguarding training and knowledge than the rest of the staff.
- They are responsible for ensuring that their organisation's safeguarding policy is kept up to date.
- They ensure that staff and trustees comply with safe recruitment procedures for new staff members during the recruitment and induction process.
- They support staff to assist in gathering information regarding concerns and supports decision making about whether staff concerns are sufficient enough to notify Adult Referral Teams or whether other courses of action are more appropriate.
- They make formal referrals to the Adult Referral Teams.
- They ensure that concerns are logged and stored securely, including logging all concerns, disclosures and allegations to the Safeguarding Database held.
- They have joint responsibility with the management committee or Board of Trustees to ensure that the organisation's safeguarding policy and related policies and procedures are followed and regularly updated.
- They are responsible for providing an annual report to the Board of Trustees relating to all safeguarding matters within the organisation.
- They are responsible for promoting a safe environment for adults at risk.
- They know the contact details of relevant statutory agencies for allegations against staff.

It is not the responsibility of the Designated Safeguarding Lead to decide whether an adult at risk has been abused or not. This is the responsibility of investigative statutory agencies such as the police.

The Designated Safeguarding Lead is Megan Chambers. She can be contacted on 01568 614908 (during her office hours), 07821 624532 (outside of office hours), or contacted via email on familysupport@marchesfamilynetwork.org.uk. If contacted via mobile phone outside of office hours, Megan may not be able to respond immediately, and a voicemail should be left. Megan will acknowledge receipt of all voicemails/texts/emails within 48 hours if they relate to a safeguarding concern.

Megan is supported by a Deputy Designated Safeguarding Lead (DDSL). The DDSL is Rae Chambers. She can be contacted on 01568 614908, or 07512 146886 or via email on manager@marchesfamilynetwork.org.uk.

Trustee with the responsibility for Safeguarding

Marches Family Network trustee board will nominate a trustee who has a working knowledge of Safeguarding or who undertakes training in order to fulfil that role.

The role of the trustee is to:

- Provide a sounding board for the DSL/DDSL in order to consider the most appropriate course of action to take where there is a safeguarding concern
- Support the DSL/DDSL to use local procedures appropriately (e.g. referral, escalation)
- In conjunction with the DSL prepare and present a half yearly safeguarding report to the trustee board.
- Support the Board and DSL to monitor and review systems, policy and procedures to ensure good safeguarding/child protection practice

Trustee responsible for Safeguarding is Fiona Ironside and is contactable on FI@marchesfamilynetwork.org.uk.

Concerns, Disclosures and Allegations

To keep adults safe, we need to be clear about the differences between concerns, disclosures and allegations because there are different procedures to follow.

What is a concern?

A concern is when someone is worried about an adult's wellbeing or safety and have reason to think they may have been harmed or may be at risk of being harmed.

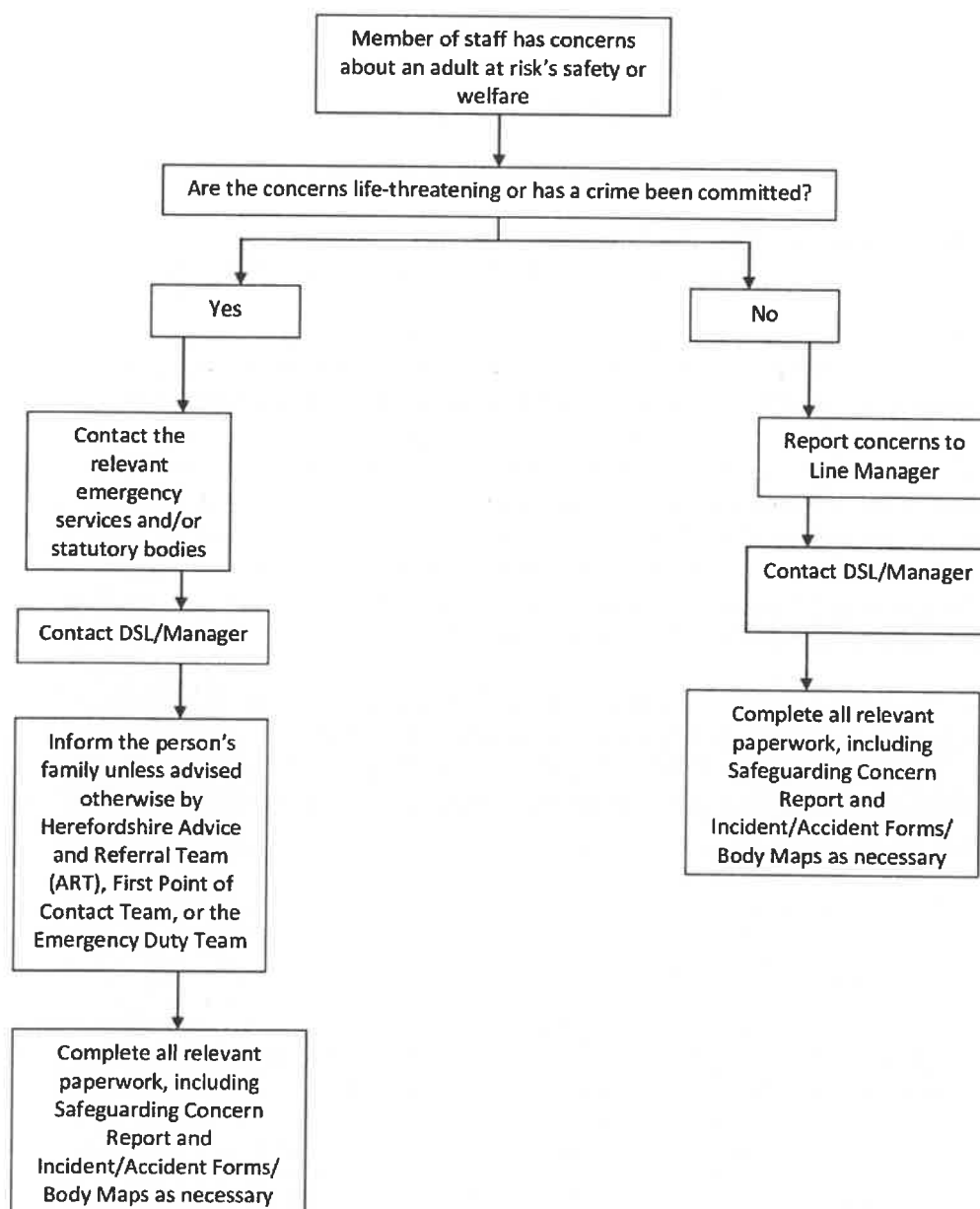
Reporting a Safeguarding Concern

Key Points:

- Keep clear and detailed records.
- Complete all paperwork fully, ensuring that it is legible.
- Wherever possible have a witness with you, this safeguards both the adult at risk and the staff.
- If you are unsure about what to do contact your Designated Safeguarding Lead, Manager or, if they are both unavailable, the local relevant social care team (See Useful Contacts).
- External contractors who have a safeguarding concern should contact their own Designated Safeguarding Lead as well as informing Marches Family Network's Designated Safeguarding

- Please remember – it is not up to you to determine whether or not an adult at risk has experienced or is experiencing abuse, it is your job to report any concerns.
- If you are unsure if something could be an indicator of abuse, it is best to record it and report it. During sessions, the DSL can be contacted for further advice.
- Body maps are available and should be completed for all markings on an adult's body.

Reporting a Safeguarding Concern for Adults at Risk



What is a disclosure?

A disclosure is when a person tells someone about the abuse that they have been experiencing. Disclosures can happen in many ways, including:

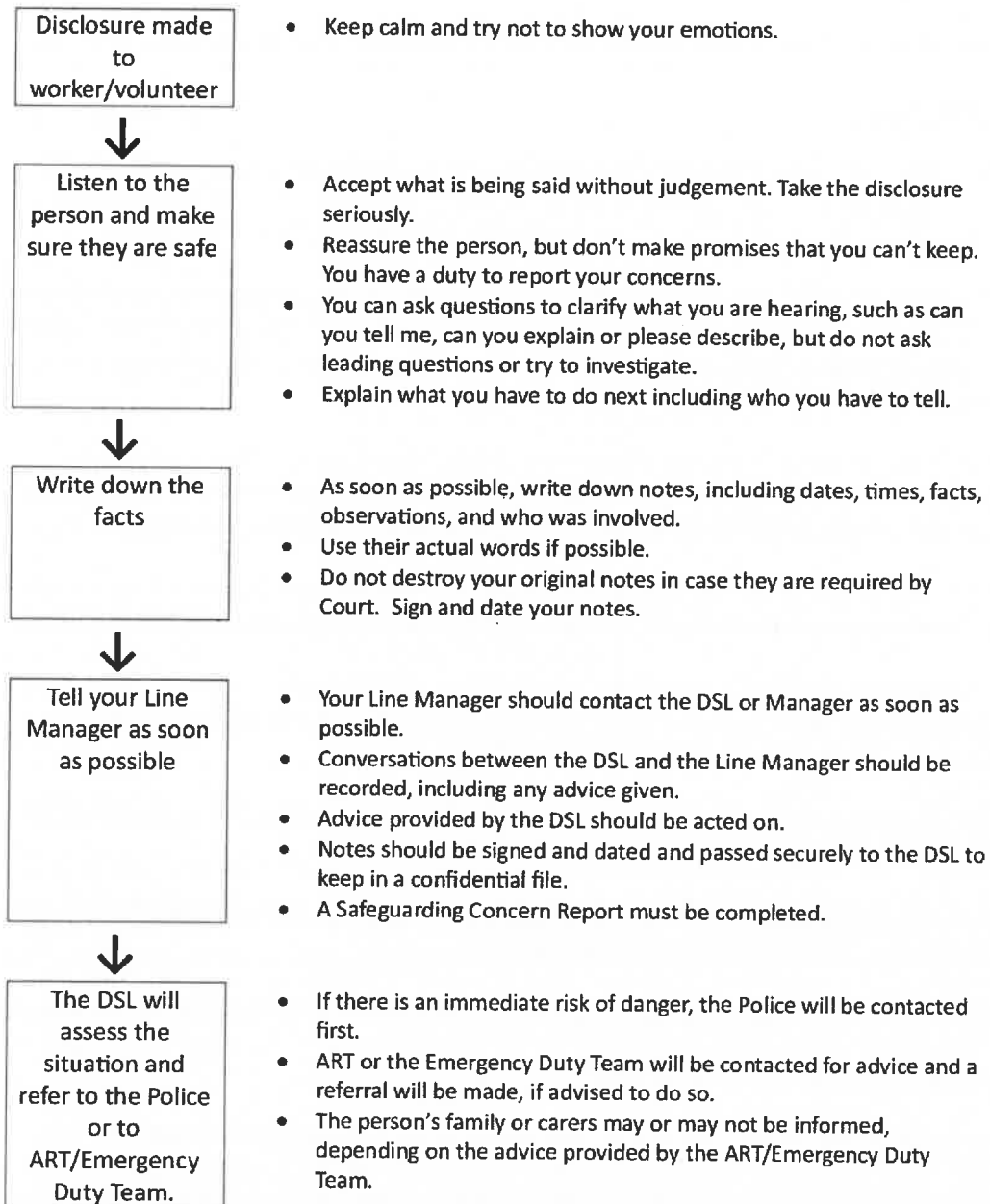
- **Direct disclosure:** this is a specific statement made by a person about the abuse that is happening to them.
- **Indirect disclosure:** one or more ambiguous statements, which indicate that something is wrong.
- **Behavioural disclosure:** this is behaviour that indicates that something is wrong.
- **Non-verbal disclosure:** trying to communicate, in another way than verbally, to let someone know that something is wrong, this can include writing it down, using signs or symbols, or drawing pictures.

Disclosure Guidelines

If an adult at risk wants to confide or disclose abuse –

- **Receive:** Accept what is being said without judgement. Take the disclosure seriously.
- **Reassure:** Reassure the person, but don't make promises that you can't keep. Don't promise confidentiality – never agree to keep secrets. You have a duty to report your concerns.
- **React:** Listen quietly, carefully and patiently. Do not make assumptions or jump to conclusions. Do not investigate, interrogate or decide if the person is telling the truth. Remember that an allegation of abuse may lead to a criminal investigation, so don't do anything that may jeopardise a police investigation. Let the person explain to you in their own words what happened, but don't ask leading questions. Communicate with the person in a way that is appropriate to their age and level of understanding – do not use words or jargon that may be out of their experience. Do not ask the person to repeat what they have told you to another member of staff. Explain what you have to do next including who you have to tell. Refer directly to your line Manager, followed by the DSL. Do not discuss the case with anyone who does not need to know. This includes other staff members who are not working directly with the person.
- **Record:** Make some brief notes at the time and write them up in detail as soon as possible. Do not destroy your original notes in case they are required by Court. Record the date, time, place, words used by the person and how the person appeared to you – be specific. Record the actual words used. Record statements and observable things, not your interpretations or assumptions – keep it factual.

Disclosure Procedures



What is an allegation?

An allegation is when somebody informs someone in the organisation, or there is reasonable cause to believe, that a person who works with adults at risk may have:

- Behaved in a way that has harmed, or may have harmed, an adult at risk
- Possibly committed a criminal offence against an adult at risk, or related to an adult at risk, or
- Behaved towards an adult at risk in a way that indicates they may pose a risk to this group

This includes actions taken outside of the Marches Family Network work role.

Reporting Allegations

- Any allegation should be reported immediately to the Manager and Designated Safeguarding Lead. The Manager or Designated Safeguarding Lead will advise on action to be taken; any action taken will take into account the wellbeing and safety of the adult at risk.
- Where a concern is identified, we must communicate clearly what we have done and will be doing to safeguard the adult at risk, unless to do so would in any way increase risk to them or a child. Capacity will be assumed unless there is reason to believe that the person cannot understand (see Appendix B)
- Where we are working together with adults at risk, their carers', family members and other agencies, we must recognise that, in some limited circumstances, it will not be appropriate to engage with carers or family members in order to protect the adult at risk.
- For the professional involved, the assessment and subsequent action will be stressful whatever the outcome and support for each individual must be considered and provided where appropriate.
- If an organisation removes a member of staff from work (or would have, had the person not left first) because the person poses a risk of harm to children or adults, the organisation must make a referral to the Disclosure and Barring Service.

Action to be Taken if an Allegation of Abuse Leading to Serious Harm by a Member of Staff Has Been Recorded

If an allegation is made against a member of staff, the Manager will be IMMEDIATELY informed. The following action will then be taken by the Manager: -

- The member of staff against whom the allegation is made will immediately be suspended.
- The police will be notified immediately.

The following action will then be taken by the Designated Safeguarding Lead: -

- Immediate contact should also be made with ART or First Point of Contact Team, or if outside normal office hours, the Emergency Duty Team, who will advise further on an appropriate course of action.
- No discussions are to be held at this stage with the member of staff concerned and the matter should not be discussed further with the persons involved, unless requested by the relevant authorities. Confidentiality should be maintained throughout this matter, in order that any subsequent investigation is not prejudiced.

In cases of physical or sexual abuse:

In cases of physical or sexual abuse, the police should be contacted **immediately**. Their advice should be gained about what to do to preserve any physical evidence.

As a guide:

- Where possible, leave things as and where they are. If anything has to be handled, keep this to an absolute minimum.
- Do not clean up.
- Do not touch anything that you do not have to.
- Do not throw anything away which could be evidence.
- Do not wash anything, or in any way, remove fibres, blood, etc.
- Preserve the clothing and footwear of the victim.
- Preserve anything used to comfort or warm the victim, e.g. a blanket.
- Note in writing the state of the clothing of both the victim and the alleged perpetrator.
- Note injuries in writing. As soon as possible, make full written notes on the conditions and attitudes of the people involved in the incident.
- Take steps to secure the room or area where the incident took place.
- Do not allow anyone to enter until the police arrive.

In addition, in cases of sexual assault:

- Preserve bedding and clothing where appropriate. Do not wash.
- Try not to have any personal or physical contact with either the victim or the alleged perpetrator.
- Offer reassurance and comfort as needed, but be aware that anyone touching the victim or alleged perpetrator can cross contaminate evidence.

Positive Physical Intervention

Marches Family Network realise the need to use physical intervention in some circumstances.

- Staff must only use physical intervention as a last resort, and that at all times, it must be the minimal force necessary to prevent injury or damage to property.

For further information, refer to the Positive Behaviour Policy.

Information Sharing

Sharing the right information, at the right time, with the right people, is fundamental to good practice in adult safeguarding. Sharing information between organisations is covered in the common law duty of confidentiality, the Data Protection Act 2018, and the General Data Protection Regulation (GDPR). Organisations may need to share information with the right people at the right time to:

- Prevent death or serious harm
- Coordinate effective and efficient responses
- Enable early interventions to prevent the escalation of risk
- Reveal patterns of abuse that were previously undetected and that could identify others at risk of abuse
- Identify low-level concerns that may reveal people at risk

The law does not prevent the sharing of sensitive personal information within organisations. If the information is confidential, but there is a safeguarding concern, sharing it may be justified. In addition, the law does not prevent the sharing of sensitive, personal information between organisations where the public interest served outweighs the public interest served by protecting confidentiality – for example, where a serious crime may be prevented. It is best practice to gain consent to share

information prior to sharing, but this is not a necessity if it is within best interests of safeguarding an individual.

Safeguarding and Alcohol/Drugs Procedure

If a parent, carer or relative appears to be drunk or clearly under the influence of drugs (prescription or illegal) and it is apparent that s/he is:

- not fit to drive a vehicle
- or
- too incapacitated to take care of the vulnerable adult

Marches Family Network staff must NOT release the vulnerable adult from their care and MUST do the following:

- Phone one of the other named contacts listed on the play information, to whom the parent/carer has previously given authorisation to collect their young person.
- If the emergency contacts are unavailable, contact both the police and the duty social worker (or if outside normal office hours, the Emergency Duty Team). The police and social care services are agencies with statutory powers, who will act quickly to secure the immediate safety of the vulnerable adult where there is a risk to his/her life or a likelihood of serious immediate harm.

Marches Family Network's duty and responsibility is to prevent vulnerable adult from being harmed. In this situation we will ensure the adult's safety by not releasing them from our care. This is not the same as removing them from their parent's or carer's care, which must NOT be done.

Safeguarding Code of Conduct

For staff

At Marches Family Network we believe that all staff share responsibility for safeguarding and promoting the welfare of children, young people and adults at risk. The Safeguarding Code of Conduct below sets out what is required. Please speak to your line manager or the Designated Safeguarding Lead if you are unclear or require further clarification on this, in relation to your role.

As a member of staff, this Safeguarding Code of Conduct forms part of your contract of employment. As a worker or volunteer it forms part of the agreement for your role. Everyone working at Marches Family Network, whether in a paid or unpaid role is expected to adhere to this Code and you will be asked to sign and return it as acceptance of your commitment to it. You will also be required to undertake training in safeguarding in accordance with charity policy.

The Safeguarding Code of Conduct:

- Makes clear what is required of all staff
- Supports staff in meeting their obligations
- Enables staff to raise concerns without fear of recrimination
- Reduces the risk of misplaced or malicious allegations by clarifying responsibilities.

Staff Must Abide by the Following:

- Report any incidents or concerns that cause you to believe that a child, young person or adult at risk is, or is likely to be, at risk of harm. This includes a requirement under the Prevent Duty to report if you suspect that a child, young person or adult at risk may be under the influence of

radicalisation or extremism.

- Marches Family Network will support any member of staff who raises a legitimate concern about the actions of others.
- Refer to Marches Family Network's Whistleblowing policy if you feel an incident or concern cannot be reported to your Designated Safeguarding Lead, Manager or the Board of Trustees.
- Disclose any criminal record, caution, reprimand or warning (subject to filtering rules¹) whether received prior to or during the course of your work or volunteering for Marches Family Network.
- Inform the Manager of any ongoing or past child protection investigation(s) that have involved you, including any that you are aware of that relate to your own immediate family or any person that you are in a significant relationship with e.g. family members, partners, individuals who live in the same household.
- Inform the Manager of anyone living in your household or at your address who becomes disqualified from working with children e.g. as a result of offences against a child, against an adult e.g. rape, murder indecent assault, actual bodily harm etc. (This is a legal requirement to staff in England and Wales working in early years provision, later years provision up to 8 years and in the management of such early or later years provision).

It is not permissible (and in some instances may be unlawful) for you to:

- Use your position to intimidate, bully, threaten, discriminate against, coerce or undermine children and young people, adults at risk or staff.
- Behave or communicate with children, young people or adults at risk in ways which seek to build inappropriate relationships in order to abuse or put them at risk.
- Use a relationship with a service user or their family for personal gain. Gift-giving and the acceptance of presents should be discussed with your manager.
- Give special rewards or privileges in an attempt to build inappropriate relationships with children and young people or adults at risk.
- Engage in, or attempt to engage in, sexual or inappropriate relationships with children, young people or adults at risk for whatever reason, including the use of suggestive conversations, comments, texting or emails.
- Possess indecent images of children; this will always be reported to the police regardless of the explanation provided.
- Carry out your duties or volunteering whilst adversely affected by alcohol, solvents or drugs.
- Encourage or assist others to break the law in any way.

¹ Certain spent convictions and cautions are "protected" (also known as filtered) and are not subject to disclosure to employers. Applicable in England and Wales and Northern Ireland. For further details, please refer to <https://www.gov.uk/government/organisations/disclosure-and-barring-service> (England & Wales) or <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm> (Northern Ireland).

Useful Contacts

Team/Contact	Contact Number	Availability
Marches Family Network		
Designated Safeguarding Lead (DSL) for Marches Family Network	01568 614908 (ext 3) or 07821 624532	
Deputy Designated Safeguarding Lead (DDSL) for Marches Family Network	01568 614908 (ext 1) or 07512 146886	When DSL is unavailable (MFN sessions only)
Herefordshire Council		
Herefordshire Adults Safeguarding Team	01432 260715	Monday to Friday, 9am – 5pm
Herefordshire Emergency Duty Team	0330 123 9309	Before 9am, after 5pm, and during weekends and public/bank holidays
Herefordshire Advice and Referral Team	01432 260101	

Appendix A

Care Act 2014 Principles

There are six principles under the Care Act 2014, which are:

- **Empowerment** – Adults at risk are encouraged and supported to make their own decisions. If the adult at risk does not have capacity to give consent, then their decisions can be made for them. All decisions made on behalf of an adult at risk must be in their best interests (See Appendix B).
- **Protection** – Adults at risk should be protected from abuse and neglect.
- **Prevention** – It is better to take action before harm occurs.
- **Proportionality** – Choosing the least intrusive response that is appropriate to the risk presented.
- **Partnership** – Any decisions should be made with the person's involvement, and their wellbeing should be balanced with that of any involved family and friends. It also applies to multi-agency collaboration working in partnership to provide the appropriate care and support for the individual. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- **Accountability** – Safeguarding is everybody's duty, and everyone in contact with an adult at risk should be responsible for reporting and recording any risks and taking action on any identified risks.

Appendix B

Capacity and Consent

Having capacity means that a person is able to make their own decisions.

You should always start from the assumption that the person has the capacity to make the decision in question. People aged 16 or older are presumed in law to have capacity to consent, unless there is evidence to the contrary.

You should make every effort to encourage and support the person to make the decision themselves and have records of this process. They should not be treated as unable to make a decision until all practicable steps to help them have been taken. If you are unsure whether they have the capacity to consent, then you should seek advice from your line manager.

You must also remember that if a person makes a decision which you consider ill-advised or unwise, this does not necessarily mean that the person lacks the capacity to make the decision. A person's capacity to make a decision can be transient (due to fear, shock, injury, illness) or long term (due to disability, mental health issues). Assessments of capacity should be time- and decision-specific.

Under the Mental Capacity Act 2005, you are required to make an assessment of capacity before carrying out any care or treatment if you have reasonable belief someone lacks capacity – the more serious the decision, the more formal the assessment of capacity needs to be.

The two-stage test

In order to decide whether an individual has the capacity to make a particular decision you must answer two questions:

Stage 1 – Is the person unable to make a particular decision (the functional test)?

Stage 2 – Is the inability to make a decision caused by an impairment of, or disturbance in the functioning of, a person's mind or brain? This could be due to long-term conditions such as mental illness, dementia, or learning disability, or more temporary states such as confusion, unconsciousness, or the effects of drugs or alcohol (the diagnostic test).

The Mental Capacity Act 2005 says that a person is unable to make their own decision if they cannot do one or more of the following four things:

- Understand information given to them
- Retain that information long enough to be able to make the decision
- Weigh up the information available to make the decision
- Communicate their decision

If a person has been assessed as lacking capacity, then any action taken, or any decision made for, or on behalf of that person, must be made in their best interests.

Some factors to take into consideration when deciding what is in a person's best interests are:

- Do not discriminate. Do not make assumptions about someone's best interests merely on the basis of the person's age or appearance, condition or any aspect their behaviour.
- Take into account all relevant circumstances
- If faced with a particularly difficult or contentious decision, it is recommended that practitioners adopt a 'balance sheet' approach
- Will the person regain capacity? If so, can the decision wait?
- Involve the individual as fully as possible
- Take into account the individual's past and present wishes and feelings, and any beliefs and values likely to have a bearing on the decision
- Consult as far and as widely as possible.

Declaration

You will conduct yourself in accordance with this Safeguarding Code of Conduct in all your work/volunteering with or for Marches Family Network. Any breach of the Safeguarding Code of Conduct may result in disciplinary action including dismissal, or the termination of your working agreement or involvement as a volunteer with Marches Family Network, as appropriate. In certain circumstances, such action will also result in reports to Regulatory bodies, relevant Local Authorities and/or the police, as appropriate.

Please sign the declaration below and return this to the office.

I confirm that I have read and understood Marches Family Network's Safeguarding Adults Policy and agree to abide by its contents:	
Please PRINT name	
Signed	Date

