

Corporate Safeguarding Policy

Policy information

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Summary of document:

This Corporate Safeguarding Policy provides a framework for every service within the UHB, setting out responsibilities in relation to safeguarding children and adults at risk and the means by which the UHB will be assured it is fulfilling its duties.

Scope:

The policy will apply to all staff employed within the Health Board, including bank and agency staff, students, contractors, volunteers and trainees whether or not their employment brings them into direct contact with adults or children at risk.

To be read in conjunction with:

[508 - Social Services and Well Being Act 2014](#) (opens in new tab)

[868 - All Wales Safeguarding Procedures](#) (opens in new tab)

<https://www.safeguarding.wales/> (opens in new tab)

[1042- Information Sharing Protocol for the Safeguarding of Children, Young People and Adults within West Wales Procedure](#) (opens in new tab)

[592 - "Ask and Act" - Violence against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) Policy](#) (opens in new tab)

[405 - Safeguarding Children and Young People in Emergency Department/Out of Hours Service Procedure](#) (opens in new tab)

[887 - Monitoring Vulnerable People who were not Brought or did not Attend Appointments and no Access Visits](#) (opens in new tab)

[1041 - Multi-Agency High-Risk Behaviour Policy and Procedure \(Including Self-Neglect/Hoarding\)](#) (opens in new tab)

[944 - Management of Suspected Injuries in Non-Mobile Children Procedure](#) (opens in new tab)

[571 - Managing Historical Allegations of Abuse Procedure](#) (opens in new tab)

[476 - Safeguarding Supervision Policy](#) (opens in new tab)

[714 - Management and Reporting of Female Genital Mutilation \(for Health Professionals\) Procedure](#) (opens in new tab)

[1040 - Decision Making at Child Protection Conferences and Agency Groupings Procedure](#) (opens in new tab)

[563 - Procedural Response for Unexpected Deaths in Childhood Procedure](#) (opens in new tab)

[441 - Looked After Children \(LAC\) Policy](#) (opens in new tab)

[610 - Provision to Local Authority and Private Residential Children's Homes Guideline](#) (opens in new tab)

[246 - Managing Safeguarding Allegations and Professional Concerns Raised Against Hywel Dda University Health Board Staff Policy](#) (opens in new tab)

[311 - Domestic Abuse and Sexual Violence Workplace Policy](#) (opens in new tab)

Patient information:

Include links to [Patient Information Library](#)

Owning group:

Strategic Safeguarding Working Group (SSWG)

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Executive Director job title:

Mandy Rayani – Director of Nursing, Quality and Patient Experience

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Safeguarding, Children at Risk, Adults at Risk

Glossary of terms

UHB - University Health Board

LAC - Looked After Children

HDdUHB - Hywel Dda University Health Board

CT&S Act – Counter Terrorism and Security Act

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Introduction

Safeguarding and protecting children and adults at risk is a high priority and ensuring that there are robust arrangements in place to comply with national legislation, guidance and policies for Hywel Dda University Health Board (UHB).

Safeguarding involves working with partner agencies to protect children and adults at risk of abuse, neglect or other kinds of harm and involves activities to actively prevent individuals from becoming at risk of abuse, neglect or other kinds of harm.

Hywel Dda University Health Board recognises that every staff member has a duty to safeguard and promote the welfare of children, young people and adults at risk and those experiencing gender based violence, domestic abuse or sexual violence.

Whilst the relevant Local Authority in law is the lead statutory agency in making enquiries to identify whether an individual is at risk, the UHB has a statutory duty to cooperate and collaborate in the prevention, early intervention and response to allegations of abuse and neglect.

Policy statement

The UHB recognises that good practice in safeguarding brings together all activity aimed at promoting safe practice with vulnerable groups and preventing abuse and neglect.

This Corporate Safeguarding Policy provides a framework for every service within the UHB, setting out responsibilities in relation to safeguarding children and adults at risk and the means by which the UHB will be assured it is fulfilling its duties.

Scope

The policy will apply to all staff employed within the Health Board, including bank and agency staff, students, contractors, volunteers and trainees whether or not their employment brings them into direct contact with adults or children at risk.

Aim

The aim of this document is to:

- Ensure that all staff who work within the UHB are aware of the statutory framework for safeguarding and public protection and their duties, under that legislation.
- Provide assurance of the governance arrangements in the UHB that the UHB is fulfilling its duties to safeguard people at risk of abuse or neglect.

Objectives

The aim of this document will be achieved by the following objectives:

- Setting out how the Health Board will meet the legal, statutory and policy and policy framework to safeguard children and adults at risk.
- Describing the role and responsibilities of staff in meeting their statutory duties to safeguard people at risk of abuse and neglect.

Legislation and Guidance

Legislation to safeguard people at risk of abuse or neglect or gender-based violence, domestic abuse or sexual violence are contained within various acts and statutory guidance.

The law, policy and guidance changes from time to time, therefore not is not possible to provide an exhaustive list of relevant documents, but the most current significant are set out as follows:

- Social Services and Well-being (Wales) Act 2014 and the related Codes of Practice; Part 6 (Looked After Children) & Part 7 (Safeguarding Children and Adults at Risk)
- Children Act 1989, Section 47 (child protection investigations)
- Children Act 2004 Sections 25, 27 and 28 (duty to cooperate to safeguard and promote the welfare of children)
- Violence against Women, Domestic Abuse, Sexual Violence (Wales) Act 2015
- Domestic Abuse Act 2021 (definition of domestic abuse)
- S9(3) Domestic Violence and Crimes Act 2004 (duty to participate in a Domestic Homicide Review)
- S5B of the Female Genital Mutilation Act 2003 (amended by Serious Crime Act) [mandatory reporting of FGM in under 18s to the police]
- Counter Terrorism and Security Act 2015 (to address those drawn into, or at risk of being drawn into terrorist and extremist behaviour)
- Mental Capacity Act 2005
- Modern Slavery Act 2015
- Safe Care Standard 2.7 of Health & Care Standards in Wales
- Wales Safeguarding Procedures 2019

Approval of National, Regional and Local Policies

The Head of Safeguarding will ensure that all national, regional and local policies are approved in accordance with the UHB Written Control Documentation Policy.

Statutory Duty to Report a Child or Adult at Risk of Abuse or Neglect

From April 2016 the Social Services and Well-being (Wales) Act 2014 introduced the statutory duty for all who work for the Health Board to report to the Local Authority any concerns that a child or an adult is at risk of abuse, or neglect.

All employees must take positive and decisive action when witnessing incidents, experiencing concerns or receiving information alleging abuse or inappropriate care of a child or adult at risk. Employees can obtain advice and support about concerns they may have from their line manager or the Corporate Safeguarding Team.

A child is defined by the Children Act 1989 as anyone less than 18 years of age.

A **'child at risk'** is defined in the Social Services and Well-being (Wales) Act 2014 as a child who:

- a. Is experiencing or is at risk of abuse, neglect or other kinds of harm; and
- b. Has needs for care and support (whether or not the Local Authority is meeting any of those needs).

Safeguarding children is the responsibility of everyone working in the Health Board. This responsibility extends to children who are patients and children who are visitors, children of any adults who are patients/clients of the Health Board, and children of staff members.

An **'adult at risk'** is defined in the Social Services and Well-being (Wales) Act 2014 as an adult who:

- a. Is experiencing or is at risk of abuse or neglect;
- b. Has needs for care and support (whether or not the Local Authority is meeting any of those needs); and
- c. As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

This definition may include a person who:

- Has learning difficulties
- Has a mental health problem, including dementia
- Is an older person with support/care needs
- Is physically frail or has a chronic illness
- Has physical or sensory disability
- Misuse drugs or alcohol
- Has an autistic spectrum disorder

The possibility of an adult becoming an adult at risk will depend on his or her circumstances. There are many predisposing factors which may increase any risk of abuse occurring. Staff must refer to the Wales Safeguarding Procedures 2019 and / or contact the Corporate Safeguarding Team for advice.

Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) and Ask and Act

The Health Board is committed to the health and wellbeing of its patients and staff and recognises that domestic abuse is a crime, which adversely affects the health of individuals, families and communities. Identifying abuse and/or violence at an early stage can be an effective measure in preventing an escalation in severity and frequency, and can assist to ensure appropriate and timely support is provided.

The Health Board has legal and statutory duties under the Violence against Women, Domestic Abuse and Sexual Violence Act (Wales) 2015. Health Board professionals will be able to identify violence against women, domestic abuse and sexual violence, and be confident to ask about these issues in a private setting and to ensure an appropriate response and referral to specialist services as appropriate. The responsibilities and guidance for staff to Ask and Act are set out in the [592 - "Ask and Act" - Violence against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) Policy](#) (opens in new tab).

Hywel Dda University Health Board recognises that within its workforce there will be employees who have experienced, or who are currently experiencing domestic violence and abuse as well as employees who are perpetrators or who are alleged to be perpetrators. The UHB [311 - Domestic Abuse and Sexual Violence Workplace Policy](#) (opens in new tab) assists managers to provide a confidential, sympathetic and supportive response to staff who experience domestic violence and

abuse and to appropriately address situations where staff are alleged perpetrators or are found to be perpetrators of domestic violence and abuse.

Definition of Domestic Abuse

The Domestic Abuse Act 2021 replaces the Home Office (2013) definition of “domestic abuse”.

Section 1: Definition of “domestic abuse”

1. This section defines “domestic abuse” for the purposes of this Act.
2. Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if -
 - a. A and B are each aged 16 or over and are “personally connected” to each other, and
 - b. The behaviour is abusive.
3. Behaviour is “abusive” if it consists of any of the following -
 - a. Physical or sexual abuse;
 - b. Violent or threatening behaviour;
 - c. Controlling or coercive behaviour;
 - d. Economic abuse (see subsection (4));
 - e. Psychological, emotional or other abuse;
 - f. and it does not matter whether the behaviour consists of a single incident or a course of conduct.
4. “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to —
 - a. Acquire, use or maintain money or other property, or
 - b. Obtain goods or services.
5. For the purposes of this Act, A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
6. References in this Act to being abusive towards another person are to be read in accordance with this section.
7. For the meaning of “personally connected”, [see Section 2: Definition of ‘personally connected’](#).

Section 2: Definition of “personally connected”

1. Two people are “personally connected” to each other if any of the following applies —
 - a. They are, or have been, married to each other;
 - b. They are, or have been, civil partners of each other;
 - c. They have agreed to marry one another (whether or not the agreement has been terminated);
 - d. They have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - e. They are, or have been, in an intimate personal relationship with each other;
 - f. They each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
 - g. They are relatives.
2. For the purposes of subsection (1)(f) a person has a parental relationship in relation to

a child if -

- a. The person is a parent of the child, or;
 - b. The person has parental responsibility for the child.
3. In this section —
- a. “Child” means a person under the age of 18 years;
 - b. “Civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;
 - c. “Parental responsibility” has the same meaning as in the Children Act 1989; “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Section 3: Children as victims of domestic abuse

1. This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.
2. Any reference in this Act to a victim of domestic abuse includes a reference to a child who –
 - a. Sees or hears, or experiences the effect of, the abuse, and
 - b. Is related to A or B.
3. A child is related to a person for the purposes of subsection (2) if –
 - a. The person is a parent of, or has parental responsibility for, the child, or
 - b. The child and the person are relatives.
4. In this section –
 - a. “Child” means person under the age of 18 years;
 - b. “Parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
 - c. “Relative” has the meaning given by section 63(1) of the Family Law Act 1996.

Looked After Children

Children and young people looked after are among the most socially excluded groups in our society and have been found to have significantly increased health needs in comparison with children from comparable socio-economic backgrounds.

The term ‘looked after children’ (LAC) is a Children Act (1989) term for children up to 18 years of age for whom the local authority is providing accommodation or care for a period of more than 24 hours. Children in care are placed with foster carers, in residential homes, with parents or other relatives under a number of legal arrangements.

The UHB has in place a [441 - Looked After Children \(LAC\) Policy](#) (opens in new tab) to ensure that Hywel Dda University Health Board is able to deliver its statutory responsibilities in relation to the planning, commissioning and delivery of services in order to address the health needs of Looked After Children.

Contest, Prevent, Channel Panel

Hywel Dda University Health Board (HDdUHB) has a duty under the Counter Terrorism and Security Act (2015) (CT&S Act) to have due regard to the need to prevent people being drawn into terrorism and to act positively to report concerns.

CONTEST is the Government counter-terrorism strategy and consists of four work streams that are known as the 'four Ps':

- **Prevent:** To stop people becoming terrorists or supporting terrorism. The aim is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism.
- **Pursue:** To stop terrorist attacks and is the responsibility of Police services
- **Protect:** To strengthen our protection against a terrorist attack by ensuring that the environment and people are secure and aware of risks through secure working practices.
- **Prepare:** To mitigate the impact of a terrorist attack.

Prevent has three objectives in CONTEST as follows:

- Tackle the causes of radicalisation and respond to the ideological challenge of terrorism
- Safeguard and support those most at risk of radicalisation through early intervention,
- identifying them and offering support
- Enable those who have already engaged in terrorism to disengage and rehabilitate

The aim of the Prevent strategy focusses on stopping people becoming terrorists or supporting terrorism. Prevent recognises that vulnerable individuals of all ages may be at risk of being exploited for terrorist related activities and as such these people may have contact with our services and therefore fit within our Safeguarding responsibilities.

Channel forms part of Prevent. It was placed on a statutory footing in 2015. It is a multi-agency approach to identifying individuals at risk, assess the nature and extent of that risk and develop the most appropriate support plan for individuals concerned.

The revised statutory Channel Duty Guidance: Protecting people vulnerable to being drawn into terrorism (2020) was issued under sections 36(7) and 38(6) of the Counter- Terrorism and Security Act 2015. Section 36 of the CT&S Act places a duty on local authorities and partners of local panels to provide support for people vulnerable to being drawn into terrorism. Schedule 7 to the Counter- Terrorism and Security Act 2015 lists the Health Boards amongst partners required to cooperate with the panel.

The Public Health Directorate are responsible for representation on local and regional CONTEST Boards. The Corporate Safeguarding Team are the key points of contact in HDdUHB for the three Local Authority led Channel Panels. They co-ordinate the information scan request and attend the meetings which are held and chaired monthly in each Local Authority.

Modern Slavery and Trafficking

The Modern Slavery Act 2015 encompasses slavery, human trafficking, forced labour and servitude. Human trafficking is the fastest growing form of slavery today and is prohibited under international law, as well as under the criminal laws of the United Kingdom and other countries. Trafficking is the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

Modern slavery has a range of serious health consequences at an individual and population level. The impacts can be physical injuries, sexually transmitted infections due to sexual exploitation and poor mental health.

The Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) details that healthcare organisations and providers can identify potential victims in primary and secondary healthcare settings and should raise awareness of this crime amongst patients, visitors and have responsibility for providing emergency and ongoing medical treatment to potential and confirmed victims.

Information Sharing

The Data Protection Act 2018 and the General Data Protection Regulation allow for the sharing of information and should not be automatically used as a reason for not doing so. [1042 - Information Sharing Protocol for the Safeguarding of Children, Young People and Adults within West Wales Procedure](#) aims to protect people at risk of abuse, neglect and other kinds of harm. The protocol provides staff with confidence to share relevant information where the purpose is to protect or prevent children, young people and adults at risk from experiencing abuse, neglect or other types of harm.

In exceptional circumstances, personal information can be lawfully shared without consent where there is a legal requirement or the practitioner deems it to be in the public interest. One of the exceptional circumstances is in order to prevent abuse or serious harm to others. It is not possible to give guidance to cover every circumstance in which sharing of confidential information without consent will be justified. All staff must make a judgement on the facts of the individual case.

Where there is a clear risk of significant harm to a child or serious harm to an adult, the public interest test will almost certainly be satisfied. There will be other cases where you will be justified in sharing limited confidential information in order to make decisions on sharing further information or taking action – the information shared should be necessary for the purpose and be proportionate.

Employees should seek advice from the Information Governance Team.

Training and Education

Safeguarding and public protection training is essential to safeguard our patients and the public from harm.

Mandatory training in respect of safeguarding children, adults and violence against women, domestic abuse and sexual violence is accessible on both a single and multi-agency basis.

Mandatory safeguarding training compliance will be monitored by senior service managers and exceptions reported to the Strategic Safeguarding Working Group.

Reporting Framework

The Strategic Safeguarding Working Group purpose is to provide assurance to the Quality, Safety and Experience Committee around its legal and statutory responsibilities in relation to the safeguarding children and adults.

Service / Directorate Safeguarding Delivery Groups have been established as Operational Groups to promote a consistent high quality standard of clinical and managerial practice relating to safeguarding across the life span. Further, they will monitor and report the level of compliance attained within the relevant Service Structures in relation to relevant policy and legislative guidance for the protection of children and young people and adults and promote multi-agency working relationships and systems.

Where services do not have a specific Safeguarding Delivery Group, they must evidence consideration of safeguarding matters, including exceptions and risks, in existing governance / safety meetings. The UHB governance and performance reporting structure and inter relationship with regional and national groups is summarised in [Appendix 1](#).

Responsibilities

Chief Executive

As Accountable Officer, the Chief Executive has overall responsibility for ensuring the health board has appropriate WCDs in place. These WCDs must comply with legislation, meet mandatory requirements, and provide services that are safe, evidenced-based and sustainable.

Nominated Director – Director of Nursing, Quality and Patient Experience

The Director of Nursing, Quality and Patient Experience has delegated responsibility for ensuring the safeguarding of children in accordance with Section 28 of the Children Act (2004), and also holds responsibility for Safeguarding under the Social Services & Well-being (Wales) Act 2014.

Head of Safeguarding

The Head of Safeguarding will ensure that all national, regional and local policies are approved in accordance with the UHB Written Control Documentation Policy. They will ensure the provision of mandatory safeguarding training in the UHB by the corporate safeguarding team and the availability of advice and support to UHB employees.

Senior Management

The Senior Management Team within each of the UHB Directorates have overall responsibility for implementing this Policy and providing assurance of compliance with safeguarding legislation and policy. Senior Managers must ensure the provision of services to ensure prevention of abuse, neglect and other kinds of harm and provide early intervention.

They must also ensure that team members participate positively in statutory reviews as requested, including attending learning events and that lessons learned are shared and action plans completed and reported on.

Senior managers must ensure that performance reports are completed and submitted to Service Safeguarding Delivery Groups, highlighting assurance of compliance with legislation and guidance, training standards, lessons learned and exceptions, risk and mitigation.

Department, Service or Ward Management

Department, service or ward managers are responsible for ensuring their staff have completed mandatory safeguarding training and that they are able to identify and respond to abuse and neglect. Managers must ensure staff understand their statutory duty to report and respond to incidents of non compliance with safeguarding procedures.

They must ensure that staff are aware that their conduct both within the workplace and their personal lives could give rise to safeguarding concerns.

All Staff

All employees must take positive and decisive action when witnessing incidents, experiencing concerns or receiving information alleging abuse or inappropriate care of a child or adult at risk. Employees can obtain advice and support about concerns they may have from their line manager, the Safeguarding Lead or the Corporate Safeguarding Team.

Employees also have a responsibility to comply with their relevant professional Code of Conduct which will include the standards of behaviour expected outside of work.

All employees must comply with their statutory and mandatory training requirements, including Safeguarding Adults and Safeguarding Children training and VAWDASV training.

Corporate Safeguarding Team

The Corporate Safeguarding Team provide advice and support to UHB employees and provide the single point of contact for statutory partners in the safeguarding process. They provide training to ensure staff are able to meet their mandatory skills and competence in safeguarding.

References

Children Act 1989 <https://www.legislation.gov.uk/ukpga/1989/41/section/47>

Children Act 2004 <https://www.legislation.gov.uk/en/ukpga/2004/31/contents>

Counter Terrorism & Security Act 2015 <https://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Domestic Abuse Act 2021 <https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>

Domestic Violence, Crime and Victims Act 2004
<https://www.legislation.gov.uk/ukpga/2004/28/section/9>

Female Genital Mutilation Act 2003 <https://www.legislation.gov.uk/ukpga/2003/31/section/5B>

Health and Care Standards 2016 <https://gov.wales/health-and-care-standards>

Mental Capacity Act 2005 <https://www.legislation.gov.uk/ukpga/2005/9/part/1>

Modern Slavery Act 2015 <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

Social Services and wellbeing (Wales) Act 2014
https://nhs.wales365.sharepoint.com/sites/HDD_Corporate_Governance/SitePages/Policy%20pages/Clinical%20policies/Safeguarding/508---.aspx

Violence Against Women, Domestic Abuse and Sexual Violence Act 2015
<https://www.legislation.gov.uk/anaw/2015/3/contents/enacted>

Wales Safeguarding Procedures 2019 <https://safeguarding.wales/>

Appendix 1 – Safeguarding and Performance Reporting Framework

