Holy Trinity Church Tewkesbury

Adults at Risk Policy

April 2024

Holy Trinity Church Office

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Tel: 01684 292797

**Cross Referencing**

**This policy should be read in conjunction with the following policies:**

* Children and Young People Safeguarding Policy
* Safer Recruitment (including Policy Statement for Recruitment of ex-Offenders)
* Social Media Policy

12 months. Reviewed annually and agreed at ACPM

Change History:

|  |  |  |
| --- | --- | --- |
| **Date** | **Version (YMD\_IN)** | **Changes** |
| Feb 2018 | Draft V1 | Initial draft provided to Stephen Walker for review with some clarifications highlighted. |
| 14th May 2018 | Final approved | Clarifications agreed and final copy approved at PCC |
| 26th April 2023 | Final updated | Updated contact details for key persons (ie PSO)  Update on Safer Recruitment for Volunteers  Addition of appendix – policy statement for recruitment of ex-offenders |
| April 2024 | Final updated | Addition of ‘Title/Cover Page’ (including cross-referencing with other related policies)  Update to details & definitions of types of abuse  Update to Safer Recruitment statement to include volunteers  Update on contact details & useful numbers (including GSAB) |
|  |  |  |

Outstanding questions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Source** | **Issue** | **Resolved** |
| 25/04/2024 | APCM | Query over accuracy of author (ie identified as previous PSO) | 22/05/2024 |
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|  |  |  |  |

Please submit any comments on this document to:

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| --- | --- | --- |
| Parish Safeguarding Officer | Duncan de Gruchy |  |
|  |  |
| Church Administrator | Helen Hart |  |

Author:

Duncan de Gruchy

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# A GENERAL POLICY STATEMENT

***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 or vulnerable “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 Mr Duncan de Gruchy (Children and Adults), who works with a wider team of Safeguarding Officers: Liz William (Adults), Liz Walker (Children and Young People).

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.

# B DEFINITIONS

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.Physical harm may also be caused when a carer feigns the sypmptoms of, or deliberately induces illness in an adult at risk**.**

1. **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.Neglect may occur during pregnancy as a result of maternal substance abuse. Neglect may involve a carer failing to:

* provide adequate food, shelter and clothing, (inc exclusion from home or abandonment)
* protect an at risk adult from physical and emotional harm or danger
* ensure adequate supervision (including the use of inadequate care-givers) or
* ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, an at risk adult’s basic emotional needs

1. **Sexual Abuse**

Sexual abuse involves an at risk adult being forced, enticed 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. The activities may involve physical contact, including assault by penetration (for example rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving at risk adults in looking at, or in the production of sexual images, watching sexual activities, encouraging at risk adults to behave in sexually inappropriate ways (including via the internet). Sexual abuse is not solely perpetrated by adult males, women can also commit acts of sexual abuse.

1. **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. It may involve conveying to the at risk adult that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the at risk adult opportunities to express their views, deliberately silencing them or developmentally inappropriate expectations being imposed on them. These may include interactions that are beyond the at risk adult’s developmental capability, as well as over-protection and limitation of exploration and learning, or preventing the at risk adult participating in normal social interaction.

1. **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.

1. **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

1. **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).

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# **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.

1. For further information about the new safeguarding framework please see the following :

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

1. 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.

1. 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.

1. The Safeguarding Vulnerable Groups Act defines ‘Regulated Activity’ as:
   1. 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.

* 1. 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).

* 1. 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.

* 1. 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.

* 1. 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.*

1. 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.
2. 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:

1. Listen carefully and stay calm.
2. 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.
3. Do not put words into the at risk adult’s mouth.
4. Reassure the at risk adult that by telling you, they have done the right thing.
5. 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.
6. Note the main points carefully.
7. Make a detailed note of the date, time, place, what the at risk adults said, did and your questions etc.
8. 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 OR VOLUNTEER

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.

1. 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.

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

# I THE DBS 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-applicantmust-provide-](https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-)

[https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-anemployer](https://www.gov.uk/disclosure-barring-service-check/arranging-checks-as-an-employer)

[https://www.gov.uk/disclosure-barring-service-check/tracking-application-gettingcertificate](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. Holy Trinity PCC has an appointment and selection procedure for employed staff and (from November 2022) includes volunteers of roles in ‘regulated activities’.

The ‘Safer Recruitment’ process will be be reviewed 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).

# APPENDIX 1: DESIGNATED PERSONS 2023

**Parish Safeguarding Officers**

|  |  |  |
| --- | --- | --- |
| ***Role*** | ***Name*** | ***Contact Number*** |
| Lead for Safeguarding | Rev Stephen Walker (Vicar) | 01684 293233 |
| Parish Safeguarding Officer | Duncan de Gruchy | 07821 686527 |
| Safeguarding Officer for Adults | Liz Williams | 07450 141737 |

**Other Useful Numbers/Contacts:**

**Diocese Safeguarding Adviser**

Name Brett Richards

Contact Number: 01452 835516 (Office hours)

07944 680320 (Out of hours\*)

**\*Note** - Out of hours cover on weekends is provided by thirtyone:eight – 0303 003 1111

**Gloucestershire Adults’ Safeguarding Board**

* **Adults Help Desk on (01452) 426868 or**
* **Website:** [Gloucestershire Safeguarding Adults Board | Safeguarding Adults in Gloucestershire](https://www.gloucestershire.gov.uk/gsab/)
* **Email:** [**socialcare.enq@gloucestershire.gov.uk**](mailto:socialcare.enq@gloucestershire.gov.uk)
* If you think someone is breaking the law phone the **police on 101** or
* In an emergency always **dial 999**

# APPENDIX 2: Policy Statement for Recruitment of Ex-Offenders

**Introduction**

The Church of England’s practice guidance on Safer Recruitment[[1]](#footnote-1) requires that all parishes have a written policy statement on the recruitment of ex-offenders.

The practice guidance states: *Applicants for paid and volunteer positions must be clear about how they will be treated if they are ex-offenders*. This means that each Parish/PCC needs to have a statement, with this in mind the following Policy Statement is provided to be used in the churches and parishes of the Diocese of Chelmsford. The policy below is taken from a sample statement issued by the Disclosure and Barring Service (DBS)[[2]](#footnote-2).

In the following Policy Statement, the term ‘we’ refers to Holy Trinity Tewkesbury PCC, deanery which formally adopts this statement.

Policy Statement

1. As an organisation assessing applicants’ suitability for positions which are included in the Rehabilitation of Offenders Act 1974[[3]](#footnote-3) (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), we comply fully with the code of practice4 and undertakes to treat all applicants for positions fairly
2. We undertake not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
3. We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
4. We can only ask an individual about convictions and cautions that are not protected
5. We are committed to the fair treatment of staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
6. This statement serves as our written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
7. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records
8. We select all candidates for interview based on their skills, qualifications and experience
9. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position
10. We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offence (see below regarding Responding to DBS Disclosures & Information)
11. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
12. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
13. We make every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and can make a copy available on request
14. We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

**Responding to DBS Disclosures & Information**

The Church of England’s practice guidance on Safer Recruitment8 states clearly that the Diocesan Safeguarding Adviser (in the Diocese of Chelmsford this means that contact must be made with the Safeguarding Team) must be informed when there are disclosures of cautions, convictions, reprimands or police intelligence in order to ensure that the relevance of the offences and associated risk are assessed.

4.4. The disclosure will be passed to the Diocesan Safeguarding Adviser for a risk assessment. The Diocesan Safeguarding Adviser is qualified to identify and assess the relevance and circumstances of offences and the risk. If the issues are complex he or she will ask for assistance from the Local Safeguarding Children or Adults Safeguarding Board. In very complex cases the advice of an independent specialist may be required. The Diocesan Safeguarding Adviser will make a recommendation concerning the suitability of the applicant to the person responsible for the appointment in line with the diocese’s local arrangements. Should the applicant not wish the confidential declaration and / or the criminal record disclosure to be seen, which is entirely his / her choice, the application must not proceed further and must be terminated.

**Additional Resources**

In May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

Employers are no longer able to take an individual’s old and minor cautions and convictions into account when making decisions. However, all cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, remain subject to disclosure.

In addition, all convictions resulting in a custodial sentence, whether or not suspended, remain subject to disclosure, as are all convictions where an individual has more than one conviction recorded.

Further guidance:

Information regarding the filtering of old and minor cautions and convictions which are now ‘protected’ and thus not subject to disclosure to employers.

<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates/filtering-rules-for-dbs-certificates-criminal-record-checks>

How long do I have to disclose my criminal record for? Guide from Unlock <http://hub.unlock.org.uk/wp-content/uploads/ROA-Unlock-A5-8pp.pdf>

NACRO Resettlement Resources

[www.nacro.org.uk/resettlement-advice-service/](http://www.nacro.org.uk/resettlement-advice-service/)

1. Church of England Safer Recruitment Practice Guidance: <https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf> (Section 2.3, July 2016) [↑](#footnote-ref-1)
2. DBS Sample Policy: [Sample policy on the recruitment of ex-offenders - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/dbs-sample-policy-on-the-recruitment-of-ex-offenders/sample-policy-on-the-recruitment-of-ex-offenders) [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)