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SAFEGUARDING
POLICY
and GUIDELINES for PRACTICE

Part II: VULNERABLE ADULTS

Banstead Five Churches Executive Committee

agreed 17.04.2013

A. General Policy Statement

1. The Banstead Five Churches Executive Committee 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 Protection of Freedoms Act 2012** and other relevant legislation aimed at the protection of vulnerable adults.

2. Throughout these policies and procedures, reference is made to 'vulnerable adults'. This term is used to mean 'those aged 18 and over'. Under the amended definition in the Protection of Freedoms Act 2012 an adult is defined as vulnerable when he/she is in receipt of a 'regulated activity' in relation to vulnerable adults. It is important to recognise that any adult can be subject to various forms of abuse and that they do not have to be vulnerable as newly defined. The Executive Committee is committed to ensuring that its activities:

- Provide a safe environment for vulnerable adults;
- Enables identification of vulnerable adults who are suffering;
- Takes appropriate action to see that such vulnerable adults are kept safe from harm.

3. In pursuit of these aims, the Committee 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 vulnerable adults and young people;
- Providing procedures for reporting concerns;
- Establishing procedures for reporting and dealing with allegations of abuse;
- The safe recruitment of staff, whether paid or voluntary.

4. Each of the Banstead Five Churches has a Safeguarding Officer with special responsibility for the protection of children and

vulnerable adults. These Officers will ensure that members of their Churches working as paid staff or volunteers with vulnerable adults in a Five Churches context will receive training adequate to familiarise them with vulnerable adults' protection issues and responsibilities.

B. The Executive Committee recognises the following as definitions of abuse:

1) 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.

2) 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.

3) Sexual Abuse

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

4) 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 Executive Committee 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 a risk of harm to vulnerable adults. A relevant conduct is a conduct which must be referred to the DBS (Disclosure and Barring Service) 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 under the Protection of Freedoms Act 2012

1) The Protection of Freedoms Act 2012, Chapter 5, defines a vulnerable adult as a person aged 18 and over who is in receipt of any of the following services –

- a. Health care from a regulated health care professional - provided by, or under the direction or supervision of a regulated health care professional;
- a. Personal care for adults involving hands-on physical assistance with washing and dressing, eating, drinking and toileting; prompting and supervising an adult with any of these tasks because of their age, illness or disability; or teaching someone to do one of these tasks;

- b. Assistance with social care - provision by a social care worker of social work which is required in connection with any health services or social services;
- c. Assistance with paying bills, shopping because of age, illness or disability arranged via third party;
- b. Help with conducting own affairs under a formal appointment;
- c. Being conveyed for reasons of age, illness or disability to a place where they will receive health care, personal care or social work arranged by a third party;
- d. Note that 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.

2) Regulated Activity with Vulnerable Adults under the Protection of Freedoms Act 2012

- a. Anyone providing a vulnerable adult with any of the above services in paragraph D 1 is considered to be undertaking a regulated activity under the Protection of Freedoms Act 2012 and must therefore have an Enhanced Disclosure and Barring Service check in order to perform the role.
- b. An individual only needs to engage in the activities listed above once to be carrying out regulated activity relating to adults.
- c. The definition focuses on those activities which are required by any adult at any given point. This means that an adult is considered vulnerable at the point of receiving them and may not be a vulnerable adult once the service ceases.
- d. Note that a person whose role includes the day-to-day management or supervision of any person engaging in regulated activity, is also in regulated activity even if they are not directly involved in providing the service.
- e. Note also that regulated activity relating to adults excludes any activity carried out in the course of family relationships, and personal, non-commercial relationships.

E. Church Safeguarding Officers

These will be the main contact points 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.

F. Dealing with Disclosure of Abuse and Procedure for Reporting Concerns

If a vulnerable adult or young person tells a member of staff about possible abuse:

- a. Listen carefully and stay calm.
- b. Do not interview the vulnerable adult, but question normally and without pressure, in order to be sure that you understand what the vulnerable adult is telling you.
- c. Do not put words into the vulnerable adult's mouth.
- d. Reassure the vulnerable adult that by telling you, they have done the right thing.
 - a. Inform the vulnerable adult 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.
 - b. Note the main points carefully.
 - c. Make a detailed note of the date, time, place, what the vulnerable adult said, did and your questions etc.
 - d. Staff should not investigate concerns or allegations themselves, but should report them immediately to the Safeguarding Officer and/or Minister/Priest of one of the Banstead Five Churches.

G. Reporting allegations of abuse against members of staff

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

1) Because of their frequent contact with vulnerable adults, staff may have allegations of abuse of vulnerable adults made against them. The Executive Committee of Banstead Five Churches 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.

2) The Executive Committee 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.

H. Duty to refer to the DBS

1) 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 DBS (Disclosure and Barring Service).

2) 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 DBS. 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 DBS. The DBS 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.

I. Ensuring safer recruitment and selection

Organisers of activities arranged in the name of the Banstead Five Executive Committee 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.
- Disclosure and Barring Service 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).