

FOI 2632

23 September 2024

## FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

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**Question: Under Freedom of Information legislation please supply a copy or link to the Trust’s policy on expectations of safeguarding compliance measures of external providers contacted to or accommodating funded placements of children and vulnerable adults, including those aged 16-18 in supported living facilities.**

**Response:**

It is the expectation of Southern HSC Trust that all external providers holding a contract or service level agreement with the Trust adhere to the Regional Adult Safeguarding policy and procedures “*Safeguarding Adults: Prevention and Protection in Partnership*” (2015) and Procedural Guidance “*Adult Safeguarding Procedures*” (2016) and any subsequent amendments or updates.

In addition, the Regional Nursing Homes Contract stipulates a number of expectations on nursing and residential care homes an excerpt is provided below;

### **2. PROVIDER MUST BE REGISTERED**

*2.1 The Provider shall be registered with the Regulation and Quality Improvement Authority (RQIA) throughout the period of this Contract. (Clause 2)*

### **3. PROVIDER COMPLIANCE**

*(A) Nursing Home Providers shall comply with:*

- *The Nursing Homes Regulations (Northern Ireland) 2005 (available at <https://www.legislation.gov.uk/nisr/2005/160/contents/made>), and*
- *Care Standards for Nursing Homes 2015 issued by DHSSPS (available at [https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Standards/nursing\\_homes\\_standards - april 2015.pdf](https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Standards/nursing_homes_standards_-_april_2015.pdf))*
- *Any subsequent and/or relevant legislation or DHSSPS guidance.*

*(B) Residential Home Providers shall comply with:*

- *The Residential Providers Regulations (Northern Ireland) 2005, (available at <https://www.legislation.gov.uk/nisr/2005/161/contents/made>) and*
- *Residential Care Home Minimum Standards 2011 issued by DHSSPS, (available at*

[https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Standards/care\\_standards - residential care homes August 2011.pdf](https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Standards/care_standards - residential care homes August 2011.pdf)) and

- Any subsequent and/or relevant legislation or DHSSPS guidance.

(C) All Providers must comply with:

- *The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (NI) 1997 (RIDDOR)*
- *DHSSPSNI health clearance requirements, including but not limited to Circular HSS (MD)14/2013 Guidance on health clearance for TB, Hep B, Hep C, HIV for new healthcare workers with direct clinical contact with patients.*
- Any subsequent and/or relevant legislation or DHSSPS guidance.

#### **4. COMPLIANCE WITH REGULATORY BODIES**

4.1 *The Provider will comply with the Northern Ireland Social Care Council's Code of Conduct for Employers 2002.*

4.2 *The Provider will ensure that Staff working as nurses are registered with the Nursing and Midwifery Council and that the registration is valid.*

#### **8. ADULT PROTECTION/SAFEGUARDING**

8.1 *The Provider will ensure that it has adult protection/safeguarding procedures in place which incorporate guidance for the management of adult protection and safeguarding matters as referenced in the Regional Adult Protection Policy and Procedures Guidance, Sept 2006, DHSSPS "Safeguarding Vulnerable Adults" or any subsequent amendments or updates or replacement regional adult protection/safeguarding policies & procedures.*

8.2 *The Provider will ensure that Staff are informed of and abide by the "Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults" published by DHSSPS July 2009 or any subsequent amendments or updates or replacement protocol.*

8.3 *The Provider will provide appropriate adult safeguarding training for all Staff, relative to their role in the Home. The training should be consistent with the requirements as set out in the relevant Law and Guidance and will include information specific to the Provider's own procedures and will detail requirements in relation to internal and external reporting requirements. The Provider will be required to demonstrate that all Staff have received appropriate and up to date training in accordance with this clause 8.3.*

8.4 *The Provider will ensure that there are appropriate internal reporting and review arrangements in place to give assurance to the Trust with regard to compliance with the adult protection/ safeguarding procedures.*

8.5 *The Provider must ensure full disclosure of all adult protection/safeguarding allegations to the Trust including any possible allegations made against Staff or volunteers. Reports should initially be made by telephone to the Trust's Adult Protection*



*Team on the telephone number detailed in Appendix 1. Outside of office hour`s telephone contact should be made with the Regional Emergency Social work Service on the telephone number detailed in Appendix 1. The telephone contact with the Trust should be made on the same day the incident / allegation occurred and should be followed up within 48 hours or earlier with a written report. Any future regional adult safeguarding referral template will be implemented by Provider to record incidents/allegations to the Trust.*

*8.6 The Provider is responsible for the safety and wellbeing of Residents placed by the Trust or care managed by the Trust. When concern is raised in relation to a vulnerable adult, the Provider must ensure the protection of the vulnerable adult and/or other vulnerable adults, and children, if applicable.*

*8.7 The Provider must co-operate fully with the Trust in relation to adult protection/safeguarding investigations including facilitating access to relevant documentation for all residents of the Home, sharing of appropriate information, attendance at adult protection meetings as required and ensuring that interim protection plans are in place.*

*8.8 Failure to comply with the requirements in relation to adult protection/safeguarding procedures will be a material breach of this Contract.*

In addition to the above policies and procedures the contractual Terms and Conditions for external Community & Voluntary Providers include the following clause relevant to safeguarding.

## **12. CHILD PROTECTION & SAFEGUARDING ADULTS**

*12.1 The Provider will comply fully with the relevant requirements for the vetting of staff as detailed in the Safeguarding Vulnerable Group (NI) Order 2007 (as may be amended from time to time) and will have policies and procedures in place to ensure compliance with the:*

*12.1.1 Regional Core Child Protection Policies and Procedures launched by the SBNI on 28 November 2017. These are now accessible at the following link <http://www.proceduresonline.com/sbni/> and are operational as of 15 December 2017 (these replace the Area Child Protection Committee Regional Policies and Procedures April 2005); 18*

*12.1.2 Co-operating to Safeguard Children and Young People in Northern Ireland, DoH March 2016; August 2017, Version 2.0;*

*12.1.3 Regional Policy “Safeguarding Adults: Prevention and Protection in Partnership” (2015) and Procedural Guidance “Adult Safeguarding Procedures” (2016) and any subsequent amendments or updates;*

*12.1.4 The Standards and Guidance for Good Practice in Safeguarding Vulnerable Adults as specified in “Safeguarding Vulnerable Adults – A Shared Responsibility” October 2010 and any subsequent amendments or updates;*

*12.1.5 The Protocol for Joint Investigation of Adult Safeguarding Cases 2016.*

*12.2 In addition the Provider agrees to provide appropriate training to all Staff, relative to their role, on its child and adult protection and safeguarding procedures and on the regional guidance referred to above, and to provide on request an annual return detailing the child protection and adult protection training undertaken by Staff and the number of child protection and adult protection referrals made to Social Services.*

*12.3 The Provider must notify the HSC Organisation immediately of any child or adult protection or safeguarding allegations including any allegations made against Staff.*

Furthermore, on an annual basis the Trust issues contracted Social Care Providers an Annual Management Letter, which references the regional safeguarding policy for Northern Ireland, see excerpt below.

### **Regional Safeguarding Policy for Northern Ireland:**

The Trust would like to remind Providers of the following from the Adult Safeguarding procedures:

□ All referrals in relation to an adult in need of protection should be made to the HSC Trust Adult Protection Gateway team on the Regional Referral Form using the following address: [adultsafeguard.team@southerntrust.hscni.net](mailto:adultsafeguard.team@southerntrust.hscni.net). In emergencies please contact 028 3756 4423 immediately and follow up with written referral. All referrals should be discussed with the relevant Trust Keyworker / duty officer **prior** to submission. However, this must not delay reporting. Adult Protection referrals will receive an acknowledgement (APP2) from the Adult Protection Gateway Team advising of the outcome of the initial assessment.

□ The management of adults at risk of harm must be robustly managed and recorded within all care settings. It is strongly recommended that Providers use the Regional APP1 template to record their consideration of adult safeguarding risks. The Adult Safeguarding Champion (ASC) may delegate operational day to day responsibility for safeguarding 'adults at risk of harm' to the operational facility or service managers. These delegated persons must report activity to the ASC and ensure decisions to safeguard 'adults at risk of harm' are recorded appropriately, evidencing the rationale for any alternative safeguarding response. i.e. Reassessment of need; complaints; risk assessment; supervision; etc. The Trust case manager/ duty worker **must** be notified of all safeguarding concerns including adult at risk of harm concerns without undue delay. If the adult at risk of harm concern is recorded on the APP1 template this can then be shared with the Trust for collation on the adult's care record. This ensures a robust collaborative response to monitoring trends, escalation and patterns in low level safeguarding matters throughout the adult's care experience. The outcomes of the actions taken to respond to the adult at risk of harm concerns must be recorded by the delegated appointed person and attached to the APP1 referral template.

□ The ASC on behalf of the organisation is responsible for monitoring trends and patterns in relation to adult at risk of abuse, exploitation and neglect concerns, alternative safeguarding responses and also adult protection referrals to HSC Trusts and PSNI. The annual position report provided to the organisations management board / committee should reflect this detail and also what the organisation has undertaken throughout the year to meet the requirements of the policy and commitment to adult safeguarding prevention, protection and partnership working.



- The Annual Position Report should be available **on request** to regulators, commissioners of care or the Southern Local Adult Safeguarding Partnership (LASP). There is no requirement to submit the report to the Southern Trust routinely at this point.
- The Southern Trust contract review will reference the completion of the Adult Safeguarding Annual Position Report and will provide an opportunity for providers to raise key themes / messages arising within the year. Key themes referenced in the contract review minutes should be forwarded by the contract holder to the Southern Trust Head of Service for Adult Safeguarding for collation. This will inform discussion within the LASP in terms of areas of support and shared learning opportunities that may be provided within the LASP work plan priorities for the incoming year.
- Providers should ensure that appropriate notifications of safeguarding concerns are made to RQIA; PSNI; Case Managers; Adverse Incident reporting; Complaints etc. These should be clearly recorded.
- Throughout the year training and development opportunities arise within the Southern LASP to support organisations to reflect on emerging learning in adult safeguarding. Partners will be made aware of these through the SHSCT Contracts Department.
- If you require advice or support from the Southern LASP or Adult Protection Gateway team please contact 028 3756 4423.

**END**

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