

Safeguarding Under 18's And Vulnerable Adults Policy



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Introduction

The vast majority of people who work with under18s/vulnerable adults are well motivated and would never harm them. Unfortunately a few do and it is essential that the Party creates a culture that makes all those who work for and with the Party willing and comfortable to voice their concerns, particularly those about someone with who they work with or whom they know. Where there are valid concerns, it is important that this procedure is followed and if necessary the Party's internal processes are also commenced at the same time.

Whilst parents have the primary responsibility for safeguarding their under18s and vulnerable adults, statutory and voluntary agencies, relatives, friends and neighbours also have responsibilities.

Everyone can help to safeguard Under18s and vulnerable adults if they are alert to their needs, and are willing and able to act if they have concerns about their welfare.

Purpose

The purpose of this policy is to outline the duty and responsibility of members, staff, volunteers and trustees working on behalf of the Liberal Democrats in relation to safeguarding procedures.

The key objectives of this policy are:

- To explain the responsibilities of the Liberal Democrats and its staff, volunteers and trustees have in respect of under18s and vulnerable adult protection.
- To provide staff with an overview of under18s and vulnerable adult protection.
- To provide a clear set of procedures and processes that will be implemented where under18s and vulnerable adult protection issues arise.

Context

All under18s and vulnerable adults 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.

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 priority should always be to ensure the safety and protection under18's and vulnerable adults. To this end it is the responsibility of all staff to act on any suspicion or evidence of abuse or neglect and to pass on their concerns to a responsible person/agency.

Definitions

For purposes of this document and ensuring consistent and widely understood terminology, following definitions are used;

A child is defined as a person under the age of 18 (The Children's Act 1989) and young people are defined as a person generally from 14 to 17 years of age Department of Health. For the purposes of this document, this group is referred to as under 18's.

The legal definition of a vulnerable adult is ***‘an adult defined as vulnerable when they are in receipt of a ‘regulated activity’ in relation to vulnerable adults’*** (section 66 and 66 of the Protection of Freedoms Act 2012).

For the purposes of this document the phrase, ‘Vulnerable Adults’ is used to identify those eligible for interventions within the procedures.

Vulnerable adults may fall in one or more of these groups:

- Older people
- People with mental health problems
- Disabled people
- People with learning difficulties
- People with acquired brain damage
- People who misuse substances

The Government’s policy objective is to prevent and reduce the risk of significant harm to vulnerable adults from abuse or other types of exploitation, whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion.

The Government believes that safeguarding is everyone’s business with communities playing a part in preventing it, detecting and reporting neglect and abuse. Measures need to be in place locally to protect those least able to protect themselves. Safeguards against poor practice, harm and abuse need to be an integral part of care and support. We should achieve this through partnerships between local organizations, communities and individuals (DOH 2011).

Rape is committed if there is intentional penetration the vagina, anus or mouth of another person with their penis without consent.

Sexual assault occurs when there is intentional touching of another person, the touching is sexual and the person does not consent. Definition for sexual assault can be found here: http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/soa_2003_and_soa_1956/#sexual

What is Abuse?

Abuse and neglect are forms of maltreatment. It is a violation of an individual’s human and civil rights by any person or persons. The abuse may be a single act or repeated acts, physical, verbal or psychological, or act of neglect or an omission to act¹.

The abuse may occur in a family or in an institutional or community setting and can be carried out by those known to them or, more rarely, by a stranger. It can occur in any relationship and it may result in significant harm to, or exploitation of the person. In addition for vulnerable adults, it may occur when a vulnerable person is persuaded to enter into any transaction to which he or she has not consented, or cannot consent.

¹ This is a failure to prevent the harm from occurring.

The 'Working Together to Safeguard Children' guidance published by the Government and the 'No Secrets' report' by The Department of Health defines abuse as follows:

Physical Abuse

This may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, misuse of medication, restraint, or inappropriate sanctions or otherwise causing physical harm. Physical harm may also be caused when a parent or carer fabricates the symptoms of or deliberately induces illness in the vulnerable adult or under 18.

Emotional Abuse

This is the persistent emotional maltreatment of the vulnerable adult or under18 such as to cause severe and persistent adverse effects on the individual's emotional wellbeing. It may involve conveying to the under18/vulnerable adult that they are worthless, unloved or inadequate. It may involve bullying, causing them to feel frightened or in danger.

Sexual Abuse

This type of abuse involves forcing or enticing a vulnerable adult or under18 to take part in sexual activities, including prostitution whether or not vulnerable adult or under18 is aware of what is happening. Examples of physical contact include penetrative acts (rape, sexual assault, buggery or oral sex) or non-penetrative acts kissing, fondling, masturbation. It may include non-contact activities involving under18's looking at or be involved in sexual online images and/or encouraging under18s to behave in sexually inappropriate ways. In relation to a vulnerable adult, it occurs when they have not or cannot consent or are pressured into consenting.

Neglect and acts of omission

This is the persistent failure to meet the under18's or vulnerable adults' basic physical and/or psychological needs, likely to result in the serious impairment to their health and/or development. It can include failing to provide adequate food, clothing and shelter, adequate supervision or failing to provide medical help when needed.

Psychological Abuse

This is the use of 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

This type of abuse involves theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Discriminatory Abuse

This type of abuse can be racist, sexist, or based on a person's disability, age, or sexuality and other forms of harassment, slurs or similar treatment.

Legal Framework for 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 sets out the legislative framework for safeguarding and promoting the welfare of children and the Children's Act 2004 underpins the Every Child Matters, Change for Children programme.

Legal framework for Vulnerable Adults

This guidance reflects the principles contained within the Human Rights Act 1998, the Mental Capacity Act 2005, Public Interest Disclosure Act 1998 and the Protection of Freedoms Act 2012.

The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make their own decisions, 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

The first priority should always be to ensure the safety and protection of under18s and vulnerable adults. To this end it is the responsibility of all to act on any suspicion or evidence of abuse or neglect and to pass on their concerns to a responsible person and/or agency.

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.

The Role of Activists, Staff, Volunteers and Trustees

All activists, staff, volunteers and trustees working on behalf of the Liberal Democrats have a duty to promote the welfare and safety of under18's and vulnerable adults. Anyone who works regularly² with young people should ensure they are trained, fully aware and up to date with safeguarding procedures, and referral processes.

Activists, staff, volunteers and trustees may receive disclosures of abuse of under18s/vulnerable adults or observe children/vulnerable adults who are at risk. This policy will enable them to make informed and confident responses to specific safeguarding issues.

Role of Line Managers/Person-in-charge

The role of the line manager is to support the member of staff, trustee or volunteer involved with the incident and to ensure the correct procedures are followed. The line manager should make contact with the delegated or designated Safeguarding Officer in the first instance.

The line manager should ensure that all staff within their team are familiar with the Liberal Democrat's current safeguarding procedures and ensure that all staff undertake safeguarding training, where appropriate. They should also ensure that those who work

² Recurring at uniform intervals, or occurring at predictable times or intervals

closely and regularly with under18s/vulnerable adults' have a disclosure and barring check (previously called a CRB check).

The line manager should ensure that recruitment is undertaken in line with current Liberal Democrats recruitment processes and procedures. These procedures and processes take account of the need to safeguard and promote the welfare of under18s and vulnerable adults, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

Role of Named Safeguarding Officer

The role of the Named Safeguarding Officer is to deal with all instances involving safeguarding issues that arises within the Liberal Democrats. They will respond to all safeguarding concerns and enquiries.

The Named Safeguarding Officer for the Liberal Democrats is Jeanne Tarrant, Pastoral Officer.

This responsibility is delegated to the Local Party Chair/ Honorary Officer³

The Role of Key Individual Agencies

Children Social Services

The Children's Act 1989 gives Local Authority Social Services the primary responsibility for the care and protection of abused children and children at risk of abuse. It is their statutory duty to ensure that there is an investigation in cases of suspected abuse or significant harm.

All local authorities have a Safeguarding Children's Board, which oversees multi-agency work aimed at protecting and safeguarding children and young people. It is normal practice for the board to comprise of people from partner organisations who have the ability to influence decision making and resource allocation within their organisation.

Adult Social Services

The Department of Health's recent 'No secrets' guidance document requires that authorities develop a local framework within which all responsible agencies work together to ensure a coherent policy for the protection of vulnerable adults at risk of abuse.

All local authorities have a Safeguarding Adults Board, which oversees multi-agency work aimed at protecting and safeguarding vulnerable adults. It is normal practice for the board to comprise of people from partner organisations who have the ability to influence decision making and resource allocation within their organisation.

Police

The overriding concern of the Police in child protection is the welfare of the child. Their general duties are to investigate crimes as well as a duty to prevent offences being committed and to protect those at risk of harm. The Children's Act 1989 permits the Police to take a child into police protection; where there is reasonable cause to believe that he/she would otherwise be at risk of significant harm.

³ In reference to liberal youth this person is the designated officer. The expectation is that Liberal Youth contact the designated Honorary Officer in the first instance.

The Police also play a vital role in Safeguarding Adults with cases involving alleged criminal acts.

It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols. Police and Social Services will work jointly where it is likely that criminal proceedings will be brought against the perpetrator of the abuse.

NSPCC

The NSPCC pursues its objective of identifying and preventing child abuse through consultation and cooperation with Social Services. They are identified as an 'authorised person' under the Children Act 1989. NSPCC runs national Child Protection Helplines. Child Protection Officers of the NSPCC are required to initiate procedures that ensure their own appropriate response to any complaint or request for help on all matters concerning children.

Use of Photographic/Video Equipment

Parental written consent should be obtained prior to the taking of photographs and/or video footage and use images of children. Parents/carers should be made aware of when, where and how the images may be used to.

See also the guide and code of conduct for working with under18s and vulnerable adults for more information on working with this group.

Procedure in the Event of a Disclosure

It is important that under18s/vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously. This procedure must be followed whenever an allegation is made that under18/a vulnerable adult has been abused or when there is a suspicion that an under18/vulnerable adult is being or has been abused.

Promises of confidentiality should not be given as this may conflict with the need to ensure the safety and welfare of individual. If the complainant is an under18/vulnerable adult, questions should be kept to the minimum necessary to understand what is being alleged and leading questions should be avoided. The use of leading questions can cause problems for the subsequent investigation and any court proceedings.

A full record shall be made as soon as possible of the nature of the allegation and any other relevant information including using the 'Initial Cause for Concern Form' Appendix 2. 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 under18/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.

If an investigation is required, support should be given both to the individual who voices concerns and to the suspected abuser. Support is available from the Pastoral Care Officer. Once the investigation is completed, the organisation must decide what action, if any, is necessary to prevent a similar situation arising again.

Responding Appropriately to a Disclosure

The key is to reassure, report and record.

- **Reassure:** stay calm, listen and show empathy. Reassure them that it will be taken seriously and explain that the issues will be reported internally and what may happen next.
- **Report:** report to the person in charge immediately. Consider notifying social services if necessary.
- **Record:** write up notes of the conversation clearly and factually as soon as possible and pass them onto the line manager, Local Chair, Honorary Officer or Pastoral Care Officer.

Remember to maintain confidentiality. No member of staff or volunteer should start any investigation or confront or make contact with the alleged perpetrator. Please discuss with your line manager, Pastoral Care Officer, Local Party Chair or Honorary Officer as the best way to proceed.

DO:

- Make sure the individual is safe
- Assess whether emergency services are required and if needed call them
- Listen carefully to what is said
- Stay calm, offer support and reassurance. Reassure the individual that the matter will only be disclosed to those who need to know about it. **(See section on confidentiality)** Reassure the individual that they have done the right thing in telling you.
- Explain areas of confidentiality. Find an appropriate early opportunity to explain that it is likely that the information will need to be shared with others – do not promise to keep secrets. It is important that the individual is sensitively informed that cases of alleged abuse will be referred to the appropriate agencies for the individual's own sake.
- Speak to your manager and/or the Pastoral Care Officer for support and guidance.
- Be clear to the individual about what your role is regarding the information and what action you will have to take as a result.
- Explain the procedure to the individual making the allegation. The individual's involvement in the process of sharing information should be fully considered and their wishes and feelings taken into account.
- Ascertain and establish the basic facts. Make careful notes and obtain agreement from them, ensuring notation of dates, time and persons present are correct and agreed. Ask questions for clarification only, and at all times avoid asking questions that suggest a particular answer. Allow the individual to continue at her/his own pace.
- Tell them what you will do next, and with whom the information will be shared. Record in writing what was said, using the individual's own words as soon as possible – note the date, time, any names mentioned, to whom the information was given and ensure that the record is signed and dated.
- Assurances should be given to the individual that they will be kept informed of any action to be taken and why.
- Follow correct procedure

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
- Assume information
- Make promises
- Ignore the allegation
- Elaborate in your notes
- Panic
- Seek proof before reporting your concerns

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. That is a task for the professional safeguarding agencies, following a referral.

Acting on an Allegation

If the report of abuse is serious and the individual concerned has consented, a referral should be made to Social Services. Any suspicion, allegation or incident of abuse must be reported without delay, that working day where possible, to the designated Named Safeguarding Officer or the delegated person⁴ unless this person is involved. It is important that under18s and vulnerable adults are protected from harm therefore; all complaints, allegations or suspicions must be taken seriously.

Police: Where there is the possibility of a criminal act, contact the Police. The police can also offer advice regarding safety at home and in the community and may refer people who have experienced violence, abuse or crimes to the Victim Support helpline - 0845 303 0900.

***If the police are informed, also contact the Local Party Chair and Pastoral Care Officer.**

The local area social services team, this information can be found on the local council's website.

The Local Party Chair/ Honorary Officer,

The Pastoral Care Officer (PCO) at j.tarrant@libdems.org.uk or via telephone: 07884 733262

If the Local Chair/Honorary Officer is involved contact the PCO directly.

The nominated member of staff shall telephone and report the matter to the appropriate local social services department duty social worker⁵. 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

⁴ **Local Party Chair/designated honorary officer**

⁵ **Adult Social Services if it is a vulnerable adult or Children Social Services if it is someone under 18**

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 (Appendix 3).

Confidentiality

Safeguarding raises issues of confidentiality which should be clearly understood by all.

Members, staff, volunteers and trustees have a responsibility to share relevant information about the protection of under18s and Vulnerable adults with other professionals, particularly investigative agencies. Clear boundaries of confidentiality should be communicated to all. All personal information regarding under18s should be kept confidential except when it is suspected that the person is the victim of abuse. If an under18/vulnerable 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 individual sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies for the under18/vulnerable adult's own sake. Within that context, the under18/vulnerable 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 under18/ vulnerable 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 under18/vulnerable adult is the priority.

Child/adult protection issues are highly sensitive and anyone who receives information about children/vulnerable adults or their families in the course of their work should share that information only within appropriate professional contexts.

All records should be kept secure and all personal information regarding an under18/vulnerable adult should 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.

Useful Organisations, People and Further Sources of Information

The local county council will have links to their safeguarding team.

Key people to contact within the team include: Director of Children Services, Head of Safeguarding and Director of Social Services.

Child Line: telephone 0800 1111, Website: www.childline.org.uk, and www.childline.org.uk/pages/yourplace.aspx

Working together to Safeguard Children – (A guide to inter-agency working to safeguard and promote the welfare of children.) www.everychildmatters.gov.uk

The Child Exploitation and Online Protection Centre (CEOP): www.ceop.gov.uk and www.ceop.gov.uk/reportabuse/index.asp

Guide to internet safety and safe surfing for young people from Think U Know. Part of CEOP: www.thinkuknow.co.uk

NSPCC: telephone 0808 800 5000, Website: www.there4me.com

‘No Secrets’ report – (A national policy for the protection of vulnerable adults)
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>

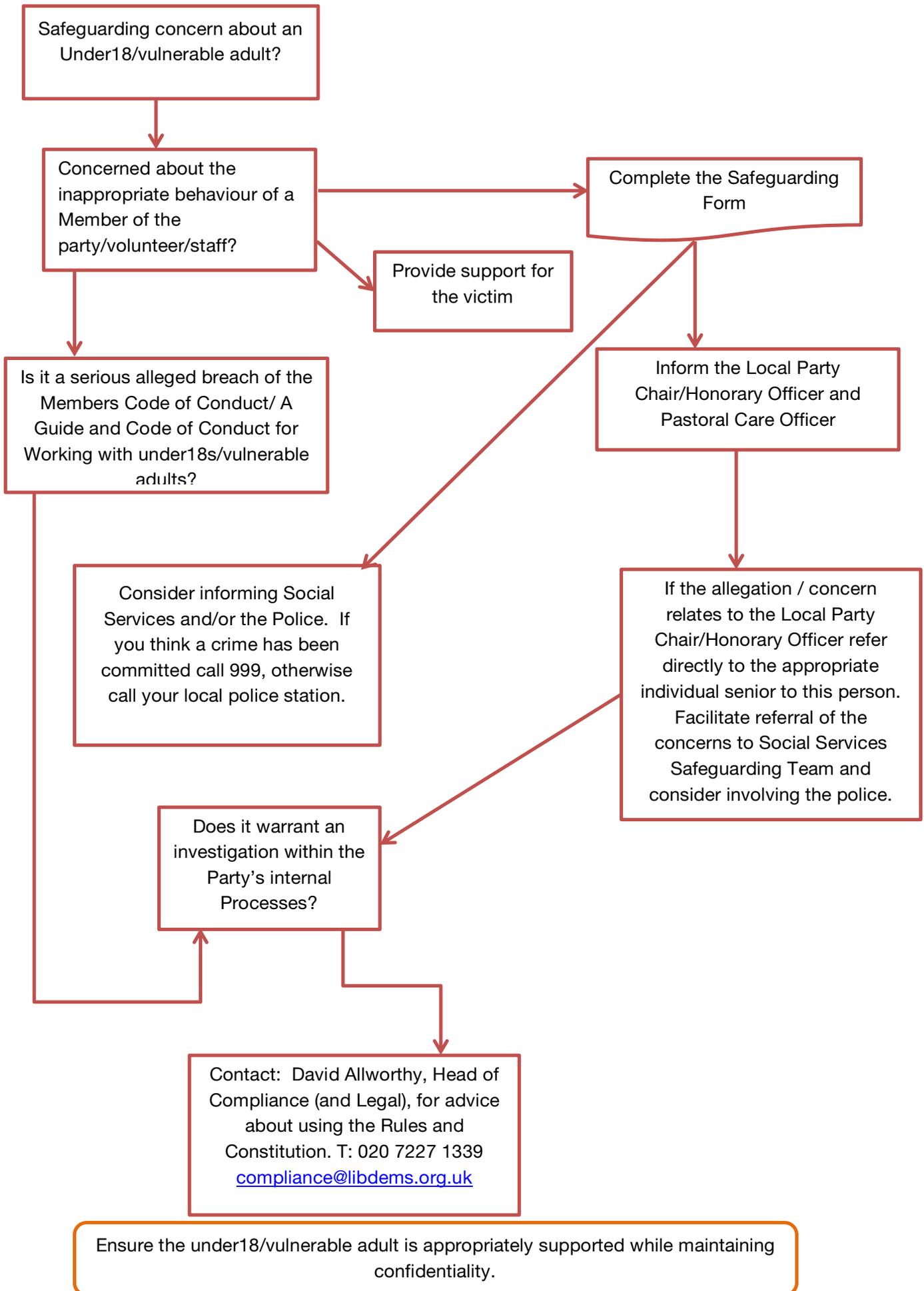
The Liberal Democrat’s Pastoral Care Officer is also available for confidential help and advice at any time (See contact details above).

Department of Health Statement of Government Policy on Adult Safeguarding:
<http://www.kcl.ac.uk/sspp/kpi/scwru/pubs/2011/dh16may11.pdf>

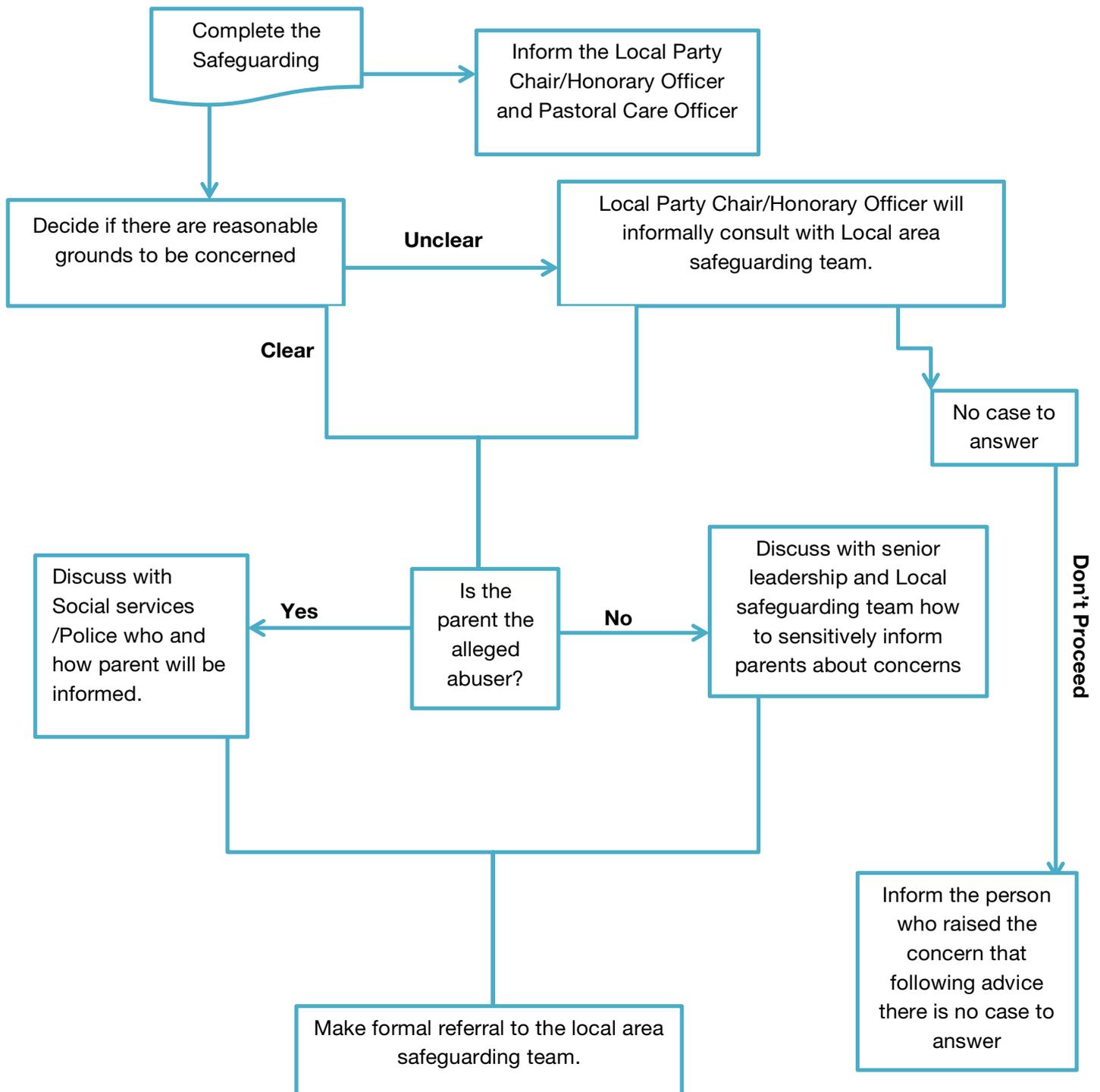
Regulated activity (adults); The definition of ‘regulated activity’ (adults) as defined by the Safeguarding Vulnerable Groups Act 2006 from 10th September 2012, Department of Health
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

Rape and Sexual Offences: Chapter 2: Sexual Offences Act 2003 - Principal Offences, and Sexual Offences Act 1956 - Most commonly charged offences:
http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/soa_2003_and_soa_1956/#sexual

APPENDIX 1: INTERNAL CONCERNS FLOW CHART



APPENDIX 2: CONCERNS ABOUT A MEMBER OF THE PUBLIC



Ensure the under18/vulnerable adult is appropriately supported while maintaining confidentiality.

APPENDIX 3: RECORDING A SAFEGUARDING CONCERN FORM

Name of person raising safeguarding concern:

Concern is about (Tick relevant box):

Vulnerable adult

Under 18

Name of individual safeguarding concern is about:

Are they (Tick relevant box) :

Member

Volunteer

Employee

Name of alleged abuser, relationship with under18/vulnerable adult (if known):

Describe your concern and action taken :

Observations to support cause for concern:

Description and location of any visible marks, bruising etc.

Name and Signature of person completing the form:

Date:

Name and signature of Witness:

Date:

Name of Person receiving the form:

Date:

Please use continuation sheet if required