

## LANDWORKS POLICIES

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## Data Protection and GDPR

In the course of your work, you may come into contact with and use confidential personal information about people, such as names and addresses, information about customers' circumstances, families, and credit or debit card details. This policy helps you ensure that you do not breach the data protection Act 1998, which provides strict rules in this area. If you are in any doubt about what you may or may not do, seek advice from your line manager.

When taking bank account details from temporary workers, either over the phone or face to face, you should ensure that no data obtained from them is left for any unauthorised person to view. This means that if you need to write down information for whatever reason, it should be kept securely in the manner that our Charity prescribes, or it should be destroyed in a manner which ensures confidentiality. Such information should not be left in wastepaper bins etc.

The organisation holds personal data about you. You have consented in your employment contract to the data being used as set out in the contract. If this data changes, you should let us know so that our records can be updated.

The data protection Act 1998 requires that eight data protection principles be followed in the handling of personal data. These are that personal data must:

- Be fairly and lawfully processed;
- Be processed for limited purposes and not in any manner incompatible with those purposes;
- Be adequate, relevant and not excessive;
- Be accurate;
- Not be kept for longer than is necessary;
- Be processed in accordance with individuals' rights;
- Be secure; and

- Not be transferred to countries without adequate protection.

If you access another employee's or a temporary worker's records without authority, or if you mistreat or fail to store worker's information securely and in accordance with Charity procedures, this will be treated as gross misconduct and could also be a criminal offence.

We need to maintain information about individuals in order to deliver our services. The purpose of this policy is to ensure that information received by the Charity and its employees is processed in compliance with the data protection principles set out in the Data Protection Act 1998.

All employees are responsible for compliance with this policy and ensuring that personal information maintained by us is not disclosed orally or in writing or accidentally or otherwise to any unauthorised third party. Any deliberate breach of this policy by any employee may lead to disciplinary action being taken against them.

This Policy shall set out procedures which are to be followed when dealing with personal data. The procedures set out herein must be followed by the Charity, its employees, contractors, agents, consultants, partners or other parties working on behalf of the Charity.

The Charity views the correct and lawful handling of personal data as key to its success and dealings with third parties, its employees and temporary workers. The Charity shall ensure that it handles all personal data correctly and lawfully.

### **The Data Protection Principles**

This Policy aims to ensure compliance with the Act. The Act sets out eight principles with which any party handling personal data must comply. All personal data:

- Must be processed fairly and lawfully
- Must be obtained only for specified and lawful purposes and shall not be processed in any manner which is incompatible with those purposes;
- Must be adequate, relevant and not excessive in relation to the purposes for which it is processed;
- Must be accurate and, where necessary, kept up to date;
- Must be kept for no longer than is necessary for the purpose(s) for which it is obtained;
- Must be processed in accordance with the rights of data subjects under the Act;
- Must be protected against unauthorised or unlawful processing, accidental loss, destruction or damage by the implementation of appropriate technical and organisational measures; and
- Must not be transferred to a country or territory outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Personal Data**

Personal data is defined by the Act as data which relates to a living individual who can be identified from that data or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

The Act also defines "sensitive personal data" as personal data relating to the racial or ethnic origin of the data subject; their political opinions; their religious (or similar) beliefs; trade union membership; their physical or mental health condition; their sexual life; the commission or alleged commission by them of any offence; or any proceedings

for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

### **Employees' Personal Data**

The Charity only holds personal data which is directly relevant to its employees. That data will be held and processed in accordance with the data protection principles and with this Policy. The following are examples of data which may be collected, held and processed by the Charity:

- Identification information relating to employees including, but not limited to, names and contact details;
- Equal opportunities monitoring information including age, gender, race, nationality and religion;
- Health records including details of sick leave, medical conditions, disabilities and prescribed medication;
- Employment records including, but not limited to, interview notes, curricula vitae, application forms, assessments, performance reviews and similar documents;
- Details of salaries including increases, bonuses, commission, overtime, benefits and expenses;
- Records of disciplinary matters including reports and warnings, both formal and informal;
- Details of grievances including documentary evidence, notes from interviews, procedures and outcomes.

### **Other Persons Personal Data**

Information relating to individuals will be obtained for the delivery of services. This could include confidential information such as names, addresses, personal circumstances, credit or debit card details, bank details etc.

Care must be taken to ensure that the information being obtained is adequate, relevant and not excessive for the purpose it is intended to be used for. The information must not be processed or stored in any manner incompatible with that purpose. The information must be kept safe from unauthorised access, accidental loss or destruction, and will not be maintained for longer than is necessary.

### **Access to Data**

Volunteers, employees and other individuals that the Charity holds information about have the right to access any personal data maintained about them electronically or in paper files. The application must be made in writing, accompanied by the correct fee before the application is processed. The Charity currently requires a fee of £10.00 (the statutory maximum). Upon receipt of a Subject Access Request the Charity shall have a maximum period of 40 days within which to respond.

### **Unauthorised Access to Data**

You should not access any personal or sensitive data unless you are authorised to do so. If you are found to have breached this rule, you will be liable for disciplinary action, which could, dependent upon the circumstances of the breach, lead to your summary dismissal.

### **Security of Data**

If you are authorised to process any personal or sensitive data you should take all relevant precautions to ensure that no data is left for any unauthorised person to view. If you need to take details of any such information, e.g. bank or credit/debit card details, names and addresses of individuals etc. then this must not be disposed of in litter bins etc. or left on desk tops. It should be stored in a safe and secure manner and disposed of in a manner which ensures confidentiality. Failure to do so could mean you will be liable for disciplinary action, which could, dependent upon the circumstances of the breach, lead to your summary dismissal.

### **Equipment and Data Security**

If you are issued with any equipment such as a laptop, mobile phone with email or internet access, PDA, etc. you should take all reasonable steps to ensure the safekeeping of both the equipment and any data either stored, or

displayed on any such device. If any such equipment is lost, damaged or stolen as a result of your negligence, we may deduct the cost, or partial cost, of the repair or replacement of any items, from any monies owing to you. We may also invoke the disciplinary process.

All data relating to our business, including that relating to any person in any way related to our business such as a client, candidate, temporary worker, contractor or supplier etc. must not be stored on any equipment which does not belong to the Charity. If you are found to have done so you will be liable to disciplinary action.

Care should also be taken to protect the data from being accessed or read by any unauthorised person. You should therefore ensure that your computer screen is switched off when away from your workstation. If you are accessing information from a mobile device then care should be taken to ensure it cannot be read by anyone around you (e.g. if sitting in a cafe or on the train etc.). The Data Protection code of practice should be adhered to at all times when dealing with sensitive personal data.

If passwords are issued, then you should not give your password to any other person, either within the organisation or external to it. Our email and internet systems may only be used by persons authorised by the Charity to do so. Unauthorised access may result in disciplinary action. You must not modify any existing systems, programmes, information or data without permission from your line manager.

When deleting any information, you should ensure that such a deletion could not have an adverse effect on the Charity or expose us to any risk. You are forbidden from downloading or installing any software from any source without express permission. This includes using USB flash drives, PDA, mobile phone, smart phones etc.

## **GENERAL DATA PROTECTION REGULATIONS**

As an employer it is our responsibility to ensure that any documentation we hold is relevant, accurate and where necessary up to date. As an employee you have the right, upon written request, to be informed of what personal data is being processed, we are not obliged to supply this information unless you make a written request, we will respond to any request within one month of receipt.

In addition to the details contained within your individual Statement of Particulars, you will also have the right to be informed of the source of the data (if not received direct from yourself) and to whom it may be disclosed. However, your data will only be used to comply with the contract of employment (i.e. to process your pay) or to comply with legal obligations imposed by outside bodies i.e. the Police. Your data will not be used outside of the European Economic Area (EEA).

You have the right to make a request for your personal data to be erased or amended, such requests should be made in writing to your Manager and must include the reason for your belief that the data is either incorrect or being held unlawfully.

# EQUAL OPPORTUNITIES AND VALUING DIVERSITY

## Introduction

LandWorks is committed to promoting equality and diversity in all its activities. In line with this objective, we will challenge discrimination based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We are committed to providing a working environment that is free from bullying and harassment and where everyone is treated with dignity and respect.

We aim to ensure that all employees have the opportunity to maximise their potential and enhance their self-development and their contribution to the Charity.

The aim of our Charity is to embrace the differences that various cultures bring into our Charity and we also recognise that people from different backgrounds can bring fresh ideas and perceptions, which ultimately can improve our products and services, and our working environment. Managing diversity successfully will help our Charity to nurture creativity and innovation, thereby allowing us to tap hidden capacity for growth and improved competitiveness.

Valuing diversity is an effective way of dealing with equal opportunities issues. It emphasises the business and personal benefits that accrue from valuing the differences between people, rather than just complying with the law. We believe that organisations that grasp the additional business opportunities generated by managing diversity effectively are far more likely to enjoy a sustained competitive advantage than those who do not.

The aim of this non contractual policy is to ensure that every member of staff feels valued at work and is not discriminated against, harassed or bullied, or made to feel under threat or intimidated, either directly, by association or indirectly, on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or perceived sexual orientation.

We recognise our duty of care to all members of staff and are committed to treating every individual equally in line with this policy and the Equality and Human Rights Commission Code of Practice. Where necessary, the Charity will consider reasonable adjustments to ensure that any individual with a disability is not at a disadvantage. In all relevant cases the Charity will consult with the individual and the decision whether or not to make reasonable adjustments will take into account all relevant factors, including, where necessary, referrals to outside organisations.

## Recruitment and Selection

We will uphold equal opportunities for all during our recruitment process. Candidates will be recruited solely on their own merits and their ability to carry out the job role. Interview questions and selection processes will be relevant to the job and will not be of a discriminatory nature.

Recruitment and selection will be made by matching the best person to the job role. We will aim to take steps to ensure that knowledge of vacancies reaches a wide labour market and, where relevant, groups under-represented in the Charity. Where appropriate, use may be made of lawful exemptions to recruit suitably qualified people to cater for the special needs of particular groups.

Short listing and interviewing of candidates will be carried out by more than one person where possible.

## **Training and Promotion**

Any opportunities for training within the Charity will normally be made known to all employees. Selection for training will be made in line with this policy and will be made solely on the merits of the particular situation. Vacancies will be advertised internally and individuals given the opportunity to apply for any posts. Selection for interview will be in line with the recruitment and selection details above.

## **Monitoring**

We aim to monitor all applications from both internal and external candidates with a view to ensuring the effectiveness of our procedures. Such monitoring will not be used as part of the selection criteria for selection of new staff or for selection of existing staff for training or promotion opportunities, or any other decision related to your employment with us. All information gathered is stored separate from your personnel file and application forms.

# **RECRUITMENT**

LandWorks is committed to attracting, selecting and retaining staff (paid and volunteers) who will positively and successfully contribute to providing our trainees and graduates with a high quality experience here. A motivated and dedicated workforce with appropriate knowledge, skills, experience and ability to do the job is critical to our continued success and fundamental to ensuring the best life chances for offenders and their families. We support all staff with appropriate training and supervision to promote job satisfaction and progress throughout their employment at LandWorks and beyond.

# WHISTLE BLOWING POLICY

## Introduction

We have both a grievance procedure and a bullying and harassment procedure in place to enable you to lodge a grievance relating to your own employment. The whistle-blowing policy is intended to cover other serious concerns which fall with the Public Interest Disclosure Act 1998. We are committed to running our business with honesty and integrity and within the restraints of the law. As such whilst legislation protects you from suffering a detriment at work if you take a matter to a relevant outside body, we would hope that you would feel able to bring any concerns you may have to the attention of the Project Director or a Charity Trustee with confidence that any such concern would be dealt with appropriately and swiftly and without any fear of reprisal, even if your belief of wrongdoing turns out to be unfounded as the result of a thorough investigation.

Whistle Blowing is the everyday term used to describe a disclosure made to someone in authority alleging corruption, malpractice or wrongdoing on the part of another person. In employment whistle blowing refers to an employee (“whistle blower”) making a disclosure about a colleague’s conduct in the course of employment, or about employer’s practices

## The Legal Position

Employees and workers who make a ‘protected disclosure’ are protected from being treated badly or being dismissed as a result of making the disclosure regarding:

- criminal offences;
- risks to health and safety;
- failure to comply with a legal obligation;
- a miscarriage of justice;
- environmental damage; and
- abuse of a service user.

For a disclosure to be protected it must be made to an appropriate body. For example, disclosing a health and safety issue to the Health and Safety Executive is likely to be protected, but not if the concern was disclosed to the media. The raising of a concern will be covered by this policy provided you have a reasonable belief that the disclosure is made in the public interest.

## Procedure

We are committed to the highest possible standards of operation. In line with that commitment we encourage you to consider raising the matter with the Project Director or a Charity Trustee before taking the matter to an outside body. We will take all such concerns seriously and any individual raising legitimate concerns under this policy will not be subjected to any detriment either during or after employment. All such concerns raised will be thoroughly investigated and appropriate action taken accordingly.

## Safeguarding Complaints

We recognise that the decision to report a concern can be a difficult one to make and we will support you during the process. We will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern to us in good faith.

Every effort will be made to keep the identity of the whistle blower who makes a disclosure under this policy confidential, at least until a formal investigation is under way. In order to ensure that a fair investigation can take place the whistle blower will also be expected to keep the fact that they have raised a concern, the nature of the concern and the identity of those involved confidential. It may be that during an investigation, disciplinary or legal proceedings that the Charity no longer maintains the whistle blower's confidentiality. If that does occur then the Charity will endeavour to notify the whistle blower in advance.

### **Untrue Allegations**

If you make an allegation, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation maliciously, vexatious, or for personal gain, disciplinary action may be taken against you and, dependent upon the circumstances, this may be treated as Gross Misconduct.



# GRIEVANCE PROCEDURE

## Introduction

From time to time you may feel unhappy with something at work. We feel that it is important that there is a clear and transparent procedure for such concerns or complaints to be dealt with both effectively and in a manner whereby employees feel comfortable to raise such issues.

It is usually in the best interest of both employers and employees to deal with any issues at an early stage to stop small issues growing into more complex or serious ones. The following procedures are non-contractual.

## Informal Procedure

If you feel able to raise any issues informally with the perpetrator or your line manager, then such discussions can frequently solve issues quickly and effectively. However, if the matter is more serious, or the informal route has not solved the situation, or you do not feel it is appropriate to raise the matter informally, you should make a formal representation under this procedure.

If you are being harassed or bullied, this procedure is not normally the best way to raise such a matter and you should use the procedures outlined in our Bullying and Harassment Policy as this will be a more appropriate route to solving the problem.

## Formal Procedure

If you wish to raise a formal grievance, it is advisable that you put the matter in writing from the outset. You should give as much detail as possible of the nature of your complaint. The written complaint should be given to your line manager, the Project Director, or a Charity Trustee.

A meeting will be arranged with you as soon as possible to hear your grievance. It may be necessary to suspend the meeting to gather further evidence, or to initiate a full investigation of the facts. We will aim to resolve the issue as quickly as possible and will not suspend the meeting unnecessarily.

At the end of the meeting, and after any necessary re-investigation etc. we will consider all the evidence gathered. We will notify you, in writing, of our assessment and what, if any, action we intend to take to resolve the situation. The letter will outline who your appeal should be directed to if you wish to do so. We aim to notify you of the decision as soon as is reasonably practical.

## Appeal

If you are unhappy with the outcome of the meeting and any proposed action, then you have the right of appeal. You should write to the person detailed in the outcome letter, within 7 calendar days of the date of the letter; outlining the grounds for your appeal. Should you appeal our decision we will then arrange to hear your appeal, normally within no more than 14 calendar days after receipt of your letter of appeal.

After full consideration of the matter, you will be informed, in writing of the decision as soon as is reasonably practical and normally no longer than 14 days after the meeting has been held.

## **Right to be Accompanied**

You have the right to be accompanied by a fellow employee of your choice at all stages of the formal grievance procedure and at any subsequent appeal meetings. It is your responsibility to arrange for the appropriate accompanying person of your choice to be informed of the matter and the dates of the hearing/s. If you wish a member of staff to accompany you, then either yourself or the person concerned, should notify us as early as possible, so that we can ensure that they can be released from their duties at the appropriate times.

We wholeheartedly support the right to be accompanied and any person who agrees to accompany a member of staff at any grievance or appeal hearing will not be subject to any form of detriment as a result of doing so.

## **Record-Keeping**

If you choose to use the formal route to resolve your grievance, we will take notes of all meetings held and these, along with any supporting evidence used will be held on your personnel file. Details of any action taken will also be kept.

# SAFEGUARDING POLICY

LandWorks designated Safeguarding Officer is: Gill Hearnshaw

Safeguarding Report Forms are located on bookshelf in kitchen, main office and inside toilet block.

LandWorks and all LandWorks personnel shall make the safety and protection from harm of all individuals involved in activities which come under LandWorks' responsibility their highest priority. It is the responsibility of all staff and volunteers working within LandWorks to report concerns about abuse or significant harm to an individual. This responsibility extends to all staff and volunteers.

LandWorks shall ensure there is a designated Safeguarding Officer with responsibility for regular reporting to the charity Trustees on all allegations, incidents, issues, actions taken and subsequent outcomes. LandWorks has a duty to ensure that its staff fulfil their responsibilities to prevent abuse of individuals involved in the organisation and to report any abuse discovered or suspected. All LandWorks staff are obliged to consult their manager about any concerns.

LandWorks will take all reasonable steps during its intake process to identify a vulnerable adult. Their additional needs will be recorded and monitored. LandWorks recognises that any adult can be subject to abuse and all allegations of abuse, no matter how small or trivial, will always be taken seriously and responded to swiftly and in accordance with LandWorks' procedures.

## Definitions

**Safeguarding.** In legislation and guidance, the term 'safeguarding' describes individuals' and agencies' responsibilities to protect and promote the welfare of all individuals involved in the organisation. The aim of safeguarding individuals is to help people live lives free from abuse and neglect. Good safeguarding includes arrangements for responding to allegations and suspicions of abuse.

**Abuse** is anything that goes against a person's human and civil rights. An individual may be abused by a wide range of people including relatives and family members, professional staff, paid care workers, volunteers, other trainees, neighbours, friends and associates. It can take place anywhere (for example, in a person's own home, a care home or a hospital). Abuse may consist of a single act or repeated acts either in a continuing relationship or in a service context and it may be directed to more than one person at a time. This makes it important to look beyond the single incident or breach in standards to underlying dynamics and patterns of harm. Some instances of abuse will constitute a criminal offence. In this respect individuals are entitled to the protection of the law in the same way as all other member of the public. In addition, statutory offences have been created which specifically protect those who may be incapacitated in various ways.

### Type of abuse examples

#### Physical

- slapping, pushing, kicking or other forms of violence
- misuse of medication (for example, increasing dosage to make someone drowsy)
- inappropriate punishments (for example, not giving someone a meal because they have been 'bad').

#### Sexual

- rape
- sexual assault
- sexual acts without consent (this includes if a person is not able to give consent or the abuser used pressure)
- sexual harassment.

#### Psychological

- emotional abuse
- threats of harm, restraint or abandonment
- refusing contact with other people
- intimidation
- threats to restrict someone's liberty.

## Financial

- theft
- fraud
- undue pressure
- misuse of property, possessions or benefits
- dishonest gain of property, possessions or benefits.

## Neglect and acts of omission

- ignoring the person's medical or physical care needs
- failing to get healthcare or social care
- withholding medication, food or heating.

## Discriminatory

- racist
- sexist
- that based on a person's disability
- other forms of harassment, slurs or similar treatment.

## Modern slavery (including organisational abuse and domestic violence and abuse)

- human trafficking
- forced labour

**Self-neglect** is when an adult declines essential support with their care and support needs and this is having a substantial impact on their overall wellbeing.

**Community Care Services** includes all care services provided in any setting or context.

**Significant Harm** The Law Commission for England and Wales 1995, Mental Incapacity Report 231, has suggested that a key concept is 'significant' harm which helps to determine how serious or extensive abuse must be to justify intervention. "Harm' should be taken to include not only ill-treatment (including sexual abuse and forms of ill-treatment that are not physical); the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, emotional, social or behavioural development.'

## Roll and Responsibilities of Safeguarding Officer

- ensures that all staff including temporary staff and volunteers are provided with and have read the LandWorks Safeguarding Policy and staff Code of Conduct
- ensures LandWorks has procedures for dealing with allegations of abuse by trainees against staff, temporary staff, volunteers and other trainees
- ensures Landworks has procedures for dealing with allegations of abuse by all individuals
- all other staff and volunteers have safeguarding training updated as appropriate
- will keep detailed, accurate records, either written or using appropriate online software, of all concerns about a trainee, staff and volunteers
- will ensure that all staff sign to say they have read, understood and agree to work within the LandWorks Safeguarding Policy, Behaviour Policy, staff Code of Conduct and ensure that the policies are used appropriately
- Ensures all policies to be updated regularly and recorded when this happens
- Ensure all actions are followed up

## Procedure

Where an individual within the organisation gives information to you that they or others are at risk of harm or significant harm, or you observe or are given evidence that an individual within the organisation is at risk, you are obliged to take action under this policy, with or without the individual's permission. Failure to do so is a disciplinary offence.

In rare circumstances this may mean taking immediate, emergency action, for example taking an individual within the organisation to hospital for treatment and/or involving the police because there is immediate danger.

When an individual within the organisation discloses abuse always listen in a calm, supportive manner. Take seriously what they are saying and reassure them that they are right to be telling you. Explain to the individual within the organisation what will or is likely to happen next. Find an appropriate early opportunity to explain that it is very likely that what they are telling you will need to be shared with the Project Director or Operations Manager. Record accurately what you have been told or have observed.

Regardless of the source of the allegations or concerns, discuss them with the Project Director or the Business Manager. If this person is not available or is potentially involved in the situation, raise the issue with a LandWorks Trustee.

Where there is evidence of significant harm:

- keep the individual within the organisation safe either with you or if you are not with them, advise where they can go to be safe. Do not detain the person against their will or physically restrain them.
- tell the individual within the organisation what you are going to do.
- make an accurate record of what you have been told or observed (there is a form available for this in the LandWorks Office, bookshelf in kitchen and inside the cubicles in the toilet block).
- notify the Project Director or Business Manager
- notify the individual's Probation office or HMP Channings Wood
- notify the police on an individual basis, ensure a log number is obtained and note that number
- make a record of the action you have taken (there is a form available for this in the LandWorks Office, bookshelf in kitchen and inside the cubicles in the toilet block).

Where you have reasonable cause to suspect significant harm:

- tell the individual what you are going to do.
- make an accurate record of what you have been told or observed (there is a form available for this in the LandWorks Office, bookshelf in kitchen and inside the cubicles in the toilet block)
- notify the Project Director or Business Manager who will notify the individual's Probation office or HMP Channings Wood
- make a record of the action you have taken (there is a form available for this in the LandWorks Office, bookshelf in kitchen and inside the cubicles in the toilet block).

Where you have concerns of abuse:

- Make an accurate record of what you have been told or observed ((there is a form available for this in the LandWorks Office, bookshelf in kitchen and inside the cubicles in the toilet block)
- Inform the Project Director or Business Manager who, if necessary, will notify the individual's probation office or HMP Channings Wood

You may have a supportive role to play during the police enquiries/investigation. If you feel uncertain or uncomfortable about the appropriateness of the requests being made of you or if you are unhappy about the investigative process discuss with your line manager.

## **Dealing with allegations made against LandWorks Staff**

Any allegation must be reported immediately to the Business Manager or Project Director. If they are unavailable, or the allegation relates to them, it must be reported to a LandWorks Trustee.

Where appropriate, the employee concerned may be suspended pending investigation.

The matter will be dealt with internally through LandWorks' Disciplinary Procedure. This process will run alongside any formal statutory investigation and is likely to be informed by the outcome of any investigation by the statutory agency.

## Legal Framework

This policy and procedures reflect the principles contained within:

- The Care Act 2015
- The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this.
- The Human Rights Act 1998 gives legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).
- The Public Interest Disclosure Act 1998 (PIDA) created a framework for whistle blowing across the private, public and voluntary sectors. The Act provides almost every individual in the workplace with protection from victimisation where they raise genuine concerns about malpractice in accordance with the Act's provisions.

## Code of Practice

All actions taken under these procedures must be carried out sensitively, taking account of the vulnerable adult's wishes, abilities, needs, including race, culture and ethnicity, age, gender, religion, disability or sexuality.

An individual within the organisation should be allowed and helped to make their own decisions based on an awareness of the choices available. It is recognised that there will be situations where an individual within the organisation chooses to remain in a situation perceived by professionals to be risky or dangerous.

The principle of self-determination is important but may need to be reconsidered if an individual within the organisation is unable to make an informed choice, where there is a risk to life or limb or where a statutory responsibility exists.

LandWorks' code of practice and procedures will be carried out in accordance with the principles for determining individual capacity and ability to consent as set out in The Mental Capacity Act 2005 Part 1.

These include that a person must be assumed to have capacity unless it is established that he lacks capacity. For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain. It does not matter whether the impairment or disturbance is permanent or temporary.

A person is unable to make a decision for himself if he is unable to:

- understand the information relevant to the decision,
- retain that information,
- use or weigh that information as part of the process of making the decision, or
- communicate his decision (whether by talking, using sign language or any other means).

## Consent and Capacity

Procedures for determining an individual's ability to consent will be consistent with the principles set out in the Mental Capacity Act 2005 and shown in the Code of Practice section.

## Useful Contacts

**LandWorks designated Safeguarding Officer is:**

Gill Hearnshaw – available on 01803 864891 or email [gill@landworks.org.uk](mailto:gill@landworks.org.uk)

**Toquay Probation office:**

01803 218826

**Police:**

Phone: 101

Email: [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)

## Related Documents

Copies available from the Safeguarding Officer

Code of Conduct

Behaviour Policy

Disciplinary Procedure

## Policy History

Last Revised: Sept 2019

First Adopted: March 2018

## Safeguarding Report Form

This form will be used by members of staff or volunteers to record disclosures or suspicions of abuse. The completed form should be given to the Project Director; Chris Parsons or Safeguarding Officer; Gill Hearnshaw.

Your name	Your position
Individuals details	
Name	
Address/phone number	
Date of birth	
Other relevant details about the individual: <i>Eg family circumstances, physical and mental health, any communication difficulties.</i>	
Details of the allegations/suspicions	
Are you recording: <ul style="list-style-type: none"> <li>• Disclosure made directly to you by the individual?</li> <li>• Disclosure or suspicions from a third party?</li> <li>• Your suspicions or concerns?</li> </ul>	
Date and time of disclosure	
Date and time of incident	
Details of the allegation/suspicions. <i>State exactly what you were told/observed and what was said. Use the persons own words as much as possible</i>	



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Action taken so far:
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Signed
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Date
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# HEALTH AND SAFETY POLICY STATEMENT

## Health and Safety Statement

Our Charity is committed to, and accept, our responsibilities for ensuring, so far as is reasonably practicable, the health, safety, welfare and wellbeing at work of all employees and to ensuring that the Health and Safety of visitors, contractors and the general public are not affected as a result of the activities of our Charity. This is fully in keeping with the requirements of the Health and Safety at Work etc. Act 1974 (HASWA), and other relevant legislation.

We take safety seriously and we will set clear action plans to improve our performance. Everybody in the Charity must 'play their part' so if you see something that is unsafe, 'don't walk by', take appropriate action. Remember that Health and Safety is not just the responsibility of management, but for everyone who works for the Charity.

## Statement of Intent

It is the intention of the Board of Trustees of LandWorks (registered Charity No 1166057) to comply with The Health and Safety at Work Act 1974, The Management of Health & Safety at Work Regulations 1999 and all other subordinate legislation.

It is the intention of LandWorks that no work so far as reasonably practicable will endanger the health, safety or welfare of employees or any other persons that could be affected by its undertaking.

It is, therefore, the policy of LandWorks:

1. To provide, as far as reasonably practicable, safe methods of work, well maintained plant and equipment and safe and healthy working conditions.
2. To prevent and minimise all personal injuries and work-related illnesses as far as reasonably practicable.
3. To provide information, instruction and training, as required, to ensure work is undertaken by safe and healthy methods. To inform all those who may be affected by LandWorks' activities of any risks to their health and safety.
4. To encourage individual employees to fulfil their legal duty to assist in providing and promoting a safe and healthy environment. This is a legal requirement, as well as a matter of policy.
5. All contractors and sub-contractors are required to comply with the terms and conditions contained within this policy statement and the arrangements (Health & Safety Manual/handbook).

## Organisation

The Board of Trustees has placed the responsibility for the implementation of this policy with the Project Manager. In turn authority is delegated through all levels of supervision and through those who are responsible to the Project Manager for the day-to-day management of risk to health and safety of employees under their direct control - and for all others who may enter the workplaces.

The Health and Safety Advisor (Nick Wadge CMIOSH) is a volunteer who provides competent advice to managers and employees at all levels on all matters relating to health, safety and fire safety. He monitors the existing health and safety management systems and prepares new plans for the continuous improvement to the management of health and safety within LandWorks.

## Health and Safety

Health and Safety is a standing agenda items at all Trustee meetings and is discussed at all weekly and operational meetings.

## Arrangements

The LandWorks Health and Safety Manual/handbook contains the detailed arrangements for the practical implementation of LandWorks' policy, a copy is available for all staff members and clients/visitors.

## Review

The Health and Safety Policy Statement will be reviewed annually or more frequently if there are any major changes needed before the planned review date.