# RSC
# SAFEGUARDING
# ADULTS AT RISK
## POLICY

## JULY 2026



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# 1. INTRODUCTION

The RSC welcomes everyone to the world of theatre and Shakespeare. We want everyone to be safe, and able to be their best self

Given this, it is essential that we observe our duty of care towards adults at risk of harm from abuse, neglect or exploitation. This requires us to have a safeguarding policy, procedures and safe working practices.

By necessity, this RSC safeguarding adults policy (and associated Procedures) covers a broad spectrum of issues to do with promoting the welfare of adults who could be at risk of harm from abuse, neglect or exploitation and protecting them from harm. Your Head of Department /RSC contact will be able to explain which sections and related Appendices are essential for you to read, understand and put into practice.

The RSC is committed to Safeguarding Adults at risk of harm from abuse, neglect or exploitation in line with national legislation and relevant national and local guidelines.

The RSC is committed to creating a culture of zero-tolerance of harm from abuse, neglect or exploitation to adults which necessitates: the recognition of adults who may be at risk and the circumstances which may increase risk; knowing how adult abuse, exploitation or neglect manifests itself; and being willing to report safeguarding concerns. This extends to recognising and reporting harm experienced anywhere, including within our activities, within other organised community or voluntary activities, in the community, in the person's own home and in any care setting.

We will safeguard adults by ensuring that our activities are delivered in a way which keeps all adults safe.

# 1.1 Safeguarding Adults Policy Statement

The RSC believes everyone has the right to live free from abuse, neglect or exploitation regardless of age, disability, sex, gender identity, race, religion/belief system, sexual orientation, marital/civil partnership status or pregnancy and maternity status.

The RSC is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution.

The RSC acknowledges that safeguarding is everybody's responsibility and is committed to prevent abuse, neglect or exploitation through safeguarding the welfare of all adults involved.

The RSC recognises that while some adults may have more vulnerability factors that may put them at risk, all adults could be at risk of harm because of abuse, neglect or exploitation at some point in their lives and so the language in this document supports that.

The RSC recognises that health, well-being, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points in people's lives.

The RSC recognises that there is a legal framework within which organisations need to work to safeguard adults who have needs for care and support and for protecting those who are unable to take action to protect themselves and will act in accordance with the relevant safeguarding adult legislation and with local statutory safeguarding procedures.

Actions taken by the RSC will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

The RSC recognises that any policy and procedure is only as effective as the ability and skills of those who operate it. We are therefore committed to:

- Adhering to safer recruitment practices in recruiting colleagues and all those who work on our behalf, either paid or in a volunteer capacity
- ensuring all necessary steps are taken and checks are made in line with our recruitment and vetting procedures as outlined in our recruitment and selection policy. This can be accessed via the RSC intranet
- training and supervising all colleagues (including freelancers, contractors and volunteers) to adopt best practice to safeguard and protect adults at risk against abuse, neglect and exploitation and protect themselves against allegations being made against them
- ensuring colleagues and volunteers are made aware of this Safeguarding Adults Policy at induction
- ensuring all RSC activities are planned and organised with adult welfare and safety as a priority
- storing contact information, images, records and correspondence securely
- ensuring that all our partners, freelancers, volunteers and contractors adhere to best practice in safeguarding adults
- taking all suspicions and/or allegations of harm from abuse, neglect or exploitation seriously, and responding to these swiftly and appropriately through the provision of adult

safeguarding procedures
- sharing information about concerns with those relevant agencies which have a legal duty to act, and involving, where appropriate, parents, guardians, family members etc when there is a need to know
- providing appropriate support to colleagues and volunteers
- signposting to other agencies who can help when we are unable to, and the matter is not one that requires an adult protection referral.

## 1.2 Purpose and Scope

The purpose of this policy is to demonstrate the commitment of the RSC to safeguarding adults at risk of harm from neglect, abuse or exploitation and to ensure that everyone involved in the RSC is aware of:

- the legislation, policy and procedures for safeguarding adults
- their role and responsibility for safeguarding adults
- what to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult at risk of abuse, neglect or exploitation within the organisation.

This safeguarding adults policy and associated procedures apply to all individuals involved in the RSC including Board members, Colleagues, Volunteers, Freelancers, Contractors and to all concerns about the safety of adults whilst working, collaborating or participating with our organisation.

We expect our partner organisations, including for example partner theatres, schools and colleges, community organisations, suppliers and sponsors to adopt and demonstrate their commitment to the principles and practice as set out in this Safeguarding Adults Policy and associated procedures

## 1.3 Commitments

In order to implement this policy the RSC will ensure that:

- Everyone involved with the RSC is aware of the safeguarding adults procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult

- Any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with the RSC Safeguarding Adults Policy and Procedures.

- The well-being of those at risk of harm from abuse, neglect or exploitation will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve. Those views and wishes will be respected and supported unless there are overriding reasons not to (see the Safeguarding Adults Procedures).

- Any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm.

- Confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with our Data Protection Policy.

- The RSC acts in accordance with best practice advice, for example, from the local authority, relevant organisations, and charities such as NSPCC, Ann Craft Trust, Mind.

- The RSC will cooperate with the Police and the relevant Local Authorities in taking action to safeguard an adult at risk of harm from abuse, neglect or exploitation

- All Board members, colleagues, freelancers, contractors and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role.

- The RSC shares information about anyone found to be a risk to adults with the appropriate bodies, for example: Disclosure and Barring Service, Police, Local Authority/Social Services.

- When planning its work, the RSC includes an assessment of the risks to the safety of all adults at risk from abuse, neglect or exploitation and has clear reporting processes for concerns as well as ensuring that those responsible for planning and delivering work understand their Safeguarding responsibilities.

- Actions taken under this policy are reviewed by the Board and Senior Leadership Team on an annual basis.

- This policy, related policies (see below) and the Safeguarding Adults Procedures are reviewed no less than on an annual basis and additionally whenever there are changes in relevant legislation and/or government guidance as required by the Local Safeguarding Boards or as a result of any other significant change or events.

## 1.4 Implementation

The RSC is committed to developing and maintaining its capability to implement this policy and procedures. In order to do so the following will be in place:

- A clear line of accountability within the organisation for the safety and welfare of adults at risk
- Access to relevant legal and professional advice.
- Regular management reports to the Board detailing how risks to adult safeguarding are being addressed and how any reports have been addressed.
- Safeguarding adult procedures that deal effectively with any concerns of abuse, neglect or exploitation, including those caused through poor practice.
- Clear adult safeguarding leadership and governance (See Appendix 1)
- A process for forming a Case Management Group on a case-by-case basis within clear terms of reference
- Arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including appropriate arrangements for sharing information.
- Codes of conduct for Board members, Colleagues, Volunteers, Freelancers, contractors or other relevant individuals that specify zero tolerance of abuse in any form.
- Risk assessments and risk registers that specifically include safeguarding of adults at risk of harm from abuse, neglect or exploitation.
- Policies and procedures that address the following areas and which are consistent with this Safeguarding Adults policy.

  - ✓ Safeguarding Children
  - ✓ Bullying and harassment
  - ✓ Social Media
  - ✓ Taking photos and videos
  - ✓ Equality, diversity, justice and inclusion
  - ✓ Health and Safety Policy
  - ✓ Discipline and grievance
  - ✓ Whistleblowing (Speaking Up)
  - ✓ Respect policy
  - ✓ Safe recruitment and selection (colleagues and volunteers)
  - ✓ Contract compliance
  - ✓ Information policy, data protection and information sharing including confidentiality

## 2. LEGISLATION - Context

There is a **legal duty on Local Authorities** to provide support to 'adults at risk'.

- **Adults at risk** are defined in legislation and the criteria applied differs between each home nation. (See definitions for each home nation on page 12).
- The safeguarding legislation applies **to all forms of abuse** that harm a person's well-being.
- The law provides a framework for good practice in safeguarding that makes the overall **well-being** of the adult at risk a priority of any intervention.
- The law in all four home nations emphasises the importance of **person-centred safeguarding,** (referred to as **'Making Safeguarding Personal'** in England).
- The law provides a framework for making decisions on behalf of adults who can't make decisions for themselves (**Mental Capacity**).
- The law provides a framework for organisations to **share concerns** they have about adults at risk with the local authority.
- The law provides a framework for all organisations to **share information and cooperate** to protect adults at risk.

## 2.1 LEGISLATIVE FRAMEWORK for Safeguarding Adults

Safeguarding Adults in all home nations is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018

The practices and procedures within this policy are based on the relevant legislation and government guidance.

- England - The Care Act 2014
  Care and Support Statutory Guidance (especially chapter 14) 2014
- Wales - Social Services and Well Being Act 2014
  Wales Safeguarding Procedures 2019
- Scotland - Adult Support and Protection Act 2007
  Adult Support and Protection (Scotland) Act 2007 Code of Practice 2014
- Northern Ireland - Adult Safeguarding Prevention and Protection in Partnership 2015

Many other pieces of UK and home nation legislation also affect adult safeguarding.
These include legislation about different forms of abuse and those that govern information sharing.

For example, legislation dealing with:

- Murder/attempted murder
- Physical Assault
- Sexual Offences
- Domestic Abuse/Coercive control
- Forced Marriage
- Female Genital Mutilation
- Theft and Fraud
- Modern slavery and Human exploitation
- Hate crime
- Harassment
- Listing and Barring of those unsuitable to work with adults with care and support needs

Each home nation also has legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- England and Wales - Mental Capacity Act 2005
- Scotland - Adults with Incapacity Act 2000
- Mental Capacity (Northern Ireland) 2016
- There are specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer: e.g. willful neglect and willful mistreatment. (Mental Capacity Act 2005).

## 2.2 LEGISLATIVE DEFINITIONS - An Adult at Risk is

| ***England (Care Act 2014)*** | ***Northern Ireland (Adult Safeguarding Prevention and Protection in Partnership 2015)*** |
|---|---|
| An **adult at risk** is an individual aged 18 years and over who:<br>(a) has needs for care and support (whether or not the local authority is meeting any of those needs) AND;<br>(b) is experiencing, or at risk of, abuse or neglect, AND;<br>(c) 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. | An **adult at risk of harm** is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their a) personal characteristics and/or b) life circumstances.<br>a) **Personal characteristics** may include, but are not limited to age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.<br>b) **Life circumstances** may include, but are not limited to, isolation, socio-economic factors and environmental living conditions.<br><br>An **adult in need of protection** is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:<br>Personal characteristics *AND/OR* Life circumstances *AND;*<br>c) who is unable to protect their own well-being, property, assets, rights or other interests; *AND*<br>d) where the action or inaction of another person or persons is causing, or is likely to cause, him/her to be harmed.<br>In order to meet the definition of an 'adult in need of protection' either (a) or (b) must be present, in addition to both elements (c), and (d) |
| ***Scotland (Adult Support and Protection Act 2007)*** | |
| An **adult at risk** is an individual aged 16 years and over who:<br>a) is unable to safeguard their own well-being, property, rights or other interests,<br>b) is at risk of harm, and<br>c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than adults who are not so affected. | |
| **Wales (Social Services and Well Being Act 2014)** | |
| An **adult at risk** is an individual aged 18 years and over who:<br>a) is experiencing or is at risk of abuse or neglect, AND;<br>b) has needs for care and support (whether or not the authority is meeting any of those needs) AND;<br>c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. | |

## 2.2 CONTINUED…

The Safeguarding Adults legislation creates specific responsibilities on Local Authorities, Health and Safety Executive, and the Police to provide additional protection from abuse and neglect to Adults at Risk.

When a Local Authority has reason to believe there is an adult at risk of harm from abuse, neglect or exploitation, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult. In Scotland and Wales, the Local Authority can gain access to an adult to find out if they are at risk of harm from abuse, neglect or exploitation or example, if that access is being blocked by another person.

The actions that need to be taken might be by the Local Authority (usually social services) and/or by other agencies, for example the Police. An organisation may need to take action as part of safeguarding an adult, for example, to use the disciplinary procedures in relation to a member of staff who has been reported to be harming client. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

## 2.3 What Abuse, Neglect and Exploitation mean:

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all of the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

Safeguarding legislation in each home nation lists categories of abuse differently however, they all include the following types of abuse:

- Physical
- Sexual
- Psychological
- Neglect
- Financial

Abuse can take place in any relationship and there are many contexts in which abuse might take place; e.g. Institutional abuse, Domestic Abuse, Forced Marriage, Human Trafficking, Modern Slavery, Sexual Exploitation, County Lines, Radicalisation, Hate Crime, Mate Crime, Cyber bullying, Scams. Some of these are named specifically within home nation legislations.

Abuse or neglect outside the organisation might for example be carried out by:

- A spouse, partner or family member
- Neighbours or residents
- Friends, acquaintances or strangers
- People who deliberately exploit adults they perceive as vulnerable
- Paid staff, professionals or volunteers providing care and support

Often the perpetrator is known to the adult and may be in a position of trust and/or power.

Exploitation can take many forms - physical, sexual, financial etc including grooming. Exploitation is a part of abuse and neglect rather than a different category as such and is often part of the abuse cycle

**The Safeguarding Adults Legislation in each Home Country defines categories of harm to adult from abuse, neglect or exploitation as follows.**

| *England (Care Ac England (Care Act 2014)t 2014)* | *Northern Ireland (Adult Safeguarding Prevention and Protection in Partnership 2015)* |
|---|---|
| Physical<br>Sexual<br>Emotional/Psychological/Mental<br>Neglect and acts of Omission<br>Financial or material abuse<br>Discriminatory<br>Organisational / Institutional<br>Self-neglect<br>Domestic Abuse (including coercive control)<br>Modern slavery | Physical<br>Sexual violence<br>Psychological / emotional<br>Financial<br>Institutional<br>Neglect<br>Exploitation<br>Domestic violence<br>Human trafficking<br>Hate crime |
| ***Scotland (Adult Support and Protection Act 2007)*** | ***Wales (Social Services and Well Being Act 2014)*** |
| Physical<br>Psychological<br>Financial<br>Sexual<br>Neglect | Physical<br>Sexual<br>Psychological<br>Neglect<br>Financial |

## 2.4 Signs and Indicators of Abuse, Neglect or Exploitation

An adult may confide to a member of staff, volunteer or another participant that they are experiencing abuse inside or outside of the organisation's setting. Similarly, others may suspect that this is the case.

There are many signs and indicators that may suggest someone is being abused or neglected. There may be other explanations, but they should not be ignored. The signs and symptoms include but are not limited to:

- Unexplained bruises or injuries
- Person has belongings or money going missing
- Person is not attending the services or has become withdrawn when they do.
- Someone losing or gaining weight / an unkempt appearance.
- A change in the behaviour or confidence of a person. For example, a person may be looking quiet and withdrawn when their brother comes to collect them from services in contrast to their personal assistant whom they greet with a smile.
- Self-harm.
- A fear of a particular group of people or individual.
- A parent/carer always speaks for the person and doesn't allow them to make their own choices
- They may tell you / another person they are being abused – i.e. a disclosure

## 2.5 Wellbeing Principle (Care Act 2014)

The concept of 'wellbeing' is threaded throughout UK legislation and is part of the law about how health and social care is provided. It is a key element of the RSCs approach to Occupational Safety and Health. Wellbeing at the RSC is defined as '*A state of good physical and mental health in which we can deal with the everyday pressures of life, and we can be resilient to the inevitable changes that occur. Our wellbeing also rests on our ability to realise our own potential, to be motivated, to work productively and to contribute towards the communities in which we live and work.*'

Being able to live free from harm from abuse, neglect and exploitation is a key element of wellbeing. The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For example, removing an adult at risk of harm from abuse, neglect or exploitation from their own home when there were other ways of preventing harm. In the words of Justice Mumby '*What good is it making someone safe when we merely make them miserable?'* What Price Dignity? (2010) *What Price Dignity? Keynote address by Lord Justice Mumby to the LGA Community Care Conference Protecting Liberties (14 July 2010)*

For that reason any actions taken to safeguard an adult must take their whole wellbeing into account and be proportionate to the risk of harm.

## 2.6 Making Safeguarding Personal (Care Act 2014)

The legislation also recognises that adults make choices that may mean that one part of our wellbeing suffers at the expense of another – for example, we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand what matters to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding'/'Making Safeguarding Personal' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, well-being and safety.

Organisations work to support adults to achieve the outcomes they want for themselves.

The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).

## *Table 1 The Principles of Adult Safeguarding in each home nation*

### *England (Care Act 2014)*

**The Act's principles are:**

- **Empowerment** - People being supported and encouraged to make their own decisions and informed consent.
- **Prevention** – It is better to take action before harm occurs.
- **Proportionality** – The least intrusive response appropriate to the risk presented.
- **Protection** – Support and representation for those in greatest need.
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **Accountability** – Accountability and transparency in delivering safeguarding.

### *Scotland (Adult Support and Protection Act 2007)*

**The Act's principles are:**

The overarching principle underlying Part 1 of the Act is that any intervention in an individual's affairs should provide benefit to the individual and should be the least restrictive option of those that are available which will meet the purpose of the intervention.

This is supported by a set of guiding principles which, together with the overarching principle, must be taken account of when performing functions under Part 1 of the Act. These are:

- The wishes and feelings of the adult at risk (past and present);
- The views of other significant individuals, such as the adult's nearest relative; their primary carer, guardian, or attorney; or any other person with an interest in the adult's well-being or property;
- The importance of the adult taking an active part in the performance of the function under the Act;
- Providing the adult with the relevant information and support to enable them to participate as fully as possible;
- The importance of ensuring that the adult is not treated less favourably than another adult in a comparable situation; and
- The adult's abilities, background and characteristics (including their age, sex, sexual orientation, gender, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

## *Northern Ireland (Adult Safeguarding Prevention and Protection in Partnership 2015)*

**The Act's principles are:**

- **A Rights-Based Approach –** To promote and respect an adult's right to be safe and secure; to freedom from harm and coercion; to equality of treatment; to the protection of the law; to privacy; to confidentiality; and freedom from discrimination.
- **An Empowering Approach –** To empower adults to make informed choices about their lives, to maximise their opportunities to participate in wider society, to keep themselves safe and free from harm and enabled to manage their own decisions in respect of exposure to risk.
- **A Person-Centred Approach –** To promote and facilitate full participation of adults in all decisions affecting their lives taking full account of their views, wishes and feelings and, where appropriate, the views of others who have an interest  safety and well-being.
- **A Consent-Driven Approach** – To make a presumption that the adult has the ability to give or withhold consent; to make informed choices; to help inform choice through the provision of information, and the identification of options and alternatives; to have particular regard to the needs of individuals who require support with communication, advocacy or who lack the capacity to consent; and intervening in the life of an adult against his or her wishes only in particular circumstances, for very specific purposes and always in accordance with the law.
- **A Collaborative Approach** – To acknowledge that adult safeguarding will be most effective when it has the full support of the wider public and of safeguarding partners across the statutory, voluntary, community, independent and faith sectors working together and is delivered in a way where roles, responsibilities and lines of accountability are clearly defined and understood. Working in partnership and a person-centred approach will work hand-in-hand.

## *Wales (Social Services and Well Being Act 2014)*

**The Act's principles are:**

- **Responsibility -** Safeguarding is everyone's responsibility.
- **Wellbeing -** Any actions taken must safeguard the person's well-being.
- **Person-centred approach** - Understand what outcomes the adult wishes to achieve and what matters to them.
- **Voice and control -** Expect people to know what is best for them and support them to be involved in decision making about their lives.
- **Language -** Make an active offer of use of the Welsh language and use professional interpreters where other languages are needed.
- **Prevention** - It is better to take action before harm occurs.

## 2.7 Mental Capacity and Decision Making (Mental Capacity Act 2005)

We make many decisions every day, often without realising. UK law assumes that all people over the age of 16 have the ability to make their own decisions, unless it has been proved that they can't. It also gives us the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider them to be unwise.

We make so many decisions that it is easy to take this ability for granted. The Law says that to make a decision we need to:

→ Understand information
→ Remember it for long enough
→ Think about the information
→ Communicate our decision

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Most adults have the ability to make their own decisions given the right support however, some adults with care and support needs have the experience of other people making decisions about them and for them.

Some people can only make simple decisions like which colour T-shirt to wear or can only make decisions if a lot of time is spent supporting them to understand the options. If someone has a disability that means they need support to understand or make a decision this must be provided. A small number of people cannot make any decisions. Being unable to make a decision is called "lacking mental capacity".

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves.

For example:

- A person with epilepsy may not be able to make a decision following a seizure.
- Someone who is anxious may not be able to make a decision at that point.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

Mental Capacity is important for safeguarding for several reasons.

Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity; but their parent, who is their carer, won't allow them to and will not provide the support they would need. Conversely the adult may not seem to be benefiting from an activity other people are insisting they do.

Another situation is where an adult is being abused and they are scared of the consequences of going against the views of the person abusing them. It is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'.

Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened. However, in some situations the adult may not have the mental capacity to understand the choice or to tell you their views.

Each home nation has legislation that describes when and how we can make decisions for people who are unable to make decisions for themselves. The principles are the same.

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If the decision can wait, wait – e.g. to get help to help the person make their decision or until they can make it themselves.
- If we have to make a decision for someone else then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes.
- If the action we are taking to keep people safe will restrict them then we must think of the way to do that which restricts to their freedom and rights as little as possible.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected you will need to refer the situation to the Local Authority, and this should result in health or social care professionals making an assessment of mental capacity and/or getting the person the support they need to make decisions.

There may be times when an organisation needs to make decisions on behalf of an individual in an emergency. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them.
- Stopping them being in contact with the person causing harm.

## 2.8 Recording and Information Sharing

The RSC will comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information, with the right people, is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a 'need to know'.

This does **NOT** automatically include the persons parent, guardian, spouse, partner, child, unpaid or paid carer etc. Information should only be shared with family and friends and/or carers with the consent of the adult; or if the adult does not have capacity to make that decision, and family/ friends/ carers need to know in order to help keep the person safe.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data Protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation
- Case management meetings can take place to agree to co-ordinate actions by the organisation

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are over-riding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk
- you believe they or someone else is at risk, including children
- you believe the adult is being coerced or is under duress
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed
- the adult does not have mental capacity to consent to information being shared about them
- the person causing harm has care and support needs
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the Local Authority)

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information seek advice e.g. seek legal advice via RSC legal counsel and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with the reasons to share or not share information.

Further information about Data Protection, confidentiality and information sharing can be found in our Data Protection Policy on the RSC intranet

## 3 Multi-Agency Working

Safeguarding adults' legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations that the RSC may need to cooperate with to:

- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals e.g. Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.
- Provide a safe environment for the adult to continue their activity/ their role in the RS

## 4. Ensuring that appropriate safeguards are in place when working with other organisations or working at non-RSC premises

This section provides advice for safeguarding arrangements where there is partnership working and/or when working in or delivering activities/events at non-RSC premises.

The RSC engages with a range of different organisations such as schools, colleges, community groups, other voluntary organisations, private companies, contractors supplying services as well as hiring venues

There are several different arrangements in place:

- joint working (where there is a voluntary agreement between two or more organisations to work together for a period)
- performance – where the RSC is hiring a theatre or other premises for the purpose of delivering a performance
- events or activities which might be delivered in non-RSC premises or in public spaces

## Safeguarding and working in partnership with other organisations

When working with other organisations the RSC needs to be assured that the partner organisation appreciates the importance of safeguarding and has the appropriate measures in place to do this. The minimum requirements of such other organisations are that they have:

- Safeguarding policies and procedures for children and adults
- Safer recruitment and vetting processes for those positions that involve regulated activity with adults at risk

Therefore, the appropriate responsible manager must seek reassurance that these are in place at the contracting phase of the relationship by examining the policies for listed above to assess their suitability and robustness.

In the event these are insufficient or are not in place, the RSC will discuss concerns and agree which sections of the RSC safeguarding adults at risk policy will apply. Advice should be sought from the Designated Senior Safeguarding Officer if adequate vetting procedures are not in place.

In the event of the partner organisation having none in place the RSC will seek agreement to apply its policy and practices after discussion with the senior designated safeguarding officer.

The responsible manager must share this policy and procedure with the other organisation. Agreement must be reached at the contractual stage on whose procedures will be followed and how the other partner organisation(s) will be informed when a safeguarding concern or allegation arises

Whenever the RSC is considering working with another organisation or in non-RSC premises, whether for a long-term relationship or for a one-off event, the responsible manager must ensure that the issue of safeguarding adults (and children) is addressed as an essential part of the planning and contracting process.

# Appendix 1 - Role Descriptions for Designated Senior Safeguarding Officer, Designated Safeguarding Officers and Safeguarding Committee

The RSCs Senior Safeguarding Designated Officer, Designated Safeguarding Officers and Safeguarding Committee have primary responsibility for putting into place procedures to safeguard adults at risk of harm from abuse, neglect or exploitation, contacting outside agencies where appropriate and for managing concerns about adults at risk.

Duties and responsibilities include:

- Working with others within the organisation to create a positive inclusive environment.
- Playing a leading role in developing and establishing the organisation's approach to safeguarding adults and in maintaining and reviewing the organisation's implementation plan for safeguarding adults in line with current legislation and best practice.
- Coordinating the dissemination of the Safeguarding Adults at Risk policy, procedures and resources throughout the organisation.
- Contributing to ensuring other policies and procedures are consistent with the organisation's commitment to safeguarding adults.
- Advising on the organisation's training needs and the development of its training strategy.
- Receiving reports of and managing cases of poor practice and abuse reported to the organisation – including an appropriate recording system.
- Managing liaison with, and referrals to, external agencies for example adult social-care services and the police.
- Being a central point of contact for internal and external individuals and agencies concerned about the safety of adults within the organisation.
- Representing the organisation at external meetings related to safeguarding.

## Appendix 2 - Case Management Groups

Case Management Groups form at the time of a potential Adult Safeguarding risk and comprise of a select number of individuals with identified and relevant skills, knowledge experience and/or status within the organisation and include at least one member with safeguarding adult expertise.

On receipt of concerns from the DSO or other colleagues, the Designated Senior Safeguarding Officer (or relevant DSO if the DSSO is unavailable) will decide if a Case Management Group is required.

The Safeguarding Committee should receive regular reports from the Case Management Group summarising the cases that have been addressed and their outcomes, as well as any issues that require action by the RSC e.g., changes to policy or procedures.

Case Management Groups should have clear terms of reference. A Case Management Group can be brought together as the need arises.

## Case Management Group role includes:

- to ratify any actions already taken by Designated Senior Safeguarding Officer or Designated Safeguarding Officers
- to initially assess and agree immediate response to a safeguarding case (does there appear to be a case to answer?)
- to identify the appropriate 'route' for the case (e.g. internal/ disciplinary action alone or referral to statutory agencies plus internal/ disciplinary action).
- to decide the level (from local to national) at which the organisation will deal with the concern.
- to consider the need for temporary/ interim suspension order if cases relate to concerns about staff employed by the RSC
- to review progress of case(s).
- to identify/ communicate learning from cases.

## Case Management Groups' membership should include:

- A designated Chair (this will generally be either the Designated Senior Safeguarding Officer or Designated Safeguarding Officer – Workforce)
- A note taker (one of the designated Safeguarding officers)
- Managers from relevant parts of the organisation where appropriate e.g. Human Resources, Occupational Safety and Health, Occupational Physician, Occupational Adviser, senior managers from the relevant department.
- Where applicable, co-opted independent safeguarding expertise (e.g. from another organisation or relevant profession such as the Police or Social services).

## Appendix 3- Duty of care

A duty of care is a legal and professional obligation to safeguard others while they are in your care, using your services or are exposed to your activities. This means always acting in their best interests, not acting – or failing to act – in a way that causes harm and acting within your abilities without taking on anything that lies outside of your competence.

Your duty of care extends to those you support, yourself, your colleagues and anybody else who is present in your work setting.

A duty of care applies in any setting – for example, a business operating in an office block would still have a duty of care towards employees and visitors. Many settings care for those who are 'vulnerable', such as children or adults with support needs and duty of care is particularly important in those settings.

Safeguarding and your duty of care go hand in hand. You have a duty to safeguard individuals, promote their wellbeing and ensure that people are kept safe from abuse, harm or injury. You also have a duty to act if you believe that others are not upholding their duty of care – for example, reporting it if somebody you work with is mistreating adults, or whistleblowing if you are concerned about organisational wrongdoing.

Finally, your duty not to work beyond your competencies also closely links to safeguarding. For example, if an individual confides in you that they are being abused by a family member, you have a duty to escalate this and respond to it in accordance with your workplace policies and procedures. However, it would not be your duty to take the matter into your own hands as this lies outside your competencies.

Working in accordance with your duty of care and safeguarding adults will benefit those you care for by helping you to deliver high quality care, reduce workplace incidents and make it a safer environment, and empower people to raise any concerns they have.

Your duty of care should be ingrained in all of your work and must be factored into everything you do. For example, if you are helping an individual to make a decision, you must bear in mind that your duty of care specifies that you need to support independence and their right to make their own choices as much as possible.

Some ways that demonstrate duty of care include:

- Communicating well and in a way that meets individual needs. Individuals may have certain communication needs, and meeting these is essential if you are to comply with your duty of care.

- Addressing any concerns, such as those of abuse, neglect or exploitation. Following your workplace's policies and agreed ways of working when responding to these concerns is a crucial part of your duty. You must also address any comments or complaints, and respond appropriately to conflicts, as part of your duty of care.
- Ensuring that an individual's privacy and dignity is maintained .
- Conducting risk assessments to make sure that the individual is not in any danger and to prevent them from harm.
- Keeping training up-to-date so that staff understand their responsibilities and are well-placed to notice any safeguarding concerns and act accordingly.

Your duty of care requires you to promote the safety and wellbeing of individuals and prevent them from coming to harm. However, you must also uphold their right to make their own choices, even if you believe it's an unwise choice. Individuals have a right to live as independently as possible and make their own decisions. If they are legally capable (i.e. they have the mental capacity), this must be supported and not taken away from them.

It's likely that you will care for individuals who make decisions that you don't necessarily agree with, but you still have to support their decisions. This is where dilemmas may occur. In a lot of situations, the individual's right to make their own choices (even if they are poor ones) overrides your duty of care.

If you are in a situation where you are faced with a dilemma between your duty of care and an individual's right to make choices, it's important that you tread carefully. Ensure that the individual is informed about their choices and explain what would happen if they make that choice. Look at ways the risk can be reduced, such as by completing a risk assessment, and support them in making the decision and promoting their independence.

The only exception to this is if you believe that abuse is taking place, you have concerns about the individual's ability to understand the implications of their decision, or if serious harm would occur to the individual – or others – if the decision was made.

*You have a duty to promote individual wellbeing and act in their best interests, protect them from harm, and always act within your competencies. You may sometimes encounter dilemmas in your duty of care, but it's important you support individuals to make their own decisions, even if you believe the decision is unwise.*

# Appendix 4 – Sources of Information and Support

**Action on Elder Abuse**
A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research and collecting and disseminating information.
Tel: 020 8765 7000
Email: enquiries@elderabuse.org.uk
www.elderabuse.org.uk

**Ann Craft Trust (ACT)**
A national organisation providing information and advice about adult safeguarding to support the sector.
Tel: 0115 951 5400
Email: Ann-Craft-Trust@nottingham.ac.uk
www.anncrafttrust.org

**Men's Advice Line**
For male domestic abuse survivors
Tel: 0808 801 0327

**National LGBT+ Domestic Abuse Helpline**
Tel: 0800 999 5428

**National 24Hour Freephone Domestic Abuse Helplines**

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| Tel: 0808 2000 247<br>www.nationaldahelpline.org.uk/Contact-us | Tel: 0808 802 1414<br>www.dsahelpline.org<br>Twitter: www.twitter.com/dsahelpline<br>Facebook: www.facebook.com/dsahelpline |
| Tel: 0800 027 1234<br>Email: helpline@sdafmh.org.uk<br>Web chat: sdafmh.org.uk | Llinell Gymorth Byw HebOfn/ Live free from fear helpline<br>Tel: 0808 8010 800<br>Type Talk: 18001 0808 801 0800<br>Text: 078600 77 333 |

**Rape Crisis Federation of England and Wales**
Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.
Email: info@rapecrisis.co.uk
www.rapecrisis.co.uk

**Respond**
Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.
Tel: 020 7383 0700 or
0808 808 0700 (Helpline)
Email: services@respond.org.uk
www.respond.org.uk

**Stop Hate Crime**
Works to challenge all forms of Hate Crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.
24 hours service:
Telephone: 0800 138 1625
Web Chat: www.stophateuk.org/talk-to-us/
E mail: talk@stophateuk.org
Text: 07717 989 025
Text relay: 18001 0800 138 1625
By post: PO Box 851, Leeds LS1 9QS

**Susy Lamplugh Trust**
The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms – physical, verbal and psychological.
Tel: 020 83921839
Fax:Email: info@suzylamplugh.org
www.suzylamplugh.org

**Victim Support**
Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.
Tel: 0808 168 9111
www.victimsupport.com

**Women's Aid Federation of England and Wales**
Women's Aid is a national domestic violence charity. It also runs a domestic violence online help service.
www.womensaid.org.uk/information-support