



Safeguarding Vulnerable Adults Policy and Procedure

1.0 Introduction

1.1 Pivotal is not a statutory partner. However, it recognises its legal obligations and takes adult safeguarding seriously. As a Registered Provider it will, as required by law and regulation and in alignment with its mission, vision and values, adopt clear safeguarding policies and procedures and work with local agencies to ensure the safeguarding of vulnerable adults at all times in all aspects of its operations and practices and in collaboration with:

- Bournemouth, Dorset, Christchurch and Poole multi-agency Safeguarding Adults Policy
- Cornwall and Isles of Scilly Adult Safeguarding Board Policy
- Gloucestershire Adult Safeguarding: Multi-agency policy and procedures for the protection of adults with care and support needs in Gloucestershire

2.0 Scope

2.1 Safeguarding is everyone's responsibility. This policy applies across Pivotal. It applies to Pivotal Board members, all Pivotal employees, bank workers, contractors, volunteers and all those managing or providing services for or on behalf of Pivotal.

2.2 This policy is specifically for the purpose of safeguarding vulnerable adults at risk of neglect and abuse as defined in the Care Act 2014.

3.0 Definition of Terms

For the purposes of this policy, the following definition of terms is adopted:

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect.

Wellbeing The "wellbeing principle" is a guiding principle placed at the heart of The Care Act 2014 in respect of every persons care and support. Wellbeing is acknowledged by the Care Act Guidance (updated 2021) as a broad concept. It is described therein (s.1.5), and therefore adopted for the purposes of this policy, as relating to the following areas in particular:

- Personal dignity (including treatment of the individual with respect).
- Physical and mental health and emotional wellbeing.
- Protection from abuse and neglect.

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Agreed by	Senior Leadership Team
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- Control by the individual over day-to-day life (including over care and support provided and the way it is provided).
- Participation in work, education, training or recreation.
- Social and economic wellbeing.
- Domestic, family and personal.
- Suitability of living accommodation.
- The individual's contribution to society.

Types and indicators of abuse:

Category	Type of abuse
Physical	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.
Sexual	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	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 or material	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 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, deputy, appointee-ship 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	Human trafficking, forced labour, domestic servitude, sexual exploitation e.g. escort work, prostitution and pornography, debt bondage – being forced to work to pay off debts that realistically they never will be able to.
Discriminatory	Unequal treatment based on age, disability, gender reassignment, marriage and civil

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	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.
Neglect or acts of omission	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	Lack of self-care to an extent that it threatens personal health and safety, 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.
Domestic	Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.
Organisational or institutional	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.

4.0 Legislation and Regulation

4.1 As service providers Pivotal will respect the views, feelings, beliefs and wishes of the individuals they support.

4.2 The Care Act (Section 42-47) defines Safeguarding adults, gives a definition of adults at risk, the roles and responsibilities of a range of organisations and how these organisations must work together in response to adult safeguarding concerns. This includes Registered Providers. The Act lays down the statutory basis for safeguarding adults and the legal duties local authorities must fulfil in their lead and coordination roles.

4.3 The Statutory Guidance on Care and support (updated 2021) on adult safeguarding replaced the previous ('No Secrets') official guidance.

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5.0 Policy Statement

5.1 The Care Act 2014 sets down the requirements placed on local authorities to promote wellbeing when undertaking their adult care and support functions to help improve people's independence and wellbeing and Pivotal will work to its remit. This includes protection from abuse and neglect, personal dignity and control, physical, emotional and mental health, suitable accommodation and domestic and social wellbeing.

5.2 Whilst Pivotal is not a statutory partner, the organisation recognises its legal obligations and takes adult safeguarding seriously. As a Registered Provider it will, as required by law and regulation and in alignment with its mission, vision and values, have clear safeguarding and whistleblowing policies and procedures.

5.3 Local authorities take the lead responsibility for safeguarding adults and ensuring they provide services to people in need of care and support and that they respond to concerns relating to harm and abuse. Adult services directors and lead councillors provide a leadership role in safeguarding across councils, organisations and in communities.

5.4 With their expertise in managing cases of abuse, and providing victims of abuse with support and counselling as well as assisting with police investigations, Safeguarding Adult Boards (SABs) are responsible for co-ordinating safeguarding and carrying out reviews.

5.5 The police are statutory members of the SAB and Police and Crime Commissioners work to ensure their force is effective in offering protection and access to justice where adults are in need of care and support. Where crime is suspected the criminal justice system and the police will lead.

5.6 The police also play a key role in the promotion of community safety and work with Community Safety Partnerships to identify vulnerable adults at risk of abuse due to their need for care and support. They do this whether or not needs are being met by the Local Authority where someone is at risk of abuse and neglect and, as a result of their needs, they are not able to protect themselves from the risk or experience of it.

5.7 Working with its partners Pivotal will, at all times, aim to protect and maintain customer safety and wellbeing by:

- Ensuring employees are aware of the signs and indicators of abuse.
- Identifying abuse where it is reasonable to do so as part of providing services to adults.
- Alerting partner agencies as appropriate where there is an adult safeguarding issue.
- Maintaining records of safeguarding concerns.
- Recruiting and supervising staff appropriately.
- In line with the Data Protection Act and UK General Data Protection Regulation, use agreed protocols.
- Reviewing safeguarding cases to ensure lessons are learned from reviews and that safeguarding is managed within the Pivotal culture of continuous improvement.

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- Establishing performance measures.
- Raising awareness of safeguarding with customers.

5.8 Pivotal will work with local agencies to ensure the safeguarding of vulnerable adults and children (see the Pivotal Safeguarding Children Policy) at all times in all aspects of its operations and practices, and to ensure compliance will:

- Appoint a safeguarding lead for the organisation. The safeguarding lead will be the Director of Operations.
- Ensure Pivotal has in place a safeguarding policy and procedure.
- Ensure robust recruitment practices and training include safeguarding considerations.
- Maintain clear and accurate records of all adult safeguarding allegations including the responses made and actions taken, sharing the information as appropriate when this is in the best interests of a vulnerable adult.
- Attend Local Safeguarding Adults Boards (SABs) if necessary, although this is not a legal requirement, provide information to them, and participate in relevant safeguarding adult reviews as requested.
- Co-operate with local authority enquiries where suspected adult safeguarding concerns are raised and, where outcomes require it, protect the adult from actual, or risk of, abuse or neglect as part of a safeguarding plan.
- Review all safeguarding incidents and adopt a lessons learned approach to inform future practice.

5.9 Safeguarding is about people and organisations working in partnership to prevent and stop the risks and experience of abuse or neglect. Synonymous with this, and building on the Mental Capacity Act, they must ensure an adult’s wellbeing is promoted. In addition and, where appropriate, the views, wishes, feelings and beliefs of a person must be given due regard in deciding on actions and it must be assumed that the person receiving care and support best knows their own desired outcomes, goals and wellbeing regardless of their medical condition or disability. Assumptions should not be made as to what matters most to the person.

5.10 Pivotal will work in alignment with the Mental Capacity Act which requires an assumption that people have capacity and can make decisions for themselves. Unless otherwise established, every adult has the right to make his or her own decisions in respect of his or her care and support, and must be assumed to have capacity to do so unless it is proved otherwise. It must not be assumed that someone cannot make a decision for himself or herself just because they have a particular medical condition or disability (see 10.60 of the Statutory Guidance on Care and support, updated April 2021).

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6.0 Procedures

6.1 It is the responsibility of every board member, all Pivotal employees, bank workers, contractors, volunteers and all those managing or providing services for, or on behalf of Pivotal, to report any safeguarding issues of concern.

6.2 An employee who becomes aware that a safeguarding issue has arisen has a duty to inform the local safeguarding teams of that concern. Ideally it would be best practice to discuss this referral with your line manager before making a referral, but it is recognised that this is not always possible.

6.3 Any employee can raise a safeguarding alert and must do so either on the appropriate form stored in the safeguarding area of the P Drive or using the direct access form on the Local Authority website. A copy of the form must be given to the relevant Line Manager and Senior Manager and the Quality and Compliance team. Night staff must include the relevant day staff managers. In an out of hours' situation an employee may need to contact the out of hours On-call Manager.

6.4 Where a Local Authority database has been used to complete a referral, a copy of that referral should be taken and emailed out to the relevant Line Manager, Senior Manager and Quality and Compliance Team. If it is not possible to take a copy of the referral then a separate internal form should be completed and emailed out in the same way. The safeguarding form should be stored at the agreed location in the safeguarding area of the P drive once the referral has been completed.

6.5 If a Local Authority triage team have been contacted to discuss a safeguarding concern and a decision has been taken by the Local Authority not to progress the referral, a pivotal safeguarding form should be completed recording the decision to end the concern at that point. The form should then be emailed to the relevant managers and the Q&C Team.

6.6 Where staff are aware that a current customer of Pivotal has an allocated safeguarding practitioner, the practice of notification will remain the same. The allocated safeguarding practitioner (if known) must also be notified in writing.

6.7 Within 24 hours of a safeguarding referral being e mailed to the local authority, a follow up phone call must be made to the relevant authority to ensure the referral has been logged. If an issue arises where the referral has not been logged, the referral must be re-sent and followed up with an immediate telephone call to the local authority to establish receipt. Follow up calls should be recorded on the safeguarding register.

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6.8 The manager/supervisor of the area, upon being notified of the safeguarding concern will:

1. If required, attend the property where the safeguarding concern has occurred to ensure the safety of customers and staff.
2. Where required, ensure that any additional statutory organisations are notified of the safeguarding concern, and will ensure that any actions required as a result of the referral are completed in a timely manner.
3. On being notified of the safeguarding concern, update the central register and ensure any actions outlined in the report have been completed.

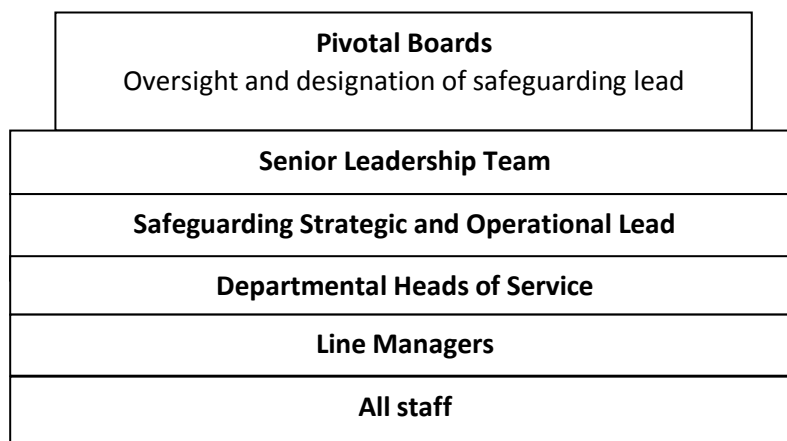
6.9 The safeguarding case is considered closed when notified by the local authority that the case is closed.

6.10 When a safeguarding concern is highlighted which includes allegations against a Pivotal colleague, the Whistleblowing Policy should be adhered to. The Safeguarding Lead should be made aware (unless the concern raised is about the Safeguarding Lead, in which case the Director of People should be made aware) and they will nominate a Manager to raise the safeguarding concern with the relevant Local Authority.

6.11 The safeguarding referral should be password protected and the password should be shared with the Heads of Operations, the Safeguarding Lead and the Quality and Compliance Team. Entries on the central register should maintain the confidentiality and anonymity of the colleague subject to the allegation.

7.0 Roles and Responsibilities

7.1 The responsibility for safeguarding rests with every member of Pivotal staff and the Pivotal Board members. The following Pivotal structure applies:



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7.2 The role of the Strategic and Operational Lead is to:

- Act as the Safeguarding Lead.
- Monitor any changes to legislation or good practice and advise Directors of corresponding updates required to Pivotal policy and procedures.
- Work with Directors/Senior Leadership Team to review the adult safeguarding policy on an annual basis and ensure that other policies have regard to adult safeguarding as appropriate then submit to the Pivotal boards for approval.
- With regard to VfM ensure adequate resources are in place to provide adequate and up to date training and supervision of staff in respect of managing and/or reporting safeguarding concerns with appropriate induction and update training programmes in place.
- Report to Pivotal Boards annually and, in the event of a serious case review inform them of this.
- Report quarterly to the Senior Leadership Team on the number of safeguarding cases and any issues of note.
- Lead internal quarterly review meetings with Heads of Department and maintain records of this.
- Promote and raise awareness and understanding of safeguarding across Pivotal services.
- Work with external organisations as appropriate in relation to adult safeguarding and ensure statutory agencies including local authorities and the police and adult safeguarding boards in its areas of operation are aware of this.
- Write and review adult safeguarding policy and procedures and ensure other procedures have regard to adult safeguarding as appropriate.
- Oversee safeguarding cases and ensure that adult safeguarding cases are recorded and reported in accordance with procedures.

7.3 Heads of Service will:

- Promote safeguarding within and across all Pivotal operations.
- Ensure safeguarding is regularly discussed at team meetings and as part of one to one meetings.
- Ensure the appropriate supervision of staff as part of the Line Management process.
- Attend quarterly safeguarding review meetings held by the Pivotal strategic and operational lead for safeguarding.
- Attend external multi agency meetings representing Pivotal as required.
- Audit safeguarding records and adopt a reflective approach to inform future practice.

7.4 Managers and all Staff

Safeguarding responsibilities lie with all staff and everyone has a duty to report all safeguarding incidents to the Local Authority. Staff must:

- Report concerns promptly in line with the safeguarding procedure.

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- Maintain a record of all referrals.
- Be alert to signs and symptoms of abuse.
- Cooperate with any Local Authority enquiries.
- Support any protection plans put in place.
- If institutional abuse is suspected, please report immediately to the local authority.

8.0 Learning Lessons

8.1 Where there is a case involving death or serious harm of a service user or vulnerable resident the local authority will conduct a safeguarding serious case review. Pivotal will work with them transparently to identify whether there were any failings on the part of Pivotal.

8.2 Where service failings are identified the lessons that can be learned will be established by the local authority in a serious case review and appropriate actions will be taken to rectify areas of failure. In such instances, the Board(s) shall be informed and regularly updated in respect of the outcomes of any reviews that take place and Pivotal will act in accordance with any recommendations.

9.0 Taking a Multi-Agency Approach

9.1 In acknowledgement of its role in supporting the functions of statutory agencies, including local authorities and the police in the safeguarding of adults, Pivotal will ensure it maintains appropriate, up to date records to enable appropriate information sharing. The Pivotal Safeguarding Lead will ensure adult safeguarding boards in its areas of operation are aware of this.

9.2 Pivotal recognises its role in adult safeguarding as one of supporting the functions of statutory agencies, including local authorities and the police and will maintain and review records regularly as part of their commitment to joined-up working.

9.3 As required a Pivotal representative will attend multi-agency meetings to review adult safeguarding cases including the Safeguarding Adults Board (SAB) where it is invited and is appropriate to do so.

10.0 Information Sharing

10.1 Pivotal staff must, at all times, comply with the employee handbook and Pivotal's Data Protection and Information and Communications Technology (ICT) Policy requirements relating to information shared, transmitted or accessed via email or the Internet.

10.2 Pivotal will share information with other agencies appropriately and in accordance with the Data Protection Act and the UK General Data Protection Regulation. Information sharing agreements may be put in place.

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10.3 Pivotal will only share information without an information sharing agreement where there is an immediate risk of harm, or criminal activity is taking place.

10.4 Pivotal may have to disclose unconfirmed third party information and/or reports of the potential abuse of a child and/or vulnerable adult, in circumstances where it could be considered organisationally negligent not to do so.

11.0 Recording and Reporting

11.1 All concerns relating to safeguarding must be reported to local authority safeguarding teams and recorded as per Pivotal Company reporting procedures.

11.2 All Pivotal employees have a duty to record and report adult safeguarding concerns in accordance with the organisation's best practice guidance on reporting and recording.

12.0 Training

12.1 Pivotal will ensure all staff having contact with Pivotal customers will receive safeguarding training, providing them with an understanding of safeguarding and enabling them to fulfil the requirements of Pivotal policy and procedures.

12.2 Training will be tailored and appropriate to individual roles and the requirements of these in respect of adult and child safeguarding.

12.3 Refresher training will be provided at least annually to all staff having contact with Pivotal customers and sooner if any significant changes to legislation or good practice affecting Pivotal policy and procedures arises.

12.4 Board members will be provided with safeguarding training as part of the Board induction process and refresher training at least bi-annually and advised of any legislative and regulatory changes by the safeguarding strategic and operational lead as they arise.

12.5 Pivotal volunteers and contractors will be provided with safeguarding training as and when this is deemed appropriate.

12.6 Staff will be provided with guidance and training on professional boundaries when working with adults with care and support needs.

13.0 Safeguarding and Human Resources

13.1 The Pivotal Director of People will ensure the appropriate recruitment of staff to new roles and will ensure relevant role recruitment procedures are adhered to and include DBS checks. DBS checks will be repeated every three years.

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13.2 The HR team will provide support to any staff dealing with safeguarding cases as necessary. This will include providing access to confidential counselling.

13.3 If an allegation about a member of staff is received and it constitutes an adult safeguarding issue, investigations will be conducted in accordance with the Pivotal disciplinary policy and procedure. A safeguarding referral will be made to the appropriate local authority. In cases where an allegation of this nature is received, the staff member may be suspended pending the outcome of the investigations.

13.4 In cases where an allegation against a member of staff is proven Pivotal will update LA safeguarding teams, inform the police and make a referral to the DBS.

13.5 In respect of allegations made by concerned staff members about the conduct of a staff member, contractor or board member the Pivotal Whistleblowing Policy will be followed.

14.0 Contractors and Partners

14.1 Contractors operating on behalf of Pivotal will be obliged to adhere to the Pivotal safeguarding policy as part of their contractual agreement.

14.2 Contractors will be obliged to report concerns about adult safeguarding to Pivotal in accordance with their contract of engagement.

14.3 Pivotal main contractors who have access to Pivotal customers' homes will be responsible for ensuring that their staff are trained in safeguarding and are appropriately DBS checked as per Pivotal DBS policy.

14.4 Where Pivotal properties are managed by others under third party arrangements for housing management, support, care or other services, the agent of Pivotal will be required to demonstrate its commitment to managing safeguarding appropriately and how it does this.

14.5 Where Pivotal works with partners they will be required to have and follow their own safeguarding policies and procedures. This will be checked as part of the due diligence process.

15.0 Perpetrators of Abuse

15.1 Abuse and neglect will not be tolerated. Where allegations of abuse are substantiated, Pivotal will consider legal courses of action and sanctions against perpetrators of abuse who are Pivotal customers.

15.2 Perpetrators of abuse and neglect will be referred to appropriate support agencies as and when this is deemed relevant to a situation.

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16.0 Raising Awareness of Safeguarding

16.1 Pivotal is committed to ensuring it raises awareness of adult safeguarding with customers and will work in partnership with other appropriate agencies to ensure this is achieved.

17.0 Referral to the Local Authority

17.1 All alerts for adult protection issues must be referred to the local authority in whose area the alleged incident or abuse occurred.

18.0 Monitoring and Review

18.1 This policy will be monitored by Pivotal Boards. The Strategic and Operational Lead will review cases with Heads of Department on a quarterly basis and report to the Senior Leadership Team, Audit and Risk Committee and Pivotal Boards.

18.2 Pivotal Boards will have oversight of any required amendments following lessons learnt and legislative or regulatory changes.

18.3 Following Serious Case Reviews, outcomes, lessons learned and recommendations accepted for changes to ensure continuous improvement and best practice will be agreed with Heads of Service and implemented by the Safeguarding Strategic Operational Lead and Heads of Service.

18.4 The Quality and Compliance Team will audit safeguarding referrals on a monthly basis and report to the Heads of Service and Safeguarding Lead.

Legislation, Regulation and Guidance Informing this Policy

Pivotal acknowledges the considerable amount of legislation regarding safeguarding and will continue to monitor legislation and guidance in respect of this. From the existing legal framework the following is reflected in this policy:

Anti-Social Behaviour, Crime and Policing Act 2014

Care Act 2014

Care Standards Act 2014

Cornwall and Isles of Scilly Adult Safeguarding Board Adult Safeguarding Policies, Standards and Guidance (as updated 15.08.2019. Accessed 13.11.2109)

Data Protection Act 2018

Disclosure and Barring Service (for safe recruitment)

Deprivation of Liberty Safeguards 2007 (as part of the Mental Capacity Act 2005)

Domestic Violence Crime and Victims Act 2012

Domestic Abuse Act 2021

Equalities Act 2010 (as amended)

Family Law Act 1996

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Female Genital Mutilation Act 2003
 UK General Data Protection Regulation
 Homelessness Act 2002
 Homelessness Reduction Act 2018
 Human Rights Act 1998
 Mental Capacity Act 2005 (as amended)
 Modern Slavery Act 2015
 Sexual offences Act 2003
 Statutory Guidance on Care and support (updated 2018)
 Social Care Institute for Excellence (Types and indicators of abuse)
<https://www.scie.org.uk/safeguarding/adults/introduction/types-and-indicators-of-abuse#physical>
 Statutory Guidance on Care and support (updated April 2021).
<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

Related Pivotal Policies and Procedures

Policies and procedures which must reference this policy include but are not limited to:

- Child Safeguarding policy and procedure
- Adult Safeguarding procedure
- Antisocial behaviour policy
- Arrears prevention and management policy
- Domestic abuse policy
- Allocations policy
- Mental capacity policy
- Data Protection policy
- Information sharing protocol
- Disciplinary and appeals policy and procedure
- Grievance policy and procedure
- Student placement and volunteer policy
- Recruitment and selection policy and procedures
- Whistleblowing and allegations against employees policy
- Employee code of conduct

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