

## Safeguarding Policy: Vulnerable Adults

### 1. Introduction

#### 1.1 Purpose of the Policy

The purpose of this policy is to provide a framework for all staff and volunteers within Nottingham Castle Trust when dealing with safeguarding issues. It should be used in conjunction with the Vulnerable Adults Safeguarding Procedures to prevent and reduce the risk of abuse to all vulnerable adults who may be at risk, and who visit or engage with Nottingham Castle Trust or come into contact with staff or volunteers.

#### 1.2 Background and need

This policy and its associated procedure are mandatory for all staff including temporary, agency, freelance and contractors (hereafter referred to as 'staff') trustees and volunteers, as they must be aware of their individual and collective roles and responsibilities in safeguarding vulnerable adults from abuse and neglect.

This is guided by the specific elements of the Care Act 2014, and factsheet 7 - protecting adults from abuse or neglect. <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-act-factsheets#factsheet-7-protecting-adults-from-abuse-or-neglect>

#### 1.3 Link to Our Cause and Principles

Our aim is to inspire people with the real and imagined events that shaped democracy and human rights, especially the ever-resonant story of Robin Hood and Rebellion; to become a top attraction for people from far and wide to discover Nottingham's rich history and heritage and the creativity within our collections.

This includes children, young people and vulnerable adults. We want their experience of engaging with the Castle and its stories to be meaningful, enjoyable and safe. This can only be attained if children, young people and vulnerable adults are safeguarded and protected from abuse and neglect and, where appropriate, prevented from becoming at risk of abuse.

The Safeguarding Procedures: Vulnerable Adults that accompany this policy states our responsibilities, obligations and standards.

#### 1.4 Outcomes

As a result of the policy and associated procedure being followed, vulnerable adults at risk will be better protected from the impact of abuse and neglect. The staff, volunteers, and trustees will take the necessary steps to safeguard and protect vulnerable adults, where outlined in procedures, contacting statutory agencies and/ or, if appropriate, discussing concerns with the adult at risk (and on occasions when appropriate their parents/carers or advocates).



## 2. Key Principles

- This policy and corresponding procedures aim to achieve a culture within Nottingham Castle Trust in which a proactive approach is taken to safeguarding, promoting and protecting the rights of vulnerable adults.
- All adults that work, volunteer or use Nottingham Castle Trust services have the right to live a life free from abuse, harm and neglect regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity.
- All allegations, concerns or suspicions of abuse or neglect are taken seriously and responded to within the steps laid out in the corresponding procedures.
- To collaborate with local Safeguarding Adults Boards and comply with the local multi-agency Safeguarding Adults Procedures, as appropriate.
- All staff have a responsibility to ensure they are informed, trained and understand their duty to operate within this policy and procedure and to cascade these policies and procedures to volunteers and contractors who may be working with vulnerable adults.
- All staff, contractors and volunteers have a shared responsibility to take appropriate steps to protect adults at risk.

## 3. The Policy Statement

- This policy, and associated procedures, applies to all staff, volunteers, trustees and representatives of Nottingham Castle Trust, including contractors and temporary staff.
- Nottingham Castle Trust is committed to the prevention of, and protection from, abuse and neglect of all adults at risk of abuse or neglect who come into contact with the organisation through its staff, volunteers or representatives, in whatever capacity that contact occurs.
- Nottingham Castle Trust is committed to taking all necessary steps to stop abuse happening, whether that abuse is perpetrated by staff, volunteers or members of the public.
- Nottingham Castle Trust is committed to its duty of care to all adults it has contact with. If there are concerns about staff or volunteers perpetrating abuse, it will facilitate any action required to address this without delay. This will include actions required to address abusive behaviours and attitudes. On occasions when staff have been dismissed because of concerns about abuse or neglect, they will be referred by Nottingham Castle Trust to the Disclosure & Barring Service (DBS) and professional bodies.
- Nottingham Castle Trust is committed to ensuring that adults at risk of abuse or neglect are given information, advice and support in a form that they can understand.
- Nottingham Castle Trust will publish online the Vulnerable Adults Safeguarding Policy.
- Nottingham Castle Trust has a duty to contact the Local Authority Adult Social Care department if there are concerns that an adult at risk may be being abused.
- Nottingham Castle Trust is committed to ensuring that the right staffing and reporting structure is in place to enable safeguarding concerns to be dealt with effectively and to ensure the correct processes are followed as detailed in the procedure. This includes the escalation of concerns posing a significant risk to senior staff within HRP.

## Roles to Support Safeguarding

The Designated Safeguarding Lead (DSL) has the lead responsibility for all safeguarding and protection matters at the site and to escalate concerns to the CEO and where appropriate make referrals to external bodies such as police. They will champion safeguarding, raise awareness and ensure safeguarding training is delivered. They work together to make recommendations to the



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CEO, update policies and procedures every two years, communicate changes and keep information up to date on the intranet and internet.

Within the organisation, 4 safeguarding roles will exist –

- One SLT safeguarding lead (Designated Safeguarding Lead) overseeing the strategic safeguarding for the site and acting as a central role.
- One deputy safeguarding lead (Designated Safeguarding Officer) overseeing safeguarding related to, but not exclusive to, site visitors, learning, community, volunteers, recruitment, HR and DBS.
- The CEO who will be trained and be available to act as an independent assessor if any incident occurs and is reported
- One named Safeguarding Trustee.

In order to maintain support for the DSO as the Nottingham Castle Trust grows secondary DSOs will be added to the team. A designated Trustee has also been identified to support the DSL and DSOs and report to the board on safeguarding matters.

The DSL will not be expected to be a vulnerable adult protection expert but will be a channel for information. They will not be expected to deal with any vulnerable adult protection issues on their own. The DSL will ensure that all staff and partners of Nottingham Castle Trust receive copies of policies and procedures in relation to the safety and protection of children, young people and vulnerable adults.

The DSL will establish and manage an incident file where they will record any reported incidents or breach of Safeguarding policies and procedures. This will be kept in a secure place and its contents will be confidential.

DSL and DSOs has responsibility for responding to concerns about the abuse of vulnerable adults when these are raised with them. Once procedures have been followed the DSL and DSOs will escalate concerns that pose a significant risk to the CEO. The Chief Executive carries the overall responsibility for all operational safeguarding matters. the Named Safeguarding Trustee legally holds responsibility for Safeguarding for Nottingham Castle Trust as a whole. The CEO will act as an independent party should any safeguarding incidents arise.

The CEO will provide support to the DSL and DSOs when cases that pose significant risk are escalated. They meet the DSL and DSOs a minimum of twice a year to review activity, take measures to improve systems and practices where necessary, ensure training is sufficient and that all staff are aware of the policies and procedures which are easily accessible. The CEO will brief the Board of Trustees annually on safeguarding matters including volume of activity, location, trends, risks and actions taken.

- Nottingham Castle Trust is committed to ensuring all staff and volunteers, including those with designated responsibilities, have received appropriate levels of up-to-date safeguarding training. This will be a minimum of every two years for the DSL and DSOs.
- Nottingham Castle Trust will ensure staff and volunteers are carefully recruited and necessary checks are made in line with the Recruitment and Vetting Policies.



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- Nottingham Castle Trust is committed to working with the police and Adult Services and their Safeguarding Adults Manager (SAM) at Nottingham City Council especially if there are concerns about, or perceived risks, in respect of staff, trustees, contractors or volunteers.

## 4. Risk Assessment

Should this policy and associated procedure be ignored or disregarded, the possible outcomes are:

- For vulnerable adults – placed at further risk of harm and neglect.
- For staff and volunteers – potentially subjected to inquiry, investigation internally or externally for failing to take appropriate steps, which may then lead to a disciplinary process.
- For the Designated Safeguarding Lead, the Chief Executive and Board of Trustees – possible inquiry and report from the Charities Commission and regulators or recommendation from local authorities to regulators.
- For Nottingham Castle Trust – possible risk of public scrutiny and ultimately risk of prosecution. All of the above can lead to negative media attention and damage to Nottingham Castle Trust' reputation. The visiting public may lose confidence in Nottingham Castle Trust as an organisation resulting in fewer visitors, especially children, young people and vulnerable adults, and therefore failure to deliver our charitable and corporate objectives.

## 5. Definitions

Safeguarding Adults at risk of abuse or neglect: means protecting an adult's right to live in safety, free from 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 Safeguarding duties apply to an adult who:

- Has needs for care and support (whether or not a Local Authority is meeting any of those needs); and
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Nottingham Castle will welcome over three hundred thousand visitors each year. It is therefore inevitable that some of our visitors will be defined as a vulnerable adult and may be at risk of abuse or neglect, generally, though not always, as a result of a lack of capacity within the meaning of the Mental Capacity Act, 2005. (see the procedures for information on the Mental Capacity Act)

Abuse and Neglect: Refers to: "ill-treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development". (Who Decides?, Law Commission, 1997) Abuse was defined by No Secrets (DH and Home Office, 2000) as: "a violation of an individual's human and civil rights by any other person or persons".



## 6. Legislation, Regulatory Requirements and Guidance

Nottingham Castle Trust has adopted the following legislation in order to provide a framework and guidance for our Vulnerable Adults Safeguarding Policy and Procedures.

- [The Care Act 2014 \(section 42\)](#). This defines abuse and sets out the statutory duties and the institutional responsibilities for those duties.
- [The Care and Support Statutory Guidance](#) provides the detail in relation to both the meaning of wellbeing and safeguarding. Chapter 14 sets out in detail the duties found in sections 42 to 46 of the Care Act, including definitions of the aims and objectives of Adult safeguarding activity and a representative range of types of adult abuse and neglect.
- [Safeguarding Vulnerable Groups Act 2006](#).

Policy Owner	Director of Programmes
Approved By	CEO and NCT Board
Date policy reviewed	8th July 2021
Date policy to be reviewed	October 2022



## Safeguarding Procedures: Vulnerable Adults

### Introduction

#### Purpose of the Procedure

The purpose of this procedure is to provide a framework for all staff and volunteers within Nottingham Castle Trust.

It should be used in conjunction with Safeguarding Policy: Vulnerable Adults to prevent and reduce the risk of abuse to all vulnerable adults who use Nottingham Castle Trust's services at our sites, at an event or outreach activity off site, online/digitally or come into contact with staff or volunteers. The procedure details the steps the individuals and key persons are expected to take.

#### Areas of Responsibility

- **Everyone's Responsibility:** safeguarding and protecting vulnerable adults from abuse and neglect is the responsibility of all staff including temporary and agency, freelance and contractors, hereafter referred to as staff, volunteers, and trustees who work for or represent Nottingham Castle Trust. This includes a responsibility to ensure they are informed and trained to an appropriate level.
- All staff, volunteers, and trustees are expected to report and discuss any concerns to the Designated Safeguarding Lead (DSL) without delay. The seniority of the DSL or Chief Executive should never be a block to anyone raising a concern.

The Designated Safeguarding Lead and Officers are listed here

- Designated Safeguarding Lead – Director of Programmes
- Deputy Designated Safeguarding Lead and Designated Safeguarding Officer: Learning and Visitor Experience Manager
- CEO – Chief Executive
- Named Safeguarding Trustee

#### For specific departments

- Designated Safeguarding Officer: Volunteers – Volunteer Manager
- Designated Safeguarding Officer: Communities – Engagement and Participation Officer

To contact safeguarding please email [safeguarding@nottinghamcastletrust.org](mailto:safeguarding@nottinghamcastletrust.org)

If you are uncomfortable reporting a concern to the safeguarding inbox for any reason, including the concern being about one of the name safeguarding team, you can approach any of the above officers in confidence either in person or electronically to raise your concern.

The DSL/DSOs outlined above have responsibility for all matters relating to safeguarding within their area. This includes the expectation that they will be aware of any concerns and ensure these procedures are implemented. The HR and DBS Safeguarding Lead will work with colleagues to ensure safer recruitment processes are followed and provide support regarding safeguarding concerns relating to staff, trustees and volunteers. The DSL and DSOs will brief the CEO on all concerns and intended actions who will then, dependent on the level of seriousness of the concern,



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brief the Chair of the Board of Trustees. The Chief Executive carries the overall responsibility for all operational safeguarding matters. the Named Trustee legally holds responsibility for Safeguarding for Nottingham Castle Trust as a whole.

All named Safeguarding Leads have responsibility to know who the SAM is within Adult Services in the Local Authority. To keep up to date with guidance relating to safeguarding vulnerable adults. To ensure the Safeguarding Policy and Procedures: Vulnerable Adults are updated every two years and are published online.

The Chief Executive has overall responsibility for all operational safeguarding matters. They will also be required to offer consultation to the DSL and DSOs on any matters which are seen as complex or challenging. The Chief Executive will brief the Chair of Trustees, dependent on the level of seriousness of the concern.

The Chief Executive and the Designated Safeguarding Lead and Deputy Designated Safeguarding Lead have responsibility for ensuring all appropriate actions have been taken and for providing staff, volunteers, the executive board and trustees with the guidance required. The only occasion when one of them should not be informed of a concern is if they are themselves implicated in abuse; in such circumstances staff will always go to the other above-named senior member of staff and then to the named Safeguarding Trustee



## Procedure Details

The procedures detailed here are mandatory and must be followed. The flow charts that accompany these procedures constitute the basic outline of the processes that need to be considered. Procedures cannot predict every set of circumstances and if any member of staff/volunteer is dealing with a safeguarding matter, then they should raise concerns without delay with the DSL, who will seek support through supervision and debrief with a senior manager at each stage in the process.

## Recruitment of Staff

The Safeguarding Vulnerable Groups Act 2006 provides the legislative framework for ensuring that staff who work within the children and adult workforces are suitable to do so. The Nottingham City Safeguarding Adults Board dictates that all organisations must ensure they have in place safe recruitment policies and practices, including enhanced Disclosure and Barring Service (DBS) checks for all staff, including agency staff, students, freelance workers and volunteers, working with vulnerable adults. It is an offence knowingly to employ a person who has been barred by the DBS from working in posts which involve some activities with vulnerable adults.

The Designated Safeguarding Lead – HR & DBS will ensure that anyone employed or contracted by Nottingham Castle Trust (including volunteers) who maintains frequent and intensive contact with vulnerable adults as part of their work for Nottingham Castle Trust will be expected to agree to an enhanced level DBS disclosure; and provide two relevant references as part of adhering to the Nottingham Castle Trust Safeguarding Policy. As part of the recruitment process all applicants are requested to declare if they have been subject to any disciplinary procedures.

All roles within Nottingham Castle Trust are considered exempt from the Rehabilitation of Offenders Act 1974; this does not mean necessarily that those with previous convictions cannot legally be offered roles working with people under 18 or vulnerable adults. When considering recruiting an individual with a criminal record a fair risk assessment will be carried out taking into account all the factors relating to the role, the criminal record and the level of risk associated with recruiting the individual concerned.

## Dissemination of Information to Staff

The Designated Safeguarding Lead will ensure that anyone employed or contracted by Nottingham Castle Trust (including volunteers) will be informed of the Safeguarding Policy adopted by Nottingham Castle Trust and agree to undertake procedures within it.

Staff will initially be made aware at interview and consequently be informed of any changes or additions to said policy and will be expected to fulfil any requirements (including participating in training where available and appropriate) made of them to ensure full compliance with the policy and related legislation.

Nottingham Castle Trust understands that individual staff have a responsibility (commensurate with the role of their organisation) to:

- Keep up to date with current research and evidence-based practice
- Be alert to concerns for the welfare of vulnerable adults and signs of abuse
- Provide appropriate services within their own agencies
- Refer vulnerable adults for appropriate service to meet their needs.





The Nottingham City Safeguarding Adults Board states that all agencies are responsible for ensuring that their staff have access to and undergo appropriate safeguarding training. It is essential that everyone recognises their responsibility within the process and are committed and able to undertake this.

## Disclosure and Barring

In line with guidance from the Disclosure and Barring Service, Enhanced DBS disclosures will be obtained for all new starters (trustees, staff, and volunteers) who have regular or unsupervised contact with children and young people or vulnerable adults. Basic DBS disclosures will be obtained for all new starters to Nottingham Castle Trust; all DBS disclosures will be updated every 3 years.

All roles within Nottingham Castle Trust are considered exempt from the Rehabilitation of Offenders Act 1974; this does not mean necessarily that those with previous convictions cannot legally be offered roles working with people under 18. When considering recruiting an individual with a criminal record a fair risk assessment will be carried out taking into account all the factors relating to the role, the criminal record and the level of risk associated with recruiting the individual concerned.

You are only legally entitled to carry out an enhanced or enhanced with barred lists DBS check if someone's position is one of those listed in the 'exceptions order' of the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 **and** in the Police Act regulations **and** (for the barred list check) meets the definition of regulated activity.

There are two levels of enhanced checks:

**1. Enhanced:** To be eligible for an enhanced DBS check the position must be included in the Rehabilitation of Offenders Act (ROA) 174 (exceptions) Order 1975 and in Police Act Regulations. If the answer is yes to the two questions below then you are entitled to undertake an enhanced DBS check.

Does the role involve one of the following activities?	Will the work take place regularly?
<ul style="list-style-type: none"> <li>• Teaching</li> <li>• Training</li> <li>• Care</li> <li>• Supervision</li> <li>• Advice</li> <li>• Treatment</li> <li>• Transportation</li> <li>• Being in sole charge</li> </ul>	<p>This is defined as:</p> <p><b>Frequently</b> – once a week or more</p> <p>Or <b>Intensively</b> - takes place on four or more days in a 30-day period.</p> <p>Or <b>Overnight</b> – defined as between 2am and 6am</p>

**2. Enhanced with adults and or children's barred lists check(s):** To be eligible to request a check of the children's or adults' barred lists the position must meet the DBS definition of 'regulated activity'- See **Appendix 8** for a comprehensive definition of 'regulated activity'. It is important to



understand this definition. It is expected that extremely few Nottingham Castle Trust roles would fall into this category.

Everyone working at Nottingham Castle Trust who is eligible is required to undertake an enhanced DBS check, or, if they are involved in a regulated activity must have an enhanced with barred list check. This is a requirement of Nottingham Castle Trust as part of their safeguarding responsibilities. If in any doubt the HR Manager should be contacted immediately.

Nottingham Castle Trust will accept a certificate previously issued by another organisation provided that the individual is a member of the update service and Nottingham Castle Trust can carry out an instant update check.

## Prospective Employees

The need for an enhanced DBS, or enhanced DBS check and barred list check, must be made evident by the HR Manager. Once an individual has been selected for a vacancy requiring an enhanced DBS check their status will be checked by Human Resources as part of the recruitment procedure. The individual will not be permitted to commence work until their disclosure has been approved by HR. The individual should show their enhanced DBS certificate to the HR Manager as soon as they have received it.

## Existing Employees

Individuals who are currently employed by Nottingham Castle Trust whose roles are deemed by the HR Manager to require an enhanced DBS check, or enhanced with barred list check, will be checked every 3 years.

Where an employed individual is about to commence in an activity which is not part of their regular duties (i.e. supervising a work experience placement or volunteering for a Night at the Castle sleepover) they will also need to apply for an enhanced DBS check, or enhanced with barred list check, and have it cleared before they commence this activity.

## Contractors and Freelancers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident by the member of staff contracting services from a freelancer. The staff member needs to consider carefully the question whether they are eligible for either check. The individual will not be permitted to commence work until their disclosure is returned and has been approved by both the HR Manager and the contracting member of staff.

For contractors employed through a contract for services, the requirement to hold an enhanced DBS check, or enhanced with barred list check, must be included on the contract. This must be a portable DBS, held by the contractor, and subscribed to the updates service. Their status will then be checked by the HR Manager as part of their procedure. The individual will not be permitted to commence work until their disclosure has been approved.



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## Volunteers

The need for an enhanced DBS check, or enhanced with barred list check, must be made evident when the volunteer role is created and to the volunteer before they agree to undertake that role/task. Volunteers, who are eligible for an enhanced DBS check, or enhanced with barred list check, will be required to undertake one. Once an individual has been selected for a volunteer role requiring either check, their status will be checked by the Volunteer Manager and the relevant paperwork completed where necessary. The individual will not be permitted to commence volunteering until their disclosure has been approved by the Volunteer Manager.

## Update Service

Checks carried out by other organisations can now be accepted by Nottingham Castle in certain circumstances, using the update service. The update service enables organisations to carry out an instant online check on an individual's enhanced DBS certificate, providing that the individual is registered with this service. Nottingham Castle will seek to use the online update service wherever possible. If the postholder is eligible for an enhanced DBS check, they will be asked if they are a member of the update service and in addition asked for their permission to allow Nottingham Castle Trust to check their enhanced DBS certificate. If the answer is yes to both questions, Nottingham Castle Trust will check their enhanced DBS certificate using the online update service.

Nottingham Castle Trust takes the refusal of permission very seriously as this may impact on the ability of the postholder to carry out the role.

## Ongoing Duty to Disclose Criminal Activity

Although enhanced DBS disclosures will be obtained every three years, as above, all staff will be required to immediately disclose any criminal activity to their line manager (or, in the case of trustees, to the chief executive) notwithstanding that that activity may fall in between DBS checks. Further, all staff will be required to confirm on an annual basis and in writing, that they have not been involved in any criminal activity over the preceding year.

## Health and Safety

Nottingham Castle Trust believes that all activities should take place in a safe environment and that it is their responsibility to ensure that the rooms and equipment being used are appropriate. This includes safety, health and hygiene issues, fire evacuation and transport.

Nottingham Castle Trust will ensure that a correctly stocked first aid box will be available at all times and staff will be trained to use it. The names of the first-aider will, where possible, be displayed prominently and all staff will be aware of who this is. An accident book will be kept by Nottingham Castle Trust. Where appropriate and relevant Nottingham Castle Trust will also support staff in gaining first aid qualifications as part of their commitment to providing Continuing Professional Development for all staff.

## Risk Assessment

A full risk assessment will be carried out for each activity. This will cover health and safety and safeguarding issues and clearly identify responsibility. All staff and volunteers involved in the project



will be given copies of the risk assessment and made aware of any issues and their own responsibility.

## Safeguarding Incidents

### Recognition of Signs and Indicators of Abuse

Recognition of the signs and indicators of abuse poses considerable challenges for most of our staff who do not deal with vulnerable adult protection and safeguarding issue on a day-to-day basis. It is important to effective safeguarding that staff and volunteers are able to recognise signs and indicators of abuse.

### Definitions of Abuse

Adult abuse and neglect are described in the guidance in terms of the following categories:

- physical
- domestic
- sexual
- psychological
- financial or material
- modern slavery
- discriminatory
- organisational
- neglect and acts of omission
- self-neglect

**Appendix 3** describes a range of indicators and signs of abuse as well as examining some of the potential blocks to recognition and factors which can inhibit the taking of appropriate steps. **If the member of staff or volunteer believes that an adult is at immediate risk of harm or abuse, they must take immediate and reasonable steps to protect the adult.** However, such situations are very rare and, in most circumstances, staff will raise a concern following the process below.

Guidance on listening to vulnerable who may have raised their concerns with you can be also be found in **Appendix 3**.

## Raising a Concern

### Refer to flow chart Appendix 1

Staff will raise a concern by reporting directly and without delay to the Designated Safeguarding Lead (DSL) for their area. If no DSL is available, then the CEO should be reported to directly. Immediately after raising a concern, staff will also make a detailed written account of what they have seen, observed or heard using the Safeguarding Report Form. Please see **Appendix 4**. The Safeguarding Reporting Form requires the staff or volunteer member to provide a detailed written account of what they have seen, observed or heard. The member of staff or volunteer who noted and raised the concern is known as the alerter; adult social care or the police may wish to speak to the alerter at some point.



## Recording

The keeping of accurate and prompt recording is fundamental to effective safeguarding and all staff and volunteers have a responsibility to ensure all concerns are recorded appropriately. This requires those who raise concerns to make a written record using the Safeguarding Report Form (**Appendix 4**) as soon as possible after raising the concern (a maximum of 2 hours) with the DSL, the DSL can provide support in completing the form.

Records should be factual and clear and, where opinion is expressed, it should be recorded as such and distinguished from fact.

When reporting a concern to the Local Authority, the DSL will inform the Local Authority that a written record of the concern is available and will e-mail details of the concerns to the Local Authority.

If at any stage Nottingham Castle Trust or the Local Authority decide that no further action is to be taken, then the reason for this and who made the decision will be recorded.

All subsequent actions/ events following the reporting of a concern should be recorded and attached to the original concern in chronological order as should any documentation received from the Local Authority, police or other agencies.

## Reporting of Safeguarding “Serious Incidents” to the Charity Commission

The Charity Commission requires **trustees of charities** to report serious incidents. If a serious incident takes place, it is important that there is prompt, full and frank disclosure to the Commission, even if it has already been reported to the police, donors or another regulator.

### What is a serious incident?

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant harm to your charity’s beneficiaries, staff, volunteers or others who come into contact with your charity through its work (who are collectively referred to throughout this guidance as people who come into contact with your charity through its work)

- loss of your charity’s money or assets
- damage to your charity’s property
- harm to your charity’s work or reputation

For the purposes of this guidance, “significant” means significant in the context of your charity, taking account of its staff, operations, finances and/or reputation.

### Who should report?

The responsibility for reporting serious incidents rests with **the charity’s trustees**. In practice, this may be delegated to someone else within the charity, such as an employee or the charity’s professional advisers.

However, all trustees bear ultimate responsibility for ensuring their charity makes a report and does so in a timely manner.



If you decide not to make a report about something serious that has happened in your charity and the Commission later becomes involved, you will need to be able to explain why you decided not to report it at the time.

## Confidentiality and Storage of Safeguarding Concerns

For Nottingham Castle Trust the DSL has responsibility to ensure all concerns are recorded, monitored and secured. Electronic records including email will be saved to the secure folder on the NCT01 shared drive. Paper records will be scanned and kept within the secure folder on the NCT01 shared drive.

Access to these records will be strictly limited on a need to know basis and controlled by the DSL and the Chief Executive, supported by the Marketing Manager, NCT appointed Data Controller.

These records will be held in compliance with the Nottingham Castle Trust Data Protection Policy and legal requirements around the storing of safeguarding incidents. All safeguarding paperwork will be retained at least until any adult implicated reaches normal retirement age, or for 10 years if that is longer.

## Responding to Concerns that a Member of Staff or Volunteer may have Abused a Vulnerable Adult

As above

**Refer to flow chart Appendix 1**

All staff and volunteers are responsible for raising concerns about colleagues; these concerns could be about: the behaviour, actions or attitude of a member of staff towards a vulnerable adult; inappropriate use of restraint; actions or behaviour towards a vulnerable adult outside of Nottingham Castle Trust, accessing or making use of inappropriate online data. The concern could in fact be any that raise significant questions about their suitability to work with vulnerable adults.

The procedures outlined for raising a concern, recording, storage and initial fact-finding should be followed.

*If a vulnerable adult is making a disclosure to you always remember to:*

1. Stay calm and listen
2. Go slowly
3. Reassure them that they have not done anything wrong
4. Be supportive
5. Gather essential facts
6. Tell what will happen next
7. Report
8. Make notes

### 1. Stay calm

- An abused person needs to know that you are available to help them.



- Reactions of shock, outrage, or fear might make them feel more anxious or ashamed.
- A calm response reassures that what has happened is not so bad and can be worked through.

## 2. Go slowly

It is normal to feel inadequate or unsure about what to do or say when a person tells you about their abuse.

- Proceed slowly.
- Gentle and open-ended questions such as: "Can you tell me more about what happened?" are helpful.
- Avoid questions that begin with "why".

## 3. Be reassuring

- Reassure them that they have not done anything wrong.
- Avoid questions that are usually associated with getting into trouble.
- Avoid using "why" questions.

## 4. Be supportive

Let them know:

- they are not in trouble
- they are safe with you
- you are glad that they have chosen to tell you about this
- they have done the right thing telling about this
- you are sorry that they have been hurt or that this has happened to them
- you will do everything you can to make sure they are not hurt again
- you know others who can be trusted to help solve this problem

## 5. Get only the essential facts

**Be brief – this is a very difficult thing for someone to confide in you.**

- Limit your discussion to finding out generally what took place.
- When you have sufficient information and reason to believe that abuse and/or neglect has occurred, gently stop gathering facts and be supportive.

## 6. Tell what will happen next

- Don't make promises about what may or may not happen next.
- Provide only reassurance that is realistic and achievable.
- Discuss with them what you think will happen next and who will be involved.

## 7. Report to the Designated Safeguarding Lead

- Report disclosures of abuse or neglect immediately to the DSL for follow-up and referral.
- Express your willingness to help them through the steps which will follow, if appropriate.

## 8. Make notes

- Make notes of all comments. Use the person's exact words where possible.



- Save all drawings and artwork. This information may need to be shared with Social Services and the police.

## Raising a Concern

**Concerns should be reported without delay directly to the DSL.**

There are likely to be tensions and anxieties for any member of staff who notes signs and indicators that suggest a colleague poses a concern. Nottingham Castle Trust will support any member of staff or volunteer if they do so appropriately, in good faith and in a timely fashion.

If the concerns relate to a DSL, then the Chief Executive and the Chair of Trustees should be informed. If the concerns are related to the Chief Executive, then DSL – Learning & Engagement and the Chair of the Board of Trustees must be informed in these circumstances.

## Initial Fact-Finding

It may be appropriate/necessary to check some basic facts prior to alerting other professionals. The DSL will always lead on initial fact-finding. They may delegate specific tasks of the initial fact-finding to staff unrelated to the concerns where appropriate. Initial fact-finding should involve checking files and recent records and clarifying basic facts with key staff, including the alerter, as well as discreetly asking other staff who have had recent contact with the adult to ascertain if they have any issues or concerns.

Initial fact-finding should never involve asking a vulnerable adult to discuss the concerns or repeat a disclosure or allegation that has been made.

Initial fact-finding can lead to the DSL deciding that there are no protection concerns that warrant a referral to Adult Social Care or the police. In such circumstances, when no further action is being taken, then the decision needs to be recorded and conveyed to the Chief Executive.

## Involving the Adult at Risk

It is important that, prior to making a referral to Adult Social Care or the police, timely consideration has been given to the ability of the adult at risk to understand the concerns, and whether they have an ability to give consent to concerns being raised with other agencies. It is likely that one of the first questions that the Local Authority is likely to ask is 'Does the adult at risk have capacity?' This refers to capacity as defined under the Mental Capacity Act 2005 which is explained in more detail in **Appendix 9**.

In brief:

It is always essential in safeguarding to consider whether the adult at risk is capable of giving informed consent. If they are, their consent should be sought prior to making a referral. This may be in relation to whether they give consent to:

- An activity that may be abusive – if consent to abuse or neglect was given under duress, for example, as a result of exploitation, pressure, fear or intimidation, this apparent consent should be disregarded.





- A Safeguarding Adults investigation going ahead in response to a concern that has been raised.
- Where an adult at risk, with mental capacity, has made a decision that they do not want action to be taken and there are no public interest or vital interest considerations, their wishes must be respected. This may present challenges if the adult also asserts they do not want their parents or carers to be informed. The person must be given information, have the opportunity to consider all the risks and fully understand the likely consequences of that decision over the short and long term.

If, after discussion with the adult at risk who has mental capacity, they refuse any intervention, their wishes will be respected unless:

1. There is a public interest, for example, wherein not acting will put other adults or children at risk.
2. There is a duty of care to intervene, for example, a crime has been or may be committed.

In such circumstance in the above two points, an alert to the Adult Social Care Department must be made. When there are concerns that a crime has been committed, then the police should also be informed. An allegation of abuse or neglect of an adult at risk, who does not have capacity to consent on issues about their own safety, will always give rise to action under the Safeguarding Adults process and subsequent 6 decisions made in their best interests will be made in line with the Mental Capacity Act and Mental Capacity Act Code. Section 44 of the Act makes it a specific criminal offence to wilfully ill-treat or neglect a person who lacks capacity.

### Raising an Alert with Adult Social Care Department or the Police

A detailed description of the procedure to follow and what to expect from 'raising an alert with SAM at Adult Social Care or the Police' can be found in **Appendix 10** but has been summarised briefly here. Following Initial Fact Finding the DSL will raise an alert with the Adult Social Care Department will require a lot of information to be shared. This should happen where appropriate without delay by telephone. Nottingham City has forms that will also be required to be completed once the telephone referral has been made. The telephone call will require information sharing, use the Safeguarding Report Form (**Appendix 4**) to assist you in recording the relevant information.

The DSL will inform the Chief Executive or Chair of Trustees as appropriate. The Chief Executive in turn will brief and keep updated the Chair of Trustees as appropriate.

### The Local Authority Decision to Accept, or Not, the Concern of an Adult at Risk

Adult safeguarding processes have historically evolved out of serious concerns for adults living in institutional settings, therefore an Adult Social Care Department may attempt not to accept the nature of the concern if the abuse is within a family setting. For example, they may attempt to classify the concern as domestic violence. In such circumstances advice should be carefully recorded and any signposting to other agencies followed without delay.

If the Local Authority does choose to accept the concern, the witness, together with the Designated Safeguarding Lead will be expected to attend a safeguarding meeting and to provide a written report of their involvement. It is important that the report contains factual statements and not opinions.



A Police check will be conducted prior to the strategy meeting to determine whether any previous incidents involving that member of staff are known. Unless the concerns relate to a senior member of staff, then senior managers should be invited to attend this meeting. It is essential that preparation for the meeting includes checking the member of staff concerned personnel file; training record; supervision record and last annual appraisal.

## Action After the Local Authority Meeting

On receipt of the minutes, check them for accuracy immediately and inform the Adult Social Care of any amendments required. If you are dissatisfied with the outcome of the meeting, discuss the matter with the Designated Safeguarding Lead who may consult the Chair of the Safeguarding Board.

## Workplace Arrangements

If the allegations relate to a member of staff, contractor or volunteer, a decision will need to be made as to whether they should remain in the workplace, or whether they should be suspended until the investigation is resolved. The Safeguarding Sponsor should be briefed and consulted by the DSL and HR at the earliest opportunity. If the member of staff remains in the workplace, safeguards will be put in place to protect the member of staff and the adult at risk involved. Nottingham Castle Trust will provide support as appropriate and advise that they may be accompanied by either a work colleague or a TU representative at an investigatory interview. The DSL or Line Manager will keep both the member of staff, the adult at risk and, if appropriate, the family/carer, up to date with regard to timescales of meetings and the procedures being put in place.

If Nottingham Castle Trust decides that suspension is necessary, then this will be done without prejudice. Suspension should be considered without delay if it is indicated that:

- A staff member has behaved in a way that may have, or has, harmed a vulnerable adult.
- A staff member has possibly committed an offence against, or related, to a vulnerable adult or child A staff member has behaved towards a vulnerable adult/child in a way which indicates they are now unsuitable to work with adults at risk or children.
- The Adult Social Care Department or the police are advising suspension.

No formal internal inquiry can start until the police have concluded their processes. Agreement should be obtained in writing from the Local Authority that an internal inquiry can commence.

At each stage the DSL will need to take HR advice, keep the staff member updated (following agreement with the Local Authority) and keep the adult at risk and, where appropriate, the family of the adult updated, again following the agreement of the Local Authority.

## Decisions and Next Steps

Professionals at the strategy meeting will decide what next steps to take: these may include criminal proceedings, protection procedures, disciplinary procedures, training needs, or no further action.

'No Further Action' by police and the Local Authority does not mean there is 'no case to answer' internally and HR advice should be considered.



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The decision to take disciplinary procedures lies with Nottingham Castle Trust and may require an internal inquiry; this can only take place once the Police and Local Authority have concluded their processes. However, the Local Authority may inquire what actions were taken. Once an internal inquiry is complete, then the disciplinary procedures can be invoked. If there is a disciplinary that does not lead to a dismissal, then 'lessons learnt' should be incorporated into safeguarding training.

## Notifying the Disclosure & Barring Service and/or Professional Bodies

If a staff member is dismissed because of abuse concerns, then Nottingham Castle Trust has a legal duty to formally notify the Disclosure & Barring Service. This also applies if a member of staff resigns as a result of safeguarding concerns being raised. The referral process is fully detailed on the DBS website.

If a staff member is dismissed or resigns because of abuse/ neglect concerns, then Nottingham Castle Trust has a duty to formally notify relevant professional bodies the member of staff belonged to; for example, the National College of Teaching & Leadership (NCTL).

## Support for Nottingham Castle Trust Staff

Being involved in a safeguarding case can be a stressful experience. Make sure that you talk to someone in the Trust about your feelings as soon as possible - this can be the Designated Safeguarding Lead or your line manager.

## Training and Implementing Safeguarding Policy and Procedures

The DSL will ensure that the staff, volunteers and the public has access to the policy and procedures and an understanding that the charity has a duty to inform Adult Services or the Police if there are concerns about abuse. This will be achieved by publishing the policy and procedures on the intranet and Nottingham Castle Trust's website.

Nottingham Castle Trust will ensure that all staff and volunteers have access to training and/or awareness sessions as appropriate to their role and responsibilities. This will include training on the recognition of abuse and neglect and how to respond to such concerns.

Line managers will ensure that all new staff, as part of their induction, will be asked to read and understand the procedures this will include an explanation of roles and responsibilities of the individual, the DSL and the CEO. Line managers will put in place a process for ensuring all temporary members of staff and volunteers are briefed on the safeguarding procedures as they start in post.

## Safeguarding Standards of Behaviour for Staff and Volunteers

All Nottingham Castle Trust staff are required to uphold the Staff Code of Conduct, which include the Nolan Principles, within the Staff Handbook. This will be reviewed on an annual basis and staff will be asked to re-sign the document in event of any changes.

This will form part of Nottingham Castle Trust's on-going safeguarding assessment and review. As part of this, all staff must read and understand the Safeguarding Policy section, the Safeguarding Procedure introduction section and the appendixes of this document. Records must be kept of



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when staff have done so. All staff must also have an annual safeguarding briefing to ensure they are aware of any changes in the law or practice. This is usually done in as part of the annual team CPD day.

## Safeguarding Online and Social Media

Nottingham Castle Trust is committed to the safety of vulnerable adults engaging in online and digital activities with Nottingham Castle Trust and online activity.

Mobile devices, social networking sites and the internet are great tools to help organisations and groups engage with communities. However, if used inappropriately, they can also pose potential safeguarding risks and this may lead to abuse, both online and offline.

All staff should:

- Demonstrate honesty and integrity, and uphold public trust and confidence in respect of anything placed on social media;
- Use organisational accounts to communicate with children and young people via email or social media, never personal accounts;
- Use an organisational mobile or tablet to communicate with young people, where possible;
- Ensure that any content shared on any social media, at any time, would be deemed as appropriate i.e. staff are personally responsible for ensuring that any privacy settings meet this requirement;
- Always use appropriate language in your communications and make sure all your communications are relevant to the work of the project you're involved in;
- Ensure that any comments and/or images, at any time, could not be deemed as defamatory or in breach of any relevant legislation;
- Understand how different social media platforms work and what their age limits are;
- Always ask if you want to take and/or share photos for any purpose – please also see Photography & Filming (below) and **Appendix 7: Photography & Filming Consent Form (General)** which should be completed when taking authorised photographs or filming of the public, including children (consent via parents or guardian) and vulnerable adults.

Staff must not

- Have contact with anyone where there is a relationship developed as part of their 'professional' role on any social media;
- Use social media as forum to make derogatory comments which could bring the organisation into disrepute, including making comments about visitors or those we are engaging with, other staff members or the wider community.

All digital and online activity will be developed in accordance with the following Nottingham Castle Trust policies:

- Data Protection Policy
- Staff Code of Conduct, including Safe Use of Social Media



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## Photography & Filming

Nottingham Castle Trust regularly takes photographs and film of visitors who are participating in organised activities for publicity purposes (including use online via official Nottingham Castle Trust channels).

Permission will be sought, using **Appendix 7: Photography & Filming Consent Form (General)**, and participants who will be asked to sign a photo/filming release form. In the case of pre-booked groups (e.g. community groups) this will be done in advance of the visit. Where permission is denied, the photographer will ensure that person is not photographed, and any images taken accidentally will be destroyed.

Where general photography is being taken – for example crowds gathered at an event or in an exhibition, signage should be placed alerting the public that photography is taking place.

Any visitor or member of the public who appears to be taking photographs in suspicious or inappropriate circumstances should be challenged by a member of Nottingham Castle Trust staff and asked to delete the photographs. Additional support from another member of Nottingham Castle Trust staff may be appropriate in some circumstances. Volunteers are not expected to challenge a visitor or member of the public but do have a responsibility to report suspicious or inappropriate behaviour to a member of Nottingham Castle Trust staff.

## Safeguarding and the GDPR

All Nottingham Castle Trust must have due regard to the relevant data protection principles which allow them to use and share personal information, as provided for in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

To share information effectively:

- all staff should be confident of the processing conditions under the Data Protection Act 2018 and the GDPR which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'
- where staff need to share special category personal data, they should be aware that the Data Protection Act 2018 contains 'safeguarding of children and individuals at risk' as a processing condition that allows practitioners to share information. This includes allowing practitioners to share information without consent, if it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a vulnerable adult at risk.

In any of these instances, contact the Designated Safeguarding Lead and the Marketing Manager who is the designated Data Controller for Nottingham Castle Trust.

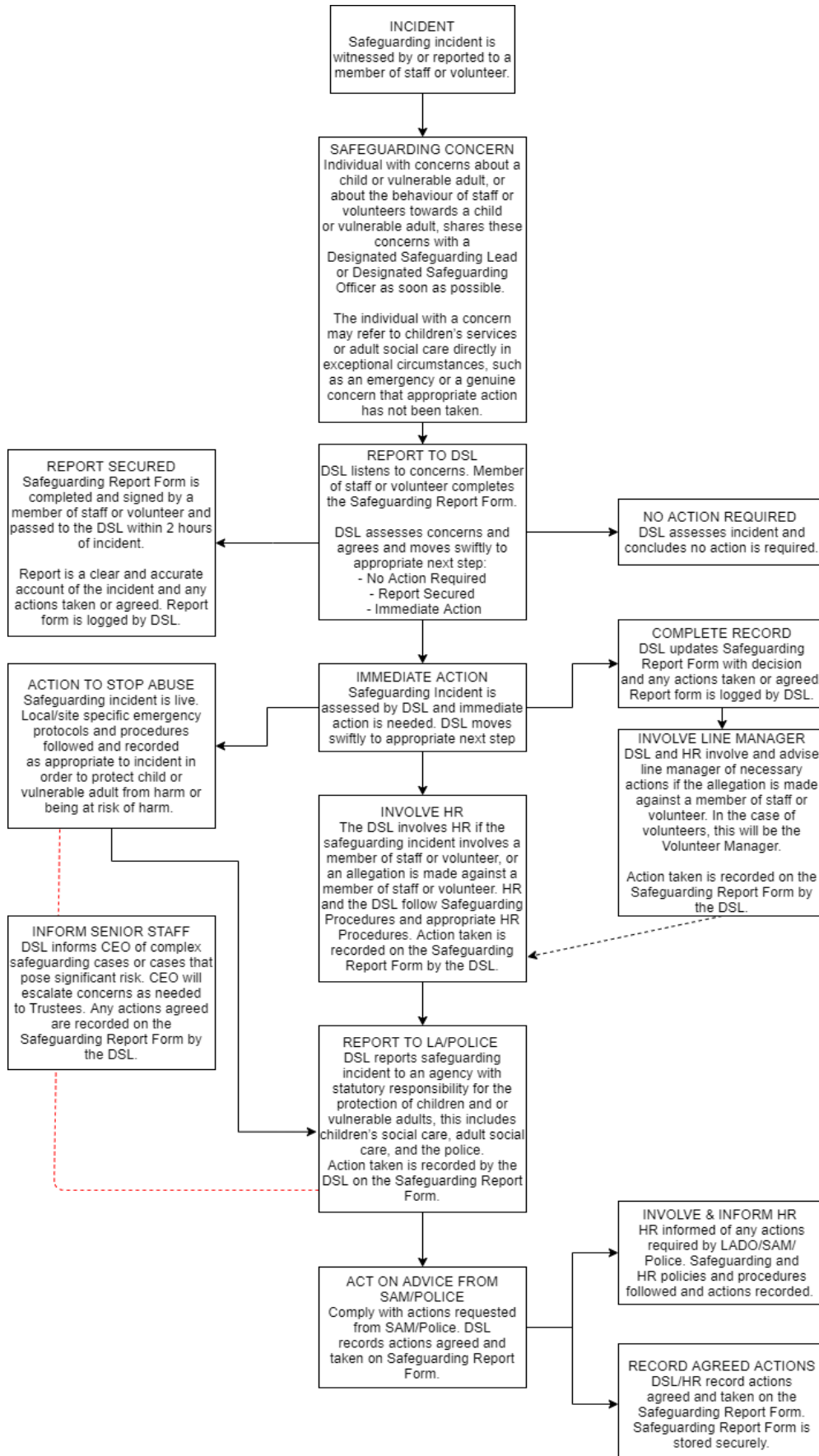
## Work Experience, Placements and Internships

Nottingham Castle Trust welcomes students on work experience placements. Enquiries regarding work experience should be referred to HR. Any concerns relating to the welfare and safety of a vulnerable adult participating in a work experience activity should be referred to the DSL.



## Appendix 1

### Safeguarding Process Flowchart



ard: 08/07/21

Nottingham Castle, Lenton Road, Nottingham, NG1 6EL

[hello@nottinghamcastle.org](mailto:hello@nottinghamcastle.org)



## Appendix 2

### Definition of Cases which are Complex or Pose Significant Risk

In this context 'significant' or 'complex' means that the DSL has reported a matter where the actual or suspected concern relates to an actual or suspected perpetrator who is a servant of Nottingham Castle Trust (employee, volunteer, trustee, contractor), and or where the concern relates to both a Safeguarding and a possible criminal matter, and or where the incident giving rise to the concern has attracted media interest, and or where the concern has attracted official external scrutiny such as the Health and Safety Executive or equivalent. It also refers to a reported concern where a DSL and/ or other servant of Nottingham Castle Trust will be required to attend a formal Strategy meeting, or where the Children's Social Care Department/ Adult Safeguarding team officially request that the investigation into the concern is undertaken in house by Nottingham Castle Trust.

## Appendix 3

### Definitions of Abuse and Recognising Signs and Indicators of Abuse

Adult abuse and neglect are described in the guidance in terms of the following categories:

- physical
- domestic
- sexual
- psychological
- financial or material
- modern slavery
- discriminatory
- organisational
- neglect and acts of omission
- self-neglect

### Physical Abuse

Examples of physical abuse or assault are hitting, pushing, pinching, shaking, misusing medication, scalding, the illegal use of restraint, inappropriate sanctions, and exposure to heat or cold and not giving adequate food or drink.

### Domestic Abuse

This is defined as an incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality. This might include psychological, sexual, financial, emotional and so called 'honour' abuse and forced marriage.

### Sexual Abuse

Sexual abuse/assault includes the direct or indirect involvement of the adult at risk in sexual activity or relationships which:

- They do not want or have not consented to.
- They cannot understand and lack the mental capacity to be able to give consent to.
- They have been coerced into, because the other person is in a position of trust, power or authority (for example, a care worker). They may have been forced into sexual activity with



someone else or may have been required to watch sexual activity. Sexual relationships or inappropriate sexual behaviour between a member of staff and a service user are always abusive and will lead to disciplinary proceedings. This is additional to any criminal action that has been taken. A sexual relationship between the service user and a care worker is a criminal offence under Sections 38–42 of the Sexual Offences Act 2003.

## Psychological/Emotional Abuse

This is behaviour that has a harmful effect on the person's emotional health and development or any form of mental cruelty that results in:

- Mental distress
- The denial of basic human and civil rights such as self-expression, privacy and dignity
- Negating the right of the adult at risk to make choices and undermining their self-esteem
- Isolation and over-dependence that has a harmful effect on the person's emotional health, development or well-being.

It is the wilful infliction of mental suffering by a person who is in a position of trust and power to an adult at risk. Psychological/emotional abuse results from threats of harm or abandonment, being deprived of social or any other sort of contact, humiliation, blaming, controlling, intimidation, coercion and bullying. It undermines the adult's self-esteem and results in them being less able to protect themselves and exercise choice. It is a type of abuse that can result from other forms of abuse and often occurs at the same time as other types of abusive behaviour. Behaviour that can be deliberately linked to causing serious psychological and emotional harm may constitute a criminal offence.

## Financial Abuse

Financial abuse is a crime. It is the use of a person's property, assets, income, funds or any resources without their informed consent or authorisation. It includes:

- Theft
- Fraud
- Exploitation
- Undue pressure in connection with wills, property, inheritance or financial transactions
- The misuse or misappropriation of property, possessions or benefits
- The misuse of an enduring power of attorney or a lasting power of attorney, or appointeeship

## Modern Slavery

This encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use coercion and deception to force people into a life of abuse or servitude. There have been a number of cases tried where the victim has been an adult with learning disability.

## Neglect and Acts of Omission

Neglect is the failure of any person who has responsibility for the charge, care or custody of an adult at risk to provide the amount and type of care that a reasonable person would be expected to provide. Behaviour that can lead to neglect includes: ignoring medical or physical needs; failing to





allow access to appropriate health, social care and educational services; and withholding the necessities of life such as medication, adequate nutrition, hydration or heating.

Neglect can be intentional or unintentional - intentional neglect would result from:

- Wilfully failing to provide care
- Wilfully preventing the adult at risk from getting the care they needed
- Being reckless about the consequences of the person not getting the care they need.

If the individual committing the neglect is aware of the consequences and the potential for harm to result due to the lack of action(s), then the neglect is intentional in nature. Unintentional neglect could result from a carer failing to meet the needs of the adult at risk because they do not understand the needs of the adult at risk, may not know about services that are available or because their own needs prevent them from being able to give the care the person needs. It may also occur if the individuals are unaware of, or do not understand the possible effect of the lack of action on the adult at risk.

## Discriminatory Abuse

Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals. It can be a feature of any form of abuse of an adult at risk, but can also be motivated because of age, gender, sexuality, disability, religion, class, culture, language, 'race' or ethnic origin. It can result from situations that exploit a person's vulnerability by treating the person in a way that excludes them from opportunities they should have as equal citizens, for example, education, health, justice and access to services and protection.

## Organisational Abuse

Organisational abuse is the mistreatment or abuse or neglect of an adult at risk by a regime or individuals within settings and services that adults at risk live in or use, that violate the person's dignity, resulting in lack of respect for their human rights. Institutional abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affects the whole setting and denies, restricts or curtails the dignity, privacy, choice, independence or fulfilment of adults at risk. Institutional abuse can occur in any setting providing health, education and social care. A number of inquiries into care in residential settings have highlighted that institutional abuse is most likely to occur when staff:

- receive little support from management
- are inadequately trained
- are poorly supervised and poorly supported in their work
- receive inadequate guidance.

The risk of abuse is also greater in institutions:

- with poor management
- with too few staff
- which use rigid routines and inflexible practices
- which do not use person-centred care plans
- where there is a closed culture.



## Self-Neglect

This is defined as behaviour that results in neglecting to care for one's personal hygiene, health or surroundings and may include such behaviour as hoarding.

## Non-Recent Abuse

Historical or non-recent allegations of abuse are any concerns that relate to abuse that happened more than a year ago, whether involving anyone working for or belonging to Nottingham Castle Trust or outside of it. Often victims of abuse take many years to come forward due to the shame or a fear of being disbelieved however the alleged perpetrator may remain a risk to others. Such allegations of abuse must be taken seriously and acted upon in line with NCT safeguarding procedures, even if the victim is no longer being harmed now.

## Listening to Vulnerable Adults

One of the key indicators of abuse and neglect is a direct allegation from a vulnerable person that they are being abused. The disclosure of abuse is often frightening and can awake painful memories, the strong emotions felt can be very difficult to express. If the vulnerable person alleges that she/he is being abused or information is received which causes concern that she/he may be being abused or has some knowledge of an abusive situation, the person receiving this information from the vulnerable person should:

- Assure them that you are taking them seriously
- Listen carefully to what they are telling you, stay calm, get as clear a picture as you can, but avoid asking too many questions at this stage
- Do not give promises of complete confidentiality
- If it is appropriate, ask the adult at risk what they would like to happen as a result of you passing on the concern. However, you should
- Explain that you have a duty to tell your manager or other designated person, and that their concerns may be shared with others who could have a part to play in safeguarding them
- Reassure them that they will be involved in decisions about what will happen
- Explain that you will try to take steps to protect them from further abuse or neglect
- If they have specific communication needs, provide support and information in a way that is most appropriate to them
- Do not be judgemental or jump to conclusions
- Do not discuss the concern with the person alleged to have caused harm or anyone else, unless the immediate welfare of the adult at risk makes this unavoidable



## Appendix 4

### Safeguarding Report Form (General)

Use this form to record any concern about the welfare of a child or vulnerable adult.

**Before completing the form contact Nottingham Castle Trust's Designated Safeguarding Lead.**

If you suspect a child or adult may be at risk of abuse or neglect, or you have received a disclosure of abuse from a child or adult, or you have heard about an allegation of abuse or witnessed abuse, you must report it to the Designated Safeguarding Lead as soon as possible, where possible within 1 hour.

Full name of individual you are concerned about (if known)

If you don't have details of the individual, please give any useful information you have – consider whether CCTV or colleagues may be able to help

Date and time of this record

Why are you concerned?



What have you been told, heard or observed, by who and when? Please give a detailed and clear description, distinguishing fact from opinion and outlining the following:

- anything you have personally witnessed
- information from a third-party that is relevant but as yet unsubstantiated
- anything you have been told by the child or any other person. Be clear about who has said what

If an allegation has been made, give any details.



Have you spoken to the child / vulnerable adult? Yes No

What did they say? Use their own words

Have you spoken to anyone else about your concern? Yes No

Who?

Is this the first time you have been concerned about this individual? Yes No

Further details



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Has any action already been taken in relation to this concern? (for example, first aid)

--

Name and position of the person this record was handed to

Name	
Role	

If this record has been handed to anyone other than the DSL, please explain why

--

Date and Time this form was completed

Date	
Time	

Date and Time this form was completed and handed to the DSL

Date	
Time	

Your details

Name	
Role	
Signature	



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If you have used additional sheets to complete this record of concern, please staple them to this form and write the number of additional sheets here

Additional sheets	
-------------------	--



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This form should be completed with the Designated Safeguarding Lead.

## Action Taken by Designated Safeguarding Lead

Name of DSL	
Time and Date	
Signature	





## Appendix 5

### External Contacts

#### Police

If you believe that a child is at immediate risk and in need of protection then you should call the Police - **999** immediately.

Alternatively, if you feel the child is a risk of abuse or neglect, but not in immediate need of protection, you should call the Police on **101**.

#### Nottingham City Adult Social Care

If you make the decision to contact Adults Social Care please call **0300 1310 300** and select **option 2**

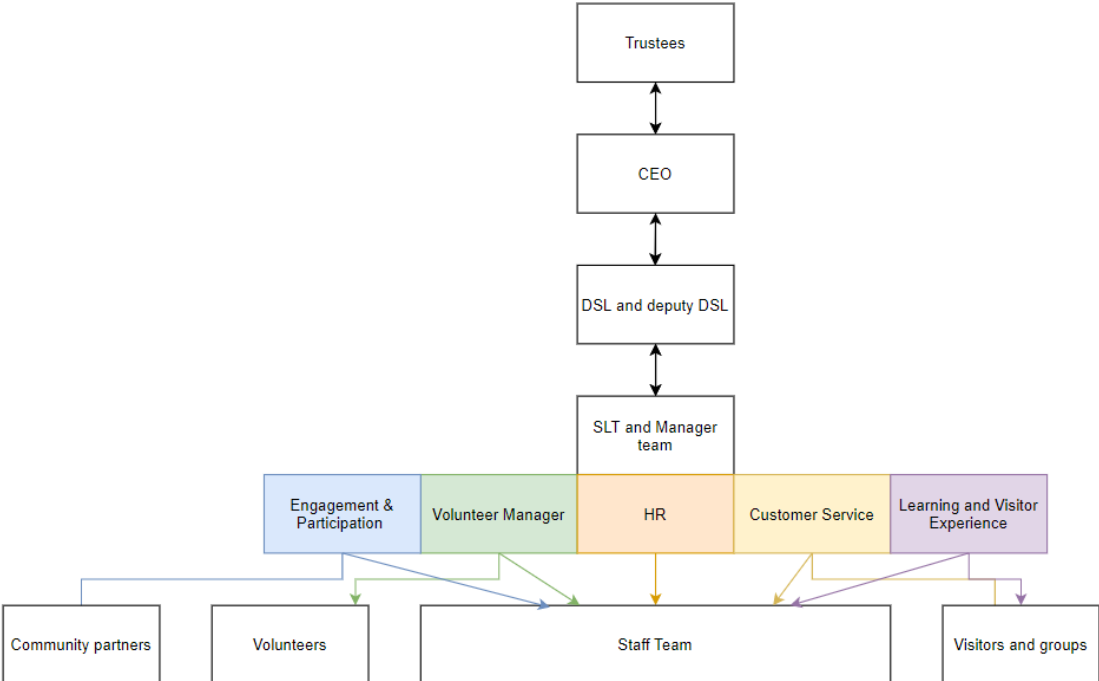
The offices are open from 8.30am to 5 pm.

Outside of these hours, please contact the duty team on **0115 8761000**.

You may be worried about the repercussions of reporting your concerns to Adults Social Care, both for yourself and your family. The person making the call will always be asked for their name and contact details - so you can be contacted again if needed. However, you can ask for your details to remain confidential, or provide information anonymously.



## Appendix 6 Everyone's Responsibility Organogram



## Appendix 7

### Photography & Filming Consent Form (General)

Full name of you or your child (if under 16):	
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I understand that:

To help us comply with the Data Protection Act 2018 and our Safeguarding Policy, we would like your consent before we take your child's photo, use images, videos, recordings and quotes. These photos, video or audio recordings, and quotes may be sent out to the media with a press release, used in our publications, in exhibitions, on any social media sites (which include but are not limited to YouTube, Twitter and Facebook), and on our own and, partner website in connection with this activity. Please note that websites can be seen throughout the world, and not just in the United Kingdom, where UK law applies.

I can withdraw consent for this at any time. I can email [enquiries@nottinghamcastletrust.org](mailto:enquiries@nottinghamcastletrust.org) if I change my mind. Note: this will not apply to material already published. Nottingham Castle Trust cannot control already published material or recall them.

Signature:	
If child is under 16, parental signature:	
Date:	

<b>For office use</b>	
Name of event organiser:	
Name of photographer:	
Date of event:	
Name of event:	



Location of event:	

## Appendix 8

### Regulated Activity requiring enhanced with adults and or children's barred lists check

Activities	Time period
Teaching, instructing, supervising, training, and coaching children.	This activity is regulated if it's carried out by the same person frequently (such as once a week or more), 4 or more days in a 30-day period, or overnight (between 2am and 6am).
Delivering care, including physically helping children if they need assistance) due to an illness or disability). For example, with eating, drinking, toileting, washing, bathing, or dressing.  Care also includes healthcare relating to mental health, palliative care, and any procedures similar to medical or surgical care.	This activity is regulated if it's carried out by the same person frequently (such as once a week or more), 4 or more days in a 30-day period, or overnight (between 2am and 6am).  There are some exceptions however, where the activity is classed as regulated even if it will only be done once.
Providing advice or guidance wholly or mainly for children's physical, emotional, or educational wellbeing.	This activity is regulated if it's carried out by the same person frequently (such as once a week or more), 4 or more days in a 30-day period, or overnight (between 2am and 6am).
Moderating web services that children use.	This activity is regulated if it's carried out by the same person frequently (such as once a week or more) or 4 or more days in a 30-day period.
Driving a vehicle in which children travel, such as a school bus.	This activity is regulated if it's carried out by the same person frequently (such as once a week or more) or 4 or more days in a 30-day period.
Providing foster care, including privately.	No specified conditions.



## Appendix 9

### Outline to the Mental Capacity Act and Safeguarding

#### Mental Capacity

The presumption is that adults have mental capacity to make informed choices about their own safety and how they live their lives. Issues of mental capacity and the ability to give informed consent are central to decisions and actions in Safeguarding Adults. All interventions need to take into account the ability of adults to make informed choices about the way they want to live and the risks they want to take.

This includes their ability:

- To understand the implications of their situation.
- To take action themselves to prevent abuse.
- To participate to the fullest extent possible in decision making about interventions.

The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the Safeguarding Adults process must comply with the Act. The Act says that: ‘... a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or disturbance, in the functioning of the mind or brain’.

Further, a person is not able to make a decision if they are unable to:

- understand the information relevant to the decision or
- retain that information long enough for them to make the decision or
- use or weigh that information as part of the process of making the decision or
- communicate their decision (whether by talking, using sign language or by any other means as muscle movements, blinking an eye or squeezing a hand).

Mental capacity is time and decision-specific. This means that a person may be able to make some decisions but not others at a particular point in time. For example, a person may have the capacity to consent to simple medical examination but not to major surgery. Their ability to make a decision may also fluctuate over time.

#### Principles of the Mental Capacity Act 2005

An adult at risk has the right to make their own decisions and must be assumed to have capacity to make decisions about their own safety unless it is proved (on a balance of probabilities) otherwise.

- Adults at risk must receive all appropriate help and support to make decisions before anyone concludes that they cannot make their own decisions
- Adults at risk have the right to make decisions that others might regard as being unwise or eccentric and a person cannot be treated as lacking capacity for these reasons.



Decisions made on behalf of a person who lacks mental capacity must be done in their 'Best Interests' and on the basis of a 'Reasonable Belief' and should be the least restrictive of their basic rights and freedoms.

### Ill Treatment and Wilful Neglect

An allegation of abuse or neglect of an adult at risk who does not have capacity to consent on issues about their own safety will always give rise to action under the Safeguarding Adults process and subsequent decisions made in their best interests in line with the Mental Capacity Act and Mental Capacity Act Code as outlined above. Section 44 of the Act makes it a specific criminal offence to wilfully ill-treat or neglect a person who lacks capacity.

### Consent

It is always essential in safeguarding to consider whether the adult at risk is capable of giving informed consent. If they are, their consent should be sought. This may be in relation to whether they give consent to:

- An activity that may be abusive – if consent to abuse or neglect was given under duress, for example, as a result of exploitation, pressure, fear or intimidation, this apparent consent should be disregarded.
- A Safeguarding Adults investigation going ahead in response to a concern that has been raised. Where an adult at risk with capacity has made a decision that they do not want action to be taken and there are no public interest or vital interest considerations, their wishes must be respected. The person must be given information and have the opportunity to consider all the risks and fully understand the likely consequences of that decision over the short and long term.

The recommendations of an individual protection plan being put in place:

- A medical examination
- An interview
- Certain decisions and actions taken during the Safeguarding Adults process with the person or with people who know about their abuse and its impact on the adult at risk.

If, after discussion with the adult at risk who has mental capacity, they refuse any intervention, their wishes will be respected unless:

- There is a public interest, for example, not acting will put other adults or children at risk
- There is a duty of care to intervene, for example, a crime has been or may be committed.

### Best Interest

If an adult at risk lacks capacity to make informed decisions about maintaining their safety and they do not want any action to be taken, professionals have a duty to act in their best interests under the Mental Capacity Act 2005. This would automatically trigger a Safeguarding Adults referral.

### Public Interest

If the adult at risk has the mental capacity to make informed decisions about maintaining their safety and they do not want any action to be taken, practitioners have a duty to share the information with



relevant professionals to prevent harm to others. This will automatically trigger a Safeguarding Adults referral.

## Personal Decisions

The adult at risk will have views about what is an acceptable level of risk to them and about balancing the risks in order to maintain the lifestyle or contacts they wish. There may be a balance to be struck between the benefits of achieving safety and the loss of contact with someone whom they value. A person with mental capacity may choose to live in a situation which is seen as unsafe by professionals, if the alternatives they are being offered are unacceptable to them. They do not, however, have a right to make decisions about the protection other people may need where they may also be at risk from the same person, service or setting. Adults at risk need to be able to make informed choices from the information they are given. In order to do this they may need support in a variety of ways such as the help of a family member or friend (as long as they are not the person alleged to have caused the harm), an advocate or IMCA, a language interpreter or other communication assistance or aid.



## Appendix 10

### Raising an Alert with Adult Social Care Department or the Police Guidance

To raise an alert with the Adult Social Care Department will require a lot of information to be shared. This should happen without delay by telephone. Nottingham City Council have forms that will also be required to be completed once the telephone referral has been made. The telephone call will require information sharing, which is detailed in **Appendix 4 – Safeguarding Report Form**.

The Designated Safeguarding Lead will inform the Chief Executive or Chair of Trustees as appropriate. The Chief Executive in turn will brief and keep updated the Chair of Trustees as appropriate.

### The Local Authority Decision to Accept, or Not, the Concern of an Adult at Risk

Adult safeguarding processes have historically evolved out of serious concerns for adults living in institutional settings, therefore an Adult Social Care Department may attempt not to accept the nature of the concern, if the abuse is within a family setting. For example, they may attempt to classify the concern as domestic violence. In such circumstances, advice should be carefully recorded and any signposting to other agencies followed without delay.

If the concerns are accepted as an adult at risk:

- If the adult at risk has capacity, the local authority will arrange to speak with the adult to clarify facts and to find out from them what is happening, discuss the concerns and carry out a risk assessment with them. This will establish if they understand the risk and what help they may need to support them to reduce the risk if that is what they want. The local authority will want to be satisfied that the ability to make an informed decision is not being undermined by the harm they are experiencing and is not affected by intimidation, misuse of authority or undue influence, pressure or exploitation, if they decline assistance.
- If the adult at risk does not have capacity, then their capacity will be appropriately assessed as soon as possible; in safeguarding, this is a process that the local authority will lead on. If it is established that the adult at risk lacks capacity, feedback will be given by the local authority to them and anyone who is acting in their best interests (for example a family member, attorney or court appointed deputy), unless they are implicated in the allegation.

### Strategy Meetings

The local authority Adult Social Care Department can decide that there is a need for a strategy meeting. It should be anticipated that the Designated Safeguarding Lead from Nottingham Castle Trust will be invited to attend.

- At the meeting the following should be discussed:
- The wishes of the adult at risk
- Whether an investigation will take place, and if so, how it should be conducted and by whom
- A risk assessment
- An interim protection plan
- A clear record of the decisions





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- A record of what information is shared
- An investigation plan with timescales
- A communication strategy
- Whether a child (under 18 years) may be at risk - if so there will be a referral to Children's social care.
- The strategy discussion or meeting should take place before any investigation; the exception to this is if a police investigation is required to gather evidence. Nottingham Castle Trust should not begin an investigation prior to a decision by the multi-agency strategy meeting or discussion.

## Outcomes of Strategy Meeting

There are a wide range of possible outcomes that can come from a strategy meeting, these include:

- That the police are going to investigate - The alerter and the DSL are likely to be interviewed. (If the concerns relate to a Nottingham Castle Trust staff or volunteer then they will also be interviewed by the police and this could be under caution.)
- That the local authority is going to investigate - Again the alerter and the DSL are likely to be interviewed.
- That Nottingham Castle Trust lead its own internal investigation - under such circumstances the local authority will require a range of assurances regarding the protection of adults and the robustness of the process being agreed. There will also be an expectation of full, open and transparent feedback to the local authority.

## Investigation

Guidance on investigations can be found in Protecting Adults at Risk: London multiagency policy and procedures to safeguard adults from abuse produced by the Social Care Institute for Excellence with the Pan London Adult Safeguarding Editorial Board 2011.

## Case Conference

Following any investigation, a case conference is convened by the local authority.

The aim of a case conference is to:

- consider the information contained in the investigating officer's report(s)
- consider the evidence and, if substantiated, plan what action is indicated
- plan further action if the allegation is not substantiated
- plan further action if the investigation is inconclusive
- consider what legal or statutory action or redress is indicated
- make a decision about the levels of current risks and a judgement about any likely future risks
- agree a protection plan
- agree how the protection plan will be reviewed and monitored.

## Possible Outcomes for the Adult at Risk

- Increased monitoring
- Removal from property/support, advice, services
- Assessment/services
- Application to Court of Protection



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- Application to change appointeeship
- Referral to advocacy service
- Referral to counselling services
- Guardianship/use of Mental Health Act 2007
- Review of self-directed support
- Restriction/management of access
- No further action
- Other

