

# Safeguarding Policy



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## 1. Introduction

This policy describes how we help keep people safe from abuse, neglect and other forms of harm when they are receiving or are in need of care and support.

It reflects our duties under the law and our commitment, as regulator and inspectorate of social care and childcare, to improve the quality and safety of services for the well-being of the people of Wales.

Our procedures are described more fully in our internal practice guidance on safeguarding for Care Inspectorate Wales staff.

## 2. The legal framework

The legal framework for keeping adults and children in Wales safe, when they receive or are in need of care and support, is provided by the Social Services and Well-being (Wales) Act 2014,<sup>1</sup> the Children's Act 1989,<sup>2</sup> and the Welsh Government statutory guidance on safeguarding under the 2014 Act.<sup>3</sup> The Wales Safeguarding Procedures<sup>4</sup> details the essential roles and responsibilities for practitioners to ensure they safeguard children and adults who are at risk of abuse and neglect.

In respect of safeguarding, the 2014 Act and supporting statutory guidance uses the concept of a person being **at risk**.

The 2014 Act defines an **adult at risk** as “an adult who: is experiencing or is at risk of abuse or neglect; has needs for care and support...; and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.” The Act defines the terms **abuse** and **neglect**, with further information and examples for both terms supplied in the statutory guidance (paragraphs 24-26).

The Act requires local authorities to make enquiries and determine a course of action where there is **reasonable cause to suspect** an adult in its area is an adult at risk. The meaning of “reasonable cause to suspect” is discussed in the statutory guidance (paragraph 83).

The 2014 Act defines a **child at risk** as “a child who: is experiencing or is at risk of abuse, neglect or **other kinds of harm**; and has needs for care and support”. Where a local authority identifies or receives report of a child at risk and has **reasonable cause to suspect** that a child “is suffering, or is likely to suffer, significant harm”, they are required under section 47 of the 1989 Act to make enquiries needed to determine action to safeguard or promote the child's welfare.

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<sup>1</sup> <https://www.legislation.gov.uk/anaw/2014/4/contents>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1989/41/contents>

<sup>3</sup> [working-together-to-safeguard-people-volume-i-introduction-and-overview.pdf \(gov.wales\)](https://www.gov.wales/working-together-to-safeguard-people-volume-i-introduction-and-overview.pdf)

<sup>4</sup> The National Wales Safeguarding Procedures: <https://safeguarding.wales/>

### 3. Our responsibilities in relation to safeguarding

#### 3.1 Our principles for safeguarding

Ensuring people's safety, well-being and rights is at the heart of our work. This obligates us to be vigilant, responsive and proactive in relation to safeguarding concerns.

- **We are vigilant** about people's safety and well-being when we are on inspection and when people contact us with their concerns.
- **We are responsive** when we receive intelligence about issues of concern. We follow up on information and contact other agencies, and where necessary we refer matters to the local authority and police.
- **We are proactive** about identifying issues affecting people's safety, well-being and rights. We are prepared to take our own action and chase others rather than relying on others or accepting delay.

#### 3.2 Promoting good safeguarding practice

Our primary role is to ensure care and support services are fit to operate, comply with regulations, and provide safe, good quality care which does not expose people to the risk of abuse, neglect or other forms of harm. We also review the performance of local authorities in discharging their statutory safeguarding responsibilities.

We monitor and regularly inspect providers to check this is the case.

- When we register and inspect providers of care and support, we check they have effective systems and processes for keeping adults and children safe from abuse, neglect and other forms of harm.
- We monitor and act on information we receive about the safeguarding practices of services and providers.
- We speak with people who use services, along with their carers and families, to understand their experience of care and identify any safeguarding issues.
- We speak with staff and managers in care and support services to understand what they do to keep people safe.
- We take regulatory action to ensure providers rectify any shortfalls in their arrangements for safeguarding adults and children.
- We publish our findings about safeguarding practice in our inspection reports on individual services/providers and on local authority social services. Where applicable, we reflect these in the ratings we award a service or provider.
- We work closely with local authorities and other safeguarding partners, sharing information as appropriate, to encourage good safeguarding practice.

- We report on the number and nature of concerns we have responded to in the course of regulating and inspecting social care and childcare in Wales in the Chief Inspectors Annual Report.

### **3.3 Handling safeguarding concerns**

Where we have reasonable cause to suspect that an adult or child is at risk of or is being abused, neglected or harmed, our first priority is to make sure the right people are aware so that they can take steps to remove any immediate risk of harm to the individual. We do this within 24 hours of finding or receiving information about the risk to the individual. The right people could be the provider, the local authority or emergency services.

We log concerns about care and support, including safeguarding concerns, on our in-house information management system. Safeguarding concerns are linked to the record of the relevant service and provider, and assigned to be case-managed by the appropriate inspector. The inspector, in consultation with their manager where necessary, considers the nature of the risk involved and determines a course of action.

The action we take, in the first instance, could involve: seeking further information; discussing the matter with partner agencies (such as a local authority, Social Care Wales or the Nursing and Midwifery Council) and/or reporting it to the relevant partner agency to investigate and take action; referring it back to the relevant provider; and/or arranging an inspection in the appropriate timeframe.

When we report a safeguarding concern to a local authority and/or the police, we comprehensively and succinctly collate relevant information on CIW's safeguarding report form. This includes basic information about the person involved, a detailed description of the concern along with supporting evidence, and an account of any action taken so far.

In the case of an adult at risk we state whether or not the individual (or in the appropriate circumstances a person with power of attorney) is aware we have identified and/or have decided to report a safeguarding concern affecting them, and if not then why we have decided to proceed without telling them.

In a situation where three or more individuals are at risk, for example due to systemic failings in the way a particular care and support service is provided, we may where appropriate make a single, setting-based report rather than a number of separate reports for each person.

Where someone who works in a social care or childcare service gives us safeguarding information in a manner which could be considered whistleblowing, we handle the matter in accordance with our responsibilities as a prescribed person

under the Public Interest Disclosure Act 1998 PIDA. See our Providing feedback about care services in Wales guidance document<sup>5</sup>.

Where information about a safeguarding matter is passed to us by a local authority which is already taking steps to keep the person or people concerned safe, we record and act on that information in the same way as we would any concern or feedback about providers we regulate and inspect. For more information on how we handle concerns and protect people's safety, well-being and rights, see our Providing feedback about care services in Wales guidance document and *Human Rights Policy*<sup>6</sup>.

## 4. Working with local authorities and other agencies

### 4.1 Initial discussions and reporting

We liaise closely with the local authority, typically by phone, in the initial stages of responding to a safeguarding concern. We may seek further information to understand any regulatory implications for the provider concerned, and determine whether a formal safeguarding report would be appropriate.

Once we have reported a safeguarding concern, the local authority must make enquiries to enable it to decide how to proceed. The local authority may make the enquiries itself, or if another agency is best placed to undertake enquiries the local authority may ask them to be made by another body. **Relevant partners** may be asked to undertake enquiries on behalf of the local authority, and must comply with such requests unless to do so is incompatible with their own duties. There may be circumstances where others could assist, for example a third sector or independent organisation supporting the person.

The duty to determine the nature and outcome of the enquiries remains with the local authority even where another body is carrying out the enquiries.

CIW is not named as a relevant partner but may assist with enquiries in relation to service providers/staff who may have potentially breached regulations. It is not CIW's role to make enquiries outside of this.

### 4.2 Strategy meetings and case conferences

We aim to attend strategy meetings and case conferences where doing so is justified by the regulatory implications for the provider concerned and/or the complexity of the issue. Where possible we will participate remotely/ virtually. We do not need to attend if plans are already in place and there is a clear understanding of what has happened, or what the risks are. Our objectives for participating are to contribute our

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<sup>5</sup> <https://careinspectorate.wales/providing-feedback-about-care-services>

<sup>6</sup> <https://careinspectorate.wales/providing-a-care-service/our-inspections>

professional perspective, share and receive relevant information and contribute to decision-making.

### **4.3 Escalating concerns**

The escalating concerns process, by which the local authority and the health board work with a provider to improve a care service at risk of failure, involves a series of meetings which often run in tandem with safeguarding procedures. We will participate in escalating concerns meetings where we have a contribution to make or there is a need to coordinate activity. It may not be necessary for us to participate in every meeting if we are already sighted on the actions of the other agencies and their assessment of the care service in question, and if the local authority is clear about the outcome of our activity and our processes and intentions.

### **4.4 Working alongside the police and other enforcement bodies**

In complex investigations where criminal proceedings are being pursued, the law enforcement processes will be managed separately, but in parallel with the safeguarding processes. A link must be maintained between the two sets of processes. We always consider the opportunity to work in partnership with law enforcement agencies during the fact-finding and investigation stages, for example by carrying out joint evidence-gathering and interviewing of witnesses.

### **4.5 Making referrals/working alongside other regulators**

Where appropriate we usually expect providers to report workers to the statutory and other bodies responsible for professional regulation such as the Nursing and Midwifery Council and Social Care Wales. Where this action has not been taken, CIW can make a direct referral.

If an individual (salaried or fee paid) worker is considered to pose a risk of harm to vulnerable people, CIW may also make a referral to the DBS. It is an offence to fail to make a referral without good reason. We will also share safeguarding concerns about a provider with Estyn and Healthcare Inspectorate Wales, or other UK regulators, as appropriate.

### **4.6 Protecting personal data**

The information we collect, in our role as regulator and inspector of social care and childcare, may include information by which specific individuals can be identified and which may be sensitive for the individuals concerned. We only share such information with partner agencies when it is lawful to do so, such as when we need to safeguard people at risk and/or support the lawful processes of our partner agencies. Please see our *Privacy Notice* for more information about how we use and protect personal data.



We share information in accordance with the General Data Protection Regulation, and the common law duty of confidentiality. This allows for the sharing of information and should not be automatically used as a reason for not doing so. In exceptional circumstances, personal information can be lawfully shared without consent where there is a lawful basis to do so such as where safety may be at risk.

## **5. Our staff**

### **5.1 Recruitment and training**

Safeguarding awareness and knowing how to report a safeguarding concern forms part of every CIW employee's induction, and we carry out enhanced Disclosure and Barring Service checks for those of our staff who are likely to come into contact with children or adults at risk as part of their role. All our staff receive regular training on safeguarding commensurate with their role.

### **5.2 Role of responsible officers**

The Wales Safeguarding Procedures requires relevant organisations to have a designated safeguarding person. A Deputy Chief Inspector and a senior manager maintains strategic oversight of all aspects of safeguarding within CIW.

CIW inspection teams of registered services have nominated safeguarding champions who are operationally responsible for supporting the learning and development of staff practice.

A **safeguarding working group** meets periodically to quality assure practice, report on safeguarding concerns handled and referrals made by CIW, and ensure the relevant policies, procedures, guidance and training materials are kept up to date.

### **5.3 Handling allegations about CIW staff**

Allegations of abuse may be made against an individual CIW employee in either their professional or private life. The matter will be reported to the lead officer who will ensure it is referred, where appropriate, to the relevant branch of the local authority.