



**MSA
Trust**

MSA Trust Safeguarding Policy

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Introduction

Safeguarding is about protecting children, young people and adults at risk from significant and serious harm and keeping them safe. It involves identifying children and adults at risk who have suffered or are currently suffering harm, or who may be at risk of harm, and working with them and other agencies to protect them from avoidable harms. The Multiple System Atrophy Trust (MSA Trust) is committed to ensure that their safety is a priority and that vulnerable clients are always safeguarded.

The individuals who we work with at the Trust may be vulnerable to abuse because of their age, health or physical or mental abilities. It is vital that we understand how to recognise, act and prevent such abuse or opportunities for such abuse. We also recognise that the Trust has a wider duty reflecting Charity Commission Guidance. In its guidance, the Charity Commission has described safeguarding as meaning “the range of measures in place to protect people in a charity, or those it comes into contact with, from abuse and maltreatment of any kind.”

This policy applies to all MSA Trust Trustees, staff, management, and volunteers and recognises that **safeguarding is everyone’s responsibility**.

This policy outlines how the MSA Trust will deliver its specific objective of maintaining safeguarding practice in our charity, reflecting our commitment to prevent and reduce the risk of abuse and neglect of children, young people and adults.

The aim of this policy is to outline a series of principles and ways of working that are equally applicable to the safeguarding of children, young people and of adults at risk of abuse or neglect. There are two fundamental requirements for effective safeguarding in the provision of support through the MSA Trust:

- **Preventing safeguarding incidents arising**, by providing high quality care and support.
- **Ensuring effective responses where harm or abuse occurs**, by implementing effective safeguarding child and adult policy and procedures.

Confidentiality is essential to the building of trust with clients, but this needs to be balanced against the organisation’s common law duty to protect vulnerable members of the community. The MSA Trust will apply processes for the identification of situations which may require the organisation to make professional judgments to protect vulnerable people from harm.

The MSA Trust takes safeguarding adults at risk and children seriously, and this policy and associated procedures will be kept under regular review- consistent with any national or local Safeguarding Policy changes. We expect the same from those who deliver services on our behalf.

Scope and purpose of the policy

Policy statement

Safeguarding is everyone’s responsibility. The MSA Trust is committed to safeguarding and promoting the welfare of children, young people and adults at risk. It expects everyone associated with the Trust to share this commitment.

This policy and supporting procedures are here to safeguard and protect:

- Children and young people
- Adults at risk who have care and support needs, are experiencing or at risk of abuse or neglect, and because of their care and support needs are unable to protect themselves.

The MSA Trust also recognises its responsibility for safeguarding children and other adult family members at risk whilst providing help and support.

The MSA Trust Trustees, management and staff will promote our organisation as one which aims to facilitate a safe environment for children, young people, and adults at risk to live full and happy lives within their communities.

Roles and responsibilities

Safeguarding is everyone's responsibility. This policy applies to all MSA Trust Trustees, staff, management and volunteers. It applies to the provision of help and support services to people we serve, either on our own premises or other public or private property.

The MSA Trust will collectively manage risks and reduce the likelihood of abuse by:

- Providing an up-to-date safeguarding policy and procedures that reflect current safeguarding legislation and guidance.
- Operating in line with national safeguarding policies and procedures and the Charity Commissions Guidance (<https://www.gov.uk/guidance/safeguarding-duties-for-charity-trustees#manage-the-risks>).
- Identifying a named trustee safeguarding lead on the Board and a named designated safeguarding lead on the senior management team.
- Training trustees and staff at induction and on an ongoing basis to ensure that they have a strong understanding of safeguarding and how to recognise, respond to and record any concerns.
- Ensuring safeguarding is discussed at staff meetings and Trustee Board receive regular reports.
- Having robust safer recruitment and selection procedures.
- Promoting and using safer working practices.

The role of the **named Trustee safeguarding lead** on the Board is to ensure that safeguarding is a regular item on Board agendas and offer support and advice to the named designated safeguarding lead on the senior management team when needed.

The role of the **named designated safeguarding lead** on the senior management team is to:

- Be a source of advice and expertise to all staff.
- Develop the MSA Trust's safeguarding policy and procedures and ensure that they are accessible to, and used by, everyone within the organisation.
- Keep staff up-to-date on current safeguarding procedures and practice, ensuring that they receive necessary training.
- Support decision-making by staff about when and where information should be shared or a concern should be referred.
- Maintain accurate records about safeguarding concerns and referrals.
- Promote good practice and effective communications about safeguarding, both internally and externally.

This policy will be reviewed regularly to ensure that it is up to date with current legislation.

Safeguarding children and young people

Definition of a child

The definition of a child is anyone who has not yet reached their 18th birthday. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital or in custody in the secure estate, does not change their status or entitlements to services or protection. The term 'children' and 'child' is used mainly in this document for ease of reading.

The aims of children's safeguarding (*Working Together to Safeguard Children*, Department for Education, 2018) are to:

- protect children from maltreatment
- prevent impairment of children's health or development
- ensure that children grow up in circumstances consistent with the provision of safe and effective care; and
- take action to enable all children to have the best outcomes.

Relevant legislation and guidance for safeguarding children

- The Children Act 1989
- The Children Act 2004
- *Working Together to Safeguard Children: A Guide to interagency working to safeguard and promote the welfare of children*, HM Government 2015
- The United Nations Convention on the Rights of the Child 1991
- *What to do if you're worried a child is being abused*, Department of Health 2015

See Appendix A for more information about relevant legislation and guidance.

Signs of abuse for safeguarding children

There are four main categories of abuse and neglect for children:

- Neglect
- Physical abuse
- Sexual abuse
- Emotional abuse.

Definition of terms for safeguarding children

Information sharing

Information sharing is essential for effective safeguarding. The MSA Trust may have one piece of a jigsaw which will help a safeguarding partner to understand the bigger picture for a child who is being abused or at risk of abuse. Concerns about a child must be passed on to the relevant statutory authorities.

The General Data Protection Regulation (GDPR) 2018 includes safeguarding of children as a justified reason for sharing information without consent. The MSA Trust does not need consent to share information with Children's Social Care or the Police where doing so prevents harm or a crime.

The MSA Trust recognises that some people may share information about their own family dynamics, stresses and triggers that includes information about children. The Trust will promote effective and early identification of safeguarding concerns in respect of children.

Significant harm

The Children Act 1989 introduced the concept of 'significant harm' as the threshold which justifies compulsory intervention in family life in the best interests of children.

There are no absolute criteria upon which to rely when judging what constitutes 'significant harm'; sometimes a single traumatic event may constitute significant harm. More often, however, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage a child's physical and psychological development.

Safeguarding procedures for children at risk

The MSA Trust has a set of clear safeguarding procedures to make sure that everyone at the charity knows:

- What to do and who to tell internally if you have a concern about a child
- How to handle a disclosure of abuse or neglect, and how to respond and record your concerns
- When and how to share information with external partners to ensure effective safeguarding
- When and how to make a referral to Children's Social Care or the Police if there are concerns about significant harm.

This policy must be used in conjunction with the MSA Trust document Safeguarding Procedure which outlines the practical measures which should be followed.

Adults at risk

Definition of an adult at risk

There is no single law that defines an adult at risk across the UK. In general terms, an adult at risk is a person over the age of 18 years (or 16 years in Scotland) who is:

- having needs for care and support, (whether or not these needs are being met or Social Services are involved) and;
- experiencing, or is at risk of, abuse and neglect and;
- as a result of those care needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The aims of adult safeguarding are to:

- stop abuse or neglect wherever possible
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
- safeguard adults in a way that supports them in making choices and having control about how they want to live
- promote an approach that concentrates on improving life for the adults concerned
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult
- address what has caused the abuse or neglect.

We will benchmark our safeguarding arrangements for adults at risk against the following six Safeguarding Principles, which are:

1. Empowerment. Presumption of person-led decisions and informed consent.
2. Protection. Support and representation for those in greatest need.
3. Prevention. It is better to take action before harm occurs.
4. Proportionality. Proportionate and least intrusive response appropriate to the risk presented.
5. Partnership. Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
6. Accountability. Accountability and transparency in delivering safeguarding.

Legislation and guidance relevant to safeguarding adults at risk

- England – Care Act 2014, HM Government
- England – *Care and Support, Statutory Guidance on Implementation of the Care Act 2014*
- England – Mental Capacity Act, Department of Health 2005
- Scotland – The Adult Support and Protection Act 2007 and *related Code of Practice*
- Wales – Social Services and Wellbeing (Wales) Act 2014
- Northern Ireland – *Adult Safeguarding Prevention and Protection in Partnership*

See Appendix B for more information about relevant legislation and guidance.

Signs of abuse for safeguarding adults at risk

The following list is for guidance only.

- Physical abuse
- Domestic violence or abuse, including 'honour-based' violence, FGM and forced marriage, and coercive or controlling behaviour.
- Sexual abuse
- Psychological or emotional abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational or institutional abuse
- Neglect or acts of omission
- Self-neglect.

Definitions of terms for safeguarding adults at risk

Duty to safeguard adults at risk

This duty is mainly aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect by others. In these cases, local services must work together to spot those at risk and take steps to protect them. The 'duty' applies to an adult who:

- has care and support needs (whether or not the local authority is meeting any of those needs) and
- is experiencing, or at risk of, abuse or neglect
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

The Trust will also promote safeguarding support for carers.

Safeguarding duties apply regardless of whether a person's care and support needs are being met, whether by the local authority or anyone else. They also apply to people who pay for their own care and support services.

Information sharing

Information sharing is key effective safeguarding. Concerns about an adult at risk must be passed to the relevant statutory authorities, but if an adult does not give consent to share their personal information or refuses a referral then their wishes should usually be respected. MSA Trust staff will usually obtain the consent of a client before sharing any information with family and friends, or with trained professionals to facilitate further help and support. Confidentiality is an important part of the Trust's ethos.

However, there are a small number of situations where consent is not needed. For example, if there is immediate risk of harm to the person or someone else, a serious crime has been committed or can be prevented, or if the person lacks capacity at this time to make a decision about consent. The General Data Protection Regulation (GDPR) 2018 includes safeguarding children and others at risk as a justified reason for sharing information without consent. The MSA Trust does not need consent to share information with the Local Authority safeguarding team or the Police or other emergency services where there is immediate risk of harm to the person or someone else, a serious crime has been committed or can be prevented, or if the person lacks capacity at this time to make a decision about consent.

Capacity and lack of capacity

Adults have the right to make decisions on their own behalf and they are presumed to have the capacity to do so. Adults lacking capacity to make decisions that would protect and promote their own interests are potentially extremely vulnerable. The Mental Capacity Act 2005 sets out the circumstances in which it can be established that a person lacks the capacity to make a specific decision at a particular time.

Adults at risk should be supported to participate as far as possible in decision-making and express their views. Where it has been established that an adult lacks capacity to make a specific decision, information can be disclosed in accordance with the Mental Capacity Act 2005, when in the opinion of the member of staff, it would be in the person's best interests. Where an adult lacks capacity to consent to disclosure it is usually reasonable to assume unless there is clear evidence to the contrary that they would want people close to them, or directly involved in their care, to be given appropriate information about their illness, prognosis and treatment.

On the rare occasion that MSA Trust colleagues have to make a decision on behalf of an adult who is lacking mental capacity to make a specific decision at a particular time, they will do so in that person's best interest and ensuring that it is the least restrictive option available.

Safeguarding procedures for adults at risk

The MSA Trust has a set of clear safeguarding procedures to make sure that everyone at the charity knows:

- What to do and who to tell internally if you have a concern about an adult at risk
- When and how to share information with external safeguarding partners, including respecting people's wishes and understanding when it may be appropriate to act without consent
- When and how to assess whether a person has the mental capacity to make a specific decision about sharing information or being referred for support
- When and how to make a referral for support to a Local Authority safeguarding team or another safeguarding partner such as the Police
- When and how to challenge Local Authority decisions
- What it is important to record about safeguarding issues.

This policy must be used in conjunction with the MSA Trust document Safeguarding Procedure which outlines the practical measures which should be followed.

Robust recruitment and safe working practices

Robust recruitment

Disclosure and Barring Service (DBS) checks

The DBS was established under the Protection of Freedoms Act 2012 and merges the functions previously carried out by the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The primary role of the DBS is to help employers in England and Wales make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.

The MSA Trust will not knowingly allow a trustee, member of staff, manager, or volunteer (either in a paid or unpaid capacity) to work with or support a group which they are barred from working with.

The MSA Trust is aware of its responsibility for ensuring that it carries out appropriate Basic and Enhanced DBS disclosure checks on applicants for any position that qualifies for such a check.

Safer staffing

Training

The MSA trust is clear that training and raising awareness of safeguarding issues, policies and procedures is fundamental to the development and maintenance of a safer environment, safer organisation and safer staff. The charity will ensure that appropriate safeguarding training during induction and at regular intervals is provided to trustees and members of staff to assist them in:

- preventing abuse
- recognising abuse
- responding appropriately to allegations of abuse
- recording concerns
- knowing who to tell and when information can be shared.

The designated safeguarding lead will receive appropriate training to ensure that they are up to date with policy and practice and aware of any changes in legislation.

All members of the senior management team should receive external safeguarding training so that they can support staff when the named designated safeguarding lead is on leave.

All members of staff who have frontline roles (Services Team) should receive external training from an accredited source. The MSA Trust will provide training for Trustees and staff during induction that is refreshed on a regular basis to ensure that they have a strong understanding of safeguarding and how to recognise, respond to and record any concerns.

This will include ensuring understanding of our confidentiality procedures and whistleblowing policies.

Whistleblowing

The Public Interest Disclosure Act 1998 amended 2013, introduced protection for workers from reprisals for disclosing information in the public interest. It emphasises the importance that 'whistleblowing' can play in deterring and detecting malpractice and abuse of children and adults at risks.

The MSA Trust will promote practical arrangements for whistleblowing to enable staff to voice any concerns, made in the public interest, without fear of repercussion. Any staff member who uses the 'whistleblowing' procedure will be made aware that their employment rights are protected.

Staff members will be supported in this individual responsibility to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where it helps to safeguard the welfare of children, young people and adults at risk.

The MSA Trust will ensure that the charity:

- has an appropriate whistleblowing policy in place.
- has clear procedures for dealing with allegations against staff.
- encourages and supports staff to report any behaviour by colleagues that raises concern regardless of source.

All safeguarding concerns raised by staff through the 'whistleblowing' pathway must be referred to the Designated Safeguarding Lead (or if the concern is about them) to the Chief Executive Officer for consideration and assessment.

Safeguarding allegations against staff

The MSA Trust will immediately refer all safeguarding allegations about its staff to the appropriate Local Authority social services safeguarding team for adults or children.

It is a matter of policy that any staff member about whom a safeguarding allegation is made will be suspended without prejudice immediately, pending investigation. This will be the case even if the allegation is not linked to their role or activity with MSA Trust. Such instances will be rare and any decision to suspend will not be taken lightly.

The decision will be taken by the Chief Executive and Designated Safeguarding Lead in discussion with the relevant line manager. If the safeguarding allegation is about the Chief Executive, the Designated Safeguarding Lead will raise it directly with the Chair and the lead Safeguarding Trustee.

Complaints about MSA Trust staff

All complaints that are received about the conduct or behaviour of MSA Trust staff will be dealt with according to our Complaints Policy.

If any complaint is identified as a potential safeguarding concern, issue or risk then this complaint will be referred directly into Safeguarding Procedures. It will be forwarded to the Designated Safeguarding Lead who will fully investigate the situation with the Chief Executive in order to respond to the complaint.

Under no circumstances will safeguarding referrals be delayed whilst waiting for the client to

make a formal written complaint.

DBS referral

If at any time MSA Trust removes an individual from their role and believes that the person has caused harm or poses a future risk of harm to vulnerable groups, including children or adults at risk (or the person has resigned or left that post in circumstances where they may have been removed), then we will refer the matter to the Disclosure and Barring Service.

AB/IAS/May 2023 reviewed.

Appendix A – More details about legislation and guidance relating to safeguarding children

- **The Children Act 1989** places a legal duty on the local authority to make enquiries if they have reasonable cause to suspect a child is suffering or likely to suffer significant harm to enable them to decide whether to take any action in order to safeguard or promote the child's welfare. http://www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_1_12
- **The Children Act 2004** Section 11 of the Children Act 2004 placed duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children, for example police, NHS, local authorities, probation, prisons and offending services. <http://www.legislation.gov.uk/ukpga/2004/31/contents>
- ***Working Together to Safeguard Children: A Guide to interagency working to safeguard and promote the welfare of children*, HM Government 2015.** These documents define the categories of child abuse and provide a useful list of signs and symptoms. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>
- **The United Nations Convention on the Rights of the Child**, Families and Babies believe that every child has the right to be loved and cared for and to be safe and well, to be offered a good standard of education, to be protected from exploitation and to have opportunities for rest and play (1991). Similarly, all children have the same rights and the same value, regardless of age, race, culture, gender, disability, or social/economic background. <http://www.unicef.org/crc/>
- ***What to do if you're worried a child is being abused*, Department of Health 2015.** This guidance is accompanied with flowcharts following the procedure from referral, initial assessment, emergency action that might need to be taken, through to what happens after a strategy discussion and child protection review conference. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf
- ***Sharing Information*, Department for Children, Schools and Families 2015.** This HM Government advice is non-statutory and has been produced to support practitioners in the decisions they take when sharing information to reduce the risk of harm to children and young people. This advice is for all frontline practitioners and senior managers working with children, young people, parents and carers who must make decisions about sharing personal information on a case by case basis. It might also be helpful for practitioners working with adults who are responsible for children who may be in need. <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice>

Appendix B – More information about legislation and guidance on safeguarding adults at risk

- **England – Care Act 2014, HM Government.** This Act replaced the ‘No Secrets’ Department of Health 2000 guidance in respect of safeguarding adults at risk. The terms ‘adult at risk of abuse or neglect’ and the previously used term ‘vulnerable adult’ are interchangeable and mean the same. This act makes the creation of Safeguarding Adult Protection Boards, vetting and training as mandatory for the first time. The Act came into force in April 2015.
- **England – Care and Support, Statutory Guidance on Implementation of the Care Act 2014.** The Government issued statutory guidance in October 2014 which explained how the new Care Act 2014 Regulations which came into effect from April 2015 work in practice. They made changes that included clarifying the guidance on adult safeguarding and revising the eligibility criteria to focus on outcomes and better address social isolation.
- **England – Mental Capacity Act, Department of Health 2005.** This Act provides a statutory framework to empower and protect vulnerable people who are not able to make their own decisions. It makes it clear who can take decisions, in which situations and how they should go about this. <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>
- **Scotland – The Adult Support and Protection Act 2007 and related Code of Practice**
- **Wales – Social Services and Wellbeing (Wales) Act 2014**
- **Northern Ireland – Adult Safeguarding Prevention and Protection in Partnership (Policy)**
- **Ireland - <https://www.safeguardingireland.org/reporting/>**
- **Data Protection Act 1998.** The Data Protection Act 1998 gives effect throughout the United Kingdom to an EC Directive of 1995. It requires compliance with eight Data Protection Principles which set out standards for processing and handling information. Where you have concerns that the actions of some may place children at risk of significant harm or adults at risk of serious harm, it may be possible to justify sharing information with or without consent for the purposes of identifying people for whom preventative interventions are appropriate. <https://www.gov.uk/data-protection/the-data-protection-act>
- **The General Data Protection Regulation (GDPR) 2018** includes safeguarding of children or others at risk as a justified reason for sharing information without consent.
- **Counter-Terrorism and Security Act 2015.** Section 26 of the Act places a duty on partners of Local authorities and certain bodies, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. <https://www.gov.uk/government/publications/prevent-duty-guidance>

Appendix C – More information about legislation and guidance on robust recruitment and safe working practices

- **Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012).** This Act created the Independent Safeguarding Authority along with Vetting and Barring Scheme to help prevent unsuitable people from working (paid or otherwise) with children and Adult at Risks. In 2012 The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged into the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks.
<http://www.legislation.gov.uk/ukpga/2006/47/contents>
<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

- **Safer Working Practices, Department of Children, Schools and Families 2009.** Whilst this practice guidance is archived, it continues to provide clear advice on appropriate and safe behaviours for all adults working with children in paid or unpaid capacities, in all settings and in all contexts.
<http://webarchive.nationalarchives.gov.uk/20100202180143/http://www.dcsf.gov.uk/evrychildmatters/resources-and-practice/IG00311/>

A revised edition was published in 2015 by the Safer Recruitment Consortium, however this is specifically aimed at educational settings. There is however useful information within the guidance document.

<http://www.saferrecruitmentconsortium.org/GSWP%20Oct%202015.pdf>

- **Recruiting Safely, Children’s Workforce Development Council 2009.** Whilst this document is now archived it continues to provide an overview for individuals and organisations seeking to understand the task of safer recruitment within the wider safeguarding agenda. It provides a list of key issues that need to be considered when undertaking safe recruitment.
<http://webarchive.nationalarchives.gov.uk/20130403233802/https://www.education.gov.uk/publications/eOrderingDownload/summary%20guidance%20on%20safer%20recruitment%20nov%202009.pdf>

This document needs to be read in conjunction with information on the website below for making safer recruitment decisions. <https://www.gov.uk/government/policies/helping-employers-make-safer-recruitingdecisions>

- **The Public Interest Disclosure Act 1998 (as amended in 2013).** This Act introduced protection for workers from reprisals for disclosing information in the public interest. It emphasises the importance that the role ‘whistleblowing’ can play in deterring and detecting malpractice and abuse of children and adults at risk.

Internal Trust Policies of specific relevance

Please refer to MSA Trust Policies and Procedures Handbook for the following:

Whistleblowing Policy page 17

Substance Misuse Policy page 32

Anti-Corruption and Bribery policy page 47

Anti-Harassment and Bullying Policy page 54

MSA Trust Code of Conduct MSA Trust Dropbox General Office HR Folder

MSA Trust Safeguarding Procedure MSA Trust Dropbox General Office Safeguarding Folder

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