Protection Of Vulnerable Adults Policy

Lodge Park Community Association

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A General Policy Statement

[Lodge Park Residents Association] has a moral and legal duty to ensure that it functions with a view to safeguarding and promoting the welfare of vulnerable adults. We are committed to fulfilling the requirements of the Safeguarding Vulnerable Groups Act 2006 and the Vetting and Barring Scheme and other relevant legislation aimed at the protection of vulnerable adults. Throughout these policies and procedures, reference is made to "vulnerable adults". This term is used to mean "those aged 18 and over". The governing body recognises that some adults are also vulnerable to abuse, accordingly, the procedures may be applied (with appropriate adaptations) to allegations of abuse and the protection of vulnerable adults.

The governing body/ Committee/are committed to ensuring that the organisation

- Provides a safe environment for vulnerable adults
- Identifies vulnerable adults who are suffering
- Takes appropriate action to see that such vulnerable adults are kept safe from harm

In pursuit of these aims, the governing body will approve and annually review policies and procedures with the aim of:

- Raising awareness of issues relating to the welfare of vulnerable adults and the promotion of a safe environment for the vulnerable adults and young people.
- providing procedures for reporting concerns
- Establishing procedures for reporting and dealing with allegations of abuse against members of staff
- The safe recruitment of staff

The organisation has nominated [John Gale] as designated person with special responsibility for vulnerable adults protection issues for the year [2013]. He/she will undertake appropriate training. This person is likely to be a trustee or member of the management committee.

Staff and volunteers working with vulnerable adults will receive training adequate to familiarise them with vulnerable adults' protection issues and responsibilities and the organisations procedures and policies, with refresher training at least every 3 years. If appropriate there will be also be a member of the management team or volunteer who may through their employment background have particular expertise in vulnerable adults protection issues. He/she may be delegated by the management committee.

The governing body will receive from the designated senior member of staff with lead responsibility for vulnerable adult's protection an annual report which reviews how the duties have been discharged.

B The governing body recognises the following as definitions of abuse:

- **Physical Abuse**

  Physical abuse causes harm to a vulnerable adult's person. It may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. It may be done deliberately or recklessly, or be the result of a deliberate failure to prevent injury occurring.

- **Neglect**

  Neglect is the persistent or severe failure to meet a vulnerable adult's basic physical and/or psychological needs. It will result in serious impairment of the vulnerable adult's health or development.

- **Sexual Abuse**

  Sexual abuse involves a vulnerable adults or young person being forced or coerced into participating in or watching sexual activity. It is not necessary for the vulnerable adults to be aware that the activity is sexual and the apparent consent of the vulnerable adults is irrelevant.

- **Emotional Abuse**

  Emotional abuse occurs where there is persistent emotional ill treatment or rejection. It causes severe and adverse effects on the vulnerable adult's or young person's behaviour and emotional development, resulting in low self worth. Some level of emotional abuse is present in all forms of abuse.

C 'Relevant conduct' under the Safeguarding Vulnerable Groups Act 2006

- In addition, the governing body accepts the following definitions of relevant conduct under Schedule 3 of the Safeguarding of Vulnerable Groups Act 2006 in relation to the barring of those who pose of a risk of harm to vulnerable adults. A relevant conduct is a conduct which must be referred to the ISA and which could lead to a barring decision. It includes any:
  - conduct which endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult
  - conduct which if repeated against or in relation to a child or vulnerable adult would endanger that child or vulnerable adult
  - conduct involving sexual material relating to children (including possession of such material)
  - conduct involving sexually explicit images depicting violence against human beings
  - conduct of a sexual nature involving a child or vulnerable adult (or in the case of a vulnerable adult - an act that is considered inappropriate)

D Protecting vulnerable adults – Safeguarding Vulnerable Groups Act (SVG) 2006 and the Vetting and Barring Scheme (VBS)

- The Vetting and Barring Scheme also known as VBS was launched by Government in October 2009 with the aim of ensuring that everyone working in regulated activity with children or vulnerable adults is checked and registered. The VBS aims to add additional safeguards provided by existing legislation governing the protection of children and vulnerable adults. The scheme is governed by provisions of the Safeguarding Vulnerable Groups Act (SVG) in 2006 in England and Wales which provides for the establishment of a Vetting and Barring Scheme. The Protection of Vulnerable Groups Scheme (PVG) is the equivalent scheme in Scotland.

  Registration on the Vetting and Barring Scheme is known as 'ISA registration' and was due to commence on 26 July 2010 when new entrants to work with children and vulnerable adults and those changing roles between employers could start registering with the ISA. However, the requirement to register with the ISA was suspended following an announcement by the Home Secretary on 15 June 2010 to undertake a review of the scheme with a view to scaling it back to commonsense levels. This means that ISA registration will no longer take place from 26 July 2010 as planned. The ISA's referral process, ISA Children's and Vulnerable Adults Barred Lists and CRB disclosure checks will continue as normal. Note also that all definitions and duties provided under the Safeguarding Vulnerable Groups Act 2006 remain legally binding.

  For the purposes of protecting vulnerable adults within scope of the VBS, a vulnerable adult is defined as anyone aged 18 or over who:
  - Lives in residential care or support accommodation;
  - Receives domiciliary care in their own home
  - Receives any form of health care from a medical practitioner GP or Dentist (but only at the point when they are receiving such care)
  - Is detained in lawful custody (Prison, remand centre etc)
  - Is under supervision of the probation service
  - Is in receipt of a specified welfare service including support/assistance/training/teaching/instruction/advice
  - Participates in an activity for people with needs due to age or disability
  - Is an expectant or nursing mother living in care
  - Receives direct payments from a local authority or health or social care trust
  - Requires assistance in conducting own affairs
- A person is not deemed vulnerable simply because of age or a disability they must be in receipt of any of the aforementioned welfare services to be covered by the VBS.

- **The Safeguarding Vulnerable Groups Act defines 'Regulated Activity' as:**

  - Any activity which involves work solely or mainly with children and vulnerable adults. Anyone involved in undertaking such work or supervising it will be required to register with the ISA. The provider of such activity is known as a **Regulated Activity Provider or RAP**. A RAP can be the regulated activity supervisor or the organisation itself.
  - A regulated activity must take place frequently (at least 4 or more times in a single month) or intensively (once or more a week and overnight). See appendix 1 for examples of church related regulated activities.
  - In addition, if the regulated activity takes place in a specified setting i.e. a school, nursery, day centre, care home, remand centre or hospital, anyone working in such setting will be required to register with the ISA whether or not they work directly with vulnerable groups.
  - A church can be classified as a specified setting if all or part of its premises is used as a school, nursery or day centre. However, this only applies during the time that it is used for such purpose. Anyone working on the premises at the time may be required to register with the VBS if there is opportunity for contact with children or vulnerable adults.
  - Failure to register with the VBS is not an offence in itself. However, if a barred person knowingly works in a regulated role or specified setting they will be deemed to have committed an offence and will be liable to a fine or imprisonment or both. Likewise, if the organisation knowingly employs a barred person, it will be deemed to have committed an offence and its representatives may be liable to a fine or imprisonment (or both).

E Lead Responsibility for protection of vulnerable adults

- The designated senior member of staff with lead responsibility for vulnerable adults protection issues is [*insert name, job title, location, contact details*]. The designated senior member of staff may or may not be designated as the regulated Activity Provider.
- He/she has a key duty to take lead responsibility for raising awareness within the organisation of issues relating to the welfare of vulnerable adults and young people, and the promotion of a safe environment for the vulnerable adults and young people.
- He/she is responsible for ensuring that exempted questions are asked on relevant volunteer and employment application forms. The question can be worded accordingly –

  This post meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, any applicants for this post who are offered employment or who become volunteers for this organisation will be subject to a criminal record check from the Criminal Records Bureau before the appointment is confirmed. This will include details of cautions, reprimands or final warnings as well as convictions. A criminal record will not automatically bar a person from successfully taking up this post.
- He/she has received appropriate training and should keep up to date with developments in vulnerable adults protection issues. He/she will also have responsibility for making new staff and volunteers aware of the existing vulnerable adults' protection policy.
- He/she will be the main contact point for vulnerable adults' Protection issues and will have contact details for relevant organisations available for employees and volunteers. This list will usually include contact details of relevant individuals and provisions such as the NSPCC Helpline 0800 800 5000 and the local police vulnerable adults protection unit.

H Dealing with Disclosure of Abuse and Procedure for Reporting Concerns

- *If a vulnerable adults or young person tells a member of staff about possible abuse:*
  - *Listen carefully and stay calm.*
  - *Do not interview the vulnerable adults, but question normally and without pressure, in order to be sure that you understand what the vulnerable adults is telling you.*
  - *Do not put words into the vulnerable adult's mouth.*
  - *Reassure the vulnerable adults that by telling you, they have done the right thing.*
  - *Inform the vulnerable adults that you must pass the information on, but that only those that need to know about it will be told. Inform them of to whom you will report the matter.*
  - *Note the main points carefully.*
  - *Make a detailed note of the date, time, place, what the vulnerable adults said, did and your questions etc.*
  - *Staff should not investigate concerns or allegations themselves, but should report them immediately to the Designated Person.*

I Reporting allegations of Abuse against Members of Staff

The procedures apply to all staff, whether trustees, administrative, management or support, as well as to volunteers. The word "staff" is used for ease of description.

- In rare instances, staff of Christian organisations have been found responsible for vulnerable adults abuse. Because of their frequent contact with vulnerable adults, staff may have allegations of vulnerable adults abuse made against them. The (organisation name) recognises that an allegation of vulnerable adults abuse made against a member of staff may be made for a variety of reasons and that the facts of the allegation may or may not be true. It is imperative that those dealing with an allegation maintain an open mind and that investigations are thorough and not subject to delay.
- The Organisation recognises that the Vulnerable Adults Act 1989 states that the welfare of the vulnerable adults is the paramount concern. It is also recognised that hasty or ill-informed decisions in connection with a member of staff can irreparably damage an individual's reputation, confidence and career. Therefore, those dealing with such allegations within the organisation will do so with sensitivity and will act in a careful, measured way.

J Duty to refer to the ISA

- The Safeguarding of Vulnerable Groups Act 2006 also makes it mandatory to refer anyone known to pose a threat of harm to a child or vulnerable people to the ISA. This duty to refer remains in place despite suspension of the VBS. The designated member of staff responsible for safeguarding must not knowingly employ anyone who poses a risk of harm to children or vulnerable adults, this includes anyone who is believed to have committed a relevant conduct while on the job or who has a record of such conduct.
- The organisation has a legal duty to refer an employee or volunteer who poses a risk of harm to children or vulnerable adults to the ISA, failure to do so can result in a fine and/or up to 5 years imprisonment. There must be sufficient and solid evidence that the employee or volunteer poses a risk of harm before they can be referred to the ISA. The ISA will not consider evidence based on rumour or unsubstantiated reports. The employer should also inform the police and other relevant authorities if they believe a relevant conduct has occurred.
- Referral forms can be downloaded from the ISA's website www.isa-gov.uk.

K The ISA's barring process

- Whenever new relevant information (such as a conviction or caution) becomes known, the information will be sent to the ISA. The ISA will consider this information, together with other information known on the individual, and decide whether it indicates that the individual poses a risk of harm to vulnerable groups. If so, the ISA will commence its barring process and the CRB will issue a disclosure certificate to the applicant with the barring information.
- The applicant should be advised by the designated member of staff to make a representation to the ISA regarding the barring information. The ISA will assess the barring information and representation and decide whether to bar the applicant. If there is sufficient barring evidence, the applicant will be placed on either the **Children's Barred List** or the **Vulnerable Adults Barred List** or both depending on the offence. The applicant must then be removed from regulated activity.
- The applicant has the right of appeal to a tribunal and must be advised of this right. Serious offences committed against vulnerable people will lead to automatic barring and the applicant will have no right to make representations or to appeal against a barring decision.

L Ensuring safer recruitment and selection

The (name of organisation) will already have recruitment and selection procedures. These should be reviewed in order to ensure that they take account of the following:

- *They should apply to staff and volunteers who may work with vulnerable adults.*
- *The post or role should be clearly defined.*
- *The key selection criteria for the post or role should be identified.*
- *Vacancies should be advertised widely in order to ensure a diversity of applicants.*
- *Obtain professional and character references.*
- *Verify previous employment history.*
- *Criminal Records Bureau disclosure/List 99 checks (maintain sensitive and confidential use of the applicant's disclosure).*
- *Use a variety of selection techniques (e.g. qualifications, previous experience, interview, reference checks).*