

CPCA Safeguarding children and vulnerable adults policy and procedure – Approved 26 May 2010

Please note as at January 2013 this policy is in review to take account of newly issued statutory guidance and will be refreshed asap.

Introduction

CPCA is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults, engaged in the breadth of its activities.

The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of CPCA in relation to the protection of children, young people and vulnerable adults from abuse.

All children and adults have the right to be safe from harm and should be able to live free from fear of abuse, neglect and exploitation.

The key objectives of this policy are:

- To explain the responsibilities CPCA and its staff, volunteers and trustees have in respect of child and vulnerable adult protection.
- To provide staff with an overview of child and vulnerable adult protection
- To provide a clear procedure that will be implemented where protection issues arise.

Context - Vulnerable adults

For the purpose of this document 'adult' means a person aged 18 years or over.

Some adults are less able to protect themselves than others, and some have difficulty making their wishes and feelings known. This may make them vulnerable to abuse. The broad definition of a 'vulnerable adult' referred to in the 1997 Consultation Paper 'Who decides?' issued by the Lord Chancellor's Department, is a person:

"Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

A vulnerable adult is defined by the SVGA and the SVGO as a person who is aged 18 years or over and who:

- Is living in residential accommodation, such as a care home or a residential special school
- Is living in sheltered housing
- Is receiving domiciliary care in their home
- Is receiving any form of healthcare
- Is detained in lawful custody [in a prison, remand centre, young offenders institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999.]
- Is under the supervision of the probation services

- Is receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- Is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- Is an expectant or nursing mother living in residential care, or
- Is receiving direct payments from a local authority or health and social care trust in lieu of social care services.

The first priority should always be to ensure the safety and protection of vulnerable adults. To this end it is the responsibility of all staff to act on any suspicion or evidence of abuse or neglect (see the Public Interest Disclosure Act 1998) and to pass on their concerns to a responsible person/agency.

For purposes of ensuring consistent and widely understood terminology, this policy and procedure will use the phrase 'Vulnerable Adults' to identify those eligible for interventions within the procedures.

Context – Children and young people

For the purpose of this document a child is defined as a person under the age of 18 [The Children's Act 1989].

All children have the right to protection from all forms of abuse including exploitation, neglect, physical and mental abuse regardless of their age, gender, disability, culture, language, racial origin, religious beliefs or sexual orientation.

Legal framework

Vulnerable adults

This guidance reflects the principles contained within the Human Rights Act 1998, the Mental Capacity Act 2005 and Public Interest Disclosure Act 1998.

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.

Children

This guidance reflects the principles contained within the United Nations Convention on the Rights of the Child [UNCRC] ratified by the United Kingdom in 1991 and the Human Rights Act 1998.

The Children's Act 1989 promotes the welfare of children and the Children's Act 2004 underpins the Every Child Matters, Change for Children programme.

Safeguarding Vulnerable Groups Act 2006

The Act provides the legislative framework for a vetting and barring scheme for people who work with children and vulnerable adults. The purpose of the new scheme is to minimise the risk of harm posed to children and vulnerable adults by those that might seek to harm them through their work [paid or unpaid].

It seeks to do this by barring unsuitable individuals not just on the basis of referrals but also at the earliest possible opportunity as part of a centralised vetting process that all those working closely with children and/or vulnerable adults will need to go through.

Organisations that carry out certain activities are 'Regulated Activity Providers' [RAP's] and as such must not permit barred people from carrying out those activities.

Implementation timeline

RVA as an RAP will ensure it complies with the requirements of the legislation in accordance with the following time line:

Jan '10 – Obtain enhanced CRB disclosures on anyone who will be carrying out regulated activity.

12 Oct '09 – Refer information to the ISA [Independent Safeguarding Authority] if a person has to be removed from regulated activity because of certain behaviours.

1 Nov '10 – Make sure potential new employees/volunteers/trustees are ISA registered before allowing them to engage in regulated activity.

1 April '11 – Arrange for any staff/volunteer/trustee already working in regulated activity to apply for registration by 31 July '15.

Regulated activity

Regulated activity covers anyone working closely with children or vulnerable adults, either paid or unpaid, not part of a family or personal arrangement that occurs as frequently as once a week or more or on 4 days in one month or more or overnight. It can include:

- Teaching, training, or instruction, care or supervision of children or provided wholly or mainly to vulnerable adults.
- Providing advice or guidance for children
- Providing advice, guidance or assistance wholly or mainly to vulnerable adults
- Any form of healthcare treatment or therapy provided to children or vulnerable adults
- Driving a vehicle that is being used for the specific purpose of conveying children or vulnerable adults
- Working in a specified place - [schools, childcare premises, residential homes for children in care, children's hospitals, children's detention centres, children's centres, adult care homes and further education institutions.]

CPCA responsibilities and procedure

It is the responsibility of line managers, together with the CPCA Chair, to identify staff and volunteers that are/or will carry out regulated activity.

It is the responsibility of the CPCA Chair together with the Board to identify trustees that are/or will carry out regulated activity.

Key dates for staff, volunteers and trustees

1 Nov '10 – Anyone moving into regulated activity, paid or voluntary, with a new Regulated Activity Provider must apply for ISA registration before starting in that role. It will be a criminal offence to move into a regulated activity role without being ISA-registered.

31 July '15 – this is the final cut off date by which everyone working [paid or unpaid] in regulated activity must be ISA registered.

The role of staff, volunteers and trustees

All staff, volunteers and trustees working on behalf of CPCA have a duty to promote the welfare and safety of vulnerable adults and children.

Staff, volunteers and trustees may receive disclosures of abuse and observe vulnerable adults and children who are at risk. This policy will enable staff/volunteers to make informed and confident responses to specific protection issues.

What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons.

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Abuse can occur in any relationship and it may result in significant harm to, or exploitation of, the person subjected to it.

- **Physical abuse** - including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.
- **Sexual abuse** - including rape and sexual assault or sexual acts to which the vulnerable adult or child has not consented, or could not consent or was pressured into consenting. It may include non-contact activities involving children in looking at or be involved in sexual online images and or encouraging children to behave in sexually inappropriate ways.
- **Psychological abuse** - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **Financial or material abuse** - including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Neglect and acts of omission** - including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

- **Discriminatory abuse** - including racist, sexist, that based on a person's disability, age or sexuality and other forms of harassment, slurs or similar treatment.

Procedure in the event of a disclosure

It is important that vulnerable adults and children are protected from abuse. All complaints, allegations or suspicions must be taken seriously.

This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion of abuse.

Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of the individual/child.

A full record shall be made as soon as possible of the nature of the allegation and any other relevant information.

This should include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation.

Responding to an allegation

Any suspicion, allegation or incident of abuse must be reported to the CPCA Chair [or Vice Chair in absence] on that working day where possible.

The Chair [or Vice Chair] shall telephone and report the matter to the appropriate local social services duty social worker. A written record of the date and time of the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority social services department within 24 hours.

Responding appropriately to an allegation of abuse

In the event of an incident or disclosure:

DO

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- Make sure the individual/child is safe
- Assess whether emergency services are required and if needed call them
- Listen
- Offer support and reassurance
- Ascertain and establish the basic facts
- Make careful notes and obtain agreement on them
- Ensure notation of dates, time and persons present are correct and agreed
- Take all necessary precautions to preserve forensic evidence
- Follow correct procedure
- Explain areas of confidentiality; immediately speak to your manager for support and guidance
- Explain the procedure to the individual making the allegation if appropriate
- Remember the need for ongoing support.

DON'T

- Confront the alleged abuser
 - Be judgmental or voice your own opinion
 - Be dismissive of the concern
 - Investigate or interview beyond that which is necessary to establish the basic facts
 - Disturb or destroy possible forensic evidence
 - Consult with persons not directly involved with the situation
 - Ask leading questions
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- Assume Information
 - Make promises
 - Ignore the allegation
 - Elaborate in your notes
 - Panic

It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies.

Whistleblowing statement

It is vital that members of staff notify the CPCA Chair [or Vice Chair in their absence] about their concerns. It is the responsibility of the Chair or Vice Chair to take action, not the individual staff member. If a member of staff is concerned that the Chair or Vice Chair is not taking sufficient action the member of staff should notify the CPCA Chair.

[Any notification should be carried out in accordance with the CPCA Whistleblowing policy once adopted].

Confidentiality

Staff, volunteers and trustees have a professional responsibility to share relevant information about protection with other professionals, particularly investigative agencies and social services.

Clear boundaries of confidentiality will be communicated to all.

All personal information will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form.

If a child or adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the child or adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies.

Within that context, the child or adult should, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent should be obtained from the child or adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the child or adult is the priority.

Where a disclosure has been made, staff should let the adult or child know the position regarding their role and what action they will have to take as a result.

Staff should assure the adult that they will keep them informed of any action to be taken and why. The adults' or children's involvement in the process of sharing information should be fully considered and their wishes and feelings taken into account.

This policy needs to be read in conjunction with other policies for CPCA including:

- Confidentiality
- Disciplinary and Grievance
- Data Protection
- Recruitment and Selection
- Equal Opportunities
- Whistle blower – [to be adopted]

Recruitment procedure

CPCA operates procedures that take account of the need to safeguard and promote the welfare of vulnerable adults and children, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

References, internet links and further sources of information

'No Secrets' report

The first national policy developed for the protection of vulnerable adults, for use by all health and social care organisations and the police. It introduced guidance around local multi-agency arrangements and was issued under Section 7 of the Local Authority Social Services Act 1970. Its implementation is led by local authorities with social services responsibilities.

http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_4002849

Action on Elder Abuse (AEA) is a charity working to protect, and prevent the abuse of, vulnerable older adults. <http://www.elderabuse.org.uk>

The Centre for Policy on Ageing was established in 1947 by the Nuffield Foundation with a remit to focus on the wide-ranging needs of older people.

<http://www.cpa.org.uk/index.html>

Working together to Safeguard Children – [A guide to inter-agency working to safeguard and promote the welfare of children]. Available to download at www.everychildmatters.gov.uk

What to do if you are worried a child is being abused. Available to download at www.everychildmatters.gov.uk

Independent Safeguarding Authority - Information line on 0300 123 1111 www.isa.gov.uk

Policy review

Policy & procedure to be reviewed:

- By MS & R annually
- at manager and staff meetings annually and training needs identified
- before commencing new projects

Appendix

Appendix 1 – Notes for Safeguarding risk assessment

Appendix 2 – Safeguarding risk assessment template
