



# **PHOENIX ENTERPRISES**

## Safeguarding Policy

*'Safeguarding is Everyone's Responsibility'*

Revision 5.0

Review date: August 2023

Signed off by: Phoenix Board of Trustees

Next Review date: August 2024

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# Adults at Risk Safeguarding Policy

## Introduction

Phoenix Enterprises (Swindon) Ltd (hereafter: Phoenix) is committed to ensuring that people with vulnerabilities are not abused and that working practices minimise the risk of abuse.

It is a fundamental right of every person that they may live a life free from abuse and in safety. It is incumbent upon all of us to act as good citizens, to look out for one another and help prevent isolation. Isolation can easily lead to abusive situations and put adults at risk of harm.

Phoenix is committed to working with the main statutory agencies – local councils, the police and the NHS and other local voluntary organisations to promote safer communities, prevent harm and abuse and to deal with suspected or actual cases of abuse.

Our procedures aim to make sure that the safety; needs and interests of adults at risk are always respected and upheld, having regard for their views, wishes, feelings and beliefs in deciding upon any action.

All Trustees, Staff and Volunteers have a duty of care, in all roles and settings within Phoenix and are the frontline in preventing abuse or harm from occurring. It is also important to encourage and empower the person at risk to take action where concerns arise.

An 'adult at risk' is someone who is 18 years or over who may be in need of community care due to a mental health problem, learning disability, physical disability, age or illness. At Phoenix we recognise that some of our Service Users may experience trauma as a result of what they have been through in their lives. They may be socially isolated. They are also statistically more likely to be at risk of financial abuse, therefore making them a likely target for exploitation. They may also lack skills to communicate their needs clearly. As a consequence, they may find it difficult to protect themselves from abuse and/or exploitation.

The practices and procedures within this policy are based on the Charity Commission and Government Guidelines and the following UK legislation – The Care Act 2014, Mental Capacity Act 2005 and the Safeguarding Vulnerable Groups Act 2006.

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## Types of Abuse

There are different types of abuse, including:

- **Physical Abuse** – examples include: Assault; hitting, slapping, punching, kicking, hair-pulling, biting, pushing; Rough handling; Scalding and burning; Physical punishments; Inappropriate or unlawful use of restraint; Making someone purposefully uncomfortable (e.g. opening a window and removing blankets); Involuntary isolation or confinement; Misuse of medication (e.g. over-sedation); Forcible feeding or withholding food; Unauthorised restraint, restricting movement (e.g. tying someone to a chair).
- **Domestic Violence or Abuse** – examples include any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between family members aged 16 or over. Domestic violence or abuse can be characterised by any of the indicators of abuse outlined in this briefing relating to: psychological, physical, sexual, financial, and emotional.
- **Sexual Abuse** – examples of sexual abuse include 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. Examples include: Rape, attempted rape or sexual assault; Inappropriate touch anywhere; Non-consensual masturbation of either or both persons; Non-consensual sexual penetration or attempted penetration of the vagina, anus or mouth; Any sexual activity that the person lacks the capacity to consent to; Inappropriate looking, sexual teasing or innuendo or sexual harassment; Sexual photography or forced use of pornography or witnessing of sexual acts; Indecent exposure.
- **Psychological or Emotional Abuse** – examples include: Enforced social isolation – preventing someone accessing services, educational and social opportunities and seeing friends; Removing mobility or communication aids or intentionally leaving someone unattended when they need assistance; Preventing someone from meeting their religious and cultural needs; Preventing the expression of choice and opinion; Failure to respect privacy; Preventing stimulation, meaningful occupation or activities; Intimidation, coercion, harassment, use of threats, humiliation, bullying, swearing or verbal abuse; Addressing a person in a patronising or infantilising way; Threats of harm or abandonment; Cyber bullying.
- **Financial and Material Abuse** – examples include: Theft of money or possessions; Fraud, scamming; Preventing a person from accessing their own money, benefits or assets; Employees taking a loan from a person using the service; Undue pressure, duress, threat or undue influence put on the

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person in connection with loans, wills, property, inheritance or financial transactions; Arranging less care than is needed to save money to maximise inheritance; Denying assistance to manage/monitor financial affairs; Denying assistance to access benefits; Misuse of personal allowance in a care home; Misuse of benefits or direct payments in a family home; Someone moving into a person's home and living rent free without agreement or under duress; False representation, using another person's bank account, cards or documents; Exploitation of a person's money or assets, e.g. unauthorised use of a car; Misuse of a power of attorney, appointeeship or other legal authority; Rogue trading – e.g. unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship.

- **Modern Slavery** - examples include Human trafficking; Forced labour; Domestic servitude; Sexual exploitation, such as escort work, prostitution and pornography; Debt bondage – being forced to work to pay off debts that realistically they never will be able to.
- **Discriminatory Abuse** - examples include: Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (known as 'protected characteristics' under the Equality Act 2010); Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic; Denying access to communication aids; Not allowing access to an interpreter, signer or lip-reader; Harassment or deliberate exclusion on the grounds of a protected characteristic; Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic; Substandard service provision relating to a protected characteristic.
- **Organisational or Institutional Abuse** – examples include: Discouraging visits or the involvement of relatives or friends; Run-down or overcrowded establishment; Authoritarian management or rigid regimes; Lack of leadership and supervision; Insufficient Staff or high turnover resulting in poor quality care; Abusive and disrespectful attitudes towards people using the service; Inappropriate use of restraints; Lack of respect for dignity and privacy; Failure to manage residents with abusive behaviour; Not providing adequate food and drink, or assistance with eating; Not offering choice or promoting independence; Misuse of medication; Failure to provide care with dentures, spectacles or hearing aids; Not taking account of individuals' cultural, religious or ethnic needs; Failure to respond to abuse appropriately; Interference with personal correspondence or communication; Failure to respond to complaints.

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- **Neglect and Acts of Omission** – examples include: Failure to provide or allow access to food, shelter, clothing, heating, stimulation and activity, personal or medical care; Providing care in a way that the person dislikes; Failure to administer medication as prescribed; Refusal of access to visitors; Not taking account of individuals’ cultural, religious or ethnic needs; Not taking account of educational, social and recreational needs; Ignoring or isolating the person; Preventing the person from making their own decisions; Preventing access to glasses, hearing aids, dentures, etc.; Failure to ensure privacy and dignity.
  - **Self-Neglect** – this is the lack of self-care to an extent that it threatens personal health and safety; Examples include: Neglecting to care for one’s personal hygiene, health or surroundings; Inability to avoid self-harm; Failure to seek help or access services to meet health and social care needs; Inability or unwillingness to manage one’s personal affairs.

### **What to do if an adult experiencing abuse tells you about it**

If an adult experiencing abuse or neglect speaks to you about this, assure them that you are taking them seriously. Listen carefully to what they are saying, stay calm and get a clear and factual picture of the concern. Be honest and avoid making assurances that you may not be able to keep, for example, complete confidentiality. Be clear and say that you need to report the abuse. Do not be judgemental and try to keep an open mind. Do not keep concerns relating to potential abuse of vulnerable adults to yourself. Confidentiality may NOT be maintained if the withholding of information will prejudice the welfare of the adult.

All Trustees, Staff, and Volunteers at Phoenix should inform the Safeguarding Officer if they are concerned that an adult has been abused or may be at risk of harm.

If you hear about an incident of abuse from a third party (this is when someone else tells you about what they have heard or seen happen to a vulnerable adult at risk), encourage the vulnerable adult to report it themselves or help them to report the facts of what happened.

### **Conduct**

It is expected that all those working for or acting on behalf of Phoenix behave in an appropriate way. This includes:

- Always behaving appropriately around adults and vulnerable adults
- Refrain from using inappropriate language or comments
- Treating individuals with dignity and respect

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- Acknowledging that individuals have the right to refuse any assistance or service offered and that some refusals may in itself present a safeguarding concern
  - Avoid spending time alone with vulnerable adults and ensuring another appropriate adult is present
  - To never develop a relationship with any adult or vulnerable adult that could be viewed or deemed as abusive or exploitive
  - To never engage in any physical or sexual relationship with vulnerable adults
  - To never act in a manner which humiliates, shames or belittles a vulnerable adult.

### **Allegations against a Staff member**

Any allegation against a member of Staff, Trustee or a Volunteer must be reported to the designated Safeguarding Officer immediately.

If the alleged abuser is a Staff member, Trustee or a Volunteer, the investigation will follow the ACAS Code of Practice for disciplinary and grievance procedures (March 2015).

If an initial investigation indicates there is any cause for concern, the Safeguarding Officer will inform the Adult Safeguarding Team within the Swindon Borough Council. If a crime has or may have been committed, the Safeguarding Officer will report it to the Police.

Abuse of Service Users is an act of gross misconduct and may also be a criminal offence. All Trustees, Staff and Volunteers have a responsibility to report Staff actions which are abusive/exploitative of Service Users or which are unethical.

Phoenix will promote ways to encourage the reporting of concerns; including how to report concerns internally and to outside organisations such as the police or other statutory bodies in induction information.

### **What to do if you suspect abuse**

Everyone with a duty of care to an adult at risk should:

- Act to protect the adult at risk.
- Deal with immediate needs and ensure the person is, as far as possible, central to the decision making process.
- Report the abuse to an appropriate person or service (Safeguarding Officer)

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- If a crime has or may have been committed, contact the police to discuss or report it.
  - Record the events. A concern may be a direct disclosure by the adult at risk, or a concern raised by Staff or Volunteers, others using the service, a carer or member of the public, or an observation of the behaviour of the adult at risk, or the behaviour of another.

### **How to make a report of suspected abuse**

All concerns of abuse or neglect of a vulnerable adult at risk can be discussed in confidence with the Adult Safeguarding Team within the Swindon Borough Council at: Tel: 01793 463555 (work hours), 01793 436699 (emergency out of hours) E-mail: [adultsafeguarding@swindon.gov.uk](mailto:adultsafeguarding@swindon.gov.uk). However, if a serious crime has taken place or there is a need for an immediate police response to protect the adult at risk, consider dialling 999.

Phoenix are committed to working with the Swindon Safeguarding Partnership Board.

### **Trustee, Staff and Volunteer Recruitment**

We take up references (Trustees, Staff and Volunteers) prior to appointment. Where possible we use Disclosure & Barring Service (DBS) checks to help us assess suitability for working with vulnerable adults.

No Trustee or Staff member will work with us if they do not hold an enhanced, clean DBS certificate. We will renew DBS checks on a regular basis. It is the responsibility of each individual Trustee and Staff member to report any criminal proceedings or convictions to Phoenix.

For UK Volunteers we will use Disclosure & Barring Service (DBS) checks to help us assess their suitability for working with vulnerable adults.

For foreign nationals such as refugees or asylum seekers applying to be a Volunteer, where it is not possible to get a DBS check, will require 2 references, one of which has UK status and holds a position of responsibility. We will carry out interviews and take a risk based decision on their recruitment, signed off by 2 Trustees or a Trustee and the CEO.

We will support all new Trustees, Staff and Volunteers to enable everyone to undertake their roles safely and confidently, as well as ongoing training as appropriate to the role and professional development of the individual and our organisation.

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## **Confidentiality**

There is nothing in legislation that prevents the sensible sharing of relevant information to prevent harm to an individual or to assist in the prevention or detection of crime. Confidentiality is crucial to all of our relationships. Confidentiality may not be maintained if the withholding of information will prejudice the welfare of vulnerable adult(s). Personal Information for all people (Trustees, Staff, Volunteers and Service Users) is kept securely and is not shared unless there is reason to do so.

All Trustees, Staff and Volunteers understand that any personal information that they learn about Phoenix in the course of their work should not be discussed outside the organisation, until and unless it is necessary to share with designated agencies. Information will be shared on a 'need-to-know' basis only.

It is important that only those who need to know particular safeguarding concerns, allegations or disclosures actually know, to avoid rumour and gossip that could have a detrimental impact upon the people involved.

## **Personal Information**

We will never seek or share personal data, contact information etc. of vulnerable adults online.

We will never take photographs or videos of vulnerable adults without prior consent.

We will ensure we protect the identity of our Service Users from third party enquiries by neither confirming nor denying a Service User works with us. We will ask that such enquiries are emailed to us so we may establish the identity of the third party and the organisation they represent.

Please also refer to our Privacy Policy.

## **Communication**

We will communicate this Policy to all Trustees, Staff, Volunteers and Service Users.

For our Service Users we will support and encourage them to speak up.

All Trustees, Staff, Volunteers and Service Users are encouraged to contact the Safeguarding Officer in the following:



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- Where there is concern (a worry, issue or doubt about practice or treatment of a Service User or colleague, or their circumstances)
  - A disclosure (information about a person at risk of or suffering from significant harm)
  - An allegation (the possibility that a Trustee, Volunteer, or Staff member could cause harm to a Service User).

Staff or Volunteers can report things that aren't right, are illegal or neglectful, put someone's health and safety in danger or the covering up of wrongdoing.

We would prefer people to use internal processes whenever possible to make a report as above, but this does not prevent them from making a report or referral to Statutory Agencies such as the Police or Social Services, in their own right as a private individual.

We also support our Trustees, Staff or Volunteers to raise concerns or to disclose information, which they believe shows malpractice (please also refer to our Whistleblowing Policy).

### **Breaches of Policy**

Failure to comply with this policy will result in disciplinary action and depending upon the nature of the breach may result in further action being taken by the Adult Safeguarding Investigations Team or the Police.

A referral may also be made to the Disclosure and Barring Service (DBS)

### **Accountability**

Our appointed Safeguarding Officer is the Service User Support Manager, Mark Burton and is supported by CEO, Clare McDougall, who will be available to all Trustees, Staff, Volunteers, services users and the public to speak to if they have concerns, issues or complaints regarding the safety, well-being or conduct of anyone at Phoenix,

Mark Burton and Clare McDougall can be contacted on:  
[mark.burton@phoenixenterprises.co.uk](mailto:mark.burton@phoenixenterprises.co.uk) / [clare.mcdougall@phoenixenterprises.co.uk](mailto:clare.mcdougall@phoenixenterprises.co.uk) or via the office telephone number of 01793 542321.

The Safeguarding Officer and the CEO will have access to appropriate training to support them in these roles. They will liaise with appropriate local and national agencies, maintain Safeguarding Policies and records, keep confidentiality, adhere and promote this policy within Phoenix, and support individuals in the event that they come to any harm.