

Safeguarding Vulnerable Adults Policy

Purpose of Policy	This procedure lays out our policy for dealing with vulnerable adults undertaking training with the company.
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Author & Responsible Person:	Marc Rickard, Finance & Operations Director
Approved by:	Steven Wines, Chief Executive Officer

1. Background

1.1. What is Safeguarding?

In recent years there has been increasing concern about the safety and welfare of both children and young Vulnerable Adults.

Safeguarding is defined by the Children Act 1989 and Joint Chief Inspectors Report on Arrangements to Safeguard Children (2002) as meaning that:

“Agencies (and organisations) working with children and young people take all reasonable measures to ensure that the risks of harm to the individual’s welfare are minimised; and where there are concerns about children and young people’s welfare, all agencies (and organisations) take all appropriate actions to address those concerns, working to agreed local policies and procedures, working in partnership with other local agencies.”

The Safeguarding Vulnerable Groups Act 2006 sets out the type of activity covered by the act in relation to children and Vulnerable Adults. A new vetting and barring scheme will be established from autumn 2009 to protect children and Vulnerable Adults. The Act defines the scope of the Vetting and Barring Scheme. It provides that certain activities in relation to children and Vulnerable Adults are regulated. This is known as ‘regulated activity’.

1.2. Who Are We Safeguarding?

The Children Act 1989 states the legal definition of a child is ‘a person under the age of 18’. ‘Young person’ is not a legal term, for the purposes of the policy and procedures, a young person is someone who might not perceive themselves as a child, but who is still in the age range of the legal definition, and therefore fall within the term ‘child’.

Key aspects of legislation have been extended to include protection for ‘Vulnerable Adults’. A Vulnerable Adult is defined as 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’ (Department of Health, 2000). This may mean that they have a reduced ability to protect themselves from assault, abuse or neglect. This can be as a result of a learning or physical disability (not normally to include

dyslexia); a physical or mental illness chronic or otherwise (including an addiction to alcohol or drugs); or a reduction in physical or mental capacity.

1.3. Why is Safeguarding necessary in a Training establishment largely meeting the needs of adult learners?

Adult Education organisations are experiencing more contact with children through taster days, summer schools, family classes, and other out of school opportunities. At New Career Skills we also take pride in supporting Vulnerable Adults in their studies.

Adult Education organisations have a common law duty of care to take such steps that in the circumstances of an educational institution are reasonable to ensure that the child, young person or Vulnerable Adult, is safe, and in the absence of specific requirements, be seen to have an enhanced duty of care.

Applicants will be assessed using data gathered by the Criminal Records Bureau (CRB), including relevant criminal convictions, cautions, police intelligence and other appropriate sources. Once the scheme has been fully rolled out, employers who work with Vulnerable people will only be allowed to recruit people who are ISA-registered.

2. Informal Complaints Process

New Career Skills is committed to safeguarding and promoting the welfare of children, young people and Vulnerable Adults, engaged in the breadth of its activities.

New Career Skills has taken the view that in the interests of good practice there should be a clear policy and associated procedures to guide work with under-18 year olds and Vulnerable Adults. This policy deals with the protection of Vulnerable Adults. A separate policy covers Child Protection

The company recognises that it has a duty to help staff and students recognise their responsibilities (through guidance, support and training), minimise risk and avoid situations (where possible) where abuse or neglect might be alleged.

Processes are in place to check the suitability of staff and students working directly with Vulnerable Adults. Some staff and students across the Company will be in regular or significant occasional contact Vulnerable Adults in the course of their teaching or other work. There is a commitment that such staff and students have satisfactory Criminal Records Bureau (CRB) disclosures, at an appropriate level, before working Vulnerable Adults.

3. Safeguarding Structure and Responsibilities

3.1. At New Career Skills we have identified an organisation structure for safeguarding Vulnerable Adults. Key senior staff with designated safeguarding responsibilities includes:

- Operations Director: overall leadership of Safeguarding
- For student-related issues: Designated Safeguarding Officer, Alan Smith
- For staff-related issues: HR Manager

3.2. In those areas where staff and students work with Vulnerable Adults as part of their roles, a manager is nominated to have responsibility for safeguarding in their area.

3.3. All staff and students are required to take a shared responsibility for the protection and safety of any Vulnerable Adults. They must be aware of and abide by the Company's Codes of Good Practice.

4. Protection of Vulnerable Adults Policy and Procedure

4.1. Introduction

New Career Skills wishes to ensure that all our learners have a safe and stimulating environment in which they can fulfil their potential and we wish to safeguard the welfare of our Vulnerable Adult learners.

In the terms of this policy a "Vulnerable Adult" has the following definition:

"A person who is over 18 who is or may be in need of Community Care Services by reason of mental or other disabilities, age or illness, or may be unable to take care of him/herself or unable to protect him/ herself against significant harm or exploitation. Examples of Vulnerable Adults are people with learning disabilities, mental health problems, the elderly, and people with physical disabilities."

4.2. Protecting Vulnerable Adults in Company

New Career Skills is concerned that all its students remain safe and free from harm and is committed to playing a full and active part in the multi-agency response to Vulnerable Adults protection concerns. This document sets out the Company's position in relation to all aspects of the Vulnerable Adult protection process.

During company time, the Designated Persons responsible for Vulnerable Adult Protection are Centre Manager, Operations Manager, and Human Resources Manager.

In the event of any concern by any member of staff, or if any member of staff is approached by a Vulnerable Adult student, regarding any matter concerning abuse, they must tell the student that they are bound to pass on the information to the designated person. The person receiving the information should pass it on as a matter of urgency to ensure the matter can be dealt with as soon as possible. If the designated person is not available, the staff member should contact a member of the Senior Management Team. No student must be promised that anything they say will be kept confidential if the matter is related to Vulnerable Adult protection or abuse. It is helpful for a member of staff to tell the student they will jot down anything the student actually says to ensure an exact a record as possible is kept for future reference.

4.3. Scope of the Policy

This Policy applies to all staff (including agency staff), academic and business support staff employed by the Company, temporary staff and volunteers. All have a legal responsibility to take seriously any Vulnerable Adult concerns that come to their attention and follow the procedures given.

Subcontractors must be informed of this Policy and deal with any concerns reported to them by contacting the Designated Person with responsibility for Vulnerable Adult Protection in Company.

Students who have concerns about other students or the behaviour of Adults towards them can use this Policy to ensure they are taken seriously.

It is not the Company's responsibility to investigate abuse. Nevertheless, it has a duty to act if there is a cause for concern and to notify the appropriate agencies so that they can investigate and take any necessary action.

4.4. Prevention

New Career Skills takes seriously its duty of pastoral care and will be proactive in seeking to prevent Vulnerable Adults becoming the victims of abuse or neglect. It will do this in a number of ways:

- Through the creation of an open culture which respects all individuals' rights and discourages bullying and discrimination of all kinds.
- The Centre Manger, who has overall responsibility for Vulnerable Adult matters and two other staff as Designated Persons – Operations Manager, and the HR Manager. They will receive training in this field and act as a source of advice and support to other Company staff especially tutors and front-of-house staff.
- By informing Vulnerable Adults of their rights to be free from harm and encouraging them to talk to Company staff if they have any concerns.
- Through the ongoing programme of support, at an appropriate level, to promote self-esteem and social inclusion and address the issue of the protection of Vulnerable Adults in the wider context.

4.5. Responsibilities

Staff are responsible for the identification of abuse and referral to the appropriate authorities via the Company nominated persons.

The Company will operate safe recruitment procedures and ensure that appropriate checks are carried out on all new staff, directors and volunteers.

4.6. What is Abuse?

Appendix B sets out definitions of abuse but it can be:

- physical
- neglectful
- sexual
- financial
- psychological/emotional
- institutional or
- discriminatory in nature

Abuse is behaviour towards a person that either deliberately or unknowingly causes a Vulnerable Adult harm, or endangers their life or their human or civil rights. It can be passive, e.g. failing to take action to care for someone, or failing to raise the alert about abuse; or active, e.g. hitting, stealing or doing something that causes harm.

Abuse can be a one-off or something that is repeated.

4.7. Guidance & Procedure for staff

New Career Skills recognises its legal duty to work with other agencies in safeguarding Vulnerable Adults and in responding to abuse. All members of staff involved with Vulnerable Adults (teaching and non-teaching) have a responsibility to be mindful of issues related to Vulnerable Adult safety and welfare and a **duty** to report and refer any concerns however “minor” they appear to be.

IT IS NOT THE JOB OF COMPANY STAFF TO INVESTIGATE THESE CONCERNS.

In cases where it is deemed that a Vulnerable person lacks sufficient understanding to make informed decisions about his/her own care and treatment, parents/carers have a right to be informed about any concerns about the Vulnerable person’s welfare or any action taken to safeguard and promote the Vulnerable adult’s welfare, providing this does not compromise the Vulnerable adult’s safety. Where there are possible concerns about a Vulnerable Adult’s safety, unconditional confidentiality cannot be guaranteed and should not be offered.

New Career Skills will be proactive and take positive steps to inform students of their rights to safety and protection and the options available to express their fears or concerns.

When students make allegations about abuse or neglect, they should always be listened to, have their comments taken seriously and, where appropriate, the allegations should be investigated thoroughly.

If you suspect that a student is going to discuss abuse, either towards themselves or another child or young person, establish **GROUND RULES CONCERNING CONFIDENTIALITY**. This information must be shared with a nominated person for safeguarding Vulnerable Adults and possibly with a counsellor.

The designated person will then contact the Local Authority Adult Protection Unit in order to discuss appropriate action. The Local Authority Adult Protection Unit is responsible for coordinating action in Vulnerable Adult cases, including liaison with police.

Note: It is important to convey that the Adult Protection Unit will need to assess the situation and would want to work **with** the Vulnerable adult in determining what could/should happen next. They would wish to respect the Vulnerable Adults wishes and feelings provided no one is at immediate risk of harm.

If the student is fully aware of what could happen, they can:

- choose whether they want to speak now or have time to think about it;
- be as informed as possible regarding the implications of passing on this information.

If the complainant is the Vulnerable Adult him/herself, questions should be kept to the minimum necessary to understand what is being alleged. Leading questions must be avoided as the use of leading questions can cause problems for the subsequent investigation and any court proceedings.

- 4.8. Procedure for staff dealing with suspicions or allegations of abuse to a Vulnerable Adult
Any suspicion, allegation or incident of abuse must be reported to the designated member of staff with responsibility for the protection of Vulnerable Adults as soon as possible and in any event within 2 hours. If this is not possible, a member of the Senior Management Team must be notified. The nominated member of staff must immediately discuss the matter with their Local Authority Adult Protection Unit to determine whether it is a protection of Vulnerable Adults matter.

(NB: The Local Authority Adult Protection Unit is responsible for coordinating action in Vulnerable Adult cases, including liaison with police, their contact details can be found in yellow pages).

If it is agreed to be a Vulnerable Adult matter, 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 local authority Adult Protection Unit within 24 hours. If the consent has not been gained from the Vulnerable Adult, the nominated member of staff should discuss with the Local Authority Adult Protection Unit what action will be taken to inform the parents / carers of the Vulnerable Adult and a note of that conversation should be made. The nominated member of staff must notify the Principal of the Company as soon as practicable and in any event within 2 hours of the initial concern arising.

- 4.9. Responding to an Allegation

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

- The date
- The time
- The place where the disclosure of information took place
- 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 Vulnerable 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

- 4.10. Responding to an allegation about a member of staff

Any suspicions, allegations of actual abuse of a Vulnerable Adult by a member of staff must be reported to the lead designated member of staff and the HR Manager. On being notified of any such matter, the designated member of staff shall:

- **Notify** the HR Manager, who will initiate an investigation of this incident in line with the disciplinary procedure,
- **Take** such steps as he/she considers necessary to ensure the safety of the person in question and any other person who might be at risk.

- **Report** the matter to the local Adult Protection Unit in accordance with the procedure set out in the previous paragraph.
- **Ensure** that a report of the matter is completed by the person who reported the original concern. If the complaint is made against any member of the Senior Management Team or a designated safeguarding officer, then the person dealing with the complaint must be either the Operations Director or HR Manager. If the complaint is made against the Operations Director then the Managing Director should be immediately notified.

4.11. Written Records

The lead designated officer for the protection of Vulnerable Adults will retain the central record of all allegations and actions taken. This will include:

- The formal report
- Any notes, memoranda or correspondence dealing with the matter
- Any other relevant material

Copies of reports, notes etc will be kept securely locked at all times, but will be shared in accordance with the Data Protection Act 1998.

4.12. Training – Staff Development

All staff within the Company will undergo training so that they are fully aware of this policy and their responsibilities. The designated Manager of the Protection of Vulnerable Adults will receive additional training so that he can effectively fulfil his responsibilities to the protection of Vulnerable Adults at New Career Skills.

4.13. Review and Monitoring of the Policy and Procedures

Manager Projects & Contracts will review and monitor the policy and procedures on an annual basis and will recommend and implement approved changes where necessary. A revised version of the policy will be submitted to the Operations Director on an annual basis to ensure that any identified deficiencies or weaknesses have been dealt with without delay.

Appendix A - Policy Summary

This procedure must be followed whenever any member of Company staff hears an allegation from a Vulnerable Adult that abuse has, or may have, occurred or where there is a significant concern that a child may be abused:

RECEIVE

- What is said
- Accept what you are told – you do not need to decide whether or not it is true
- Listen without displaying shock or disbelief

REASSURE

- The student
- Acknowledge their courage in telling
- Do not promise confidentiality
- Remind them they are not to blame – avoid criticising the alleged perpetrator
- Do not promise that “everything will be alright now” (it might not be)

REACT

- Respond to the student but do not interrogate
- Avoid leading questions but ask open ended ones
- Clarify anything you do not understand
- **Explain what you will do next, i.e. inform a Designated Person**

RECORD

- Make notes as soon as possible – during the interview if you can and include: time, date, place, the student’s own words – do not assume – ask, e.g. “Please tell me what xxxxx means”.
- Describe observable behaviour and appearance
- Cross out mistakes – do not use correction fluid
- Do not destroy your original notes – they may be needed later on and must be given to the Designated Person.

SUPPORT

- Consider what support is needed for the student– you may need to give them a lot of your time or they may need to be referred
- Ensure you are supported – such interviews can be extremely stressful and time consuming
- Once reported to them, the Designated Person will take responsibility for the matter and will take the necessary actions. However, if you have questions or need additional support then do ask

Appendix B - Definitions of Abuse (Vulnerable Adults)

Physical Abuse

Physical abuse is the physical ill treatment of an Adult, which may or may not cause physical injury and causes harm to the individual's person. It may involve pushing, slapping, pinching, punching, hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating, force feeding, improper administration of medicines or denial of prescribed medicines, forced isolation and confinement, including a person being locked in a room or inappropriate sanctions or restraint, or inappropriate manual handling. It may be the result of a deliberate failure to prevent injury occurring.

Psychological and Emotional Abuse

Psychological abuse may involve the use of harassment, bullying, intimidation, indifference, hostility, rejection, threats, humiliation, name-calling, other degrading behaviours, shouting, swearing, discrimination or the use of oppressive language, mobile phone texting abuse, email, emotional abuse and all forms of cyber abuse. It can result in feelings of low self-worth. Some level of psychological or emotional abuse is present in all forms of abuse.

Sexual Abuse

Sexual abuse involves a Vulnerable Adult participating in, or watching, sexual activity to which they have not consented or were pressured into consenting, or to which they cannot give informed consent. It is not necessary for the individual to be aware that the activity is sexual. The activities may include: physical contact, including penetrative or non-penetrative acts, e.g. rape, buggery, indecent assault or inappropriate touch, incest, and situations where the perpetrator touches the abused person's body (e.g. breasts, buttocks, genital area); Non-contact activities, e.g. exposing genitals to the abused person, or coercing the abused person into participating in or watching pornographic videos or photographs.

Neglect

Neglect is the deliberate withholding or unintentional failure to provide help or support, which is necessary for the adult to carry out activities of daily living. It also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk. Neglect may involve: failing to provide adequate food, shelter and clothing; failure to ensure access to appropriate medical care or treatment; neglect of basic emotional needs

Financial/Material Abuse

Financial/Material Abuse is the exploitation, inappropriate use or misappropriation of a person's financial resources or property. It occurs when the individual is deprived of their own financial assets, for example, by holding money back from the individual, obtaining money by deception, or stealing money. It includes the withholding of money or the improper use of a person's money or property, usually to the disadvantage of the person to whom it belongs.

Institutional Abuse

Institutional abuse can be defined as abuse or mistreatment by a regime as well as by individuals within any building where care is provided. Examples include lack of flexibility and choice, lack of

consultation, public discussion of personal matters, inadequate or delayed responses, staff overly controlling service users' relationships and activities.

Discriminatory Abuse

Repeated, ongoing or widespread discrimination on the grounds of age, race, disability, religion, sexual preference or gender, slurs, harassment, name-calling, breaches in civil liberties, unequal access to health or social care.

Significant Harm

Sometimes, a single traumatic event may constitute significant harm, e.g. violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the adult's physical and psychological development.