

# Safeguarding Policy



Lead Director: Director of Development and Growth

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## 1. Introduction & Aim

- 1.1 Safeguarding involves protecting an individual's right to live in safety, free from abuse and neglect.  
The key aim of this policy is to ensure that it delivers legislative and regulatory compliance and ensures our customers and residents are effectively safeguarded. Cobalt recognises that the duty for safeguarding is a collective responsibility, with effective joint working across a range of statutory and non-statutory agencies.
- 1.2 Cobalt's core purpose is the provision of affordable housing; however we recognise that our colleagues and customers will be in contact with children and vulnerable adults and as such it is essential that we consider the safeguarding of adults and children who live in our properties and also any colleagues contractors/partners that are accessing customer's homes.

## 2. Policy Statement

- 2.1 Social housing providers have responsibilities for safeguarding through a range of statutory and non-statutory legislation that is in place to protect individuals from harm. This is set out in the Care Act 2014, the Children Act 1989 and the Children Act 2004 (Children Acts).
- 2.2 This policy applies to any person Cobalt meets during its activities including but not exclusive to customers, household members, applicants and other residents within our communities.
- 2.3 The term abuse in relation to this policy covers a range of behaviours and actions. This is **not an exhaustive list, but is a guide to some of the behaviours that could result in a safeguarding concern:**
- Physical abuse
  - Domestic abuse
  - Sexual abuse
  - Psychological abuse
  - Financial or material abuse
  - Modern slavery
  - Discriminatory abuse
  - Neglect and acts or omission
  - Self-neglect

We have a legal responsibility to report all concerns of safeguarding to relevant partners and share all information required.

- 2.4 Where safeguarding guidance identifies that a safeguarding referral is not required, we will provide advice, assistance and support as appropriate.

### **3 Policy Principles**

- 3.1 Cobalt recognises that any person can become at risk at different times during their tenancy and although not an exhaustive list, that vulnerability or safeguarding concerns may arise as a result of one or more of the following circumstances:

- Age
- Frailty
- Mental health problems
- Learning disabilities
- Physical disabilities
- Sensory disabilities
- Drug & / alcohol problems
- Threat of domestic abuse
- Refugees
- History of homelessness / imprisonment / tenancy loss/financial hardship

#### **3.2 Safeguarding Adults**

This means protecting an adult's right to live safely, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's well-being is promoted including, where appropriate, making it personal to them having regard to their views, wishes, feelings and beliefs in deciding on any action that is to be taken.

In our interactions with customers and residents we will ensure we act on any concerns surrounding abuse or neglect. We will adopt the six key principles included within the Care Act 2014 statutory guidance as our framework for managing adult safeguarding concerns:

- Empowerment
- Prevention
- Proportionality
- Protection
- Partnership
- Accountability

### **3.3 Safeguarding Children**

Cobalt are committed to acting on any concerns relating to children and young people who maybe be at risk of abuse or neglect. In accordance with the Children's Act's, we will adopt the two key principles by 'making safeguarding everyone's responsibility' and adopting a 'child-centred approach).

Children and young people, refers to children who have not yet reached their 18th birthday. Where someone is 18 or over but is still receiving children's services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements.

In cases where we have a safeguarding concern we will always act in the best interest of the child, even if this is not in line with their wishes.

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best life chances

### **3.4 Mental Capacity**

The Mental Capacity Act 2005 provides a framework for managing incidences where individuals may lack capacity, particularly in respect of professional relationships.

To support customers who may lack capacity we will apply the Act's five key principles:

- A presumption of capacity – every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise.
- Supporting individuals to make their own decisions – a person must be given all practicable help before anyone treats them as not being able to make their own decisions
- Unwise decisions – just because an individual makes what might be

seen as an unwise decision, they should not be assumed to lack capacity to make that decision

- Best interests – an act done, or decision made under the Act for or on behalf of a person who lacks capacity must be done in their best interests
- Least restrictive option – anything done for or on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person’s rights and freedoms of actions or whether there is a need to decide or act at all

If during our interactions with customers we have a concern that an individual may lack capacity to make a specific decision (this could include at tenancy sign up, termination of tenancy, conversations regarding their rent account or anti-social behaviour), we will take this opportunity to assess capacity. We will clearly document this concern and assessment of capacity and this will be securely stored.

If an individual’s capacity is in doubt we will raise concerns with Adult Social Care.

### **3.5 Modern Slavery**

We are committed to ensuring activities of Modern Slavery, including human trafficking are prevented within our homes and communities. We will require new contractors and consultants to understand their responsibilities under the Modern Slavery Act 2015.

### **3.6 Reporting Safeguarding concerns**

The Executive Management Team has responsibility for ensuring that the organisation meets the legislative and regulatory duties relating to adult safeguarding and the protection of adults and children at risk.

We recognise that all Cobalt colleagues have responsibility for reporting issues, and they must be clear regarding their roles in safeguarding adults and children at risk, as uncertainty could delay appropriate action being taken.

Head of Neighbourhoods is the Strategic lead for safeguarding and has responsibility within the organisation for:

- Ensuring policies and procedures are in place relating to the safeguarding of children and adults at risk
- Representing and reporting issues relating to Safeguarding to the relevant management meetings

- Maintaining a cross organisational focus and attention to matters relating to the safeguarding of children and adults
- Ensuring that strategic initiatives, policies or procedures are instigated in response to internal and external learning, and/or new legislative policy and guidance
- In partnership with HR, allocating and coordinating investigations into allegations of abuse in relation to the allegations against employees
- Allocating and coordinating any requests from the local authority to 'make enquiries' as per Section 42 of the Care Act 2014

#### **Life at risk/Emergency Cases**

In cases where a colleague has a concern where a customer is at risk of immediate harm they should contact the relevant emergency service i.e. Police or Ambulance immediately. Examples of this could include children left alone at a property or serious self harm.

#### **Safeguarding referrals**

In cases where there is a concern relating to safeguarding that is not considered an emergency situation a Safeguarding referral should be logged the same working day. The referral will be reviewed by a Safeguarding Champion and if this is agreed as a safeguarding concern will be reported through to Liverpool City Council within 24 hours of receiving the referral. Our Safeguarding Champions are our Customer Leads within our Housing Management Team.

In cases where the Safeguarding Champion deems the case not to meet the threshold of safeguarding, we will provide additional support through our Tenancy Wellbeing Officers/Neighbourhood Housing Officers or signposting to additional agencies as appropriate.

We will keep a record of any decision-making process regarding the sharing of information to ensure that there is a clear audit trail for any decisions we have taken. This includes the need to include personal and sensitive data.

When appropriate we will discuss our concerns with customers or residents and explain the need to raise concerns. If this referral could cause further harm, we will reserve the right not to disclose this and make a referral without your prior knowledge.

### **3.7 Partnership working, data sharing and confidentiality**

Cobalt will ensure that all colleagues understand that data protection does not prevent the sharing of information where it would protect the welfare of children and promote the wellbeing of adults.

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We are committed to contributing as required to multi agency working in respect of safeguarding. This includes requests for information from the local authority, Safeguarding Boards, Child Protection Conferences and Serious Case Reviews.

In managing and investigating safeguarding concerns we will adopt a multi-agency approach, and work with all statutory and non-statutory agencies who are involved.

### **3.8 Monitoring and review**

In order to monitor our performance, identify trends and learning we will hold quarterly Safeguarding Review meetings, which will be Chaired by one of our Safeguarding Champions.

In order to ensure safeguarding is embedded across the organisation we will hold quarterly Safeguarding Operational Group meetings with representation from across the organisation and also our key contractors.

Regular updates on safeguarding will be provided to our Audit and Risk Committee to enable them to have reassurance that this is effectively managed.

All Cobalt colleagues will be trained annually in safeguarding procedures as part of their induction and on an ongoing basis.

Level One Training will be delivered to all colleagues which will include basic understanding of safeguarding and how to identify and report any concerns.

Level Two Training will be delivered to all customer facing colleagues including Neighbourhoods, Customer Services, Repairs and Compliance which will include an enhanced level of understanding.

Level Three training will be delivered to Safeguarding Champions and Neighbourhood Managers and will include a detailed level of understanding.

The level of training will be reflective of their role within the organisation. Cobalt will ensure that contractors understand and are trained in identifying safeguarding concerns and how to raise a concern.

Some posts within Cobalt may require a Disclosure and Barring Service (DBS) check. Managers in conjunction with the Human Resources (HR) Department will identify posts that require DBS disclosure.

### **3.9 Whistleblowing**

Any allegations of abusive behaviour between a member of Cobalt colleagues and a customer or resident will be investigated. If any malicious allegations are believed to have been made these, will be managed in accordance with Cobalt's Unacceptable

Cobalt's Whistleblowing Policy encourages and supports colleagues to report concerns about the conduct of members of staff.

Cobalt will report any safeguarding concerns raised about the conduct of colleagues to the Local Authority Designated Officer (LADO) and act in accordance with the LADO's advice and guidance.

Where colleagues are impacted by their involvement in a case, Cobalt will provide appropriate support.

### **3.10 Health and Safety of Colleagues in managing Safeguarding**

Cobalt recognise that supporting our most vulnerable customers and ensuring they are safe, can at times have an impact on our colleagues. We will ensure that colleagues responsible for managing safeguarding concerns have regular support and supervision by their line manager and if required are supported by our HR Team who can arrange additional support.

We are committed to providing an enhanced level of training and development for colleagues that are managing safeguarding concerns to ensure they are equipped and able to effectively respond.

We will provide adequate personal protective equipment and lone working procedures/systems to ensure our safety.

## **4 Risk Management**

**The key risk associated with non-delivery of this Policy is:**



| Risk Register Refs:  | Risk:  |
|--|--|
| <p>Safeguarding of Adults and Children will be discharged in accordance with statutory, <u>legal</u> and moral responsibilities.</p> <p><b>ST20 – Safeguarding</b></p>   | <p>That the Safeguarding of Adults and Children will not be appropriately discharged in accordance with Cobalt’s statutory, legal, and moral responsibilities.</p> <p>Safeguarding Cobalt customers their families and visitors to their homes.</p>  |
| Risk Consequences:   | Management and Mitigation:   |
| <ul style="list-style-type: none"> <li>• Risk of our customers being harmed/at risk of <u>harm</u></li> <li>• Failure to comply with our duty in respect of reporting safeguarding</li> <li>• Reputational damage</li> <li>• Illegal or criminal activity</li> <li>• Incurring costs from claims, accidents, <u>litigation</u> and compensation</li> </ul> | <ul style="list-style-type: none"> <li>• Safeguarding policy and procedures</li> <li>• Regular training for all Cobalt colleagues</li> <li>• Ensure our contractors have an awareness of Safeguarding.</li> <li>• Designated Safeguarding Champions</li> <li>• Attendance at multi agency meetings</li> <li>• Quarterly Safeguarding Review Meetings</li> <li>• Quarterly Safeguarding Operational Group Meetings</li> </ul> |

### 3 Regulatory & Legislative Compliance

There are a number of pieces of legislation which apply to Safeguarding; however the key ones are:-

**The Care Act 2014** – This act sets out a new statutory basis for Safeguarding adults and the legal duties that local authorities will have to fulfil in their lead and coordinating roles.

**Mental capacity Act 2005** - Where someone lacks capacity to make a particular decision, all actions to support them should meet the ‘best interests’ standards set out in the Mental Capacity Act 2005 and its Code of Practice.

**Human rights Act 1998** - Article 8 (1) provides that: Everyone has the right to respect for private and family life, his home and his correspondence. However, this is a qualified right and *Article 8 (2)* states that: “There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic wellbeing of the country, for the protection of the rights and freedoms of others.”

**The Data Protection Act 2018** - allows for disclosure of information without the consent of the subject in certain circumstances including:

- the prevention or detection of crime;

- the apprehension or prosecution of offenders;
- where failure to disclose would be likely to prejudice those objectives in a particular case

Therefore disclosure of personal information in circumstances where there is concern that a vulnerable adult or child may be at risk of or suffering significant harm can be permitted by the Act on the above grounds.

**Disclosure and Barring Service (DBS)** - DBS checking is the government's process for providing information to employers and organisations about whether an individual is suitable for particular types of work. It is carried out by the Disclosure and Barring Service, who also keep a list of 'Barred' individuals, who are forbidden from doing certain types of work with children and adults.

**The Children Act 1989** - Under the terms of the Children Act 1989 the local authority has obligations towards children living in or found in the area of that local authority.

**The Children Act 2004** - The Children Act 2004 aims to improve and integrate children's

services, promote early intervention, provide strong leadership and bring together different professionals in multi-disciplinary teams in order to achieve positive outcomes for children and young people and their families.

**Adoption and Children Act 2002** – This sets out a clear requirement for agencies concerned with children to work together.

**Crime and Disorder Act 1998** – This created Child Safety Orders (a compulsory intervention available where the child is suffering or likely to suffer from significant harm) and Parenting Orders, which can be made alongside a Child safety Order. A Parenting Order provides a means of engaging and supporting parents where there are serious concerns about a child's behaviour.

[The Anti-social Behaviour, Crime and Policing Act 2014](#) makes it a criminal offence to force someone to marry.

**Children and Families Act 2014** (which amended section 8 Children Act 1989) – This includes provision for child arrangement orders. This is a court order which regulates arrangements relating to whom and when a child is to live, spend time with or have contact with a person.

## 6 Links to Other Key Documents

- Whistleblowing Policy
- Unacceptable Behaviour Policy

## 7 Governance of this Policy

|                                     |   |
|-------------------------------------|---|
| <b>Equality and Diversity</b>       | <p>We will consider the individual needs of our customers and in particular those who are vulnerable who may require a more tailored approach or additional adjustments in line with the Equality Act 2010.</p> <p>Examples could include but if not exhaustive:</p> <ul style="list-style-type: none"> <li>• Communication in a particular format</li> <li>• Promote third party contact in cases where this would support the customer</li> <li>• Adjusting our arrears process in cases of financial abuse</li> <li>• Provision of target hardening in cases of physical/psychological abuse</li> </ul> <p>Equality and Diversity training is also provided as mandatory training.</p> |
| <b>Financial and Links to VfM</b>   | <p>The following are circumstances where there will be cost implications:</p> <ul style="list-style-type: none"> <li>• Costs to ensure basic needs are met such as heat, light and food</li> <li>• Costs incurred due to the need to offer rehousing to reduce risk</li> <li>• Cost implications due to referral to and involvement of another agency</li> <li>• Cost relating to 'Target Hardening' or 'Reassurance' measures</li> <li>• Any costs relating to legal action or advice (for example mediation services)</li> </ul>  |
| <b>Privacy and Data Protection</b>  | <p>All safeguarding reports are dealt with in confidence and Cobalt must adhere to data protection legislation.</p>   |
| <b>Health and Safety</b>            | <p>This policy directly impacts on the health and safety of our customers, communities and colleagues managing the risk of safeguarding concerns.</p>   |
| <b>Development and Consultation</b> | <p>This policy has been developed taking into account the views and experiences of Cobalt customers, colleagues and partners. Efforts have been made to include a cross section of opinions to reflect the demographics of Cobalt's communities.</p>  |
|                                     | <p>This policy have been developed with the involvement of key teams in Cobalt including our Housing Management Team, Repairs Team, Human Resources Team and Procurement Team.</p>  |

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|--|---|
| <b>Customer Profiles and Accessing Services Data</b> | To ensure we have a representative profile of customers and safeguarding risks this policy have been developed taking into consideration the themes and areas of safeguarding that are present in our communities.  |
| <b>Monitoring and Review</b>                         | We aim to action each report of safeguarding within 1 working day. This is monitored by the Safeguarding Champions and a quarterly report is presented at our Safeguarding Review Group. This ensures that any trends are identified and any learning is shared and/or training identified. |
| <b>Roles &amp; Responsibility</b>                    | The delivery of this policy will be the responsibility of the three Neighbourhood Managers. Operational delivery will be in line with Safeguarding procedures which are currently the responsibility of all colleagues with support from Safeguarding Champions.                            |

