

SAFEGUARDING POLICY

1. Purpose

- 1.1 The Red Kite Group is committed to safeguarding children and adults at risk of abuse to help ensure their safety and well-being. We believe that having a life that is free from harm and abuse is a fundamental right for everyone. We recognise that safeguarding is everyone's responsibility and that, across our Group, we all play a part in preventing, being alert to and responding appropriately to incidents of abuse and/or neglect.
- 1.2 This policy states our approach to safeguarding. It begins with definitions that include references to the activities of local authorities and their statutory responsibilities, and then moves onto our role in managing safeguarding, the importance of partnership working, our view that it is a collective responsibility, and the standards expected of our staff.

2. Definitions

2.1 Abuse

Abuse is the violation of an individual's human and civil rights. Abuse can result in significant harm to the person subjected to it. Abuse may consist of a single act or repeated acts, and it can be intentional or unintentional. There are many types of abuse – the categories generally recognised in Safeguarding Adults and in the Safeguarding of Children & Young People. Abuse is often a crime e.g., assault, rape, theft, fraud, domestic abuse, hate crime.

2.2 Safeguarding

Safeguarding means protecting someone's right to live in safety, free from abuse and neglect.

2.3 Adult at risk

For adults at risk the core of this policy is to ensure individuals are supported appropriately in accordance with the Care Act 2014. The definition of safeguarding is 'Protecting an adult's right to live in safety, free from abuse and neglect.' While the Act refers to "adults at risk" this term is interchangeable with the term "vulnerable adult".

This policy aims to support processes to identify individuals at risk and to take the appropriate action.

The obligation as an organisation is to identify and act where there is a concern about an individual who may be at risk of harm; may be intending to harm someone else or is otherwise at risk. An individual's role within Red Kite Community Housing may vary but is primarily to identify potential risks and act as a referrer to the appropriate service as required. An adult at risk is defined as any individual aged over 18 who:

- has needs for care and support and
- is experiencing, or is at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect

Types of abuse and neglect include physical abuse, domestic abuse, financial / material abuse, neglect, and self-neglect (not an exhaustive list). An adult at risk may:

- a. have mental health needs

- b. be elderly or frail due to ill health
- c. have a learning disability
- d. have a physical disability or sensory impairment
- e. may be at higher risk because of discrimination given their characteristics as contained in the Equality Act 2010
- f. Self-harm
- g. have dementia or other cognitive impairment which may reduce their mental capacity to make decisions
- h. misuse alcohol or substances
- i. be a care leaver
- j. self-neglect their needs putting them and others at risk
- k. be a victim of Modern Slavery

There can be multiple risks present, and this increases risk as does a situation where the adult has lost mental capacity to make their own decisions. The loss of mental capacity can be as a result of some cognitive impairment, but it can be that another is controlling by applying undue influence, duress and intimidation to prevent the adult at risk exercising their own agency and autonomy. This can extend to that adult being unable to seek, engage or receive help for protection.

Abuse may be carried out deliberately or unknowingly and may be a single act or repeated acts. The perpetrator of the abuse may be family, friends, strangers or criminals. Abuse can happen anywhere including in the adult's own home. The adult victim of abuse may not be able to protect themselves from such abuse and as such needs protection under the law.

Under the Care Act 2014 and the Human Rights Act 1998, everyone has the right to live free from abuse and neglect. Some adults at risk may find it hard to get the help and support they need to stop the abuse. An adult may be unable to protect themselves from harm or exploitation due to many reasons, including their mental or physical incapacity, sensory loss or physical or learning disabilities. This could be an adult who is usually able to protect themselves from harm but may be unable to do so because of an accident, disability, frailty, addiction or illness or duress.

It is important any indication of abuse is identified and referrals made to statutory agencies such as the Local Authority and the police, as appropriate, to protect the adult at risk. If you suspect someone is being abused, plans to self-harm or harm others:

- a. if the person is in immediate danger ring 999
- b. if the danger is not immediate, raise an adult safeguarding alert with the appropriate Local Authority (see section 6 of this policy)
- c. preserve and keep good records you may hold that could possibly be evidence
- d. do not confront the person or persons who may be responsible for the abuse

2.4 Adults - types of abuse

The Care Act 2014 lists the following types of abuse, but this is not intended to be an exhaustive list:

- Physical abuse
- Psychological / emotional abuse
- Financial or material abuse

- Sexual abuse
- Modern slavery
- Domestic abuse
- Discriminatory abuse
- Institutional / organisational abuse
- Neglect and acts of omission
- Self-neglect

The following are also type of abuse:

- **Radicalisation / Extremism** – A process by which someone comes to adopt extreme political, social or religious ideals that reject the status quo and due to their susceptibility may be drawn into committing terrorist-related activity.
- **Mate Crime** - A further type of abuse is known as 'Mate Crime' – where someone befriends a vulnerable person deliberately to take advantage of them.
- **Cuckooing** - Cuckooing is a form of abuse/crime in which drug dealers take over the home of a vulnerable person in order to use it as a base for drug dealing and/or other criminal activities.
- **Hate Crime** - A hate crime is when someone commits a crime because of someone's disability, gender identity, race, sexual orientation, religion, or any other perceived difference.
- **Coercive and controlling behaviour** – A new criminal offence for this type of behaviour occurring in intimate and familial relationships was introduced into the Serious Crime Act 2015.
- **Forced marriage** - A term used to describe a marriage in which one or both of the parties is married without their consent or against their will.
- **Female Genital Mutilation (FGM)** – This is a criminal offence and is a form of violence against women and girls.

2.5 Mental Capacity

The Mental Capacity Act applies to everybody who has dealings with people who may lack capacity to make specific decisions, and particularly where colleagues have a professional relationship with the person.

We will comply with the requirements set out in the Mental Capacity Act 2005 and will consider the Act's five key principles during interactions with tenants and leaseholders:

- 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
- Supporting individuals to make their own decisions – a person must be given all practicable help before anyone treats them as not being able to make their own decisions

- Unwise decisions – just because an individual makes what might be seen as an unwise decision, they should not be assumed to lack capacity to make that decision
- Best Interests – an act done, or decision made under the Act for, or on behalf of a person who lacks capacity must be done in their best interests.
- Least restrictive option – anything done for or on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way 4 that would interfere less with the person's rights and freedoms of action, or whether there is a need to decide or act at all.

We will take the opportunity to assess capacity if there is a concern that an individual may lack capacity to make a specific decision (eg.at tenancy sign up, review and termination; during arrears discussions, anti-social behaviour incidents and complaints). We will raise concerns with Adult Social Care where a person's capacity is in doubt.

If a tenant has been assessed as not having mental capacity, decisions will be made in their best interests as set out in the Mental Capacity Act 2005 and Mental Capacity Act Code of Practice.

2.6 Independent advocacy

The Care Act 2014 introduced the 'assumption that the individual is best placed to judge their own wellbeing' and to promote control by the individual over their care and support and the way in which it is provided.

The local authority has a duty to arrange for an independent advocate to support and represent someone when two conditions are met:

- the person has substantial difficulty in being fully involved in the key care and support processes of assessment, care and support planning and review, or safeguarding, and
- there is no one appropriate available to support and represent their wishes. The local authority is under a duty to consider and make a determination on a person's need for advocacy under these circumstances.

2.7 Statutory Safeguarding Enquiry/Section 42 Enquiry

Safeguarding enquiries carried out on behalf of adults who fit the criteria outlined in Section 42 of the Care Act 2014 (see 'Adult at Risk' above). Local authorities are required by law to carry out safeguarding enquiries for these individuals.

2.8 Non-Statutory Safeguarding Enquiry

Safeguarding enquiries carried out on behalf of adults who do not fit the criteria outlined in Section 42 of the Care Act 2014. Local authorities are not required by law to carry out enquiries for these individuals; they do so at their own discretion.

These enquiries could relate to an adult who:

- is believed to be experiencing, or is at risk of, abuse or neglect, and
- does not have care and support needs (but might have just support needs).

2.9 Duty to cooperate

Local authorities must cooperate with each of their relevant partners, as described in section 6(7) of the Care Act, and those partners must also cooperate with the local authority in the exercise of their functions relevant to care and support including those to protect adults. Local authorities must also co-operate with such other agencies or bodies as it considers appropriate in the exercise of its adult safeguarding functions, including (but not limited to) those listed in section 6(3) of the Care Act, including housing, health and care providers.

2.10 Investigation

In adult safeguarding, there is a move away from safeguarding investigations and this term has been replaced by Enquiry and Section 42 Enquiry (see above), except in relation to criminal investigations by the police. In children's safeguarding, the term investigation is still used and refers to the collection of information / evidence about the abuse / neglect that has or might occur. It may also include a criminal or disciplinary investigation.

2.11 Assessments under the Care Act 2014

Sections 9-13 sets out the Care Act's provisions on assessing adults and carers, including duties of the local authorities to assess adults if they appear to have needs for care and support, and carers if they appear to have needs for support.

2.12 Safeguarding Adults Review (SAR)

This term replaces 'Serious Case Review' in Adult Safeguarding. Safeguarding Adult Boards (SABs) must arrange a SAR when an adult in its area dies as a result of, or has experienced, serious abuse or neglect, and there is concern that partner agencies could have worked more effectively together. The aim of the SAR is to identify learning and improvement action. While we are not a statutory member of SABs (Safeguarding Adult Boards), our staff may be invited along as professionals who have relevant knowledge of a particular case.

2.13 Safeguarding of Children

A child/young person is someone under the age of 18 years. This policy outlines considerations for the safeguarding of children.

Some children and young people are in need child protection because they have suffered or are likely to suffer significant harm. The Children Acts 1989 and 2004 places a duty on Local Authorities to safeguard and promote the welfare of children who are suffering or likely to suffer significant harm.

The Children Act 2004 describes how all agencies, including those in housing, have duties to promote the welfare and protection of children working in partnership with the Local Authority. Working Together to Safeguard Children 2023 is the national guidance on safeguarding children. This statutory and non-statutory national guidance underpins the fundamental principle that a child's welfare is paramount. The Children Act 1989 (section 17) also states that a disabled child is automatically a Child in Need and that the Local Authority has a duty to have a plan to support that child.

There are 4 main categories of child abuse:

- a. neglect
- b. physical abuse
- c. sexual abuse including child sexual exploitation (CSE)

- d. emotional abuse
- e. Children and young people may be vulnerable to harm in many contextual safeguarding circumstances:
- f. they may be a young carer
- g. they may be a care leaver
- h. they may have a learning disability
- i. they have a physical disability or sensory impairment
- j. they may have complex health needs
- k. they have mental health needs
- l. they have addiction needs related to alcohol or substances

This is not an exhaustive list of examples.

The perpetrator of child abuse may be family, friends, strangers or criminal groups. Abuse can happen anywhere, including in the child's own home. A child victim of abuse cannot protect themselves and they have little independent power to protect themselves. Children may not be able to express what they are experiencing at all. They therefore need robust protection under the law. It is important any indication of abuse is identified, action taken and to work with the statutory agencies such as the Local Authority and the police to protect the child.

If there are concerns around a child action must be taken:

- if the child is in immediate danger ring 999 and then contact Children's Social Care at the appropriate Local Authority
- if the danger is not immediate, raise a child safeguarding alert with the appropriate Local Authority. This referral should not be delayed. Anyone can report concerns into Children's Social Care. It does not need to be a professional. Members of the public can also do so. Children's Social care under their safeguarding function will take the necessary steps to investigate and protect the child

Housing professionals may be asked to attend a Multi-agency Risk Assessment Conference (MARAC). This is a multi-agency forum in which communities meet to discuss and share information regarding high-risk domestic abuse families. The process is led by the police. The purpose is to assess risk to the victim and agree a safety plan for the family.

2.14 Serious Case Review (SCR)

A serious case review (SCR) takes place after a child dies or is seriously injured and abuse or neglect is thought to be involved. It looks at lessons that can help prevent similar incidents from happening in the future.

2.15 Significant Harm

The Children Act 1989 introduced the concept of 'significant harm' as the threshold that justifies compulsory intervention in family life in the best interests of children. The Act gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering or likely to suffer significant harm.

2.16 Thresholds of intervention

These are used by Safeguarding Teams to support decision making and to determine the level of response to an incident (e.g., to invoke safeguarding procedures or to refer back to the service provider). An incident falling below a threshold does not

mean it is not serious or can be ignored. Instead, it may mean that the most effective intervention will be via a different service / agency or through an internal investigation / action by the service provider. Thresholds can also be used by service providers to help in the decision whether to raise an alert in the first instance.

2.17 Domestic Abuse

Domestic abuse, or domestic violence, is defined as any incident of controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 or over who are or have been intimate partners or family members, regardless of their gender or sexuality.

2.18 Modern Slavery

Modern slavery is the illegal exploitation of people for personal or commercial gain. We're committed to an ethical approach to all our work, and expect our suppliers, partners, and contractors to meet our standards. As a community-based housing association, we recognise that we have a responsibility to take a robust approach to slavery and human trafficking.

3. Responsibilities

- 3.1 Safeguarding is a collective responsibility and all staff in the Red Kite Group are expected to be familiar with this policy and do what they can do to keep safe an individual who is known or believed to be at risk.
- 3.2 All our staff should be alert to signs of abuse and are expected to follow a prompt and effective reporting procedure should abuse be suspected, disclosed, or discovered.
- 3.3 The Red Kite Housing Group will have a minimum of two staff nominated to be Safeguarding Leads to ensure that safeguarding is managed effectively, efficiently, and safely.
- 3.4 The Head of Community is responsible for managing, reviewing, and implementing this policy. However, the Chief Operating Officer will be the owner of the Policy.
- 3.5 Staff and Board members will all be subject to a DBS check (Disclosure and Barring Service) to establish if they have been subject to any criminal convictions and/or cautions.
- 3.6 Red Kite will ensure that all staff and their contractors receive regular safeguarding training Safeguarding Leads will also receive enhanced training at least every 3 years.

4. Legal Framework

- 4.1 The legal framework is extensive, and includes the following:
 - **Public Interest Disclosure Act (1998)** – places a duty on everyone to report something that means someone is at risk.
 - **Mental Capacity Act (2005)** and supporting Code of Practice (2016) - provide a framework to empower and protect people who may lack capacity to make decisions for themselves.
 - **Protection of Freedoms Act (2012)** – this Act established the Disclosure and Barring Service (DBS) by merging the functions previously carried out by the

Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

- **General Data Protection Regulation (GDPR) and Data Protection Act 2018** – governs the protection of personal data and provides a framework to ensure that personal information about a person is shared appropriately.
- **The Care Act 2014** – introduced a legal framework for adult safeguarding.
- **Care & Support Statutory Guidance (updated 2016)** – sets out how the provisions of the Care Act should be implemented. Safeguarding in the context of the Care Act safeguarding specifically relates to adults who have care and support needs. The Guidance sets out expectations for organisations, including housing organisations, including the need for operational policies and procedures and the requirement to support the local authority in its responsibility to carry out enquiries e.g. by providing relevant information.
- **Children Act (1989 and 2004)** – legislation regarding the safeguarding of children. Section 11 of the Children Act 2004 places duties on a range of organisations, including housing providers, to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.
- **Working Together to Safeguard Children (updated 2023)** – is the legislative requirements that apply to individuals, organisations and agencies on how agencies, organisations and individuals should work together to safeguard and promote the welfare of children and young people.
- **Safeguarding Children & Young People from Sexual Exploitation** - supplementary guidance to 'Working Together', which sets out an inter-agency approach. It has a dual aim of helping to protect children and young people and encourage the taking of a proactive approach to the prosecution of offenders.
- **Modern Slavery Act 2015** – places a duty on us to disclose each year what action we have taken to ensure there is no modern slavery in our business or supply chains

5. Key Principles and Policy Statement

5.1 The Red Kite Group will:

- follow relevant legislation, government guidance and our regulator's requirements as applicable
- have in place a culture that does not tolerate abuse, and which encourages staff, contractors, and volunteers to raise concerns
- prevent abuse from happening wherever possible
- respond promptly and proportionately where abuse is suspected or takes place, making the necessary referrals to the appropriate authorities, thus aiming to stop abuse continuing and to ensure the person harmed receives effective support
- ensure that staff are confident and fully equipped to respond to concerns of abuse. This will be achieved by training that is targeted appropriately to specific roles, and through clear procedural guidance and supporting information

- co-operate with any partner's safeguarding investigations - within legal and professional parameters - where our expertise, knowledge or resource is required

5.2 Our policy and procedures will take account of the principles that govern how safeguarding procedures should be implemented. These reflect the most recent national guidance.

5.3 Our legal responsibilities as set out in the Care Act 2014 state that, as a provider of housing, we are obliged to co-operate with a range of organisations, including local authorities in the exercise of their functions which include safeguarding. Although the local authority is the lead agency for making Section 42 enquiries (see 2.6 above under definitions), the local authority may require others to undertake such enquiries. In some cases, a professional who already knows the adult may be considered the best person (see Care Act 2014 Statutory Guidance section 14.76).

5.4 The Care Act says all agencies must:

- have clear operational policies and procedures in adult safeguarding.
- have a senior manager taking a lead role in safeguarding arrangements.
- ensure that staff are:
 - i. trained in recognising the symptoms of abuse.
 - ii. vigilant and able to respond to adult safeguarding concerns.
 - iii. understand the need for clear and accurate record keeping.
 - iv. familiar with the six principles underpinning adult safeguarding (see 5.5 below)

5.5 The six principles are:

- **Empowerment** – Person-led decisions and informed consent
- **Prevention** – It is better to take action before harm occurs
- **Proportionality** – Proportionate and 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
- **Accountability** – Accountability and transparency in delivering safeguarding

5.6 Safeguarding an adult at risk means protecting them while making sure that their well-being is promoted including having regard to their views, wishes, feelings and beliefs in deciding on any action. We recognise that adults have the right to dignity, privacy and control over their own day-to-day lives, and that safeguarding adults involves a balance between respecting those rights and assisting people to remain safe.

5.7 Partnership Working

Safeguarding is a multi-agency approach which depends upon effective joint working. We recognise the lead responsibility of Buckinghamshire Council in co-ordinating safeguarding work, and our own role in alerting children's / adult's services and/or the police of any concerns regarding safety. We will work co-operatively with relevant partnerships.

This will include working with MASH (Multi-agency Safeguarding Hub), MARACs (Multi-Agency Risk Assessment Conferences), MAPPAs (Multi-Agency Public Protection Arrangements), MASEs (Multi-Agency Sexual Exploitation panels), SABs (Safeguarding Adult Boards) and LSCPs (Local Safeguarding Children Partnerships) which aim to protect those at risk.

5.8 Sharing information

The Red Kite Group and relevant agencies may share information for the purpose of safeguarding and where we have a reasonable belief that someone is at risk of significant harm. Where possible/practical, we will seek consent to share information, depending on the circumstances and the nature of the concerns involved.

5.9 Risk assessment

We have a responsibility to ensure, where a customer or potential customer or a member of their household or visitor is a known risk to others in terms of safeguarding, that a risk assessment is undertaken regarding the appropriateness of the situation (including any proposed letting of one of our homes) and to agree how risks will be managed and what actions need to be taken.

For all safeguarding concerns, both for adults at risk and children, we will:

- Report details as appropriate and in a timely manner to relevant agencies (e.g., social services / the police)
- Keep a full and accurate record of our concerns
- Ensure such records are kept secure
- Co-operate fully with any investigation as required
- Do all that is reasonable and practical to support victims, in line with our other policies such as our Priority Moves Policy and Anti-Social Behaviour Policy.

6. Related Policies & Procedures

- HR/Recruitment Policies
- Anti-Social Behaviour Policy
- Allocations Policy
- Priority Moves Policy
- Safeguarding Procedures
- Domestic Abuse Guidance
- Support Needs and Risk Assessment Process
- Data Protection procedures
- Modern Slavery Statement

7. Monitoring and Policy Review

- 7.1 New/open cases will be reported regularly to senior management, and case reviews will be regularly carried out by managers to ensure consistency and quality of case handling.
- 7.2 This policy will be reviewed on a two-yearly basis or earlier in response to legislative changes, good practice, any serious incidents that might occur, or changes in other policies.

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Red Kite Group policy, including Twenty11			☒
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