

Norfolk Safeguarding Adults Board

Framework for safeguarding in the criminal justice pathway

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Framework for safeguarding in prisons and approved premises

1. Introduction

1.1. Prisons and criminal justice agencies, like hospitals and care homes, must have their own internal safeguarding arrangements to respond to safeguarding concerns. Her Majesty's Inspectorate of Prisons (HMIP) has detailed these in *Expectations* published in 2017 Version 5 (HMIP 2017). This framework outlines best practice in responding to the safeguarding needs of prisoners with needs of care and support. It is not prescriptive, but it is a tool to help inform and shape the development of safeguarding arrangements in local prisons and criminal justice agencies. It seeks to establish a consistent approach and may also be used by local prisons, other settings and criminal justice agencies as a tool to benchmark their practice against the locally agreed multi-agency safeguarding arrangements.

1.2. The Care Act (2014) has the following reference to safeguarding adults in relation to the prison service:

Local authority statutory adult safeguarding duties apply equally to those adults with care and support needs regardless of whether those needs are being met, regardless of whether the adult lacks mental capacity or not, and regardless of setting, other than prisons and approved premises where prison governors and National Offender Management Service (NOMS) respectively have responsibility. However, senior representatives of those services may sit on the Safeguarding Adults Board and play an important role in the strategic development of adult safeguarding locally. Additionally, they may ask for advice from the local authority when faced with a safeguarding issue that they are finding particularly challenging.

Care Act Guidance (14.6)

1.3. The legal and policy framework underpinning this guidance is detailed in Appendix A.

2. Partnership and Constructive Dialogue

2.1. This framework seeks to engage partner agencies in the criminal justice system in local safeguarding arrangements at the strategic level and operational level. To this end, there is an expectation that criminal justice agencies within the local Safeguarding Adults Board's (SAB) area will be represented on the board. It is desirable that criminal justice agencies engage with Locality Safeguarding Adult Partnerships (LSAPs).

- 2.2. The intention is to encourage constructive dialogue shared learning and where appropriate peer challenge. It is to support agencies not only keep up to date with safeguarding requirements and guidance but also to help ensure safeguarding arrangements across the criminal justice pathway are robust and benefit from constructive dialogue with the local expert body of professionals.

3. Principles underpinning the Framework

- 3.1. Partnership and constructive dialogue between the local SAB and criminal justice partner agencies will help 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. See flowchart Appendix B for information about how this support can be requested.
- 3.2. It is recognised that the prison authorities have the responsibility to safeguard prisoners and to call on other services where appropriate. The purpose of this framework document is to encourage active and ongoing engagement both strategically and operationally between the agencies.
- 3.3. The notion of equivalence of care applies to prisoners and offenders, and this extends to safeguarding and to how safeguarding concerns are dealt with.
- 3.4. Safeguarding is everyone's business and criminal justice partners should operate a zero tolerance of abuse and/or or exploitation of all prisoners, particularly adults at risk. The key message for safeguarding adults in Norfolk to '*Speak Up*' against abuse and harm.
- 3.5. Criminal justice partner agencies should have robust safeguarding arrangements in place, 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. HMPPS establishments will underpin this work using guidance and rulings from PSI 2015-16 (Adult safeguarding in prisons) which are underpinned by the 6 principles of adult safeguarding (Appendix C).
- 3.6. The prison has a general duty of care to safeguard and to promote the welfare of **all** prisoners. However, it has additional safeguarding duties to prisoners with needs of care and support.
- 3.7. The prison's safeguarding arrangements will address the following issues:
 - 3.7.1. Recognition that in a prison environment that a person may not present as a person at risk of abuse and harm (because of the structured environment) for example those individuals with ADHD, LD, Asperger's, but could be considered a person at risk of abuse and harm if living in the community.

- 3.7.2. Prevention and early identification of risk to reduce harm will form an integral part of the prison's safeguarding arrangements.
- 3.7.3. The role of safeguarding will be built into all standard operational procedures with prompts at each stage of the prisoner's journey in prison from reception to release.
- 3.7.4. Recognition that grooming and hate crime to exploit adults at risk fall within the remit of the prison's safeguarding procedures.
- 3.7.5. Recognition that some prisoners when released from prison pose a risk to adults with care and support needs at risk, living in the community and that appropriate information sharing and joint working with relevant agencies must take place.
- 3.7.6. Ensuring clear links between the prison's safeguarding adults procedures and other protective, risk management and review processes. These include the local multi-agency adult safeguarding procedures: violence reduction, MAPPA, Serious Case Reviews, PREVENT, persistent and prolific offenders and initiatives such as Safer Custody, Through the Gate, etc.

4. Key components of the Safeguarding Framework

- 4.1. The following section identifies the five key components of this framework which are *safeguarding policy and procedures, information and awareness, prevention, workforce development and quality assurance*.
- 4.2. Benchmark standards have been set out for each of these domains and these are detailed under each heading.
- 4.3. The below framework applies equally to:
 - 4.3.1. Those people within the Criminal Justice System who are usually resident in Norfolk (in the community) but who are currently resident in prisons or hospitals or other settings outside of the county
 - 4.3.2. Those people who are currently resident in Norfolk (in the community or in establishments) but who are usually resident in other counties

5. Prison: Safeguarding Policy and Procedures

- 5.1. This is consistent with local multi-agency safeguarding adults procedures and HMIP expectations.
- 5.2. The prison has identified a safeguarding lead in the role of 'head of safer custody' who sits at senior management team level and who is directly responsible to the governing governor regarding their safeguarding role.
- 5.3. Safeguarding issues which arise at any part of the custodial sentence can be addressed through the individual's journey in prison
- 5.4. Prisons will have in place safeguarding policy and procedures that have been cross referenced against national prison service instructions and are referenced in other policies where necessary
- 5.5. Mechanisms are in place to ensure prisoners' vulnerabilities are recognised and responded to appropriately and in a timely manner. This begins with reception screening and is further supported through processes such as induction in the early days in custody. Continuing support is in place through a range of direct delivery to include key worker engagement, wing monitoring, offender management reviews etc.
- 5.6. The prison ensures prisoners can access support where appropriate and for initial levels of crisis the establishments signposting will be to areas such as Listeners (supported by the Samaritans), chaplaincy and key workers where appropriate. These are communicated effectively around establishments to staff and prisoners.
- 5.7. The prison ensures that victims of abuse can access victim support services such as the Samaritans and direct contact routes are in place in all prisons to ensure this occurs. This support is offered through the network of Listeners within custodial settings and access to direct dial phones on request to external Samaritans' support workers. The custodial estate has introduced a further support mechanism in the form of key workers. Every prisoner within the estate will be allocated a key worker to offer personal support, advice and assistance to individuals in custodial care.
- 5.8. The prison ensures prisoners can access, where appropriate, pastoral and/or therapeutic support to help in the recovery from abuse.

- 5.9. There is an internal escalation protocol highlighting when safeguarding concerns should be shared with the senior management team and/or prison governor. Those highlighting safeguarding concerns receive outcomes within a reasonable timeframe.
- 5.10. Thresholds have been defined to help the prison to determine when safeguarding concerns can be appropriately and safely managed through internal procedures, or when they might to be addressed with the support of external agencies. For example, in highly complex cases and/or where the person at risk is judged to lack capacity.
- 5.11. Safeguarding policy and procedures define the links and interfaces with other internal and external risk management and protective processes.
- 5.12. Safeguarding expectations and requirements built into contracts with external providers.

6. Prison: Awareness and Information

- 6.1. Establishments will provide information and materials regarding safeguarding topics for prisoners, staff, visitors and outside professionals.
- 6.2. Awareness raising sessions are provided for staff in the form of suicide & self-harm (SaSH) training which covers a range of topics including recognition and support of individuals in crisis.
- 6.3. Prison establishment will have in place clear information about how to report concerns which is managed through the assessment, care in custody teamwork (ACCT) process.
- 6.4. The establishments will develop and maintain network of safeguarding champions (prisoners and staff) in establishments to include prisoner safety representatives and safety custody staff teams.

7. Prisons: Prevention

- 7.1. Tools are used to identify prisoner vulnerabilities upon admission (e.g. Through the Gate).
- 7.2. Abusive and exploitative behaviour is cross referenced in prisoner behaviour code and disciplinary procedure.
- 7.3. Establishments will utilise activities to support prisoners in crisis. This may include support work with key workers, access to a suitable regime, access to

support specialists such as health care professionals and distraction materials etc.

- 7.4. The prison operates prisoner led support system such as the Listeners schemes. Where possible this will be expanded to include wider peer group working with insiders (or equivalent). Where this is in place, compacts will be in place outlining the individual's responsibility to escalating safeguarding matters
- 7.5. Robust risk assessment and risk management processes are in place.
- 7.6. The Multi-Agency Safeguarding Hub (MASH) is in place to facilitate partnership working to respond collaboratively to safeguarding concerns. This partnership encourages a multi-disciplinary team approach, particularly when there are issues of complex vulnerability that are not necessarily safeguarding concerns as defined by the Care Act (2014) when a prisoner is released.
- 7.7. Information sharing and risk management occurs to address the risks posed by prisoners upon release.

8. Prisons: Workforce Development

- 8.1. There is a training strategy in place which includes safety (regularly reviewed) which defines the knowledge and skills required per role type.
- 8.2. The prison operates safe recruitment practice (staff, contractors, volunteers).
- 8.3. All staff and volunteers working in prisons will be referred to the Disclosure and Barring Service (DBS).
- 8.4. There is management oversight of safeguarding case work through complex case meetings.

9. Prisons: Quality Assurance

- 9.1. HMPPS has in place an auditing function which assesses the safeguarding elements of its custodial delivery. This process is the risk management in prisons (RMP) process and is managed nationally through the Operational Systems Assurance Group (OSAG)
- 9.2. The prison participates in safeguarding peer review processes through the utilisation of a regional safety team who regularly review, comment and support safeguarding processes within establishments. The group covering Norfolk establishments are known as the six counties safety group.

Wider review of establishment safeguarding performance is undertaken by Her Majesty's Inspectorate of Prisons (HMIP) and where serious concerns are raised the inspectorate may issue an urgent notification (UN) to highlight the concerns.

Audit and review of healthcare provision in a custodial setting remains the remit of the Care Quality Commission (CQC).

- 9.3. There is a robust 'learning from experience' framework for when things go wrong, and reviews of these instances occur following serious self-harm and after occurrences of self-inflicted deaths. This work is shared with a range of establishments to support wider learning opportunities.

Wider learning is generated through the investigations from the Prisons and Probation Ombudsman who undertakes reviews of all deaths in custodial settings.

- 9.4. Establishments in Norwich will develop mechanisms to share information relating to self-inflicted deaths in custodial settings with local safeguarding boards.

Key components of the Safeguarding Framework: community

10. Community: Safeguarding Policy and Procedures

- 10.1. This is consistent with local multi-agency safeguarding adults procedures and Her Majesty's Inspectorate of Probation (HMIP) expectations.
- 10.2. This framework is relevant to all providers of probation services (incorporating community rehabilitation companies and their operational partners, as well as the National Probation Service.) Safeguarding expectations and requirements are built into contracts with external providers.
- 10.3. Norfolk probation providers have identified safeguarding leads who sits at senior management team level and who are directly accountable to the head of probation services regarding their safeguarding role and activity.
- 10.4. Safeguarding is addressed at each stage of community intervention and management
- 10.5. The Safeguarding policy and procedures have been cross referenced with standard operating procedures and are referenced in other policies e.g. whistleblowing, complaints, information sharing, etc.
- 10.6. Mechanisms are in place to ensure vulnerabilities are recognised and responded to appropriately and in a timely manner.

For example, during court interview for pre-sentence report, screening is undertaken to identify safeguarding issues and vulnerabilities; these are recorded and passed on to the eventual probation provider.

- 10.7. Probation providers can access and refer to advocacy support where this is required. Providers can refer to specialist services in the community, such as those specifically for women, through to the provision of a specialist mentoring service, which can be delivered as part of a community sentence.
- 10.8. Probation providers can access specialist support for those who are identified as survivors of abuse or trauma, such as the Samaritans, Victim Support, Sue Lambert Trust.
- 10.9. Thresholds have been defined and publicised to staff. These are aimed at supporting practitioners in determining when safeguarding concerns can be appropriately and safely managed through internal procedures, or when they might need to be addressed with the support of external agencies. This may be, for example, in highly complex cases and/or where the person at risk is judged to lack capacity.
- 10.10. There is an internal escalation protocol highlighting when safeguarding concerns should be shared with the safeguarding lead for the probation providers. This refers to the NSAB multi-agency professional disagreements policy.
- 10.11. Safeguarding policy and procedures define the links and interfaces with other internal and external risk management and protective processes.

11. Community: Awareness and Information

- 11.1. Accessible leaflets and other publicity material (for service users, offenders, staff, visitors, outside professionals) are readily available.
- 11.2. Awareness raising, professional workshops and mandatory regular training sessions are provided for staff at all levels of the organisations.
- 11.3. There is clear information publicised widely throughout service delivery buildings and on electronic facilities about how to report concerns.
- 11.4. Staff safeguarding champions are in place and are responsible for the dissemination of information and ensuring adherence to good practice.

12. Community: Prevention

- 12.1. Multiple quantitative and qualitative tools are used at the point of entry and throughout the community journey to continually identify and record vulnerabilities (eg OASys, safeguarding checklist at court, equality information form).
- 12.2. Robust risk assessment and risk management processes are in place.
- 12.3. Statutory multi-agency risk management and assessment (eg MAPPA) procedures are well-established and seek to manage risks and address vulnerability by working in collaboration.
- 12.4. Multi-agency information sharing, and co-ordinated risk management activity occurs to address the assessed risks posed by offenders and service users upon release from custody and whilst in the community.

13. Community: Workforce Development

- 13.1. There is a national (NPS) and local (CRC) safeguarding training strategy in place (regularly reviewed) which defines the knowledge and skills required per role type.
- 13.2. Probation providers operate safe recruitment practice (staff, contractors and volunteers).
- 13.3. The professional duty of care and duty to act is built into the codes of conduct of all staff, contractors, volunteers, etc. (eg the Civil Service Code for NPS) and is reflected in all contracts.
- 13.4. Probation providers make referrals to Disclosure and Barring Service (DBS) vetting and barring, professional bodies, etc. as appropriate.
- 13.5. There is management oversight of safeguarding case work (e.g. supervision standing agenda item).

14. Community: Quality Assurance

- 14.1. Probation providers undertake regular practice audits (for example thematic inspections completed by Ministry of Justice).

- 14.2. Probation providers complete regular peer review/quality assurance activity with other probation providers with a focus upon safeguarding activity and processes (eg OASys QA).
- 14.3. Probation providers need to develop 'learning from experience' frameworks, or similar, which include learning from Serious Case Reviews, and action plans addressed at embedding learning and good practice.

15. The Referral Process

- 15.1. Following recognition of a safeguarding issue, the prison establishment will raise the concern via the process outlined below
- 15.2. Norfolk County Council has a set of online forms, which can be used by the prison service to refer to adult social services. There is a separate form to refer for an assessment of support needs, or to report a safeguarding issue/request safeguarding support.
- 15.3. The forms are available on the Norfolk County Council website, or use the following link:

<https://adultsocialcare.norfolk.gov.uk/web/portal/pages/home>

- 15.4. To submit the form, the user needs to register for a **My Norfolk Social Care account** (the form takes you through this process) using an email address and phone number for authentication.
- 15.5. When submitting the form, choose the option for submission “**on behalf of someone else in a professional capacity**”. This will identify your My Norfolk Social Care account as a professional account which can then be used to make further referrals for other service-users in future.
- 15.6. You should continue to call adult social services on **0344 800 8020** to raise concerns where people may still be at risk of harm.
- 15.7. Please also call **0344 800 8020** if you experience any difficulties with using the form and the online troubleshooting guide has not resolved your query.
- 15.8. The online troubleshooting guide can be accessed via the following link:

<https://my.norfolk.gov.uk/help-with-my-norfolk-account>
- 15.9. The management and escalation processes for raising a safeguarding concern are set out in Appendix B

Appendix A

Legal and policy context for safeguarding in prisons and approved premises

The Care Act 2014

Under the Care Act 2014, prisons and approved premises have responsibility for safeguarding prisoners with needs of care and support. Prison governors and the National Offender Management Service (NOMS) are positively encouraged to ask may ask for advice from the local authority when faced with a safeguarding issue that they are finding particularly challenging. Local authorities should follow the safeguarding policies and procedures of custodial settings in their area and work with prison and approved premises staff to ensure that all people in custodial settings are safeguarded.

Local authority and care provider staff must understand what to do where they have a concern about abuse and neglect of an adult in custody. The prison must ensure that it has clear safeguarding policies and procedures that are explained to all visiting staff and visitors. Prison and probation staff may approach the local authority for advice and assistance in individual cases although the local authority will not have the legal duty to lead. Separate guidance for prisons and probation is being developed by the National Offender Management Service on safeguarding adults.

The Care Act statutory guidance (chapter 14) states that local authorities should consider inviting prison and probation staff to be members of Safeguarding Adult Boards. The inclusion of prison and probation staff on safeguarding adult boards should be agreed with all statutory board members and the SAB *“can act as a forum for members to exchange advice and expertise to assist prison and probation staff in ensuring that all people in custodial settings are safeguarded”*.

Her Majesty’s Inspectorate of Prisons (HMIP)

HMIP has shown its commitment to address the complex area of safeguarding adults at risk in prison through the inclusion in 2012 of a safeguarding section in its methodology Expectations. This outlines a prison’s responsibilities to safeguard people at risk in the prison environment and also provides benchmark standards against which prisons will be judged in this respect. The following extracts summarises these:

Safeguarding arrangements in prisons:

- The prison promotes the welfare of all prisoners, particularly vulnerable adults at risk, and protects them from all kinds of harm and neglect.
- Prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect. They receive safe and effective care and support.

Indicators:

- The risks to prisoners are recognised and there are guidance and procedures to help reduce and prevent harm or abuse from occurring.
- When abuse is alleged or suspected to have occurred, prompt and appropriate action is taken to protect the prisoner.
- An individual care plan is in place to address a prisoner's assessed needs. Care plans are thorough, reviewed regularly and involve staff from a range of disciplines.
- Up to date government and local guidance is accessible and safeguarding procedures are known and used by all staff, including how to make referrals.

Mental Capacity Act:

HMIP Expectations requires that the safeguarding policy and any prison codes of conduct are informed by the underlying five principles of the Mental Capacity Act 2005:

- A presumption of capacity
- The right for individuals to be supported to make their own decisions
- That individuals must retain the right to make what might be seen as unwise decisions
- Best interests
- Least restrictive intervention.

Where possible, access to advocates and/or appropriate adults is in place to aid prisoners' capacity to understand and consent.

Code of conduct and duty to report concerns:

The prison has a code of conduct informing staff of their duty to raise legitimate concerns about the conduct of an individual in relation to the treatment and management of prisoners.

- Staff feel confident and safe to raise concerns.
- Staff awareness of their personal and professional responsibility to protect adults at risk.
- Staff undergo appropriate training.
- Safe recruitment practice and vetting procedures which comply with necessary legislation.

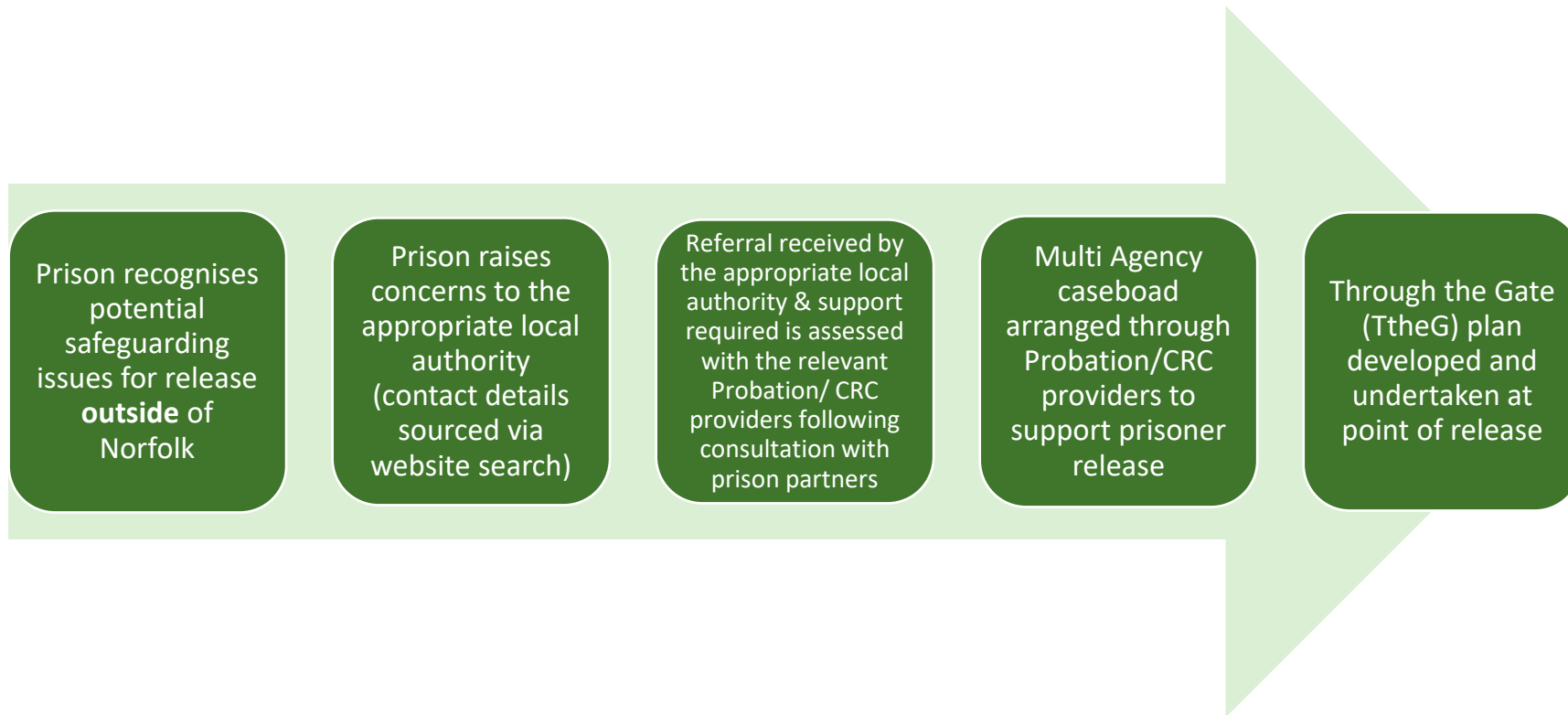
Appendix B

Norfolk Prisons & Community Vulnerable Prisoners Support Flowchart referral – Local Release



Appendix B

Norfolk Prisons & Community Vulnerable Prisoners Support Flowchart referral – National Release (outside Norfolk)



Appendix C

6 principles of adult safeguarding

First introduced by the Department of Health in 2011, but now embedded in the Care Act, these six principles apply to all health and care settings.

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.

'I understand the role of everyone involved in my life and so do they.'

Appendix D

Who do the Section 42 duties apply to?

Definition of adult safeguarding

It is important to be clear about who the formal adult safeguarding process applies to. The Care Act statutory guidance defines adult safeguarding as:

‘Protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult’s wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.’

This definition hints at the challenges of safeguarding, but it is important to be clear about which adults we are discussing. A local authority must act when it has ‘reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):

- has needs for care and support (whether or not the authority is meeting any of those needs),
- is experiencing, or is at risk of, abuse or neglect, and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.’

(Care Act 2014, section 42)

Appendix E

Statutory Requirement

The Care Act 2014 makes a safeguarding adults board a statutory requirement.

The purpose of the Norfolk Safeguarding Adults Board (SAB) is to help and safeguard people who have care and support needs. We want to ensure that we focus on the individual as well as learning from the outcomes of investigations. We need to make sure that any agencies or individuals respond quickly when abuse and neglect have happened, and that safeguarding practice continues to improve the quality of life of adults in Norfolk.

The board's main objectives are set out in section 43 of the Care Act 2014.

By law, the board must have three members: these are Norfolk County Council, Norfolk Constabulary and the Norfolk NHS Clinical Commissioning Groups.

14.134 of the Care Act statutory guidance notes that

'The SAB has a strategic role that is greater than the sum of the operational duties of the core partners. It oversees and leads adult safeguarding across the locality and will be interested in a range of matters that contribute to the prevention of abuse and neglect. These will include the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.'