

# **Holy Trinity Church Tewkesbury**

## **Adults at Risk Policy**

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# Document History:

## ADULTS AT RISK POLICY

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### Change History:

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Feb 2018	Draft V1	Initial draft provided to Stephen Walker for review with some clarifications highlighted.
14 <sup>th</sup> May 2018	Final approved	Clarifications agreed and final copy approved at PCC

### Outstanding questions:

Date	Source	Issue	Resolved

Please submit any comments on this document to:

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**Holy Trinity Church Tewkesbury** has a moral and legal duty to ensure that it functions with a view to safeguarding and promoting the welfare of at risk 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 at risk adults.

Throughout this policy, reference is made to **“adults at risk”**. This term is used to any adult at risk “aged 18 and over”.

Holy Trinity Tewkesbury Parochial Church Council (PCC) are committed to ensuring that the Church:

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

In pursuit of these aims, Holy Trinity Church Tewkesbury PCC will approve and annually review Church policies with the aim of:

- Raising awareness of issues relating to the welfare of at risk adults and the promotion of a safe environment for the at risk adults and young people;
- Providing procedures for reporting concerns;
- Establishing procedures for reporting and dealing with allegations of abuse against members of staff; &
- Recruiting and managing staff and volunteers safely.

As a Church we appoint a designated person with special responsibility for at risk adult’s protection issues. The designated person is Mrs Julie Northcott (Children and Adults), who works with a wider team of Safeguarding Officers: Rob Burcombe (Adults), Liz Walker (Children and Adults) and Liz Williams (Children).

Staff and volunteers working with at risk adults will receive training adequate to familiarise them with at risk adults’ protection issues and responsibilities and the Churches relevant procedures, with refresher training at least every 3 years.

Holy Trinity Tewkesbury PCC will receive, from the designated person with lead responsibility for at risk adult’s protection, an annual report which reviews how their duties have been discharged.

Holy Trinity Tewkesbury PCC recognise the following as definitions of abuse:

**1) Physical Abuse**

Physical abuse causes harm to an at risk 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 or reckless failure to prevent injury occurring.

**2) Neglect**

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

**3) Sexual Abuse**

Sexual abuse involves an at risk adult being forced or coerced into participating in or watching sexual activity. It is not necessary for the at risk adult to be aware that the activity is sexual and the apparent consent of the at risk 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 at risk adult's behaviour and emotional development, resulting in low self-worth. Some level of emotional abuse is present in all forms of abuse.

**5) Financial or material abuse**

Includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits. Material signs are any sudden change in a person's finances e.g. not having as much money as usual to pay for shopping or regular outings, getting into debt, appearance of unusual official or financial documents, or financial documents that go missing.

**6) Domestic Violence and Abuse**

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

**7) Spiritual and ritual abuse**

In the church context there has been developing realisation that spiritual abuse is another form of harm and occurs when religious values or ideas are “forced” onto people, particularly those who are vulnerable to such practices. This can be the inappropriate use of religious belief or practice: including misuse of the authority of leadership or penitential discipline, oppressive teaching, or intrusive healing and deliverance ministries, which could result in vulnerable people experiencing physical, emotional or sexual harm. Other forms of spiritual abuse include the denying vulnerable people the right to faith or the opportunity to grow in the knowledge and love of God.

Any such inappropriate behaviour must be investigated. Careful supervision and mentoring of those entrusted with the pastoral care of adults should help to prevent harm occurring in this way.

### **C ‘Relevant conduct’ under the Safeguarding Vulnerable Groups Act 2006**

In addition to the definitions in section B, the Church Parochial Church Council accept 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 DBS and which could lead to a barring decision. It includes any:

- conduct which endangers an at risk adult or is likely to endanger an at risk adult;
- conduct which if repeated against or in relation to a or at risk adult would endanger that at risk 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 an at risk adult (or in the case of an at risk adult - an act that is considered inappropriate).

### **D Protecting vulnerable adults – Safeguarding Vulnerable Groups Act (SVG) 2006 and the Disclosure and Barring Service (DBS)**

- 1) The Disclosure and Barring Service (DBS) is a non-departmental public body of the Home Office of the United Kingdom. The DBS enables organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially that involve children or at risk adults, and provides wider access to criminal record information through its disclosure service for England and Wales.

The DBS was formed in 2012 by merging the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) under the Protection of Freedoms Act 2012. DBS started operating on 1 December 2012. It operates from Liverpool and Darlington. Its equivalent agencies are Disclosure Scotland in Scotland and Access Northern Ireland in Northern Ireland.

It is a legal requirement in the UK for regulated activity employers to refer safeguarding concerns to the DBS. It is illegal for anyone barred by the DBS to work, or apply to work with the sector (children or adults) from which they are barred. It is also illegal for an employer to knowingly employ a barred person in the sector from which they are barred.

- 2) For further information about the new safeguarding framework please see the following :

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/210857/DBS\\_Framework\\_Document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210857/DBS_Framework_Document.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97875/leaflet-england-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97875/leaflet-england-wales.pdf)

- 3) For the purposes of protecting at risk adults within scope of the VBS, a at risk 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.

- 4) A person is not deemed at risk simply because of age or a disability; they must be in receipt of any of the aforementioned welfare services to be covered by the DBS.

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

- a) Any activity which involves work solely or mainly with children and at risk adults. Anyone involved in undertaking such work or supervising it will be required to register with the DBS. 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.
- b) To qualify as such 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).
- c) In addition, if the regulated activity takes place in a school, nursery, day centre, care home, remand centre or hospital, anyone working in such setting will be required to register with the DBS whether or not they work directly with at risk groups.

- d) 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 at risk adults.
- e) Failure to register with the DBS is not an offence in itself. However, if a barred person knowingly works in a regulated activity 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 at risk adults**

- 1) The Church will have a designated person with lead responsibility for at risk adult's protection issues. This designated person is named in Annex 1 to this policy.
- 2) The designated person has a key duty to take lead responsibility for raising awareness within the organisation of issues relating to the welfare of at risk adults and young people, and the promotion of a safe environment for the at risk adults and young people.
- 3) The designated person is responsible for ensuring that exempted questions are asked on relevant volunteer engagement 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.*

- 4) The designated person will undertake appropriate training and should keep up to date with developments in at risk adults' protection issues. The designated person will also have responsibility for making new staff and volunteers aware of the existing at risk adults' protection policy.
- 5) Will be the main contact point for at risk adults' Protection issues and will have contact details for relevant organisations

## **F Dealing with Disclosure of Abuse and Procedure for Reporting Concerns**

If an at risk adult or young person tells a member of the Church about possible abuse:

- a) Listen carefully and stay calm.

- b) Do not interview the at risk adult, but question normally and without pressure, in order to be sure that you understand what the at risk adult is telling you.
- c) Do not put words into the at risk adult's mouth.
- d) Reassure the at risk adult that by telling you, they have done the right thing.
- e) Inform the at risk 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.
- f) Note the main points carefully.
- g) Make a detailed note of the date, time, place, what the at risk adults said, did and your questions etc.
- h) Staff should not investigate concerns or allegations themselves, but should report them immediately to the Designated Person.

## **G Reporting allegations of Abuse against Members of Staff**

The procedures apply to all staff, whether ministerial, administrative, wider church leadership, support, as well as to volunteers. The word "staff" is used for ease of description.

- 1) In rare instances, staff of Christian organisations have been found responsible for at risk adult's abuse. Because of their frequent contact with at risk adults, staff may have allegations of at risk adult's abuse made against them. Holy Trinity Church recognises that an allegation of at risk adult's 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 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.

## **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 vulnerable people to the DBS. This duty to refer remains in place despite suspension of the DBS. 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.
- 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.

- 3) Referral forms can be downloaded from the DBS's website  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

## **I The DBSs process**

Please refer to the following:

<https://www.gov.uk/disclosure-barring-service-check/overview>

<https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide->

<https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-an-employer>

<https://www.gov.uk/disclosure-barring-service-check/tracking-application-getting-certificate>

<https://www.gov.uk/disclosure-barring-service-check/dbs-barred-lists>

<https://www.gov.uk/disclosure-barring-service-check/appeals-and-disputes>

## **J Ensuring safer recruitment and selection**

Holy Trinity Tewkesbury already has appointment and selection procedures for employed staff and work is to be undertaken to develop these for volunteers during 2018. These will be reviewed in 2019 and then annually to ensure that they always take account of the following:

- That they apply to staff and volunteers who may work with at risk adults.
- That 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.
- DBS disclosure.
- Use a variety of selection techniques (e.g. qualifications, previous experience, interview, reference checks).

**Annex 1: Designated persons 2018**

**Designated Person for Safeguarding at Risk Adults**

**Name: Julie Northcott**

**Contact email: [safeguarding@trinityteewkesbury.org.uk](mailto:safeguarding@trinityteewkesbury.org.uk)**

**Designated / or Deputy Designated Person for Safeguarding at Risk Adults**

**Name: Rob Burcombe**

**Contact Number: [safeguarding@trinityteewkesbury.org.uk](mailto:safeguarding@trinityteewkesbury.org.uk)**

**Holy Trinity Church Leadership Team - Lead for Safeguarding**

**Name: Stephen Walker**

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