

## Refine Surgical Treatment Centre

### Safeguarding Policy:

#### Overview

The intention of this document is enshrine a process to safeguard people who use our services from suffering any form of abuse or improper treatment while receiving care and treatment. Improper treatment includes discrimination or unlawful restraint, which includes inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005. Mr Gary Boon the clinical director is the overall lead for safeguarding

To meet the requirements of this regulation, Refine Surgical has a zero tolerance approach to abuse, unlawful discrimination and restraint. This includes:

- neglect
- subjecting people to degrading treatment
- deprivation of liberty
- Any use of restraint.

This document also details specific procedures and processes used by Refine Surgical to prevent people using the service from being abused by staff or other people they may have contact with when using the service, including visitors. Abuse and improper treatment includes care or treatment that is degrading for people and care or treatment that significantly disregards their needs or that involves inappropriate recourse to restraint. For these purposes, 'restraint' includes the use or threat of force, and physical, chemical or mechanical methods of restricting liberty to overcome a person's resistance to the treatment in question.

Types of abuse include: Physical abuse, Sexual abuse, Financial or material, Exploitation, Psychological/Emotional, Neglect and acts of omission, Discriminatory and Institutional. Where any form of abuse is suspected, occurs, is discovered, or reported

by a third party, we will take appropriate action without delay. This action immediate includes investigation and/or referral to the appropriate body.

The points below outline our approach to protecting service users from abuse and improper treatment:

1. Establishing and operating effective reporting systems and processes to prevent abuse of service users.
2. Establishing and operating effective reporting systems and processes to investigate, immediately upon becoming aware of, any allegation or evidence of such abuse.
3. Providing care or treatment for service users in a way that that must not—
  - a. include discrimination against a service user on grounds of any protected characteristic (as defined in section 4 of the Equality Act 2010) of the service user,
  - b. include acts intended to control or restrain a service user
  - c. be degrading for the service user, or
  - d. significantly disregard the needs of the service user for care or treatment.
4. A service user must not be deprived of their liberty for the purpose of receiving care or treatment without lawful; authority.
5. For the purposes of this policy—

'abuse' means—

  - a. any behaviour towards a service user that is an offence under the Sexual Offences Act 2003(a),
  - b. ill-treatment (whether of a physical or psychological nature) of a service user,
  - c. theft, misuse or misappropriation of money or property belonging to a service user, or
  - d. neglect of a service user.

### **Safeguarding policy/ procedures:**

Full details of our safeguarding policies are provided below in reference to the following literature

1. *The Care Act 2014*
2. *The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014*
3. *The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015*
4. *Children Act 1989*
5. *Children Act 2004*
6. *Children and Young Persons Act 1933*
7. *Equality Act 2010*
8. *Equality Act 2010: Chapter 1 (protected characteristics) Chapter 2 (prohibited conduct) and Chapter 3 (services and public functions)*
9. *Human Rights Act 1998*
10. *Mental Capacity Act 2005*
11. *Mental Capacity Act Code of Practice*
12. *Mental Health Act 1983*
13. *Mental Health Act 2007 and Code of Practice*
14. *Protection of Freedoms Act 2012 – links to The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012*
15. *Safeguarding Vulnerable Groups Act 2006*

As part of their induction, staff will have received safeguarding training levels 1 and 2. Training should be updated at appropriate intervals as per the mandatory training policy and staff should keep up to date to enable them to recognise different types of abuse and the ways they can report concerns.

- Refine Surgical will employ administration (receptionists) and clinical assistants (technicians). These staff will be made be aware of their individual

responsibilities to prevent, identify and report abuse when providing care and treatment relative to scenarios within these roles. This includes referral to other providers. Other staff may include non-employed visiting medical staff. Such staff will need to provide a record of safeguarding training as part of their private practicing rights which is synonymous with private practice methodology.

- Staff will be given either a handbook or online access with adequate time allocated within their job plan to access and complete the training. Sign off and a training log will form part of their human resource profile and be stored online in the electronic staff record.
- Information about current procedures and guidance about raising concerns about abuse will be accessible to people who use the service, advocates, those lawfully acting on their behalf, those close to them and staff.
- Refine Surgical will use incidents and complaints to identify potential abuse and will take preventative actions, including escalation, where appropriate.
- Refine Surgical will work in partnership with Rossington Business Park (RBP) to contribute to individual risk assessments, developing plans for safeguarding adults at risk, and implementing these plans. This includes regularly reviewing outcomes for people using the service.

Staff working in Refine Surgical must understand and work within the requirements of the Mental Capacity Act 2005 whenever they work with people who may lack the mental capacity to make some decisions.

- Refine Surgical will take action as soon as we are alerted to suspected, alleged or actual abuse, or the risk of abuse. Where appropriate, this action will be in line with the procedures agreed by local Safeguarding Adults or Children Boards.
- All staff must report any suspicions and allegations of abuse to the clinical director where immediately possible, no matter who raises the concern or who the alleged abuser may be. The mechanism of reporting is both verbally by phone (24hrs) and local the Refine Surgical Incident form. The timescale for the action will depend on the nature of the complaint and may require immediate (e.g. police/ social services) involvement or a more detailed investigation and

action plan to be delivered dependant on the nature of the incident upto a maximum of 4 weeks. Refine Surgical will respond without delay to the findings of any investigations.

- Staff must be aware of, and have access to, this guidance for raising and responding to concerns of abuse. Staff will have access to support from the clinical director and manager in conjunction with RBP when considering how to respond to concerns of abuse.
- All staff must understand their individual responsibilities to respond to concerns about abuse when providing care and treatment, including investigating concerns in line with their mandatory training programmes.
- Staff must understand their roles and associated responsibilities in supporting the actions the Refine Surgical takes in responding to allegations and concerns about abuse.
- Refine Surgical will ensure that when people who use services make allegations of abuse, or actually experience abuse, they receive the support they need.
- Where allegations of abuse are substantiated, Refine Surgical will take action to redress the abuse and take the necessary steps to ensure the abuse is not repeated. This may involve seeking specialist advice or support.
- When required to, Refine Surgical will participate in serious case reviews. Any changes to practice and/or recommendations relating to the Refine Surgical will be implemented.

Care or treatment for service users must not be provided in a way that includes discrimination against a service user on grounds of any protected characteristics (as defined in Section 4 of the Equality Act 2010) of the service user. In respect to this:

- Staff must understand their individual responsibilities in preventing discrimination in relation to the protected characteristics set out in s.4 of the Equality Act 2010. These are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- The policy for reporting safeguarding concerns is use of the Refine Surgical

Incident form (below) and the procedure has been described above.

- Refine Surgical will support people who use services when they make allegations of discrimination or actually experience discrimination. We will not unlawfully victimise people who use services for making a complaint about discrimination.
- When allegations of discrimination are substantiated, Refine Surgical will take corrective action and make changes to prevent it happening again. This may involve seeking specialist advice or support.

Care or treatment for service users must not be provided in a way that includes acts intended to control or restrain a service user

See Regulation 13(7) for the meaning of restraint in relation to this regulation.

- Refine Surgical does not foresee the use of restraint in its facility for any purpose related to the treatment or care of a patient.

Care or treatment for service users must not be provided in a way that is degrading for the service user, or significantly disregards the needs of the service user for care or treatment. In respect to this:

- Refine Surgical and its staff must take all reasonable steps to make sure that people who use services are not subjected to any form of degradation or treated in a manner that may reasonably be viewed as degrading, such as:
  - not providing help and aids so that people can be supported to attend to their continence needs, and
  - making sure people are not:
    - left in soiled sheets for long periods
    - left on the toilet for long periods and without the means to call for help

- left naked or partially or inappropriately covered
- made to carry out demeaning tasks or social activities
- ridiculed in any way by staff.

**This list is not exhaustive.**

- Staff should regularly consult and consider the views of people using their service when defining the meaning of 'degrading'.
- Care and treatment will be planned and delivered in a way that enables all a person's needs to be met. This includes making sure that enough time is allocated to allow staff to provide care and treatment in accordance with the person's assessed needs and preferences.
- When a person lacks the mental capacity to consent to care and treatment, a best of interest process must be followed in accordance with the Mental Capacity Act 2005. Other forms of authority such as advance decisions must also be taken into account.
- Staff should raise any concerns through the mechanisms detailed in this guidance about their ability to provide planned care. When concerns are raised, Refine Surgical will respond appropriately and without delay.

A service user must not be deprived of their liberty for the purpose of receiving care or treatment without lawful authority.

- Refine Surgical will act at all times in accordance with the Mental Capacity Act 2005 Deprivation of Liberty Safeguards: Code of Practice and the Mental Capacity Act 2005 Code of Practice.

### Refine Surgical Incident Form

This form should be used to report any incident, accident or potential (i.e. near miss) incident which has caused or has the potential to cause harm, loss or damage to any individual involved or damage in respect of property or premises for which Refine Surgical is responsible. IN THE EVENT OF A SERIOUS INJURY OR DEATH, THE INCIDENT SHOULD BE REPORTED IMMEDIATELY TO THE CLINICAL DIRECTOR, EVEN IF OUTSIDE OF NORMAL WORKING HOURS ON THE EMERGENCY NUMBER BELOW.

Date:

Time:

Location:

Details of any person/ property/ premises affected :

Description of incident

Action taken at time of incident:

Name and role and signature of person reporting incident:

Incident reported via:                      email only / email + phone

Contact: [refinesurgical@gmx.com](mailto:refinesurgical@gmx.com)/ 24hr telephone 07795577838