



Resources: safeguarding Vulnerable Adults / Vulnerable groups

The sites are:

1. www.volunteering.org.uk/resources/resources.htm;

This site has information about CRB checks, and also makes available sample forms and policies. These can be accessed from the website via: Home/managing Volunteers/Good Practice Bank/Core Themes/Protection and Safeguarding.

There is an example policy for adults from the Southampton Voluntary Services (written 2006)

2. LVSC - Voluntary and Community Action for London

When I visited the site last May I found and downloaded a document entitled:

Guidance on Developing a Policy for Safeguarding Children and Adults. (attached)

I was not able to find it this time when I went on, but ended up on the first website(above).

3. www.scotland.gov.uk/Topics/PeopleandSociety/Children,YoungPeopleandfamilies/SupportorChildrenandfamilies/ProtectionofVulnerableGroupsScheme.

The Protection of Vulnerable Groups (PVG) (Scotland) Act 2007, was introduced in February 2011 (so presumably operative now). (I have not accessed it to look at.)

4. www.wales.gov.uk - to be found under Topics/health/ publications/ social care/reports

This site makes reference to 2 reports which (I have not accessed):

Report on the Protection of Vulnerable Adults Project Board;

Review of 'In Safe Hands' - carried out by the University of Glamorgan and reporting to the above Project Board.

5. www.charitycommission.gov.uk;

6. www.dh.gov.uk

- i) No Secrets – guidance on developing multi-agency policies and procedures to protect vulnerable adults from abuse (March 2000)
This paper will remain as statutory guidance until at least 2013.
- ii) No secrets consultation – responses from professional, educational and regulatory bodies (July 2009)
Led to the Government's establishment of universal principles against which to benchmark existing and future adult safeguarding arrangements.
Commitment to protect people who are unable to protect themselves, but not at the cost of their right to make decisions about how to live their lives;
- iii) Government statement of intent to introduce statutory legislation for safeguarding Adults Boards;
- iv) White paper on social care reform – due December 2011

Safeguarding Children and Vulnerable Adults:

Background

Care Standards Act 2000

A CRB disclosure is required for most roles in organisations providing care or health services regulated under this act. This act also sets out the Protection of Vulnerable Adults scheme.

Following the Soham murders, the Govt enacted the Safeguarding Vulnerable Groups Act 2006, the aim of which was to streamline previous arrangements and lists, creating just two lists: **the children's barred list and the adult's barred list.**

The scheme aims to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity.

The 2006 Act started to be phased in from October 2009, before being put on hold by the Coalition Govt. pending review. The Act provided that enhanced CRB checks should be carried out for anyone working in a regulated activity relating to vulnerable groups. The list includes :

any form of treatment or therapy provided for a vulnerable adult;
any form of treatment or therapy provided for a child;

The Coalition Government's review report has now been published. Key recommendations include:

- the merging of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA)
- continuing a barring and criminal records disclosure service for workers and volunteers but only covering only those who may have regular or close contact with children or vulnerable adults (under a new narrowed definition of regulated activity)
- scrapping the notion of controlled activity altogether
- scrapping the requirement for individuals to register with the ISA along with the ongoing monitoring of individuals
- making criminal record disclosures portable and enabling disclosures to be updated
- continuing the duty on employers to make referrals to the state barring body (currently the ISA)
- introducing two offences under the new system: for a barred person to work with children or vulnerable adults in regulated activity roles, and for an employer to knowingly employ a barred person in a regulated activity role.

The primary legislation is expected to be in place by early 2012 and rolled out soon after.

Definition of Terms:

Child

A child is legally defined as anyone under the age of 18.

Vulnerable Adults

The definition of vulnerable adult is a person aged 18 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 own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender 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 specified welfare service, namely 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

- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs. (which may be provided by reason of the person's age, health and any disability);

Health care includes treatment, therapy or palliative care of any description.

Abuse

Abuse is the violation of an individual's human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.

Duty to Report Abuse

If there is a concern about the possible abuse of a child, young person or vulnerable adult, the local authority social services department should be contacted. They have a legal responsibility to find out if abuse has taken place. *It is **not** the role of your organisation to decide whether abuse has taken place, only to report allegations to Social Services or the Police.* If your organisation investigates the suspected abuse, it could actively damage chances of the case reaching resolution.

Since 12 October 2009, all volunteers or employees who work with children or vulnerable adults must apply for an enhanced disclosure rather than a standard disclosure.

An Enhanced Disclosure is the level of Disclosure for anyone whose work regularly involves caring for, training, supervising or being in sole charge of young people under 18 or vulnerable adults. In addition to the information provided for a Standard Disclosure of spent convictions, unspent convictions and cautions, it may also contain information held by the police which is thought relevant but which may not have led to a conviction.

The Criminal Records Bureau currently does not endorse the use of **portability** whereby a disclosure obtained for a position in one organisation is used for another position in a different organization as they consider that there are too many inherent risks associated with this practice.

Does the UKCP have a safeguarding Policy? Do Member Organisations? Do Colleges?

See guidelines below, taken from:

What your safeguarding policy should consider

The extent of how much detail and guidance your policy will provide will depend on the size of organisation and the type of contact you have with children or vulnerable adults. The policy statement itself may be brief, perhaps only 1 side of A4 paper. The details to be found in your procedures or action plan are particularly important. They should clearly state what measures have been taken and what measures are to be developed or improved, in other words how the policy will be put into practice. It should be made known to the vulnerable adults or children themselves and available in an accessible format, as well as to parents, carers, volunteers and staff.

Consider the following areas when drawing up your policy:

- Why is the safeguarding policy important?
- Clarify that the policy refers to all children or vulnerable adults regardless of gender, age, ethnicity, disability, sexuality or religion. Stress that it is the duty of all employed by the organisation to follow it.
- What is abuse? And how might abuse take place in the work carried out by your organisation? How do you recognise abuse?
- What to do if there are signs or there is a suspicion of abuse? Consider what to do if a vulnerable person reports abuse happening at home or elsewhere, and how to get in touch with local authority social services, in case a concern needs to be reported. As well as considering who should be told, include information of how to respond to the vulnerable person.
- What to do if there are allegations of abuse against a worker or volunteer? Who to tell and how to respond to the person making the allegation.
- What safeguards are or will be put in place to protect children or vulnerable adults? Consider areas such as the level and type of supervision, providing clear guidelines and procedures, involving parents and carers.
- How will the children or vulnerable adults be informed about their rights and what to do if they have any concerns?
- How will workers be supported in their understanding and awareness of safeguarding children or vulnerable adults' issues e.g. what sort of training will be provided?
- How will the policy be put into practice within all levels of your organisation and within all policies and procedures?
- How will the policy be monitored and reviewed?
- How will confidentiality be kept should an allegation be made e.g. how will records be kept and who will have access to them? However the welfare of the vulnerable person is paramount and this may mean that you must breach your organisation's rules of confidentiality.
- How will other sensitive or potentially sensitive information be handled e.g. web-based materials and activities.

There should be a designated person responsible for dealing with allegations or suspicions of abuse, who should have proper safeguarding training.

Taken from LVSC: Voluntary and Community Action for London: Guidance and other sources.

Context and definitions

A duty to safeguard adults

All persons have the right to live their lives free from violence and abuse. This right is underpinned by the duty on public agencies under the Human Rights Act (1998) to intervene proportionately to protect the rights of citizens. These rights include Article 2: 'the Right to life'; Article 3: 'Freedom from torture' (including humiliating and degrading treatment); and Article 8: 'Right to family life' (one that sustains the individual).

Any adult at risk of abuse or neglect should be able to access public organisations for appropriate interventions which enable them to live a life free from violence and abuse.

It follows that all citizens should have access to relevant services for addressing issues of abuse and neglect, including the civil and criminal justice system and victim support services. Remedies available should also include measures that achieve behaviour change by those who have perpetrated abuse or neglect.

"Abuse is a violation of an individual's human and civil rights by any other person or persons."
'No Secrets' (DH 2000)

The need for 'Safeguarding Adults' work

The experience of abuse and neglect is likely to have a significant impact on a person's health and well being. By its very nature abuse – the misuse of power by one person over another – has a large impact on a person's independence. Neglect can prevent a person who is dependent on others for their basic needs exercising choice and control over the fundamental aspects of their life and can cause humiliation and loss of dignity.

Adults who "may be eligible for community care services" are those whose independence and wellbeing would be at risk if they did not receive appropriate health and social care support. They include adults with physical, sensory and mental impairments and learning disabilities, howsoever those impairments have arisen e.g. whether present from birth or due to advancing age, chronic illness or injury. They also include carers: family and friends who provide personal assistance and care to adults on an unpaid basis. They are not a self-defined community, but a group that has been created by social policy. This document is based on the premise that when an adult in this group is experiencing abuse or neglect this will have a significant impact on their independence, health and wellbeing.

If all adults were able to effectively access support to live safer lives at the time they needed it, there would be no need for policies and procedures aimed at addressing the needs of specific groups of people. However, the publication of 'No Secrets' was based on the premise that some groups of adults experience a higher prevalence of abuse and neglect than the general population and that they are also not easily able to access services to enable them to live safer lives. The work that has taken place since the publication of 'No Secrets' has confirmed that this is the case.

The groups of adults targeted by 'No Secrets' were those "who is or may be eligible for community care services". And within that group, those who "were unable to protect themselves from significant harm" were referred to as "vulnerable adults". Whilst the phrase "vulnerable adults" names the high prevalence of abuse experienced by the group, there is a recognition that this definition is contentious. One reason is that the label can be misunderstood, because it seems to locate the cause of abuse with the victim, rather than placing responsibility with the actions or omissions of others.

National Framework - 'Safeguarding Adults' 2005 (p.4)