



Ministry  
of Defence

## **JSP 834 Volume 2**

# **Safeguarding Adults with Care and Support Needs**

# Foreword

People are at the heart of operational capability; attracting and retaining the right numbers of capable, motivated individuals to deliver Defence outputs is critical. This is dependent upon maintaining a credible and realistic offer that earns and retains the trust of people in Defence. In order to achieve this, all personnel must be confident that, not only will they be treated fairly, but also that their families will be treated properly, and that Defence personnel and their family members will be respected and appropriately supported.

This policy directs the MOD's framework for safeguarding adults with care and support needs.

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**Chief of Defence People**  
**Functional Owner for Defence People**

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# Introduction

1. This document contains MOD policy for safeguarding adults with care and support needs (hereafter know as 'adults'); it is Volume 2 of a suite of Safeguarding policies. This policy has undergone an Equality Analysis, and has been subjected to the [Family Test](#), and is aligned with Civil Service Employee Policy.
2. When reading this policy, it is important to note that the word 'must' is used to denote requirements mandated in law in England, the word 'should' is used to reflect the requirements mandated in policy and the word 'may' provides discretion for the interpretation of policy.
3. Nothing in this policy affects the statutory requirement under the Armed Forces Act 2006 to make the service police aware if it is suspected that a Schedule 2 offence has been committed or where prescribed circumstances exist<sup>1</sup>.
4. This policy will be reviewed every two years or in response to changes directed by Central Government policy.
5. The owner of this JSP is Hd Armed Forces Families and Safeguarding (AFFS), within the Defence People Team. For further information or advice on any aspect of this publication or to provide feedback on the content, email the Safeguarding Policy Team at [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).

## Purpose of Policy

6. This policy lays out the statutory framework for safeguarding adults. Its purpose is to provide direction on our responsibilities in accordance with UK legislation and to provide overseas Commands guidance where UK laws do not apply.

## Limitations of Policy

7. Where this policy is silent or where initial interpretation of policy cannot address a specific issue, advice should be sought from the AFFS Safeguarding Policy Team.

## Scope

8. The population covered by this policy is all adults for whom MOD assumes responsibility who are classed as adults with care and support needs and who may be at risk of harm, neglect or abuse.
9. The statutory safeguarding definition for an adult who may be at risk of harm, neglect or abuse is<sup>2</sup>:
  - a. a person aged 18 or over,
  - b. who has care and support needs<sup>3</sup>, and

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<sup>1</sup> [JSP 830 - Manual of Service Law](#).

<sup>2</sup> [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#).

<sup>3</sup> [Care and support: what's changing? - GOV.UK \(www.gov.uk\)](#).

- c. who is experiencing, or is at risk of, abuse or neglect<sup>4</sup>, and
- d. 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<sup>5</sup>.

10. This person is known as an ‘adult at risk’. An adult at risk may be a person who:

- a. is elderly and frail due to ill health.
- b. has a learning disability.
- c. has a physical disability or sensory impairment.
- d. has mental health needs.
- e. has long-term health conditions.
- f. misuses alcohol or substances.
- g. is an informal carer<sup>6</sup>.

11. People with care and support needs are not inherently vulnerable but they may come to be at risk of abuse or neglect at any point due to:

- a. physical or mental ill health.
- b. getting older.
- c. becoming disabled.
- d. reduced support networks.
- e. inappropriate accommodation.
- f. financial circumstances.
- g. being socially isolated.

12. The in-scope population for Defence, including Service personnel, may be relatively small in comparison to the general population, however it is important that that population is recognised, understood and safeguarded appropriately.

13. For safeguarding policy related to children and young people please see JSP 834 Volume 1.

14. This document contains various references to other MOD policies. In each case the relevant policy owners have been consulted in the drafting process.

Related Policy	Title
JSP 345	<a href="#">Applying Prevent within Defence</a>
JSP 441	<a href="#">Information, Knowledge, Digital and Data in Defence</a>

<sup>4</sup> Including self-neglect.

<sup>5</sup> [Care Act 2014 \(legislation.gov.uk\)](#).

<sup>6</sup> [Factsheet 8: The Care Act - the law for carers \(publishing.service.gov.uk\)](#).

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JSP 492	<a href="#">Defence Ethics, Propriety and Standards</a>
JSP 770	<a href="#">Tri-Service Operational and Non-Operational Welfare Policy</a>
JSP 814	<a href="#">Policy and Regulations for Ministry of Defence Sponsored Cadet Forces</a>
JSP 839	<a href="#">Service Justice System - Services for Witnesses and Victims of Crime</a>
JSP 832	<a href="#">Guide to Service Inquiries</a>
JSP 893	<a href="#">Safer Recruitment and Employment</a>
JSP 913	<a href="#">Whole Force Policy on Domestic Abuse</a>
Civil Service Policy, Rules and Guidance	Civil Service Employee Policy

## Record of Amendments

Version	Title	Date
1.0	Separation of JSP into two volumes complete: Children (Vol 1) and Adults with Care and Support Needs (Vol 2).	Jan 2024

# 1 The Safeguarding Framework

## Policy Context

1. Defence has a responsibility to ensure that everyone is aware of their roles and responsibilities in protecting adults who are unable to protect themselves. This policy will outline statutory responsibilities and direct the activity/actions that are to be taken to ensure adult safeguarding concerns are dealt with appropriately across Defence.

## The Safeguarding Framework

2. Safeguarding and promoting the welfare of adults is defined in statutory guidance<sup>7</sup> 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.’*

3. Safeguarding is founded on the following principles:

- a. **Empowerment.** People being supported and encouraged to make their own decisions and informed consent.
- b. **Prevention.** It is better to take action before harm occurs.
- c. **Proportionality.** The least intrusive response appropriate to the risk presented.
- d. **Protection.** Support and representation for those in greatest need.
- e. **Partnership.** Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- f. **Accountability.** Accountability and transparency in safeguarding practice.

4. Defence expects all its people to be guided by these principles in their interactions with others; ensuring that safeguarding is everyone’s responsibility. These principles must be embedded in everything we do, all policy and process and all engagement with people, instilling a golden thread of safeguarding throughout Defence.

5. The safeguarding framework defined in this policy enables MOD organisations and individuals to put in place safeguarding activity needed to deliver this purpose.

6. Health and Mental Health, and specialist welfare professionals working for Defence should use this document to complement professional standards and policy/regulations directed by the Department of Health and Social Care (DHSC) for England/Devolved Administration equivalents.

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<sup>7</sup> [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk).



## Governance

7. The Defence Safeguarding Partnership Board (DSPB) provides the lead strategic pan-Defence partnership and is responsible for ensuring consistent and rigorous approaches to safeguarding and promoting the wellbeing of people across Defence. The DSPB is established under the authority of the 2\* Director Armed Forces People Policy (DAFPPol) in accordance with MOD policy and direction and works within the principles of the Care Act (2014). The DSPB is supported by a range of working groups focussed on coordinating the safeguarding framework<sup>8</sup>.

8. An Independent Scrutineer delivers a critical friend role to the DSPB, ensuring that the Board operates effectively and secures an appropriate independent voice within the wider Defence governance framework. This position is subject to appropriate support and guidance from the Safeguarding Policy team and is reviewed annually.

## Legislative Framework

9. **England.** The Care Act 2014 contains the legislative framework for safeguarding adults at risk, regardless of whether those needs are being met by support organisations.

10. **Scotland.** The statutory responsibilities are enacted through the Adult Support and Protection Act (Scotland 2007).

11. **Wales.** The statutory responsibilities are enacted through The Social Services and Wellbeing (Wales) Act 2014.

12. **Northern Ireland.** The only devolved administration where safeguarding adults remains policy direction (at the time of writing) and is covered by The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 and the Protocol for Joint Investigations of Alleged and Suspected Abuse NI 2001.

## Definitions

13. For ease and consistency this policy follows the definitions and descriptions contained in legislation, policy and regulations that apply in England. It is important to note that these are not at odds with those of the Devolved Administrations.

14. **Abuse and Neglect.** There are different types and patterns of abuse and neglect and different circumstances in which they may take place. Abuse of an adult may consist of a single act or repeated acts affecting more than one person. Abuse can occur in any relationship and any setting and may result in harm or exploitation of that individual and in many cases the abuse may be a criminal act. Statutory guidance describes several different types of abuse and neglect: [summary of types and indicators of abuse](#).

15. **Applying Prevent.** Prevent is part of the government's counter-terrorism strategy. The aim of Prevent is to help prevent the risk of people becoming terrorists or supporting terrorism. It sits alongside long-established safeguarding duties on professionals to protect people from a range of other harms, such as substance abuse, involvement in gangs, and physical and sexual exploitation. The MOD applies the Prevent strand of central government's counter-terrorism strategy (CONTEST) through its Joint Service Publication

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<sup>8</sup> [Defence Safeguarding Partnership Board Terms of Reference \(sharepoint.com\)](#).

345: Applying Prevent within Defence. Defence personnel are directed to follow this policy in all circumstances where there are concerns that an adult is at risk of radicalisation.

16. **Capacity.** Capacity refers to the ability to make an informed decision at a particular time about a singular topic. The starting assumption must always be that a person has the capacity to make a specific decision at a specific time unless it can be established that they lack the capacity to make that decision<sup>9</sup>.

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<sup>9</sup> [Mental Capacity Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

## 2 Roles and Responsibilities

### Within the UK and Overseas

1. **Everyone.** Defence expects all its people to be guided by the principles (outlined in para 1.3) in their interactions with others; ensuring that safeguarding is everyone's responsibility.
2. **Personnel with Safeguarding Responsibilities.** MOD personnel are required to undertake appropriate safeguarding training at a level commensurate with their job role. Those MOD personnel who work with or have contact with adults at risk are to be familiar with the Care Act (2014) and should carry out their responsibilities in accordance with professional standards, regulations and policy set out by the DHSC (England)/Devolved Administration equivalent.
3. **Policy Makers.** All policy makers within the Defence People Team, single Services and UKStratCom are to embed these safeguarding principles (Chapter 1 para 3) within their own policies.
4. **AFFS.** AFFS is responsible for providing the professional leadership and direction across the MOD for the development and implementation of safeguarding policy and practice. Within AFFS, the safeguarding policy team provides subject matter expertise and guidance across Defence and with Safeguarding partners. This team supports and manages the functions of the DSPB and as such is a point of contact for those within and external to Defence. The team will act as a conduit between Defence and the Local Authority (or equivalent in the devolved administrations) where there is a need for information sharing for example in the course of safeguarding adult reviews and domestic homicide reviews. The team is contactable during normal working hours by emailing: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).
5. **Employing Authorities.** Defence has a legal duty to refer concerns to the relevant disclosure organisation in accordance with the Safeguarding Vulnerable Groups Act 2006, where it employs people (including paid/unpaid volunteers) in regulated activity. Personnel considering making a referral are to contact their relevant Nominating Authority as set out in JSP 893. A referral must meet the conditions laid out by the relevant disclosure organisation. Further details for each disclosure organisation are:
  - a. Disclosure and Barring Service for England, Wales, and Northern Ireland referrals: <https://www.gov.uk/guidance/barring-referrals>.
  - b. Disclosure Scotland for referrals in Scotland: <http://www.disclosurescotland.co.uk/protectionservices/referralprocess.htm>.
6. **Single Service Specialist Welfare Organisations.** Serving personnel and their families can access single Service Specialist Welfare support wherever they are serving. Where this support is being accessed it is important for the Chain of Command (CofC) and the organisation providing this support to share information between themselves and with statutory (UK)/contracted social work services (overseas) as required. Full responsibilities are directed in JSP 770.

## Within the UK

7. **Specific Command Responsibilities.** All commanding officers / commanders<sup>10</sup> (or their nominated deputies) are to:

- a. have in place and implement a Safeguarding Standing Order<sup>11</sup> which includes a Safeguarding Policy Statement. A template is published on the safeguarding communications site, which is accessed on the team's SharePoint site at: [Safeguarding Policy Team](#).
- b. nominate a Safeguarding Lead (this may be the commanding officer / commander) with responsibility for:
  - (1) ensuring that the procedures for safeguarding are used in accordance with this policy and statutory guidance.
  - (2) resolving any inter-agency issues with support from their Local Safeguarding Adult board.
  - (3) ensuring that information is appropriately shared between agencies (statutory (UK) / contracted social work service (overseas), single Service Specialist Welfare organisation, CofC).
  - (4) ensuring required reporting, notification and record keeping is undertaken.
- c. cooperate fully with local authority safeguarding partnerships and DSPB to give them the information and assurance that they seek.
- d. represent MOD where requested by a local authority/equivalent at safeguarding multi-agency meetings. This role is normally undertaken by the commanding officer/commander or designated representative, or an individual from the lead Service Specialist Welfare organisation.
- e. seek advice on safeguarding processes, issues, and concerns from their Specialist Welfare organisation, so long as this does not delay any duty to refer to the statutory authorities.

## Overseas

8. **Overseas Commands.** Sub-paras 7a-e above apply plus, so far as possible, MOD adopts the statutory requirements in English Law. However, those requirements have no legal force in the host nation. The CofC overseas can give effect to some requirements by way of standing orders for the safeguarding and welfare of people for whom MOD has assumed responsibility. However, those standing orders will only apply to persons subject to Service law or civilians subject to Service discipline.

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<sup>10</sup>A military person responsible for planning activities, supervising activities, and making sure that personnel under their area of responsibility are safe. This term refers to a role rather than the rank of Commander, and it can be a permanent or temporary role (for example, lasting for the duration of a training exercise). In parts of Defence this person could be referred to as a 'responsible person'.

<sup>11</sup> An exemption from the requirement to have a Safeguarding Standing Order is in place for Cadet Units where there is an individual Cadet Force safeguarding policy in place.

9. **Specific Overseas Command Responsibilities.** Where commanding officers / commanders / (or their nominated deputies) have responsibility for Service personnel / MOD civilians and their families, they are to:

a. know which MOD-contracted social work service has local responsibility for their location and ensure that all safeguarding concerns and referrals are passed to them immediately. If not already covered by a local or higher command level Local Safeguarding Partnership (LSP), seek higher level command and/or the Safeguarding Policy Team advice on whether there is a need to establish an LSP. Where this is unachievable a single point of contact for safeguarding should be established; this should be done in consultation with the Safeguarding Policy Team, who are contacted by emailing: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).

b. ensure that the safeguarding of adults is discussed and considered as a standing agenda item at each LSP and included in the reporting chains for the command reps.

10. **Management of Registered Sex Offenders Overseas.** In the UK, the responsibility for the management of registered sex offenders is held by the police who operate the Violent and Sex Offender Register. Where this is a Service person or a Civilian Subject to Service Discipline (CSSD), and they are assigned overseas, the responsibility for management falls to the individual's commanding officer. This includes the commanding officers of training establishments where trainees on the register are deployed temporarily on overseas visits or exercises during their training. The commanding officer should inform the safeguarding policy team of any person subject to being on the Violent and Sex Offender Register upon assignment to an overseas post. Whether in the UK or overseas, a Commanding Officer should notify the Service Police Crime Bureau of any Service Person who is placed onto the Violent and Sex Offender Register. All queries should be directed to the Service Police Crime Bureau via email at [RMP-Opsdesk@mod.gov.uk](mailto:RMP-Opsdesk@mod.gov.uk) or by telephone on military 93835 5170 or civilian +44 (0) 2392 28 5170. Out of hours duty number is 07815 502825.

11. **MOD Contracted Social Work Service.** All safeguarding enquiries, concerns and referrals for adults at risk must be made to the contracted social work provider in location.

# 3 Responding to Safeguarding Incidents

## Safeguarding Concerns in the UK

**If you are concerned that someone is in immediate danger, contact the UK civilian police on 999 or the local Service police immediately. Where you suspect a crime has been / is being committed, you should report this immediately to the police.**

1. Within the UK, Defence personnel working with adults at risk will use devolved nations legislative framework to ensure appropriate action is taken.
2. Local authorities across the UK are the lead agency for safeguarding and can provide advice and guidance to MOD personnel should there be a concern for an adult at risk.
3. If an adult is deemed to be at immediate risk, contact the police.
4. Concerns or incidents must be referred to the local authority where the person at risk resides. Designated Safeguarding Leads are responsible for ensuring that local authority contact information is readily accessible to all personnel and displayed on the noticeboards. All staff should be aware of their Safeguarding Lead and that they can discuss safeguarding concerns with them. However, the unavailability of access to the Safeguarding Lead should not delay a referral to the local authority: [find out which local authority to contact](#) and [find your nearest Safeguarding Adults Board](#).

## Statutory Safeguarding Overseas

**If you are concerned that someone is in immediate danger, contact the local Service police or host nation police immediately. Where you suspect a crime has been / is being committed, you should report this immediately to the police.**

5. Where there is risk to life or a crime has been committed, personnel are to contact the host nation police/emergency service where this exists and the Service police where this presence exists. Where there is no Service police and no suitable host nation police presence, the Service Police Crime Bureau should be contacted via email at [OpsDesk@rmp.mod.uk](mailto:OpsDesk@rmp.mod.uk) or by telephone on military 93835 5170/5180 or civilian 02392 28 5170/5180. Personnel should be aware that in some locations it is not appropriate to contact the Host Nation police or local authorities, for advice and guidance personnel should contact the Service Police Crime Bureau as above.
6. Commanding Officers / Commanders or their nominated deputies who may be concerned that an adult is at risk in an overseas location are to consider returning the individual to the UK for a formal referral to the local authority.
7. All safeguarding enquiries, concerns, and referrals must be made to the MOD contracted social work service overseas or to the host nation social work service (where applicable) and the CofC. Where there is no coverage in location, personnel should contact their CofC or their Safeguarding Lead in the first instance and may also seek advice from the AFFS safeguarding policy team by emailing: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).

8. Contacts for MOD contracted social work providers are below:

<b>British Forces Social Work Service (BFSWS)</b>	
Telephone: +44 (0) 808 168 3111	Website: <a href="mailto:crt.bfsws@coreassets.com">crt.bfsws@coreassets.com</a>

## Single Service Specialist Welfare Organisations

9. In cases where a safeguarding referral has been made to a local authority/devolved administration equivalent adult social care department or to MOD contracted social work service overseas, families may be supported by their single Service Specialist Welfare organisation.

10. Involvement of Service Specialist Welfare organisations is to be in accordance with policy laid out in JSP 770: Tri-Service Operational and Non-Operational Welfare Policy and with the information sharing direction contained in this policy and in JSP 441.

## Reporting Serious Safeguarding Incidents

11. All DSPB member organisations and overseas LSPs and single points of contact are to ensure that serious safeguarding incidents in the UK and overseas are reported to the AFFS Safeguarding Policy Team. Reporting serious safeguarding incidents enables the AFFS Safeguarding Policy Team, on behalf of the MOD, to maintain an oversight of such incidents.

12. **The following incidents are to be reported to the AFFS Safeguarding Policy Team using the reporting form at Annex A:**

- a. when an adult dies because of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.
- b. when an adult is still alive but has experienced serious neglect or abuse and there is concern that partner agencies could have worked more effectively to protect the adult

13. All serious safeguarding incidents as defined above should be reported to AFFS Safeguarding Policy Team using the Safeguarding Incident Reporting Form at Annex A within 24 hours. This includes those cases which occur within the UK and are managed by statutory authorities as this reporting will enable and support information sharing and learning reviews. Personnel should report all incidents that they become aware of and not assume that reporting has taken place elsewhere within Defence.

## Safeguarding Adult Reviews

15. **Within the UK.** A Safeguarding Adult Review (SAR) is a statutory review that takes place when an adult with care and support needs has died or has been significantly harmed because of abuse or neglect. The local authority/devolved administration equivalent where the incident occurred retains responsibility for conducting reviews. Any DSPB member organisation made aware of a review commissioned by a local authority that relates to an adult with care and support needs whom Defence assumes responsibility for are to notify the [AFFS Safeguarding Policy Team](#).



16. **Overseas.** LSPs overseas are required to undertake a rapid review of serious incidents, and report outcomes to the Chair of the Safeguarding Practice Review Group (SPRG) via the AFFS safeguarding policy team. If the location does not have a LSP they should seek advice from the AFFS Safeguarding Policy Team by emailing [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).

17. Rapid reviews should assemble the facts of the case as quickly as possible to establish whether there is any immediate action needed to ensure the safety of an adult and the potential for practice learning.

18. If there is a need to consider the findings of a rapid review the LSP should complete and submit the template at Annex B to AFFS Safeguarding Policy Team by emailing [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk) within 24 hours. This will enable the Chair of the SPRG to consider if there are grounds to convene an extraordinary Safeguarding Practice Review Group meeting.

### **Referrals to the Safeguarding Practice Review Group (SPRG)**

19. The SPRG supports a culture of improving safeguarding across Defence, LSPs, safeguarding partners and Local Authorities to ensure that all learning from reviews is reported, highlighted, and disseminated across Defence to improve safeguarding practice. The group will consider referrals and make recommendations on whether cases meet the criteria for a multi-agency review, a single agency review or whether no review is required. The SPRG can be asked to review cases overseas and in the UK and will determine the most appropriate review methodology and will, if required, commission external independent experts to conduct reviews on behalf of Defence.

20. Where safeguarding partners overseas consider that a referral to the SPRG is required, they should liaise with their LSP in the first instance. The LSP will then determine if a local learning review is required or a direct referral to the SPRG. Referrals to the SPRG should be made for incidents:

- a. where there was clear evidence of a risk of significant harm to an adult that was:
  - (1) not recognised by organisations or individuals in contact with the adult or perpetrator; or
  - (2) not shared with others; or
  - (3) not acted on appropriately.
- b. where the case highlights or could highlight improvements needed to safeguard and promote the welfare of adults.
- c. where the case highlights or could highlight recurrent themes in the safeguarding and promotion of the welfare of adults, for example, the failure to share information which led to an adult being at increased risk.
- d. where the case highlights or could highlight concerns regarding two or more agencies working together effectively to safeguard and promote the welfare of adults.
- e. where one or more agency or professional considers that its concerns were not taken sufficiently seriously, or acted on appropriately, by another.



f. where the case suggested that the SPB may need to change local procedures, or that protocols and procedures are not being adequately promulgated, understood, or acted on.

g. where there are indications that the case may attract media interest.

21. Referrals should be made on the review template at Annex B or directly to the SPRG using the email address: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk).

## **Domestic Homicide Reviews**

23. These reviews are a statutory duty under the Domestic Violence Crime and Disorder Act (2004). A Domestic Homicide Review is a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse, or neglect by a person to whom they were related or with whom they were or had been in an intimate personal relationship, or a member of the same household as themselves, held with a view to identifying the lessons to be learnt from the death. Further details on Domestic Homicide Reviews can be found in [JSP 913](#) - Whole Force Policy on Domestic Abuse.

## **Service Inquiries**

24. When Service Inquiries are commissioned, consideration should be given to liaison with the SPRG chair if there are safeguarding themes or issues relating to the case and inquiry. This will support information sharing, SME access and dissemination of learning across Defence from recommendations made.

## 4 Responding to Allegations

### People in Positions of Trust (PiPoT) Concerns

1. A PiPoT allegation relates to a person who works or volunteers with adults with care and support needs who has:
  - a. behaved in a way that has harmed or may harm an adult.
  - b. is suspected of or has committed a criminal offence against or related to an adult.
  - c. behaved towards an adult in a way that indicates they may pose a risk of harm.
  - d. behaved in a way that has harmed children or may have harmed children which means their suitability to provide a service to adults at risk must be reviewed.
  - e. and the allegations can be current or historical.
2. All personnel are to be familiar with referral procedures for the protection of adults in the UK and Overseas. A concern must be reported to the staff member's CoC/line manager, who should then take advice from their safeguarding lead.
3. Any allegation regarding a member of the Defence community who works or volunteers with adults with care and support needs must be taken very seriously and dealt with sensitively and promptly.
4. Allegations that are made against a PiPoT working for or on behalf of the MOD, in a voluntary or paid capacity within the UK or overseas must be notified to the CofC/line manager who, on behalf of the MOD, will maintain a central record to enable oversight of all allegations.
5. **Please note:** If you have concerns that a specific person with care and support needs is at risk or is experiencing abuse or neglect, ensure you report your concerns in accordance with this policy. A PiPoT referral will run alongside a safeguarding enquiry.

### Allegations made in the UK

6. The CofC should ensure that a referral is made (or has been made) to the relevant local authority using the appropriate reporting form within 24 hours, or on the next working day in the case of a weekend.
7. All Adult Safeguarding Partnerships in the UK have their own websites, which set out their safeguarding policies and procedures.
8. The CofC will need to discuss the case and allegations with the relevant adult social care department manager and the police, to decide which agency should lead the investigation.
9. The CofC will need to work with HR leads to decide whether suspension is appropriate during the period of investigation. HR leads will advise whether disciplinary procedure is to be followed.

## Allegations made Overseas

10. LSPs overseas are to ensure that all organisations have in place procedures for managing and handling allegations. All allegations against Defence PiPoT overseas must be notified to the Local Safeguarding Partnership.

11. Allegations are to be notified to the LSP and then to the Safeguarding Policy Team by emailing: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk). Notification is to be made in addition to current reporting processes for Reporting Concerns and Whistleblowing Procedures.

12. Where there is no LSP, the SPT will support the coordination of the safeguarding and investigative process and provide advice/guidance. Personnel should contact the SPT by emailing: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk)

13. The outcome of any investigation should identify whether the allegation is:

- a. **Substantiated.** There is sufficient evidence to prove the allegation.
- b. **Unsubstantiated.** There is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- c. **Unfounded.** The term 'unfounded' means that there is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. There is the possibility that the allegation may be malicious, but it might also indicate that the person making the allegation had misinterpreted the incident or was mistaken about what he/she saw or was not aware of all the circumstances.
- d. **Malicious.** There is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- e. **False.** There is sufficient evidence to disprove the allegation.

14. Allegations of non-recent abuse should be responded to in the same way as contemporary concerns. In such cases, it is important to bear in mind that alleged perpetrators could be working in a position of trust with adults. Consequently, responses to disclosures of non-recent abuse require as high a standard of response as any other reported abuse.

## 5 Joint Working

1. MOD is committed to sharing information with other agencies both internally and externally in a safe and timely manner, where this is necessary for the purposes of safeguarding adults. Adults have a general right to independence, choice and self-determination, including control over information about themselves.

2. In the context of adult safeguarding these rights can be overridden in certain circumstances. As far as practicable all referrals should be discussed with the individual to ascertain views and wishes. If an individual decides against support or requests that information about them is not shared with other safeguarding partners, their decisions should be respected. However, there are several circumstances where these rights may be overridden, and these include:

- a. where a person lacks capacity to make that decision<sup>12</sup>.
- b. other people are, or may be, at risk.
- c. sharing the information could prevent a crime.
- d. the alleged abuser has care and support needs and may also be at risk.
- e. a serious crime has been committed.
- f. staff are implicated.
- g. the person has capacity to make that decision, but they may be under duress or being coerced.
- h. the risk is unreasonably high and meets the criteria for a Multi-Agency Risk Assessment Conference (MARAC); the local Safeguarding Adults team can advise on this threshold. Advice can also be sought from single service specialist welfare, the medical chain of command of the Safeguarding Policy Team.
- i. a court order or other legal authority has requested the information<sup>13</sup>.

### Key Points for Sharing Information

3. Understand confidentiality – information is confidential when it is sensitive, not already in the public domain and shared in confidence.
4. Explain at the outset, openly and honestly, what, and how information will be shared.
5. Always consider the safety and welfare of a child, young person when making decisions on whether to share information about them.

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<sup>12</sup> This must be explored and recorded in line with the principles of the Mental Capacity Act 2005. Where the person lacks capacity to make a decision, a referral to the local authority must be made, with any requests for advocacy. Where the person's movement is restricted, referral must be immediate and accompanied by a request for support with Deprivation of Liberty.

<sup>13</sup> The Care Act 2014.

6. Always seek consent, preferably in writing, to share confidential information. Information can be shared if there is a justifiable reason to override the lack of consent.
7. Seek advice whenever there is doubt.
8. Ensure the information being shared is accurate and up to date, necessary, shared only with those people who need to see it, and shared securely.
9. Always record the reasons for the decision to share information or not.
10. If none of the above apply and the decision is taken not to share safeguarding information with other Safeguarding partners, steps are to be put in place to ensure that:
  - a. the person's capacity for decision making has been established.
  - b. the person is supported to weigh up the level of risk and possible outcomes.
  - c. support is offered as required and necessary.
  - d. the level of risk that the person is taking is agreed.
  - e. the level of risk that the person is taking is appropriately recorded.
  - f. the referral procedure is documented and reasons for not intervening or for sharing information explicitly is recorded in the person's record on the Defence Medical Information Capability Programme (DMICP) database or where Medical is not involved, appropriately documented.
  - g. the situation is reviewed regularly.

## **Record Keeping**

11. The general principle that information should not be retained for longer than it is lawfully necessary applies to records of allegations and concerns but, in some circumstances, records may be kept indefinitely (for example, where it is necessary for exercising or defending legal claims or for archiving purposes that are in the public interest). There should be a review process scheduled at regular intervals to ensure a record is not retained where it is unnecessary to do so. Records should be managed in accordance with JSP 441: Information, Knowledge, Digital and Data in Defence.

## 6 Training

***This section is subject to review and will be updated following completion of the Training Needs Analysis.***

### Induction and Supervision

1. The induction of all newly appointed personnel is to include:
  - a. an introduction to safeguarding policies and procedures.
  - b. signposting the identity and specific responsibilities of those staff with designated safeguarding responsibilities.
  - c. an introduction to personnel procedures relating to disciplinary issues and the relevant whistleblowing policy.
  - d. attendance at safeguarding training at a level appropriate to their role.
2. Senior managers should ensure that their staff are supervised appropriately and that they have ready access to advice, expertise and management support in all matters relating to safeguarding adults.

### Training and Development

3. Defence personnel should undertake an appropriate level of safeguarding training, dependent on their role/position. It is vital that all those who come into contact with adults are alert to their needs and know what action to take to ensure that adults are safe, in both the real and online worlds. Commanders are responsible for allocating resources to adult safeguarding training.
4. The culture to be promoted is one of continuous learning and improvement. Current training packages are accessed through the Defence Learning Environment (DLE) and Civil Service Learning (CSL) portals and detailed training requirements, including the levels of required training, are laid out in the Training Matrix below.

Level	Who needs this?
<b>Level 1</b>  <b>Awareness</b>	<b>All staff and volunteers.</b>  This group of staff need a basic understanding and awareness of safeguarding issues, know how to recognise the signs and symptoms of adult abuse, and know what to do if they suspect an adult is being abused.  <u>Includes:</u> All Defence personnel, military and civilian, paid or voluntary.
<b>Level 2</b>  <b>Basic</b>	<b>Staff and volunteers who have regular contact or have periods of intense but occasional contact with adults (as defined under the Care Act 2014).</b>  In addition to the skills needed at Level 1 this group of staff need to understand how to advocate for adults, have an awareness of the necessity of information sharing, consent, assessment, accurate

	<p>recording, knowledge of how to escalate concerns and have an appreciation of their own roles and responsibilities to safeguard adults.</p> <p><u>Includes:</u> Healthcare staff <sup>14,15</sup>, Service Police/MDP Phase 1 and Phase 2 Training Staff, Cadet Force Adult Volunteers, and others in Regulated Activity (Regulated Work in Scotland).</p>
<p><b>Level 3</b></p> <p><b>Advanced</b></p>	<p><b>Staff and volunteers working predominately with adults.</b></p> <p>In addition to the skills needed at Level 1 and 2 this group of staff need to be aware of the importance of family history, the impact of parenting issues and of working together to identify, assess and meet the needs of adults where there are safeguarding issues.</p> <p><u>Includes:</u> Social care and healthcare staff, youth, and community workers, those working in early years settings and schools, teachers, chaplains<sup>16</sup>, Service Police/MDP, Military Provost staff<sup>17</sup>, single Service Specialist Welfare workers, unit welfare officers and DCMH clinical staff.</p>
<p><b>Level 4</b></p> <p><b>Specialist</b></p>	<p><b>Members of the workforce who have responsibilities in relation to safeguarding, including named and designated lead professionals.</b></p> <p>This group of staff need to have the skills needed for the above groups and need to understand adult protection procedures, be able to exercise professional judgement, work with complexity, have a greater understanding of engagement with adults and promote professional practice and give advice to others.</p> <p><u>Includes:</u> All designated safeguarding leads, named professionals from health, education (headteachers, deputy headteachers and managers of early years settings), Service Police/MDP, Military Provost staff and personnel working in social care positions. Those involved in the recruitment<sup>18</sup> of staff into posts working specifically with adults.</p>

<sup>14</sup> Health staff should refer to the [Adult Safeguarding: Roles and Competencies for Health Care Staff](#) intercollegiate documents which provide a clear framework and identifies the competencies required for all healthcare staff.

<sup>15</sup> Safeguarding requirements for healthcare staff are laid down in JSP 950 Leaflet 4-6-6 at [20211013 JSP 950 Lft 4-6-6 Safeguarding for MOD Healthcare Staff \(v2.1 Oct 21\) -Final for publication.pdf \(sharepoint.com\)](#).

<sup>16</sup> Chaplains' (including all Regular, Reserve, World-faith Civilian Chaplains to the Military, Cadet Force Chaplains, and Officiating Chaplains to the Military) safeguarding level 3 training should be conducted within the context of the individual chaplain's sending Church / endorsing authority and renewed every 3 years. If the endorsing authority is unable to facilitate training chaplains should undertake level 3 training with their LSP Board or other certified training provider.

<sup>17</sup> MPS Regiment (Detention Specialist) and All Arms personnel operating custody facilities outside of the UK (Unit Service Custody Premises Staff)

<sup>18</sup> Staff involved in the recruitment of posts working with adults are required to undertake specific training in relation to safer recruitment.

## 7 Safer Recruitment

1. Safer recruitment is central to the safeguarding system and is most effective when the employing authority adopts recruitment and selection procedures which deter, identify, or reject people who might abuse adults who need care and support or are otherwise unsuitable to work with them. All employing authorities should follow the direction and guidance laid out in JSP 893 - Safer Recruitment and Employment - and their recruiting policies. These policies apply to the recruitment of all adults, whether in a paid or voluntary capacity on permanent, temporary, or contracted employment.
2. Where a Disclosure check is required, employing authorities are to follow MOD policy for Disclosure and Barring Service checks, contained in JSP 893: Safer Recruitment and Employment.
3. If a disclosure reveals that an applicant is prohibited from seeking or working with adults with care and support needs, it is an offence for a person to apply for or accept any work in a position that includes Regulated Activity, and the Police must be informed without delay of the individual's attempt to seek employment. It is also an offence for an organisation knowingly to offer work in a position that includes Regulated Activity to an individual who is disqualified from working with adults with care and support needs or to fail to remove such a person from such work.
4. The principles of safer recruitment should be included in the terms of any contract or service level agreements drawn up between the employing authority and contractors or agencies that provide services for, or staff to work with adults with care and support needs. Any service level agreement or contract should contain a safeguarding statement, which makes explicit the standards expected. The agreement should be regularly reviewed.



# Annex A - Defence Safeguarding Partnership Board (DSPB) Safeguarding Incident Report Form

OFFICIAL-SENSITIVE - PERSONAL (when completed)

Reporting Details	
Date of Report	
Name of Notifier	
Title	
Agency	
Address	
Tel No	
Email	

Subject(s) of Report							
First name	Surname	Any known aliases	DOB	Address	Gender	Date of Death (if applicable)	Rank/Service Number/Unit

Family Composition/Significant Others						
Name	Relationship to Subject of Report	DOB	Address	Rank/Service Number/Unit	Commanding Officer/Line Manager	

Agencies known to be involved with the case			
Name	Agency	Address, Tel No / Email	Nature of involvement

**Reason for report (please put a X in the boxes that apply)**

An adult has died (including cases of suspected suicide), and abuse or neglect is known or suspected.

An adult has been seriously harmed and abuse or neglect is known or suspected.

There is clear evidence of a risk of significant harm to an adult that was:

- not recognised by organisations or individuals in contact with the adult or perpetrator; or
- not shared with others, or
- not acted on appropriately.

An adult has died as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.

An adult is still alive but has experienced serious neglect or abuse and there is concern that partner agencies could have worked more effectively to protect the adult.

The death of a person aged 16 or over has, or appears to have, resulted from violence, abuse, or neglect by a person to whom s/he was related or with whom s/he was or has been in an intimate personal relationship, or a member of the same household as him/herself, held with a view to identifying the lessons to be learnt from the death.

The case highlights or could highlight improvements needed to safeguard and promote the welfare of adults at risk. For example, injury in a MOD community setting.

The case highlights or could highlight recurrent themes in the safeguarding and promotion of the welfare of adults at risk, e.g. the failure to share information which led to an adult being at increased risk.

The case raises or may raise issues relating to the safeguarding and promotion of the welfare of adults at risk in institutional settings, e.g. failure to respond appropriately to safeguarding issues in training establishments.

The case highlights or could highlight concerns regarding two or more agencies working together effectively to safeguard and promote the welfare of adults at risk.

One or more agency or professional considers that its concerns were not taken sufficiently seriously, or acted on appropriately, by another.

The case suggested that the MOD SBP may need to change local procedures, or that protocols and procedures are not being adequately promulgated, understood, or acted on.

There are indications that the case may attract media interest.

**Summary of Events**

Location of incident:

Please outline events and circumstances which triggered this report:

This reporting form is now complete.

Please return to: [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk)

OFFICIAL-SENSITIVE - PERSONAL (when completed)

# Annex B - Rapid Review Template

*OFFICIAL-SENSITIVE - PERSONAL (when completed)*

## Purpose of the Rapid Review

In line with JSP 834, the aim of this rapid review is to:

- a. gather the facts about the case, as far as can be readily established.
- b. discuss whether there is any immediate action needed to ensure adult's safety and share any learning appropriately.
- c. consider the potential for identifying improvements to safeguard and promote the welfare of adults.
- d. decide what steps to take next.

## Background Information

Name of Adult:

Date of Birth:

Ethnic Origin:

Date of Death / Serious Incident:

Date notified to [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk):

**Date of Rapid Review:**

List of Participants in Rapid Review		
Name	Job Role/Rank/Title	Agency/Organisation

Section 1: Case Background				
<i>This could be completed in advance of the Rapid Review meeting.</i>				
Details of Family Members and Significant Others				
Name & Address	Relationship to Subject of Report	Date of Birth	Rank/Service Number/Unit	Commanding Officer/Line Manager

<b>Case Summary</b>
Please provide brief outline of the circumstances and incident that triggered the Rapid Review:

<b>Documentation available to this Rapid Review</b>

<b>Section 2: Consideration of Case and Recommendations</b> <i>This should be completed during the meeting and agreed by participants.</i> <b>Immediate Action</b> Has ALL appropriate immediate action been taken to ensure the safety of the adult? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Please give details of action taken. If no, what actions need to be taken? When will these be taken and by whom?</b>

<b>Rapid Review Discussions</b>
Record of Rapid Review discussion. The Rapid Review conclusion should clarify the nature of harm suffered. If the Rapid Review identified immediate learning that can be acted upon, the outcome/actions should be summarised:

<b>Rapid Review Recommendations</b>
Rationale for recommendations and any action required:

Date of approval:

Signature of the LSP Chair / Rapid Review Chair:

Date this form submitted to [People-AFFS-Safeguarding-Mailbox@mod.gov.uk](mailto:People-AFFS-Safeguarding-Mailbox@mod.gov.uk):

OFFICIAL-SENSITIVE - PERSONAL (when completed)