



# **Zephyr's Safeguarding Children and Adults Policy**

## **July 2024**

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Zephyr's provides support services to bereaved families and people touched by the loss of a pregnancy or child.

The safety and well-being of all our stakeholders is at the heart of everything we do. Safeguarding is everyone's responsibility.

### **1. Purpose**

**Safeguarding and promoting the welfare of children and adults at risk of harm or neglect.**

This policy defines how Zephyr's operates to safeguard children, young people and adults at risk of harm or neglect.

#### **We believe that:**

- Every local child, young person and adult who is grieving the loss of a family member, deserves respect and support, within safe and accessible services.
- We have a duty of care and are committed to the protection and safety of everyone who comes into contact with Zephyr's including; children, young people and adults at risk involved as visitors and as participants in all of our activities both on and off site. We also have a duty to safeguard and support our staff, volunteers and trustees
- Children, young people and adults should never experience abuse of any kind.

#### **Definitions**

**Children and young people** are defined as those persons aged under 18 years old. This policy will apply to all staff, contractors, trustees and volunteers and will be used to support their work.

"Safeguarding and promoting the welfare of children" is defined in Working Together 2023 as:

- protecting children from maltreatment
- preventing impairment of children's health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

#### **Adult at risk of abuse or neglect**

For the purposes of this policy, adult at risk refers to someone over 18 years old who, according to paragraph 42.1 of the Care Act 2014:

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

- as a result of their care and support needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- If someone has care and support needs but is not currently receiving care or support from a health or care service they may still be an adult at risk

**We recognise that:**

- The welfare of children and adults is paramount in all the work we do and in all the decisions we take.
- All children and adults regardless of age, disability, gender reassignment, race, religion or belief, sex, or sexual orientation have an equal right to protection from all types of harm or abuse.
- Some children and adults are additionally vulnerable because of the impact of previous experiences, their level of dependency, communication needs or other issues, extra safeguards may be needed to keep children and adults who are additionally vulnerable safe from abuse.
- Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare
- Bereaved adults may be more likely to experience poor mental health, for example due to depression, anxiety or post-traumatic stress disorder (PTSD). Being bereaved in itself can lead to areas of vulnerability due to grief, sorrow, trauma and feelings of isolation. Some people who access Zephyr's support may also self-medicate with and/or have or acquire dependencies on drugs, alcohol, food or behaviours such as gambling. People with learning disabilities or physical or sensory health conditions or disabilities who become parents are as likely to be bereaved as other parents. People who access Zephyr's support may also have such disabilities or impairments. We offer support to people touched by the loss of a pregnancy or child at any time in their lives. Therefore we may also support people who are frail due to older age.
- The employed or voluntary members of the Zephyr's team may themselves fall into one, more or all of the above categories at different times.
- Many of the bereaved adults that we support may have living children in their families, or may go on to parent other children after loss. Bereavement in children and young people may lead to vulnerability due to grief, sorrow, trauma and feelings of isolation. Through direct support of children and young people, or through our work with their parents/carers, we may become aware of situations in which bereaved children or young people need further support or intervention.

**2. Persons affected**

- All staff, paid and unpaid, this includes Trustees and all volunteers and students
- All service users
- All visitors and contractors

**3. Safeguarding policy**

Zephyr's has a zero tolerance approach to abuse. Zephyr's charity recognises that under the Care Act 2014 it has a duty for the care and protection of adults who are at risk of abuse. It also recognises its responsibilities for the safety and care of children under the Children Act 1989 and 2004 and the Domestic Abuse Act 2021.

It is committed to promoting wellbeing, harm prevention and to responding effectively if concerns are raised. Adults will be included in swift and personalised safeguarding responses.

It is also committed to inter agency collaboration on the development and implementation of procedures for the protection of adults vulnerable from abuse, it has a duty and responsibility for making arrangements to ensure all its functions are discharged having regard to safeguarding and promoting the adults at risk of abuse. The policy is about stopping abuse where it is happening and preventing abuse where there is a risk that it may occur.

There can be no excuses for not taking all reasonable action to protect adults at risk of abuse, exploitation, radicalisation and mistreatment. All citizens of the United Kingdom have their rights enshrined within the Human Rights Act 1998. People who are eligible to receive health and community care services may be additionally vulnerable to the violation of these rights by reason of disability, impairment, age or illness.

The organisation is committed to following the six key Adult principles of safeguarding adults, Making Safeguarding Personal and Capacity, Consent and Decision Making. (Appendix 1 for details)

**Zephyr's is committed to the following principles:**

- The welfare of the child, young person or adult at risk is paramount;
- All children, young people and adults at risk have the right to protection from abuse
- safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part; and
- All suspicions and allegations of abuse must be properly reported to the relevant internal and external authorities and dealt with swiftly and appropriately
- Arrangements which set out clearly the processes for sharing information procedures with other professionals and with the Nottinghamshire Safeguarding Partnership.
  
- Appointing a nominated Designated Safeguarding Officer, a deputy and an Officer trustee/board member for safeguarding.
  
- Adopting child protection and safeguarding best practice through our policies, procedures and code of conduct for staff and volunteers.
  
- Providing effective management for staff and volunteers through supervision, support, training and quality assurance measures so that all staff and volunteers know about and follow our policies, procedures and behaviour codes confidently and competently.
  
- Having safer recruitment practices in place including policies on when to obtain a DBS check and ensuring all necessary checks are made.
  
- Providing staff and volunteers with a mandatory induction, which includes familiarisation with safeguarding responsibilities and procedures to be followed if anyone has any concerns
  
- Recording and storing and using information professionally and securely, in line with data protection legislation and guidance.
  
- Making sure that children, young people and their families know where to go for help if they have a concern.
  
- Using our safeguarding and child protection procedures to share concerns and relevant information with agencies who need to know, and involving children, young people, parents, families and carers appropriately.
  
- Using our procedures to manage any allegations against staff and volunteers appropriately.
  
- Creating and maintaining an anti-bullying environment and ensuring that we have a policy and procedure to help us deal effectively with any bullying that does arise.
  
- Ensuring that we have effective complaints and whistleblowing measures in place.
  
- Ensuring that we provide a safe physical environment for all, by applying health and safety measures in accordance with the law and regulatory guidance.

- Building a safeguarding culture where staff and volunteers, children, young people and adults, treat each other with respect and are comfortable about sharing concerns.

**Zephyr’s will ensure that staff, volunteers and trustees understand;**

- Core legal safeguarding requirements and their responsibility to keep children and adults at risk safe.
- That all staff, volunteers and trustees who come into contact with children and adults at risk are alert to their needs and any risks of harm that individual abusers, or potential abusers, may pose to children and adults at risk;
- The requirement to share appropriate information in a timely way and can discuss any concerns about an individual child with colleagues and local authority children’s and adults social care
- The issues of capacity, consent and decision making in relation to safeguarding adults. (see appendix 1)

**4. Legal Framework**

This policy has been drawn up on the basis of legislation, policy and guidance that seeks to protect children and adults in England.

[NSPCC - Child Protection](#)

[Safeguarding and protecting people for charities and trustees \(Gov.UK\)](#)

[Safeguarding for charities and Trustees \(Gov.UK\)](#)

[The Care Act 2014 and the Care and Support statutory guidance](#)

[Under the Human Rights Act 1998, everyone has the right to live free from abuse and neglect.](#)

**5. REVISION HISTORY**

This policy and related guidance will be monitored by the Board of Trustees on a regular basis for compliance and will be reviewed at least annually.

Date approved or amended	Approved / Amendments	Signed
July 2024	<ul style="list-style-type: none"> <li>• Approved</li> </ul>	

## **Appendix 1**

We aim to protect adults (18 years +), in particular our staff, team, volunteers, trustees and members of the public to whom we provide support, including vulnerable adults who, for reasons that can include mental or physical ability or health, are less able to protect themselves against harm, abuse, neglect or exploitation.

### **Six key principles that underpin safeguarding adults work**

- **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

### **Making Safeguarding Personal**

Making Safeguarding Personal is a shift in culture and practice in response to what we now know about what makes safeguarding more or less effective from the perspective of the person being safeguarded. It is about seeing people as experts in their own lives and working alongside them in a way that is consistent with their rights and capacity and that prevents abuse occurring wherever possible.

Safeguarding should be person-led and outcome focused, engaging the adult at risk in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. In most cases this can only happen by making sure people get the care and support that they need. It is also important that the people who care for them also get this support and recognition. Most importantly it is about listening and providing the options that permit individuals to help themselves.

It is also important that all safeguarding partners take a broad community approach to establishing safeguarding arrangements. It is vital that all organisations recognise that Safeguarding Adults arrangements are there to protect individuals, bearing in mind different preferences, histories, circumstances and lifestyles.

Whilst every effort must be made to work with adults experiencing abuse within the present legal framework there will be some occasions on which adults at risk will choose to remain in dangerous situations. It may be that even after careful scrutiny of the legal framework, staff/volunteers/trustees will conclude that they have no power to gain access to a particular adult at risk. Staff/volunteers/trustees may find that they have no power to remove the adult from a situation of risk, investigate the adult's financial affairs, or intervene positively because the adult refuses all help or wants to terminate contact with the professionals.

It may not always be possible to provide satisfactory solutions. At the age of 18, people are legally entitled to adult status regardless of any disability or impairment they may have. It is, therefore, essential that wherever possible it is the adult at risk who will decide on the chosen course of action, taking into account the impact of the adult at risk's mental capacity where relevant. However, the people and organisations caring for, or assisting them, must do everything they can to identify and prevent abuse happening wherever possible and evidence their efforts.

In these extremely difficult circumstances, staff/volunteers/trustees will be expected to continue to exercise as much vigilance as possible.

The Zephyr's Safeguarding Team will give full support to staff/volunteers/trustees over problems when handling cases of adults remaining in high-risk situations, provided that:

- It is evident from case records that Safeguarding Adults procedures have been properly followed;
- Every effort has been made, on a multi-agency basis, to intervene positively to protect the adult at risk;
- Legal advice has been obtained and acted upon

- And ultimately that the adult at risk has been fully consulted and involved as far as practicable in every decision relating to their situation

### **Capacity, Consent and Decision Making**

The consideration of capacity is crucial at all stages of Safeguarding Adults procedures. For example, determining the ability of an adult at risk to make lifestyle choices, such as choosing to remain in a situation where they risk abuse; determining whether a particular act or transaction is abusive or consensual; or determining how much an adult at risk can be involved in making decisions in a given situation.

The key development affecting this area of work is the implementation of the Mental Capacity Act 2005, which provides a statutory framework to empower and protect adults at risk who may not be able to make their own decisions. It makes it clear who can take decisions in which situations and how they should go about this. It enables people to plan ahead for a time when they may lose capacity. It applies to anyone aged 16 years and over therefore appropriate liaison needs to occur for young people aged 16 to 18 years with Children's Services where relevant as part of Safeguarding Adults work.

The whole Act is underpinned by a set of five key principles:

- **A presumption of capacity** - every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise;
- **The right for individuals to be supported to make their own decisions** - people must be given all appropriate help before anyone concludes that they cannot make their own decisions;
- That individuals must retain the right to make what might be seen as eccentric or **unwise decisions**;
- **Best interests** - anything done for or on behalf of people without capacity must be in their best interests; and
- **Least restrictive intervention** - anything done for or on behalf of people without capacity should be the least restrictive of their basic rights and freedoms.

**For full guidance refer to the Nottinghamshire Safeguarding Partnership guidance on their website.**