



National Offender
Management Service



Suffolk
Safeguarding Adults Board



HM PRISON
SERVICE

Public Sector Prisons

EAST OF ENGLAND

**FRAMEWORK FOR SAFEGUARDING
IN SUFFOLK PRISONS
June 2015**

DRAFT

Signed:

Declan Moore, Governor
HMP&YOI HOLLESLEY BAY

Date:

CONTENTS

<u>Section</u>	<u>Description</u>	<u>Page</u>
1	Introduction	3
2	Establishment Lead	3
3	Partnership and Constructive Dialogue	4
4	Principles Underpinning the Framework	5
5	Abuse Types	6
6	Radicalisation	9
7	Statutory Responsibilities	9
8	Suffolk Safeguarding Adults Board (SAB)	10
9	Information Sharing Guidance	10
10	Safeguarding Referrals	11
11	Workforce Development	12
12	Equality and Diversity	12
13	Recruitment	13
14	Reporting Wrongdoing	14

FRAMEWORK FOR SAFEGUARDING IN PRISON

1. INTRODUCTION

This Safeguarding Policy and Operational Guidance is for use by the establishment and local authorities to support the reduction or removal of identified risks and equips professionals with the knowledge required to protect prisoners, visitors and families at risk and, where necessary, to help those at risk to recover and develop resilience. The policy advocates swift and personalised safeguarding responses that ensure the full involvement of those at risk or their representatives during the process.

Prisons and approved premises, like hospitals and care homes, are required to have their own internal safeguarding arrangements to respond to safeguarding concerns arising in prisons. HMIP has detailed these in *Expectations* (HMIP, 2012). This policy is linked to internal safeguarding measures already in operation within the establishment such as:

- Interdepartmental Risk Management Team meetings
- Safer Custody and Violence Reduction policies.
- Prevent Strategy
- Equality Meetings

It has been developed in light of the introduction of the Care Act 2014, which is to be implemented by April 2015.

2. ESTABLISHMENT LEAD

The establishment lead for all Safeguarding matters in HMP&YOI Hollesley Bay is the Head of Residence. Any amendment to this responsibility is at the discretion of the governing Governor only.

As such the nominated lead for HMP&YOI Hollesley Bay is Steve Garner – Head of Residence. He can be contacted at steven.george.garner@hmps.gsi.gov.uk. Alternatively you can contact 01394 412400 which is the main switchboard and asked to be put through to him.

Where advice and guidance is required as to whether a safeguarding referral should be made, this should be made initially through the Orderly Officer of the day, who will discuss the matter with the Duty Governor. The Duty Governor may seek further advice and guidance of the Head of Residence.

Whilst there is no specific job description that covers the Safeguarding arrangements in prisons, the designated lead for the three Suffolk establishments will work to a generic role brief provided by the Suffolk Safeguarding Adults Board

3. PARTNERSHIP AND CONSTRUCTIVE DIALOGUE

The Framework recognises the importance of Prison engagement in safeguarding vulnerable adults at a strategic level. To this end, representation at the Suffolk Safeguarding Adults Board in order to encourage constructive dialogue and shared learning around safeguarding in prison, has been agreed. This will support the service to not only keep up-to-date with safeguarding requirements and guidance but also will to help ensure safeguarding arrangements in the prison are robust and benefit from constructive dialogue with the local expert body of professionals.

4. PRINCIPLES UNDERPINNING THE FRAMEWORK

Under Section 42 of the Care Act 2014, Safeguarding duties apply to an adult who:

- has needs for care and support and;
- is experiencing, or at risk of, abuse or neglect; and
- 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.

A prisoner who meets the above criteria is referred to as an 'adult at risk'. Safeguarding duties also apply to family carers experiencing intentional or unintentional harm from the adult they are supporting or from professionals and organisations they are in contact with.

The Care Act Guidance can be found at <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>.

THE SIX KEY PRINCIPLES WHICH UNDERPIN SAFEGUARDING ADULTS INTERVENTION

Empowerment – People being supported and encouraged to make their own decisions and informed consent.

"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."

• **Prevention** – It is better to take action before harm occurs.

"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."

• **Proportionality** – The least intrusive response appropriate to the risk presented.

"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."

• **Protection** – Support and representation for those in greatest need.

"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."

• **Partnership** – Local solutions through services working with their communities.

Communities have a part to play in preventing, detecting and reporting neglect and abuse.

"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."

• **Accountability** – Accountability and transparency in delivering safeguarding.

Partnership and constructive dialogue between the SAB and the establishment will help prison staff to determine when safeguarding concerns can be appropriately and safely managed through internal procedures and when they might benefit from the support of external agencies.

The notion of equivalence of care applies to prisoners under the direction of the Care Act of 2014, and this extends to safeguarding and to how safeguarding concerns are dealt with.

Safeguarding is everyone's business and the establishment will operate a zero tolerance of abuse and/or exploitation of any prisoner, particularly adults at risk.

The establishment will have robust safeguarding arrangements, integral to its 'duty of care' to ensure that 'prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect.'

The establishment's safeguarding arrangements will address the following issues:

- Recognition that in a prison environment that a person may not present as an adult at risk of abuse (because of the structured environment) but may be considered a person at risk if living in the community.

- Prevention and early identification of risk to reduce harm will form an integral part of the prison's safeguarding arrangements.
- Recognition that grooming and hate crime to exploit adults at risk fall within the remit of the prison's safeguarding procedures. Any issues arising will be managed through internal PREVENT strategies, referred to later in this policy.
- Recognition that some prisoners when released from prison, pose a risk to adults at risk living in the community and that appropriate information sharing and joint working with relevant agencies must take place.
- The establishment safeguarding team will forge links with other internal departments and will ensure the interfaces with these departments as well as their policies recognise the need to ensure that safeguarding arrangements are managed effectively.

5. ABUSE TYPES

Abuse can generally be viewed in terms of seven categories; Physical, Sexual, Financial, Neglect, Psychological, Discriminatory and Organisational.

Physical Abuse

Physical injuries which have no satisfactory explanation or where there is a definite knowledge, or a reasonable suspicion that the injury was inflicted with intent, will be investigated via the local Safer Custody team.

In cases where a prisoner identifies that he has been physically assaulted and has named the person responsible, but states that he does not wish to make a formal complaint against the perpetrator, the police will be notified and asked to meet with the prisoner to see if he wishes to pursue any action and specify to them that he does not wish to take matters further.

It may become known via security intelligence that a prisoner in the care of an establishment may be involved in or subject of honour based violence. Where such information is known, it will be forwarded directly to the Police and a referral made to the local Safeguarding Team.

Honour Based Violence

Honour Based Violence (HBV) is a crime or incident which has or may have been committed to protect or defend the honour of the family or community. It is a collection of practices used to control behaviour within families or other social groups, to protect perceived cultural and religious beliefs and/or honour. Such violence can occur when a relative has shamed the family and/or community by breaking their honour code.

Women are predominately but not exclusively the victims of so called Honour Based Violence which is used to assert male power in order to control female autonomy and sexuality. Honour Based Violence can be disguised from other forms of violence as it is often committed with some degree of approval and/or collusion from family and/or community members.

Such crimes cut across all cultures, nationalities, faith groups and communities and should be referred within existing adult protection procedures where the victim is an 'adult at risk' as defined by the Care Act 2014.

Where children or adults at risk are identified as being victims of, involved in, or witness to Honour Based Violence, contact should be made with Customer First on 0808 800 4005. This will then be considered by the Multi Agency Safeguarding Hub.

Victims of Honour Based Violence can also access help and advice from Karma Nirvana at www.karmanirvana.org.uk. or by contacting 0800 5999247.

Sexual Abuse

Sexual acts which might be abusive include non-contact abuse such as looking, pornographic photography, indecent exposure, harassment, unwanted teasing or innuendo, or contact such as touching breasts, genitals, or anus, masturbation, penetration or attempted penetration of vagina, anus, and mouth with or by penis, fingers or other objects (rape). In all cases where an allegation of any kind of sexual abuse is made, this will be referred to the local Safer Custody Team and immediately to the Police. All such referrals will be made either online at <http://www.suffolkas.org/referral-form>. or to Customer First on 0808 800 4005.

Referrals outside office hours will be directed to the Suffolk County Council Emergency Duty Service. The EDS can be contacted directly outside office hours on 0808 800 4005.

All referrals will be scrutinised by a social worker from the Multi Agency Safeguarding Hub (MASH) at Suffolk County Council to determine whether it meets the threshold for investigation.

Financial Abuse

This usually involves an individual's funds or resources being inappropriately used by a third person (i.e. theft) It includes the withholding of money or the inappropriate or unsanctioned use of a person's money or property or the entry of the adult at risk into financial contracts or transactions that they do not understand, to their disadvantage.

In prison terms this is referred to as "taxing" and will be dealt with via internal Safer Custody measures. Where sufficient information of such acts is available, this may be referred to the Police for further investigation.

Where it is identified that a prisoners is involved in financial abuse of a member of the public, this matter will be referred direct to the Police. All such referrals will be made either online at <http://www.suffolkas.org/referral-form>. or to Customer First on 0808 800 4005.

Referrals outside office hours will be directed to the Suffolk County Council Emergency Duty Service. The EDS can be contacted directly outside office hours on 0808 800 4005.

All referrals will be scrutinised by a social worker from the Multi Agency Safeguarding Hub (MASH) at Suffolk County Council to determine whether it meets the threshold for investigation.

Neglect / Acts of Omission

Neglect can be both physical and emotional. It is about the failure to keep an adult at risk clean, warm and promote optimum health, or to provide adequate nutrition, medication, being prevented from making choices. Neglect of a duty of care or the breakdown of a care package may also give rise to safeguarding issues i.e. where a carer refuses access or if a care provider is unable, unwilling or neglects to meet assessed needs. If the circumstances mean that the 'adult at risk' is at risk of significant harm, then Safeguarding Adults procedures should be invoked.

In a prison context, any staff failing to ensure that the physical and emotional needs of a prisoners are considered and addressed wherever possible, may render themselves liable to internal investigation procedures and subsequent disciplinary measures.

Psychological Abuse

Psychological, or emotional abuse, includes the use of threats, fears or bribes to negate an adult at risk's choices, independent wishes and self-esteem; cause isolation or overdependence (as might be signalled by impairment of development or performance); or prevent an adult at risk from using services, which would provide help. This kind of abuse will be dealt with via the local Safer Custody Team and referred to the Police where it is considered appropriate. All such referrals will be made either online at <http://www.suffolkas.org/referral-form>. or to Customer First on 0808 800 4005.

Referrals outside office hours will be directed to the Suffolk County Council Emergency Duty Service. The EDS can be contacted directly outside office hours on 0808 800 4005.

All referrals will be scrutinised by a social worker from the Multi Agency Safeguarding Hub (MASH) at Suffolk County Council to determine whether it meets the threshold for investigation.

Discriminatory Abuse

This is abuse targeted at a perceived vulnerability or on the basis of prejudice against one of the protected characteristics referred to in the General Equality Duties of the Equality Act of 2010.

These matters will be investigated via the local Equality Action Team operational in all prison establishments and referred to the local council for Racial Equality and/or the Police where considered appropriate.

Organisational Abuse

Abuse may be a source of risk from an individual or by a group of staff embroiled in the accepted custom, sub-culture and practice of the institution or service. Such matters will be investigated via internal measures.

6. RADICALISATION

The Prevent Strategy (Home Office 2011) recognises that the presence of key vulnerabilities such as Learning Disabilities, autism or Mental Health problems can increase an individual's susceptibility towards radicalisation and to be influenced by extremism. Channel is a key element of the Prevent strategy. It is a multi-agency approach to protect people at risk of radicalisation, using existing collaboration between local authorities, statutory partners (such as the education and health sectors, social services, children's and youth services and offender management services), the police and the local community to identify individuals at risk of being drawn into terrorism.

The aim is to assess the nature and extent of that risk; and develop the most appropriate support plan for the individuals concerned. Early intervention is required to protect and divert people away from the risk they face before illegality occurs.

All PREVENT matters will be discussed locally at pre-arranged meetings between the Head of Security and the Regional PREVENT lead for East of England prisons. Contact can be made with the regional lead at Pete.Archer@NOMS.gsi.gov.uk.

7. STATUTORY RESPONSIBILITIES

The lead duty for the coordination of procedures to protect adults at risk lies with each local authority with Social Services responsibilities. (For duties see "The Duty to Safeguard Adults" under Statements and Key Principles as contained within SCC Safeguarding Policy).

The Care Quality Commission (CQC) is the system regulator whose role it is to reassure that all providers of adult social care and health care in England meet minimum standards for quality and safety as set out in law. Providers and individual practitioners are ultimately responsible for their practice and the care they deliver, but the CQC can play a role in identifying poor practice via regular monitoring of information on providers and through inspections. The CQC can, in the extreme, close a provider down if found to be harming customers although this is the last resort. CQC will ensure that practises operated by prison health providers meet the minimum standards as referred to above.

Suffolk County Council Adult Community Services has the lead responsibility to co-ordinate multi-agency work to protect 'adults at risk' from abuse and exploitation. This includes the coordination of activity between organisations, review of practice, facilitation of joint training, dissemination of information and monitoring and review of progress within Suffolk.

Suffolk County Council is the lead commissioner for care and support services within the establishment, where it is assessed the prisoner has care and support needs which otherwise

cannot be met by the establishment, for example domiciliary or occupational therapist services.

Such services are regulated by the Care Quality Commission which sets out 28 regulations in order to meet required standards. CQC regulation 7 requires the registered provider to ensure safeguarding standards are met. Instances of allegations made against staff employed by the regulated services will be reported to Suffolk County Council.

Suffolk Police have the lead responsibility for carrying out an investigation of a crime. Many alleged instances of abuse may be criminal acts. Where a crime appears to have taken place the police must be involved as soon as possible and invited to decide whether they will be taking action.

The Prison Service has a requirement under the Care Act of 2014 to ensure Safeguarding measures are in place and as such this policy outlines its responsibilities, preventative strategies already in place and reporting methodology in all cases where concerns are raised.

8. SUFFOLK SAFEGUARDING ADULTS BOARD (SAB)

It is a duty under Section 43 of the Care Act 2014 for all Local Authorities to set up Safeguarding Adults Boards.

The SAB is a multi-agency partnership that promotes the development of Safeguarding Adults work throughout the Suffolk. The SAB is tasked with providing strategic leadership, overseeing effective inter agency collaboration and ensuring that appropriate levels of resource are committed to safeguarding adults at risk of abuse. For further details of membership and functions of the board can be found at the SAB website at www.suffolkas.org.

A representative for the three Suffolk based prisons has membership on this board.

9. INFORMATION SHARING GUIDANCE

Section 45 of the Care Act 2014 covers information sharing in Adult Safeguarding. The guidance stipulates that whenever a complaint or allegation of abuse is made, all agencies should keep clear and accurate records and each agency should identify procedures for incorporating, on receipt of a complaint or allegation, all relevant records into a file to record all action taken.

The information exchanged under the Safeguarding Adults procedure will only be used for Safeguarding Adults purposes and where it meets these conditions:

- a criminal offence has taken place
- it may prevent crime
- the alleged victim is at risk of harm
- staff, other service users, or the general public may be at risk of harm
- for early intervention and identification of abuse
- for investigations under Safeguarding Adults procedures

Information sharing when the adult at risk does not have the capacity to consent to information sharing

If a prisoner lacks the mental capacity to make the relevant decisions, this must be properly explored and recorded in line with the Mental Capacity Act 2005. Professionals should share information that is in the prisoners 'best interests'.

The capacity to be able to give consent can be assessed by considering:

- has the prisoner got the ability or power to make a particular decision
- have they got the ability to understand and retain the information relevant to the decision
- will they be able to understand the reasonably foreseeable consequences of deciding one way or the other
- will they have the ability to communicate the decision they have come to

Information sharing when the adult at risk withholds consent to share information

Prisoners have the right to refuse, or withhold consent, for the establishment or other agencies working within the establishment to share information in relation to the suspected abuse. Wherever possible the views and wishes of the prisoner at risk will be respected. However, if it is thought that they are in a situation that results in their abuse or if they may be abusing another person(s), the duty of care overrides the prisoner's refusal; this decision must be recorded.

10. SAFEGUARDING REFERRALS

Where a Safeguarding concern has been reported about the safety of an adult at risk, any member of staff may make a referral following discussion with the Duty Governor and the Healthcare Manager. Referrals can be made by any organisation or individual and should be submitted either online at <http://www.suffolkas.org/referral-form>. or to Customer First on 0808 800 4005.

Referrals outside office hours will be directed to the Suffolk County Council Emergency Duty Service. The EDS can be contacted directly outside office hours on 0808 800 4005.

All referrals will be scrutinised by a social worker from the Multi Agency Safeguarding Hub (MASH) at Suffolk County Council to determine whether it meets the threshold for investigation.

11. WORKFORCE DEVELOPMENT

A tailored training package is to be designed specifically aimed at raising awareness of what constitutes "Safeguarding" as opposed to "Safer Custody."

Once this has been developed, each of the three Suffolk establishments will identify staff to attend a "Training for Trainers" course, following which they will deliver on site training to their respective staff group.

Frequency of training will be determined by the Training committee within each establishment.

12. EQUALITY AND DIVERSITY

The Equality Act of 2010, effective from 6th April 2011, requires the Prison Service to deliver the General Equality Duties

- Eliminate unlawful discrimination, harassment, and victimisation, and any other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

Protected characteristics are defined as Age, Disability, Gender or gender re-assignment, Religion or Belief, Sexual Orientation, or issues to do with Pregnancy or maternity.

In addition to this at HMP&YOI Hollesley Bay we apply the Diversity Fair Test in all aspects of our daily duty.

Fair

Are my actions towards people fair and just? Do my actions obey the law and follow Prison Service Orders and policies.

Attitude

Does my attitude towards people reflect any prejudice or discrimination on my part? An attitude based on false assumptions or prejudice would negatively influence my behaviour.

Impartiality

Am I impartial towards people? If I permit my emotions rather than my intellect to influence my actions I risk making unprofessional decisions.

Respect.

Am I affording people the respect that they deserve? Treating everyone as a unique individual helps to avoid stereotyping and discrimination.

The establishment's Equality and Diversity Action Team (EAT) meets monthly at which time any matters of an Equality nature are discussed in Open Forum with prisoners representatives from all residential areas and nominated representatives for each of the Protected Characteristics referred to above.

Should any matter be identified at these meetings or through any other means, that suggests an Equality issue is such that a Safeguarding concern is voiced, initially this will be discussed with the governing Governor and where appropriate a Safeguarding referrals be made.

All such referrals will be made either online at <http://www.suffolkas.org/referral-form>. or to Customer First on 0808 800 4005.

Referrals outside office hours will be directed to the Suffolk County Council Emergency Duty Service. The EDS can be contacted directly outside office hours on 0808 800 4005.

All referrals will be scrutinised by a social worker from the Multi Agency Safeguarding Hub (MASH) at Suffolk County Council to determine whether it meets the threshold for investigation.

13. RECRUITMENT

All staff and volunteers recruited to work in the establishment, either directly or indirectly employed, will undergo stringent vetting via approved NOMS protocols.

Part of the induction of any staff or volunteers working in the establishment will be to participate in local training that focusses on internal Safer Custody issues as well as Security and conditioning awareness.

Staff will be made aware that the establishment has a duty for the care and protection of adults at risk and has clear, well publicised policies of zero tolerance of abuse and that they are expected to be aware of procedures for reporting abuse.

Disclosure and Barring Service (DBS)

The Safeguarding Vulnerable Groups Act 2006 (SVGA) places a legal duty on employers in the health and social care sector and personnel suppliers to refer any person to the Disclosure and Barring Service who has:

- Harmed or poses a risk of harm to a child or vulnerable adult;
- Satisfied the harm test; or
- Received a caution or conviction for a relevant offence.

14. REPORTING WRONGDOING

Staff responsibilities

All staff working in the Prison Service must report wrongdoing by others in the Service that they either witness or become aware of. Failure to report wrongdoing by others may itself be a disciplinary offence – see the Prison Service Order (PSO) on Conduct and Discipline. Staff must pass on such information or suspicions to their line management, to the designated manager or to the Professional Standards Unit(PSU) either via the **Reporting Wrongdoing hotline – 01527 544777 - or the confidential address – HM Prison Service, PO Box No. 10656, Redditch, B97 6ZU.** Staff are encouraged to disclose their names whenever possible, to ensure that proper verification and evaluation of the information takes place and that it can more easily be acted upon. Anonymous reporters do not discharge their responsibility to report wrongdoing under this PSO.

Reporting Wrongdoing hotline

A reporting wrongdoing hotline has been established within the Professional Standards Unit. This is where staff can report any wrongdoing they witness, become aware of or suspect. The Reporting Wrongdoing hotline incorporates the Fraud Helpline run by the Fraud Investigation Unit of Internal Audit. The number is **01527 544777**. Agreed protocols for the exchange of information (fraud related) have been established between the Head of PSU and the Head of Internal Audit.

Calls to the Reporting Wrongdoing hotline will be answered by staff of the PSU. Outside office hours an answering machine will be in operation.

Staff and others who call the Reporting Wrongdoing hotline and who disclose their names to PSU may ask for wider confidentiality; i.e. that others including the subject of their suspicions should not know that they made the report. In such cases PSU will comply with such a request; however the source must be advised that the confidentiality of any information will be protected so far as reasonably possible; but this may not be possible if it later conflicts with a countervailing public interest, e.g. the prevention or prosecution of serious crime or if disclosure is required by statute or is ordered by a court.

Confidential written reports

Staff or others who wish to report wrongdoing or suspected wrongdoing may write confidentially to line management, to the local designated manager, to the AIO or to the Professional Standards Unit's confidential address – HM Prison Service, PO Box No. 10656, Redditch, B97 6ZU. Reports or letters received by line managers should be copied to the designated manager and/or to PSU.

Protection for those making reports

Staff who report wrongdoing should be supported and must be protected, provided that the report is raised in good faith and that there is a reasonable belief on the part of the member of staff making the report that the information is true. Victimisation and bullying are disciplinary offences. Governing Governors must ensure that line managers of staff who are known to have made reports on colleagues are aware of the need to treat subsequent victimisation seriously. If a member of staff reports that he or she is being victimised for making a report the matter must be investigated and a risk assessment carried out to identify the level of risk to the member of staff. Appropriate action must then be taken to protect the member of staff against further victimisation

DRAFT