



HM Inspectorate of Prisons Adult Safeguarding Protocol

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CONTENTS		
1	Introduction	2
2	Scope	2
3	Encountering concerns	2
4	Recognising concerns: what is abuse and neglect?	3
5	Confidentiality and information sharing	5
6	Responding to concerns about abuse and neglect	6
7	Making a safeguarding referral and subsequent action	6
8	Allegations made in surveys	8
9	Allegations made via correspondence of the HMIP public phone line	8
10	Safeguarding concerns about a HMIP member of staff	9
11	Safeguarding concerns about a partner Inspectorate's staff	10
12	Safeguarding concerns not related to a specific establishment or setting	11
13	Recording concerns	11
14	Who to contact	12
Annex A	Recording From	13
Annex B	Summary Flowchart	15

1. Introduction

- 1.1 HMI Prisons (HMIP) uses the definition of safeguarding from statutory guidance. Safeguarding vulnerable adults is defined in the [care and support statutory guidance](#) issued under the Care Act 2014 as:
- *protecting the rights of adults to live in safety, free from abuse and neglect*
 - *people and organisations working together to prevent and stop both the risks and experience of abuse or neglect*
 - *people and organisations making sure that the adult's wellbeing is promoted including, where appropriate, taking fully into account their views, wishes, feelings and beliefs in deciding on any action*
 - *recognising that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances and therefore potential risks to their safety or well-being.*
- 1.2 Hearing or knowing about abuse or neglect is often very difficult, and it is common to feel worry, disbelief, 'stuck' by not knowing what to do or to focus on more optimistic explanations. This Protocol sets out the procedures for recognising safeguarding concerns, abuse and neglect concerning adults aged 18 or over in any of the settings HMIP inspects, and it clarifies how to respond to and make referrals about such concerns.
- 1.3 Hereafter in this document, the term 'adult' will be used to refer to people aged 18 or over.

2. Scope

- 2.1 This Protocol applies to all staff working for HM Inspectorate of Prisons (HMIP), both Inspectors and office-based staff, whether they are permanent, temporary or on agency/freelance contracts, or individuals, consultants or agencies contracted by HMIP.
- 2.2 HMIP does not investigate individual safeguarding adult cases or referrals; that responsibility lies with HM Prison and Probation Service (HMPPS), Local Authority Adult Services and the Police. However, HMIP staff must follow this Protocol to ensure that all allegations or suspicions of abuse or neglect are reported and investigated by the appropriate authorities.

3. Encountering concerns

- 3.1 HMIP staff might encounter safeguarding concerns in several ways, such as through direct allegation by a detainee, allegations by others in the setting, via its inspection, through research work including

observation, or from a member of the community, including from a partner or family member who may contact HMIP by telephone or in writing. The concern might relate to:

- what may be happening now, or has happened in the past, to a detainee in an organisation we inspect
- what may be happening now, or has happened in the past, to a detainee outside that organisation, for example in their own family.

The concerns might be about the behaviour of:

- an adult detainee in the setting
- someone in the community (for example a friend, relative or close family member)
- a member of staff, volunteer or service provider in the setting where the adult is detained
- a member of HMIP staff (using the definition of staff as per the Policy).

3.2 Any member of HMIP staff could receive such information, and in all cases this Protocol must be applied.

4. Recognising concerns: what is abuse and neglect?

4.1 Abuse is a violation of a person's human rights or dignity by someone else. The Care Act statutory guidance identifies different types of abuse of an adult at risk as follows:

- Physical abuse: this includes assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions
- Domestic violence: this includes psychological, physical, sexual, financial, emotional abuse or so-called 'honour' based violence
- Sexual abuse: this includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting
- Psychological abuse: this includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks

- Neglect and acts of omission: this includes ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services and the withholding of the necessities of life, such as medication, adequate nutrition and heating
- Self-neglect: this includes a wide range of behaviour such as neglecting to care for one's personal hygiene, health or surroundings, and includes behaviour such as hoarding
- Financial or material abuse: this includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits
- Modern slavery: this encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment
- Discriminatory abuse: this includes forms of harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation or religion
- Organisational abuse: this includes neglect and poor care practice within an institution or specific care setting, such as a hospital or care home, or in relation to care provided in one's own home. This may range from one off incidents to ongoing ill-treatment. It can be through neglect or poor professional practice due to the structure, policies, processes and practices within an organisation.

4.2 Any of these forms of abuse can be deliberate or be the result of ignorance, or lack of training, knowledge or understanding. Often if a person is being abused in one way, they are also being abused in other ways.

4.3 **Who could be an abuser?** The person who is responsible for the abuse is often well known to the person abused and could be:

- relatives and family members
- professional staff
- paid care workers
- volunteers
- other service users
- neighbours
- friends and associates
- strangers

- 4.4 **What are the signs?** Some of the signs to look for are:
- multiple bruising or finger marks
 - injuries the person cannot give a good reason for
 - deterioration of health for no apparent reason
 - loss of weight
 - inappropriate or inadequate clothing
 - withdrawal or mood changes
 - a carer who is unwilling to allow access to the person
 - an individual who is unwilling to be alone with a particular carer
 - unexplained shortage of money

- 4.5 **Expectations.** HMIP has several expectations regarding adult safeguarding, documented in our *Expectations*:

<https://www.justiceinspectrates.gov.uk/hmiprisons/our-expectations/>

5. **Confidentiality and information sharing**

Confidentiality

- 5.1 HMIP staff should not undertake to maintain confidentiality or anonymity during the inspection process with regards to information which suggests any safeguarding concern. Any written request for information to establishments must state this clearly.
- 5.2 Further, questionnaires distributed to adults must make clear that confidentiality will not be maintained if information returned in a questionnaire has safeguarding implications. This should also be verbally stated when surveys are given out. While other information contained in the survey will remain confidential, HMI Prisons staff have a responsibility to pass on any information which has safeguarding implications.

Information Sharing

- 5.3 Sharing of information between professionals and local agencies is essential for effective safeguarding identification, assessment and service provision. It is important to share information promptly so that help can be provided where there are emerging problems.
- 5.4 Serious Case Reviews (SCRs) have repeatedly shown how poor information sharing has contributed to deaths or serious injuries. It should never be assumed that another professional or another agency has passed on information that might be critical to keeping a someone safe. **If a member of HMI Prisons has concerns about abuse or neglect, they should be thoroughly satisfied that the information**

has been shared with the inspection team leader, establishment and local authority Adult Social Care Department if required.

6. Responding to concerns about abuse and neglect

6.1 Concerns about abuse and neglect can emerge in numerous ways. If a person is making an allegation of abuse or neglect to you, you should:

- Stay calm: listen to what is being said carefully and without interruption. Don't rush the person and go at their pace
- Do not offer opinions, or make judgments or criticise others including the alleged perpetrator
- Encourage any additional comments by asking general or open questions such as 'is there anything else you would like to tell me?' or 'what else happened?' Limit questioning to what you need to know to make a judgment about whether a referral needs to be made and to factual details sufficient to make a referral. Do not press for information if the person making the allegation appears to have finished speaking with you
- Do not ask leading questions, or questions that suggest a particular answer. Doing so can potentially jeopardise subsequent investigations, including legal proceedings
- Explain what you will now do and when they can expect to hear of next steps
- Clarify that you will not be able to keep the matter confidential and tell them who you will be sharing information with
- Ensure the person making the allegation is comfortable when you leave them.

6.2 It is not for HMI Prisons to investigate safeguarding matters but to forward information to the relevant authorities.

7. Making a safeguarding referral and subsequent action

7.1 The HMI Prisons staff member who finds a safeguarding concern should immediately contact the inspection team leader or coordinator, having recorded basic information. It is important that adults at risk are interviewed a minimum number of times; the HMI Prisons staff member should only ascertain the minimum amount of information required at this stage. It should be explained to the adult at risk that a safeguarding referral will be made, at the same time as ensuring their immediate

safety. If the situation is critical staff should follow standard emergency procedures.

- 7.2 The inspection team member, leader and coordinator will agree who will contact the relevant senior manager, Adult Safeguarding Team or Governor of the establishment to explain that we have a safeguarding concern and to ask them immediately to follow their own Safeguarding Policy and Protocol.
- 7.3 HMI Prisons will give the Adult Safeguarding Team or the Governor as much detail as possible so that immediate protection can be assured. If the allegation is against a member of staff, the Governor must be given this information to allow them to take appropriate action. If a full investigation is likely, the adult at risk should not be interviewed in depth at this stage.
- 7.4 The establishment's Safeguarding Team or Governor will agree action to be taken and should be asked to inform HMI Prisons of the outcome of any actions or investigations.
- 7.5 As soon as possible afterwards, the HMI Prisons team member, team leader or coordinator should record the referral and response received from the establishment in the Safeguarding Referrals tab of the inspection's Evidence Gathering Template. The inspection team leader or coordinator must ensure that all information, referrals, discussions and outcomes are recorded as contemporaneously as possible.
- 7.6 HMI Prisons staff members who raise concerns with the establishment must be satisfied that the establishment is managing the safeguarding concern effectively using its own protocols, within appropriate timescales. This should include appropriate and timely action has been taken to protect and support the adult at risk, both in the short-term and subsequently. If the adult at risk is moved to another establishment, they should have a transferable care plan which ensures they remain safeguarded. If the alleged perpetrator is themselves an adult at risk, the inspection team should ensure they are also receiving the appropriate support and guidance. If the alleged perpetrator is a member of staff, the staff member and team leader should satisfy themselves that appropriate action is being taken by the establishment.
- 7.7 If, after discussions, it remains the view of the inspection team leader or coordinator that safeguarding concern is not being properly followed up by the establishment and its Adult Safeguarding Team, the matter must be immediately referred to the HMI Prisons Designated Safeguarding Lead. They will discuss further with the establishment and, if they remain dissatisfied with the establishment's response, will make a referral to the Local Adult Social Care Department. Local Adult Social Care Departments are not responsible for adults in custody, but can provide advice to establishments on safeguarding in prisons.

- 7.8 HMI Prisons must keep a full record of the referral and response from the establishment in the Safeguarding Referrals tab of the Evidence Gathering Template. The inspection team leader will be responsible for ensuring this is complete and that the inspection is not concluded before a response has been received from the establishment outlining actions taken. They should review the list of referrals recorded on the final day of the inspection and ensure that all necessary responses have been received.
- 7.9 At the end of the inspection, the inspection coordinator should send a copy of the Safeguarding Referrals tab to the HMI Prisons Safeguarding inbox. The HMI Prisons Designated Safeguarding Lead, assisted by the Policy and Secretariat Officer with responsibility for safeguarding support, will maintain a central log of all safeguarding referrals made to establishments and the responses received.

8. Allegations made in surveys

- 8.1 A member of the Research team must read all survey responses on the day in which they are collected, before leaving the establishment.
- 8.2 If a detainee has made an allegation of abuse or neglect in a survey which relates to a current or an immediate matter, make a note of the person's name, prison number and location, and copy down the comment.
- 8.3 The Research Team will compile a list of all safeguarding concerns received, which will be passed to the coordinating inspector. They will pass on the information to a member of establishment staff that day and follow the process outlined in section 7 above. The coordinating inspector should record concerns and responses received in the Safeguarding Referrals tab on the Evidence Gathering Template.

9. Allegations made via correspondence or the HMI Prisons public phone line

- 9.1 All correspondence received by HMI Prisons is reviewed by the Secretariat on the day of receipt to establish whether it raises any safeguarding concerns.
- 9.2 If a safeguarding concern about a detainee is identified in the correspondence, staff should contact the establishment's Safer Custody team via telephone in the first instance, or via email, and ensure a response is received. This should be recorded and shared with the HMI Prisons Safeguarding inbox so that the referral and response received can be logged. The correspondent will also receive a formal response to their letter from the Chief Inspector, which will outline the steps HMI

Prisons has taken and assurance HMI Prisons has received from the establishment.

- 9.3 If a telephone caller alleges a safeguarding concern about a detainee, the HMI Prisons staff member who takes the call should determine whether the establishment is already aware of this and whether the caller is confident they are taking appropriate action. If the caller is not confident appropriate action is being taken, HMI Prisons staff must contact the Safer Custody team of the establishment via telephone or via email and ensure a response is received. This should be shared with the HMI Prisons Safeguarding inbox so that the referral and response received can be logged. HMI Prisons staff should let the caller know of the action taken and assurance or advice received from the establishment.
- 9.4 If the safeguarding concerns involves an allegation against a member of the establishment's staff, the Governor must be given this information to allow them to take appropriate action.

10. Safeguarding concerns about a member of HMI Prisons staff

- 10.1 An allegation or concern might arise regarding the actions or behaviour of a member of HMI Prisons staff and cause concern about the safety and well-being of adults at risk. This could emerge in a several ways, for example: an allegation from a person who is either detained or in the community; complaints made via an inspection; or whistleblowing or grievance from a colleague.
- 10.2 However difficult it might be to consider that a colleague may be capable of harming a vulnerable adult, it is important to remember that allegations of abuse against staff must never go unreported. This Protocol serves primarily to safeguard adults, but it is also a safeguard for all HMI Prisons staff and the organisation itself.
- 10.3 Any concerns about the behaviour or actions of a member of HMI Prisons staff must be made immediately to HMI Prisons' Designated Safeguarding Lead unless this person is the subject of the concern, in which case Deputy Chief Inspector must be advised. If no senior manager is available, then the Designated Deputy Safeguarding Lead and HMI Prisons' Head of Human Resources must be notified.
- 10.4 The Designated Safeguarding Lead must consider if there is a person at risk of harm (either in a setting that HMI Prisons is working in or in the community, for example at the home of the staff member). If this is thought to be the case, the Designated Safeguarding Lead must contact the local authority Adult Services Department immediately and make and implement plans to notify the setting if applicable. They must also update HMI Prisons' Head of Human Resources, Head of Secretariat and Deputy Chief Inspector.

10.5 Concerns regarding the behaviour or actions of staff have potentially three lines of inquiry:

- a police investigation
- a local authority safeguarding enquiry
- an HMI Prisons disciplinary enquiry

10.6 If referred to the local authority, the local authority particular officer/team of officers will be involved from the initial phase of the allegation through to the conclusion of the case. They will provide advice and guidance to help determine that the allegation sits within the scope of the procedures and will help to coordinate information sharing and the management of the inquiry, the member of staff and the safeguarding concern. The local authority particular officer/team of officers will monitor the progress of cases and upon conclusion will advise on whether there is a need for a referral to the Disclosure and Baring Service

11. Safeguarding concerns about a partner Inspectorate's staff

11.1 HMI Prisons often undertakes inspections alongside other partner Inspectorates and an allegation or concern might arise regarding the actions or behaviour of a staff member from another Inspectorate. This could emerge in a several ways: for example, an HMI Prisons staff member observes or hears something of concern; an allegation from a person who is either detained or in the community; complaints made via an inspection; or whistleblowing or grievance from a colleague.

11.2 Any concerns about the behaviour or actions of a member of staff from a partner Inspectorate must be made immediately to HMI Prisons' Designated Safeguarding Lead. If the Designated Safeguarding Lead is not available then HMI Prisons' Head of Human Resources must be notified.

11.3 The HMI Prisons Designated Safeguarding Lead must refer to the Designated Safeguarding Lead or other senior manager of the relevant Inspectorate. This discussion must share all relevant information that is known regarding the concern. The Designated Safeguarding Lead or senior of the partner Inspectorate will be responsible for addressing the matter within their own setting.

11.4 If the HMI Prisons Designated Safeguarding Lead is concerned about the safeguarding response from the partner Inspectorate being insufficient, ineffective or inappropriate, every effort will be made to continue to have further dialogue with the partner Inspectorate to clarify and implement alternative measures. Ultimately, if HMI Prisons remains dissatisfied with the partner response, HMI Prisons can refer the matter to the local authority, either for advice or for their further assessment/action.

12. Safeguarding concerns not related to a specific establishment or setting

12.1 HMI Prisons staff may become aware of or identify safeguarding concerns which may not be occurring in – or relate to – an establishment we inspect (for example allegations relating to a family member). In this instance, the HMI Prisons member of staff should alert the HMI Prisons Designated Safeguarding Lead, who will make a referral to the local authority.

13. Recording concerns

13.1 HMI Prisons staff making a safeguarding referral to an establishment or to the local authority must ensure their referral and the response received is properly recorded. The HMI Prisons Designated Safeguarding Lead, assisted by the Policy and Secretariat Officer with responsibility for safeguarding, will maintain a central HMI Prisons safeguarding tracker for this purpose.

13.2 The Policy and Secretariat Officer will monitor and manage the HMI Prisons safeguarding inbox and safeguarding tracker on a day-to-day basis.

13.3 While on inspection, HMI Prisons staff should immediately record any safeguarding referrals and responses received from the establishment in the Safeguarding Referrals tab of the Evidence Gathering Template (as outlined in section 7 above). The coordinating inspector should send a copy of this to the HMI Prisons Safeguarding inbox at the end of the inspection so that they can be logged on the central HMI Prisons safeguarding tracker.

13.4 When responding to concerns raised in correspondence or via telephone, HMI Prisons staff should email the safeguarding inbox with a record of the concern and action taken. These will be logged in the HMI Prisons safeguarding tracker.

13.5 Records should be clear, concise, accurate and without jargon (any acronyms must be explained). Records must be up to date and written as close to the time of the event as possible.

13.6 All HMI Prisons records must clearly differentiate between fact, opinion, judgements and hypothesis. It is acceptable to state an opinion, but care must be taken to explain that it is the opinion of the writer and opinions must be grounded in evidence.

13.7 All actions, consultations and decisions must be recorded with the relevant names, times and dates alongside those notes. Records must

be shared with others as proportionate to the need. Specifically, records must state:

- The details of the alert/concern: nature of any injury/abuse, who, how, when and where. As far as possible, write down verbatim what people say
- Times and dates (of the event being described and of the recording taking place). Safeguarding reports must be written within 24 hours of the concern coming to the attention of the HMI Prisons member of staff
- Detainee views (if known). Whether you have sought consent to refer must be stated, and any responses given by the detainee or carers to be shared
- Date and sign recording. If, later, additional information is recalled, do not change original records but made additional notes
- Remember that recorded information may (in the future) be viewed and accessed by the individual or their family members along with other multi-agency professionals within the adult protection process and possibly in court.

13.8 The Policy and Secretariat Officer with responsibility for safeguarding will monitor the HMI Prisons Safeguarding tracker and will identify if HMI Prisons is still awaiting any further response or information from establishments (for example, the outcome of any investigation). If so, they will liaise with the Designated Safeguarding Lead and relevant HMI Prisons staff to follow up with the establishment.

14. Who to contact

HMI Prisons Designated Safeguarding Lead

Angus Jones
Angus.Jones@HMIPrisons.gov.uk

HMI Prisons Safeguarding Team

Deputy Designated Safeguarding Lead – Inspector
Nadia Syed
Nadia.Syed@hmiprisons.gov.uk

Deputy Designated Safeguarding Lead – Secretariat / Head of HR
Lesley Young
Lesley.Young@hmiprisons.gov.uk

Email address

All safeguarding correspondence should be copied to the HMIP Safeguarding inbox, to which the people above have access:

HMIP_Safeguarding@hmiprisons.gov.uk

ANNEX A: Summary Flowchart

Concern about abuse or neglect in a setting (current or historical)



- Ensure immediate safety of person if necessary
- Refer to setting's own Designated Safeguarding Lead (asap and within 24 hours)
- Clarify that setting is implementing appropriate measures
 - If not, refer to HMIP Designated Safeguarding Lead for further discussion with setting or referral to local authority services
- Ensure all referral details and responses received are recorded in the EGT
- Share EGT with the HMIP Safeguarding inbox at the end of the inspection

Concern about abuse or neglect NOT in a setting (current or historical)



- Refer to HMIP Designated Safeguarding Lead (asap and within 24 hours)
- HMIP Designated Safeguarding Lead to refer to local authority services (asap and within 24 hours)
- Ensure all referral details and responses sent to HMIP Safeguarding inbox or noted in EGT for recording

Concern or allegation about a member of HMIP staff or a member of staff from a partner inspectorate



HMIP staff member

- Advise HMIP Designated Safeguarding Lead, Deputy Chief Inspector, Head of Secretariat or Head of HR (asap and within 24 hours)
- HMIP makes a referral to the local authority. Consideration given to referral to police, or internal disciplinary process

Partner Inspectorate staff member

- Advise HMIP Designated Safeguarding Lead (asap and within 24 hours)
- HMIP Designated Safeguarding Lead to refer to partner inspectorate Designated Safeguarding Lead
- If concerns are still outstanding, HMIP to refer directly to local authority

Ensure all referral details and responses sent to HMIP Safeguarding inbox for recording