BROMSGROVE DISTRICT COUNCIL SAFEGUARDING POLICY

Fifth Draft – September 2009

A. Introduction

1. Bromsgrove District Council is fully committed to safeguarding the welfare of all children, young people and vulnerable adults by taking all reasonable steps to protect them from physical, emotional and sexual abuse and neglect. This applies to all the children, young people and vulnerable adults with whom we work, regardless of their gender, sexual orientation, disability, race, nationality or country or origin.

2. Elected members and employees of the council will at all times show respect and understanding of the rights, safety and welfare of children, young people and vulnerable adults involved with Bromsgrove District Council.

The Corporate Safeguarding Officer is………………………… telephone number ………………..

B. Roles and Responsibilities of Elected Members and Employees

1. The Council will ensure that elected members and employees know how to recognise and respond to concerns that a child, young person or vulnerable adult may be abused or neglected.

2. The Council will appoint from within its elected members a champion for safeguarding and identify a member of senior staff to lead on behalf of the Council on safeguarding.

3. The elected member will report annually to Council on any safeguarding and / or child protection issues which have arisen over the previous twelve months.

4. The Council will review its policies and procedures on an annual basis.

5. The Executive Director – Partnerships and Projects has responsibility for securing the implementation, operation and arrangements for safeguarding policies.

6. In appointing a lead officer and a lead member for children, young people and vulnerable adults, the Council is demonstrating its commitment to championing and valuing the role that children, young
people and vulnerable adults have within the community and wider society.

7. This commitment is now a legal obligation. District councils have a duty to ensure that they discharge these duties in a way which safeguards and promotes the welfare of children, young people and vulnerable adults. The leadership and commitment of members and senior officers is the first priority to be achieved.

8. All Heads of Service have responsibility for ensuring the pursuit of the Council’s safeguarding policies and by law the council and its employees have a duty to take appropriate action if there is reason:

- to suspect that a child, young person or a vulnerable adults is suffering or likely to suffer harm;
- to suspect that a person is unsuitable to work with children, young people or vulnerable adults;
- to believe a criminal offence that relates to children, young people or vulnerable adults has been committed.

9. Furthermore, the law states there is a need to ensure that there are appropriate processes and procedures in place in order for that to happen and that staff are aware of not only their responsibility but also who to go to in order to share information about an allegation, suspicion or concern.

10. It is very important that elected members or members of staff understand that it is not their role to form any judgements or make any decisions about a specific situation. They do, however, have a duty to report any allegation, suspicion or concern that comes to their attention and which relates to a safeguarding matter.

11. The Council wants to make sure that it does not put its elected members, employees or volunteers in positions where abuse might be alleged and ensures that all employees know exactly what to do should abuse be suspected. This Council does not simply want to protect the vulnerable from abuse and neglect, but it actively wants to promote the welfare of children young people and vulnerable adults. It is essential that the Council safeguards both vulnerable people and the staff who have responsibility for them.

12. There will be a Bromsgrove District Council Safeguarding Group consisting of:

- Executive Director – Partnerships and Projects
- Deputy Head of Street Scene and Community
- Head of Human Resources and Organisational Development
- Environmental Health and Licensing
- Strategic Housing Manager
- Equalities and Diversity Officer
13. The group will meet twice a year and more often as required to revise or amend the safeguarding policy; receive reports on safeguarding matters and training and other issues associated with work with children, young people and vulnerable adults.

14. The Group will convene to consider any allegation made against a member of staff that the Human Resources Department feels needs wider consultation

C. Reporting Procedure

1. A clear procedure for responding to allegations of abuse or neglect is essential for the impartial treatment of both the accused and accuser.

What to Do if You Have Concerns

2. It is crucial to note that it is not the responsibility of an employee or volunteer to decide whether or not abuse or neglect is taking/has taken place. The role of individuals within Bromsgrove District Council is to conform to the Council’s safeguarding policy and alert the appropriate officer in order for the proper enquires to be made.

3. When concerns exist, the suspicion/allegation must be reported to the Corporate Safeguarding Officer as soon as possible and the Safeguarding Reporting Document needs to be completed. Once the report is made, it is the Corporate Safeguarding Officer’s responsibility to follow the Council’s safeguarding policy and to refer the situation to Children’s Services (in the case of a child or young person) or Adult and Community Services (in the case of a vulnerable adult). If the Corporate Safeguarding Officer is unavailable, the employee’s line manager should contact the Chief Executive who will then assume responsibility for the situation thereafter.

4. In exceptional circumstances an employee or volunteer may need to refer the allegation, suspicion or concern directly to Children's Services or Adult and Community Services. During office hours a referral should be made to the Access Centre by telephoning 0845 607 2000. Out of hours a referral should be made to the Emergency Duty Team by telephoning 01905 7568020. A written Children's Referral form will be required following a telephone referral being received. This can be sent to the Access Centre by e-mail to socialcare@worcestershire.gov.uk. Further information on making a referral can also be found on Worcestershire County Council’s website. (http://www.worcestershire.gov.uk/cms/education-and-learning/stay-safe/children-and-families/making-a-referral-to-children.aspx)

5. In an emergency it may be more appropriate for the situation to be referred directly to the Police, such as if a child or young person is refusing to return home for fear of being harmed or when a child is at risk
of immediate harm from a parent/carer. The telephone numbers for West Mercia Police are: 0300 333 3000 (non-emergency) and 999 (emergency).

6. If it is necessary for a referral to be made directly to Children's Services/Adult and Community Services or the Police then the employee or volunteer should notify the Corporate Safeguarding Officer at the earliest possible opportunity.

How to Respond to a Child, Young Person or Vulnerable Adult

7. Those who are being abused or neglected will only usually confide in people with whom they feel safe and trust. It is your responsibility to listen and take seriously what he/she tells you. The following guidelines will help you to manage the situation.

8. Create a safe supportive environment by:
   ♦ Staying calm and not rushing into knee jerk reactions which may prove to be inappropriate.
   ♦ Being supportive and showing understanding of how difficult it must have been to tell you.
   ♦ Confirming that the person disclosing has done the right thing by telling you.
   ♦ Reassuring the person / child and explaining that he/she is not to blame.
   ♦ Listening to what you are being told and showing that you take it seriously.
   ♦ Trying to ensure that the exchange is within view of others.

9. Be honest and do not make promises you can not keep. Explain that you may have to tell other people in order to stop what is happening.

10. Allow the person / child to tell you what has happened in their own words. Don't:
    ♦ Panic
    ♦ Allow your shock or distaste to show
    ♦ Probe for more information than is offered
    ♦ Speculate or make assumptions
    ♦ Make negative comments about the alleged abuser
    ♦ Approach the alleged abuser
    ♦ Make promises or agree to keep secrets.

11. Record exactly what a person / child says to you accurately and faithfully on the Council’s safeguarding reporting document. Ensure what you record is factual and does not include your opinions or interpretation. Include:
    ♦ The person / child’s name, address and date of birth.
• The nature of the allegation.
• A description of any visible injuries.
• Your observations of the persons/child’s emotional state and behaviour.
• The person/child’s account of what has happened.
• Any action you took as a result of your concerns, including any contact with parents, carers, family.

12. Record this information immediately on the official Bromsgrove District Council ‘Safeguarding Reporting Document’. Personal details of any child protection/vulnerable adult issue should be treated with utmost confidence. The safeguarding document should be handed to the Corporate Safeguarding Officer without undue delay. Completed reporting documents relating to the case should be stored securely under lock and key.

13. Do not take sole responsibility. Remember that only experienced and qualified professionals should deal with cases or suspicions of child/vulnerable adult abuse. Whenever possible, inform the Corporate Safeguarding Officer immediately verbally and by completing the Council’s Safeguarding Recording Document.

Dealing with Allegations of Abuse or Inappropriate Behaviour by an Employee or Volunteer

14. If an employee or volunteer working on behalf of Bromsgrove District Council becomes aware of an allegation of child/vulnerable adult abuse against a colleague the following procedure should be followed:

• Take the allegation seriously. Staff have a duty to the child/vulnerable adult to consider any allegations to be potentially dangerous to the child/vulnerable adult and must report them.
• Complete the Safeguarding Reporting Document with the details of the allegation.
• Report the allegation to the Corporate Safeguarding Officer immediately. In the event of the Corporate Safeguarding Officer being implicated, report to the Chief Executive.
• Do not judge or investigate. By reporting an allegation promptly, the necessary action can be taken by trained professionals.
• Maintain confidentiality. It is vital that allegations are not discussed other than with appropriate safeguarding officer as this could prove harmful to both the child/vulnerable adults, to your colleague and to any investigation which might follow. Sensitive information pertaining to any safeguarding issue should be kept confidential and only communicated in line with this procedure. Documents relating to the case should be stored securely under lock and key.
• Where an allegation or suspicion involves a member of staff or
volunteer, the Council’s Local Disciplinary Procedure may be activated.

15. Any requests for information from the public (including parents) or the media should be referred to the Corporate Safeguarding Officer.

Responding to Suspicions

16. It is not the responsibility of anyone working under the auspices of the Council in a paid or voluntary capacity or those working in partner organisations, to take responsibility for making decisions about whether or not child abuse or adult abuse is taking place.

17. However, there is a responsibility to protect children, young people and vulnerable adults in order that appropriate agencies can then make enquiries and take any necessary action to protect the person.

18. Once a suspicion or allegation has been reported to the corporate safeguarding officer, they will convey the suspicions or allegations of abuse to either Children’s Services or Adult and Community Services.

19. Children Services have a statutory duty under The Children Act 1989 to make enquiries when there are concerns that a child or young person is at risk of significant harm. They and other agencies work together to ensure that children and young people are safe in accordance with the Worcestershire Safeguarding Children Board's Inter-Agency Guidance (www.worcestershiresafeguarding.org.uk). When a referral is made, Children Services / Adult and Community Services staff have a duty to investigate. This may involve talking to the child/vulnerable adult and family, and gathering information from other people who know the child/vulnerable adult. Enquiries may be carried out jointly with the police. If action needs to be taken urgently and out of office hours, then the police will deal with the enquiry sensitively and effectively. Local authorities need to link closely with their respective Local Safeguarding Children Boards and cross-reference any guidance produced with that provided by the LSCB.

Sharing Concerns with Parents / Carers / Family Members

20. There is always a commitment to work in partnership with parents or carers where there are concerns about their children or vulnerable adults. However, this collaborative role will be passed to either Children’s Services or the Adult and Community Services in the case of suspected or alleged abuse.

21. They will be responsible for talking to parents or carers to help clarify any initial concerns. For example, if a child seems withdrawn, there may be a reasonable explanation. He/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement.

22. Children’s Services or Adult and Community Services will determine
whether or not it is appropriate to share concerns with parents / carers or family.

**Designated Officer**

23. The Council’s nominated Corporate Safeguarding Officer will respond to child, young person or vulnerable adult safeguarding matters. This safeguarding officer will complete a self-declaration form and undergo a voluntary police check for quality assurance purposes.

24. The designated person will require support from the Council and undertake appropriate training and obtain information. This support should be provided as part of the Child Protection Policy and Implementation Procedures being adopted by the Council. Each local authority should have a lead officer for safeguarding.

25. It is the responsibility of the designated person in charge to inform Children’s Services or Adult and Community Services of any suspicions or allegations of abuse... If the person in charge is not available or the concern is about the person in charge, the person with concerns or being informed of them should immediately contact the Chief Executive. The Children’s Services or Adult and Community Services will, together with the designated person in charge as appropriate, decide how and when parents or carers will be informed.

**Allegations against Staff or Volunteers**

26. This includes anyone working with children, young people and vulnerable adults in a paid or voluntary capacity (e.g. volunteers or helpers in clubs, tournament officials, team managers on training camps, coaches).

27. Abuse and neglect can occur outside the family setting. Although it is a sensitive and difficult issue, child and vulnerable adult abuse has occurred within institutions and may occur within other settings. Recent inquiries indicate that abuse that takes place within a public setting is rarely a one-off event.

28. It is crucial that those involved in delivering Council services are aware of this possibility and that all allegations are taken seriously and appropriate action taken. It is important that any concerns for the welfare of the child, young person or vulnerable adult arising from abuse or harassment by a member of staff or volunteer, should be reported immediately to the corporate safeguarding officer who will inform the Head of Human Resources and make a referral to Children's Services/Adult and Community Services as appropriate. Worcestershire Safeguarding Children Board's guidance on the 'Management of Allegations' will be implemented if necessary (www.worcestershiresafeguarding.org.uk).

**Seek Advice**

29. On occasions, the corporate safeguarding officer may be informed of
situations that could constitute poor practice. Where this is the case, the safeguarding officer will convene the Council’s safeguarding group to consider the situation.

Support for the Reporter of Suspected Abuse

30. It is acknowledged that feelings generated by the discovery that a member of staff or volunteer is, or may be, abusing a child, young person or vulnerable adult will raise concerns among other staff or volunteers. This includes the difficulties inherent in reporting such matters.

31. The Council assures all staff/volunteers that it will fully support and protect anyone who, in good faith (without malicious intent), reports his or her concern about a colleague’s practice or the possibility that a child, young person or vulnerable adult may be being abused.

Types of Investigation

32. Where there is a complaint of abuse against a member of staff or volunteer, there may be three types of investigation:

- Criminal
- Safeguarding
- Disciplinary or misconduct

33. Civil proceedings may also be initiated by the person/family of the person who alleged the abuse.

34. The results of the police and children / adult and community services investigation may inform the Council’s disciplinary investigation, but not necessarily.

35. Further information on the potential actions of children services and adult and community services may be found in the Worcestershire Safeguarding Children Board’s Inter-Agency Guidance (www.worcestershiresafeguarding.org.uk).

D. Confidentiality

1. Every effort should be made to ensure that confidentiality is maintained for all concerned. Information about children, young people and vulnerable adults’ private lives and family backgrounds will only be shared on a need to know basis and any action taken in the light of information gained should be within the law.

2. Those involved should only include:

- The corporate safeguarding officer
- Children / Adult and Community Services/police.
- Council’s Safeguarding Group Members

4. Concern about the abuse of vulnerable adults provides sufficient grounds to warrant sharing information on a “need to know” basis and/or “in the public interest” in accordance with established data protection principles. Unnecessary delays in sharing that information should be avoided.

5. The principles that govern the sharing of information include the following:

- Information should only be shared on a ‘need to know basis’ when it is in the best interests of the service user
- Confidentiality must not be confused with secrecy.
- Informed consent to the sharing of information should be obtained from the person involved, but if it is not possible and other vulnerable adults are at risk, it may be necessary to override the requirement.

6. It is not appropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk.

7. This Council’s safeguarding policy must ensure children, young people and vulnerable adults are protected by law and that there is an established climate of trust.

8. It is important that staff are absolutely clear about the boundaries of their legal and professional roles and responsibilities. Staff cannot offer or guarantee absolute confidentiality to the person making the disclosure.

9. Children, young people and vulnerable adults should be reassured that when confidentiality has to be breached they will be informed and supported appropriately. Very often children, young people and vulnerable adults who disclose such information recognise that it is in their own interests that it should be passed on.

10. The member of staff who suspects or learns about an abusive situation will inform the corporate safeguarding officer. The corporate safeguarding officer will contact either Children’s Services or Adult and Community Services of the suspicion or allegation and take advice about when/how parents/carers are to be informed.

Data Protection and Freedom of Information

11. Confidentiality does not just relate to disclosures of information which could have legal implications such as abuse. Staff members should not handle any confidential information carelessly, as children, young people and vulnerable adults and other members of staff may regard this as the normal procedure and respond in a similar manner if a confidence is
Code of Conduct

12. The following code of conduct is expected when working with children, young people and vulnerable adults:

- Be an excellent role model displaying high standards of behaviour and appearance
- Treat all people equally, and with respect and dignity
- Work in an open environment, being visible and identifiable
- Encourage people to speak openly
- Build balanced relationships based on mutual trust
- Maintain a safe and appropriate distance with people (people should not be touched)
- Where it is reasonably practicable attempts should be made to ensure that if working with male and females that there is a male and female member of staff.
- Secure parental consent in writing to act in loco parentis, if the need arises, to give permission for the administration of emergency first aid and / or other medical treatment
- Ensure that use of photographic and filming equipment is appropriate and permission of parents/carers has been sought
- Respect people’s opinions when making decisions about their involvement
- Report any concerns that you have in relation to a child, young person or vulnerable adult following the reporting procedures of your employing body.
- Do not use inappropriate language or be too familiar

Dress Code

13. Staff are expected to dress in a manner that is appropriate to the function in which they are engaged.

E. Internal Enquiries and Suspension

Disciplinary procedures
1. Employers who are also service providers or service commissioners have not only a duty to the victim of abuse, but also a responsibility to take action in relation to the employee when allegations of abuse are made against him or her.

2. Employers should ensure that their disciplinary procedures are compatible with the responsibility to protect children, young people and vulnerable adults.

3. With regard to abuse, neglect and misconduct within a professional relationship, some perpetrators will be governed by codes of professional conduct and/or employment contracts which will determine the action that can be taken against them.

4. The standard of proof for prosecution is ‘beyond reasonable doubt’. The standard of proof for internal discipline is usually the civil standard of ‘on the balance of probabilities’.

5. When an allegation of abuse is made against an employee or volunteer or when there are concerns about the conduct or behaviour of an employee or volunteer which has potential safeguarding implications in respect of children and young people/vulnerable adults, this information should be shared with the District Council’s Corporate Safeguarding Officer. He/she will then make a referral to Children’s Services/Adult and Community Services as soon as is reasonably possible. Further advice may be taken from Worcestershire’s Local Authority Designated Officer (Telephone: 01905 765153) in accordance with the Worcestershire Safeguarding Children Board’s guidance for the Management of Allegations against those working with Children and Young People. In accordance with these procedures an independently chaired Strategy Meeting may need to be convened urgently to consider what action should be taken. This discussion will include whether the individual concerned should be temporarily suspended or transferred to other duties (in line with constitutional powers) if this is not already the case pending further police and children / adult and community services inquiries. The employee may be suspended pending the outcome of an investigation.

6. Any decision not to suspend an employee and/or to make a referral to Children’s services/Adult and Community Services must be fully documented and endorsed separately by the Council’s Safeguarding Group.

7. Irrespective of the findings of the children / adult and community services or police inquiries, the Council must assess all individual cases under the appropriate misconduct/disciplinary procedure, to decide whether a member of staff or volunteer can be reinstated and how this can be sensitively handled with other staff or volunteers. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police. In such cases, the Council must reach a decision based on the available information that could suggest, on a balance of
probability, it is more likely than not that the allegation is true. The welfare of children, young people or vulnerable adult should always remain paramount.

**Support to Deal with the Aftermath**

8. Consideration should be given to what support may be appropriate for children, parents / carers and members of staff. Use of Help lines, support groups and open meetings will maintain an open culture and help the healing process. The British Association of Counselling Directory may be a useful resource.

9. Consideration should be given about what support may be appropriate to the alleged perpetrator of the abuse.

**Allegations of Previous Abuse**

10. Allegations of abuse may be made some time after the event (e.g. by an adult who was abused as a child or by a member of staff who is still currently working with children). Where such an allegation is made, the Council should follow the procedures as detailed above and report the matter to the children / adult and community services or the police. This is because other children, young people or vulnerable adults either within or outside the Council’s activities, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children. This is reinforced by the details of the Protection of Children Act 1999.

**F. Recruiting Safely**

1. Bromsgrove District Council must ensure that its recruitment procedure for people working with or in contact with children, young people and vulnerable adults’ process is effective, safe and fair. Safe recruitment applies to both staff and volunteers.

2. Bromsgrove District Council will ensure that its arrangements for recruiting staff recruited to provide services for children, young people or vulnerable adults or for posts involving access to these groups - whether full time, part time or on a voluntary basis - will be subject to the following process:

   - **Job description and person specification** that clearly define the role, the tasks and skills needed and the type of person most suited to the post.

   - The procedure will include determining whether a Disclosure check is appropriate for the post and if so at what level.
• Recruitment will allow sufficient time for advertisements to be placed, taking up of references and for undertaking Disclosure checks, if necessary.

• All potential paid staff and volunteers will complete an application form. The applicant will be particularly asked about any relevant experience of working with children / vulnerable adults. A copy of the Council’s safeguarding policy will be included in the application pack. A full employment history will be secured on the application form, requesting explanations for any gaps in employment.

• There will be a compulsory declaration on application forms, stating that there is no reason why they should be considered unsuitable to work with children/vulnerable adults.

• All information will be treated confidentially and fairly.

(Suggested wording is:
I declare that I have no past convictions, cautions or bind-overs and no pending cases affecting why I might be considered unsuitable to work with children/vulnerable adults.

Signed……………………………….. Date………………………………..

Due to the nature of the work you are required to reveal details of all spent and unspent convictions under the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

In addition if relevant for work with children or vulnerable adults: A Criminal Records Bureau Standard or Enhanced Disclosure [as appropriate] will be requested should you be offered the position. If called for interview, we encourage all applicants to provide details of their criminal record as part of the recruitment process. This information should be sent under separate, confidential cover. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences. This information will be treated in the strictest confidence, and is purely for the purpose of protecting children/vulnerable adults with whom we work, and will not be used unfairly. The Association complies with the CRB Code of Practice, a copy of which is available from the office on request.

3. The Council will ask for 2 written references from applicants and a request will be made to the referees about the suitability of the applicant for working with children or vulnerable adults. If possible, these will be taken up before the interview and verified by a follow-up phone call.

4. A photo ID will be required from the applicant (such as a passport or driving licence) to verify the person’s identity.
5. Where the Council employs someone through an agency, the Council will make sure that the employing organisation has carried out the necessary safe recruitment.

6. Shortlisting will take place against a list of essential and desirable qualifications, skills and experience.

7. Shortlisted applicants will be interviewed using a panel of at least 2 representatives from the Council. The interview provides an opportunity to discuss attitudes to working with children or vulnerable adults and the safeguarding policy.

8. The Council will make sure all staff who are involved in the recruitment process receive appropriate guidance and training in the relevant legislation including the Rehabilitation of Offenders Act 1974.

9. Where appropriate, the successful applicant must apply for an Enhanced Criminal Record Disclosure from the Criminal Records Bureau via the Council and its umbrella body. They must show this disclosure to you before you can confirm them in post. The Council will not ask applicants to apply for a Disclosure until the interview process is over and the appointment decision has been made.

(Some organisations are passing the cost of the disclosure application and umbrella body administration fee on to the employee. Consider what signal this might give to workers about how high a priority the safeguarding procedure is within your organisation. Organisations are encouraged to include in their budgets the cost of any disclosure checks, including in any funding applications. Expecting any potential employees or volunteers to cover any charges may also discourage applicants).

- The Criminal Records Bureau no longer endorses the use of portability whereby a disclosure obtained for a position in one organisation is used for another position in a different organisation. They feel that there are too many inherent risks associated with this practice. Organisations that choose to accept a previously issued Disclosure do so at their own risk. It is essential that your organisation is satisfied that Disclosure checks are relevant and up to date and supported by other safe recruiting procedures. Disclosure checks do not tell you about anything the applicant may have done since the date of the Disclosure.

- There is no specified period for how long disclosure checks last. As Disclosure checks only give a ‘snapshot’ of an individual’s criminal record history on the day that they are issued, consider how frequently staff will need to be rechecked. Umbrella bodies may give guidance on how often rechecks should be implemented, usually every 12 months to 3 years.

- Remember to consider all these aspects for any workers who come into contact with children and vulnerable adults including volunteers, temporary staff, consultants and trainers, not just permanent employees.
• Make sure confidentiality is maintained to protect the rights of employees, elected members and volunteers, including the safe handling, storage and disposal of any information provided as part of the recruitment process.

• Ensure that your equal opportunities policy is implemented.

• The Council will need a published policy on the recruitment of ex-offenders. (A sample policy statement on the recruitment of ex-offenders is available from the CRB website at http://www.crb.gov.uk/default.aspx?page=1865). It is estimated that at least 20% of the population has a criminal record and it would be a huge waste of potential to rule out all individuals with any kind of criminal record. There are no set guidelines on the offences that make an individual unsuitable to work with vulnerable people, other than specified crimes against children including murder, manslaughter, rape, GBH and a number of sexual offences. Careful consideration is required as to what is truly relevant to the post when considering past offences, and to ensure that ability is not missed and that ex-offenders are not discriminated against.

• The CRB has a list of considerations to take into account with regard to offences:
  ▪ Whether the conviction is relevant to the position
  ▪ The seriousness of the offence
  ▪ The length of time since the offence occurred
  ▪ Whether the applicant has a pattern of offending behaviour
  ▪ Whether the applicant’s circumstances have changed
  ▪ The circumstances surrounding the offence and explanation offered by the applicant.

10. The induction process needs to include information on all the Council’s policies and procedures and training on child/vulnerable adult protection awareness for all new staff and volunteers.

11. For those in posts that include work with children, young people and / or vulnerable adults there should be a supervised probationary period for all new staff. Any new appointment should be conditional on the completion of a successful probationary period, normally six months.

12. Staff will have regular reviews where their progress reviewed on a regular basis.

13. The Council will encourage a culture of mutual respect throughout the Council and have an anti-bullying and anti-harassment policy.

14. In addition the Council will have a whistle-blowing policy in place, so that staff know that they can disclose information relating to unacceptable behaviour by another member of staff in an atmosphere of confidentiality.

15. The Council’s disciplinary and grievance procedures will be in place and these will take account of safeguarding requirements.
Appendix

The Main Legislation

The Rehabilitation of Offenders Act (1974)
This act made any convictions ‘spent’ after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a ‘spent’ conviction. However under this act all applicants for positions which give them “substantial, unsupervised access on a sustained or regular basis” to children, must declare all previous convictions whether spent or unspent, and all pending cases against them.

The Children Act 1989
This act provided legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm.

The Police Act 1997
This act contained the provision to set up the Criminal Records Bureau for England and Wales. Under this act it is a criminal offence for an employer to

- not check an employee working with children or vulnerable adults
- give a job to someone who is inappropriate to work with children or vulnerable adults when they know this to be case.

The Protection of Children Act 1999
Under this act, childcare organisations (defined as those that are ‘concerned with the provision of accommodation, social services or health care services to children or the supervision of children’) must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

Criminal Justice and Court Services Act 2000
This act covers Disclosures and child protection issues. It contains the list of convictions that bar offenders from working with children in ‘regulated positions’. These types of ‘regulated positions’ are defined in this act and include:

- any employment in schools, children’s homes, day care premises where children are present
- caring for, training, supervising, or being in sole charge of children
- unsupervised contact with children
- other positions which give the kind of access or influence which could put children at risk if held by a disqualified person (e.g. management committee members).
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.

The POVA or Protection of Vulnerable Adults scheme was launched in 2004 by the Department of Health and the National Assembly for Wales. This includes the POVA list (see below in definitions of terms).

Legislation with regard to those working with vulnerable adults is less developed and more open to interpretation.

Every Child Matters and the Children Act 2004
In September 2003 the Government set out in the Green Paper ‘Every Child Matters’ its proposals for a radical reorganisation of children’s services – from hospitals and schools, to police and voluntary groups. Subsequently ‘Every Child Matters: Change for Children’ was issued and the Children Act 2004 was passed. Over the next few years, every local authority will lead on integrated delivery of services for children and young people through multi-agency children’s trusts. Local authorities have been required to set up statutory Local Safeguarding Children Boards which have replaced the non-statutory Area Child Protection Committees. The children’s trusts are a direct response to Lord Laming’s report of the inquiry into the death of Victoria Climbié, which highlighted the extent to which better working together and better communication was crucial. Further details from http://www.everychildmatters.gov.uk/

Safeguarding Vulnerable Groups Act 2006
In response to recommendation 19 of the Bichard Inquiry Report into child protection procedures following the Soham murders, new arrangements for people whose jobs and voluntary work bring them into contact with children and vulnerable adults (previously referred to as the vetting and barring scheme) is due to be phased in from autumn 2008 under the Safeguarding Vulnerable Groups Act.

The aim of the scheme is to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the current vetting systems using List 99 and POCA (see below in definitions of terms) will be integrated to create a single list of people barred from working with children. In addition a separate, but aligned, list of people barred from working with vulnerable adults will be established, replacing POVA (see below in definitions of terms). In effect, there will just be two lists: the children’s barred list and the adult’s barred list.

The scheme also aims to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity. Application process will be run by the Criminal Records Bureau and decision on who should be placed on the barred lists will lie with a new Independent Safeguarding Authority (previously referred to as the Independent Barring Board) which will be an independent statutory body. The Act covers regulated and controlled activity providers, so widening the
scope particularly in relation to vulnerable adults as opposed to the existing POVA scheme.

**Regulated activity** includes work that involves
- any activity which involves close contact with children or vulnerable adults and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport)
- any activity allowing contact with children or vulnerable adults and is in a specified place (e.g. schools, care homes, etc.)
- fostering and childcare
- certain defined positions of responsibility (e.g. school governor, director of social services, trustees of certain charities)
and where the activity is ‘frequent’, takes place on more than three or more days in a 30 day period (‘intensive’), and/or overnight.

**Controlled activity** includes
- support work in general health, NHS, FE settings (e.g. cleaner, caretaker, shop worker, catering staff, car park attendant, receptionist);
- those working for specified organisations (e.g. a local authority) with frequent access to sensitive records about children and vulnerable adults;
- support work in adult social care settings (e.g. day centre cleaners, those with access to health records); and
- where the activity is ‘frequent’, takes place on more than three or more days in a 30 day period (‘intensive’), and/or overnight.

The Act does not cover any employment which may occur in the context of private arrangements between family or friends, nor is it necessary for domestic employers (e.g. of a private tutor, nanny or care worker) to check individuals. But it will be an offence for a barred person to undertake regulated activity in a domestic circumstance.

All barred individuals must not engage in any regulated activity whether paid or unpaid.

It is a criminal offence for employers to employ someone in a regulated activity if they are not registered with the Independent Safeguarding Authority. They must check on potential employees before employing them – they cannot take the individual’s word for it nor can they allow the person to start work, even if supervised, before they know the outcome of the check.

It will also be an offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity. However, providing sufficient safeguards are put in place, a barred person can be allowed to work in a controlled activity.

Certain organisations, which include local authority adult/child protection teams, agencies and employers and service providers of regulated and controlled activity must refer relevant information to the scheme, where there is a concern relating to the harm or risk of harm to children or vulnerable adults. This would include reporting on the dismissal or resignation of any
employees because they have harmed or may harm a child or vulnerable adult.

Once individuals have joined the new scheme, subsequent employers will be able simply to check their status in the scheme on-line free of charge (unless they are under a duty to apply for an Enhanced CRB check).

All applicants to the scheme, except those who are barred, will become “subject to monitoring”. This means that the Independent Safeguarding Authority would review its barring decision if relevant new police or referral information became available. Under the new scheme, employers and providers would be notified – where they have registered an interest - if the individual’s monitoring status changed. Unlike disclosures which only provide details about an individual at a specific time without any follow-up, checking will be continuous.

How will the new scheme work?
To undertake regulated activity, an individual must be registered with the Independent Safeguarding Authority.

- Making an application:
  Those who are working, or applying to work, with children or vulnerable adults will apply to the scheme via the Criminal Records Bureau (CRB). (Arrangements for phasing applications from existing members of the workforce will be advertised nearer the time of implementation in 2008.) There will be a cost to register with the Independent Safeguarding Authority – who pays will be up to the individual and the employer.

- How the vetting and barring decision is made:
  The CRB will check whether there is any relevant information from the police or any referral information from other sources (e.g. employers, professional and regulatory bodies).

    - If there is no relevant information, the CRB will inform the applicant that he/she has become “subject to monitoring” (see below).

    - If there is relevant information, the CRB will pass this to the Independent Safeguarding Authority for a barring decision. In all cases, except those involving the most serious offences, individuals will have the opportunity to make representations about why they should not be barred on the basis of this information. They will also have the right of appeal to the Care Standards Tribunal.

If the employer has also requested a CRB Enhanced Disclosure, the CRB will also confirm on the certificate any details relating to the barred status of the applicant – for instance whether the applicant is “subject to monitoring”.

Subject to monitoring:
All applicants, except those who are barred, will become “subject to monitoring”. This means that the individual is not on a barred list and that the Independent Safeguarding Authority would review its barring decision if relevant new police or referral information became available. Under the new scheme, employers and providers would be notified – where they have registered an interest - if the individual’s monitoring status changed.

Online checking:
Any subsequent employers or providers will be able to do an online check on an individual’s status, including parents and carers. In most cases, employers/providers will be entitled to seek an Enhanced Disclosure from the CRB, which will contain criminal records information (although parents, individuals, or their carers do not have this option). And some employers will continue to be required to obtain Enhanced Disclosures.

Definitions of Terms

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

Vulnerable Adults
The definition of vulnerable adult as expressed in the The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 “a person aged 18 or over who has a condition of the following type:

(i) a substantial learning or physical disability;
(ii) a physical or mental illness or mental disorder, chronic or otherwise, including an addiction to alcohol or drugs; or
(iii) a significant reduction in physical or mental capacity."

Which adults are vulnerable? In this guidance ‘adult’ means a person aged 18 years or over. The broad definition of a ‘vulnerable adult’ referred to in the 1997 Consultation Paper Who decides? * issued by the Lord Chancellor’s Department, is a person:

“who is or may be in need of community care services by reason of mental or other disability, age or illness; and Section 2 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”.

For the purposes of this guidance ‘community care services’ will be taken to include all care services provided in any setting or context.

What constitutes abuse? In drawing up guidance locally, it needs to be recognised that the term ‘abuse’ can be subject to wide interpretation. The starting point for a definition is the following statement:

Abuse is a violation of an individual’s human and civil rights by any other person or persons.

In giving substance to that statement, however, consideration needs to be given to a number of factors.

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, psychological 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.
Forms of Abuse

Physical Abuse
Physical abuse is the deliberate physical injury to a child, young person or vulnerable adult or the wilful or neglectful failure to prevent physical injury or suffering. This may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, confinement to a room or inappropriately giving drugs to control behaviour.

Emotional Abuse
Emotional abuse is the persistent emotional ill treatment of a child, young person or vulnerable adult such as to cause severe and persistent adverse effects on the child or persons emotional well being. It may involve conveying to children, young people or vulnerable adults that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may involve causing children, young people or vulnerable adults frequently to feel frightened or in danger, or the exploitation or corruption. Some level of emotional abuse is involved in all types of ill treatment of a child, young person or vulnerable adult though it may occur alone. Domestic violence, adult mental health problems and parental substance misuse may expose children to emotional abuse.

Sexual Abuse
Sexual abuse involves forcing or enticing a child, young person or vulnerable adult to take part in sexual activities, whether or not the child, young person or vulnerable adult is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children, young person or vulnerable adult in looking at or the production of pornographic material or watching sexual activities, or encouraging children, young person or vulnerable adult to behave in sexually inappropriate ways.

Neglect
Neglect is the persistent failure to meet a child’s, young person or vulnerable adult physical, emotional and/or psychological needs, likely to result in significant harm. It may involve a parent or carer failing to provide adequate foods, shelter and clothing, failing to protect from physical harm or danger, failing to ensure access to appropriate medical care or treatment, lack of stimulation or lack of supervision. It may also include non-organic failure to thrive (faltering growth).

Discriminatory abuse, including racist or sexist remarks or comments based on a person’s impairment, disability, age or illness, and other forms of harassment, slurs or similar treatment. This may also include isolation or withdrawal from religious or cultural activity, services or supportive networks.

Who may be the abuser?
Vulnerable adult(s) may be abused by a wide range of people including relatives and family members, professional staff, paid care workers,
volunteers, other service users, neighbours, friends and associates, people who deliberately exploit vulnerable people and strangers. There is often particular concern when abuse is perpetrated by someone in a position of power or authority who uses his or her position to the detriment of the health, safety, welfare and general wellbeing of a vulnerable person. Agencies not only have a responsibility to all vulnerable adults who have been abused but may also have responsibilities in relation to some perpetrators of abuse. The roles, powers and duties of the various agencies in relation to the accused will vary depending on whether the latter is:

- A member of staff, proprietor or service manager.
- A member of a recognised professional group.
- A volunteer or member of a community group such as place of worship or social club
- Another service user.
- A spouse, relative or member of the person’s social network.
- A carer; i.e. someone who is eligible for an assessment under the Carers (Recognition and Services) Act 1996;
- A neighbour, member of the public or stranger; or
- A person who deliberately targets vulnerable people in order to exploit them.

**Spent Convictions**
Under the Rehabilitation of Offenders act 1974, if a person convicted of an offence is not convicted again during a specified ‘rehabilitation period’, the conviction is ‘spent’ (this would not include serious criminal offences). Usually the person does not have to reveal or admit the conviction, nor can an employer refuse to employ someone because of the spent conviction. However there are some exceptions, particularly to protect children and other vulnerable groups (see further details above in ‘Legislation’). An employer should not ask for a CRB Disclosure or for details of spent criminal convictions unless the post is one covered under the Rehabilitation of Offenders Act exceptions order or there is statutory obligation to do so.

**Adult and Community Services**
If there is a concern about the possible abuse of a child, young person or vulnerable adult, the local authority adult and community services department should be contacted. It is their 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 Adult and Community Services or the Police. If your organisation investigates the suspected abuse, it could actively damage chances of the case reaching resolution.

**Local Safeguarding Children Boards (LSCBs)**
The LSCBs are statutory bodies set up by local authorities. They have replaced the Area Child Protection Committees which were non-statutory. Every local area now needs to have an LSCB. The aim is to ensure that key agencies work together effectively to ensure that children are safeguarded properly. The core membership of LSCBs is set out in the Children Act 2004, and includes local authorities, health bodies, the police and others. When
working out your organisation’s protection procedures you are advised to contact your local LSCB. They also may be able to provide training. Go to www.worcestershiresafeguarding.org.uk for contact details.

**Criminal Records Bureau**

This Home Office agency was set up in 2002 to replace the old system of police checks. It provides the Disclosure service to help organisations recruit more safely, with checks on information held by the police and government departments. Their website is at www.crb.gov.uk (NB The new CRB website combines the existing Disclosure www.disclosure.gov.uk and CRB websites to offer a 'one-stop-shop' for all CRB information).

CRB Customer Services
PO Box 110
Liverpool
L69 3EF
General Enquiries: 0870 90 90 811

**Disclosure document**

This is a document containing information held by the police and the Department of Health and the Department for Education and Skills, which can help organisations make safer recruitment decisions. Details of the Disclosure service can be found on the CRB website www.crb.gov.uk.

**Standard Disclosure**

This is the minimum level of Disclosure recommended for anyone with direct but *supervised* contact with children or vulnerable adults. It contains information on all criminal records, both spent and unspent, and List 99, POCA or POVA lists (see below). A Standard Disclosure is only appropriate if the postholder is guaranteed not to have unsupervised access to children or vulnerable adults. CRB advise employers that if in doubt, do an Enhanced check. The current CRB fee for a Standard Disclosure is £31.00 (from April 2006) and the application process will take at least 2 weeks. Users (applicant, the employer, the Registered or Umbrella Body) can check the progress of their application online at www.crb.gov.uk/tracking. Disclosures are free of charge for volunteers (but not people on work experience or placements). The CRB’s definition for a volunteer is a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives. They consider that volunteers are not individuals who expect to receive a benefit for the activity such as an expected credit towards a qualification gained by someone on a placement.

**Enhanced Disclosure**

This 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, it may also contain information held by the police which is thought relevant but which may not have lead to a conviction. The current CRB fee for an Enhanced Disclosure is £36.00 and the application process will take at least 3 weeks. Users (applicant, the employer, the Registered or Umbrella Body
Body) can check the progress of their application online at www.crb.gov.uk/tracking. Disclosures are free of charge for volunteers (but not people on work experience or placements – for the CRB’s definition of volunteers see ‘Standard Disclosure’ above).

**Umbrella Registered Bodies**
Organisations who need over 100 checks per year can register with the CRB in order to process applications to the Disclosure service for their own employees. The current registration fee is £300 plus £5 for each additional countersignatory.

Umbrella Registered Bodies can countersign applications for Disclosure checks on behalf of other organisations and their employees. The CRB website www.crb.gov.uk has a database of umbrella organisations in England, Scotland and Wales. Alternatively Ofsted may be able to help (0845 601 4771).

In addition the following organisations can act as umbrella bodies throughout the UK:

- **Assuramed Healthcare Limited**
  Steep House, Percy Street, Coventry CV1 3BY
  Telephone 024 76 630678 or email: sales@assuramed.com
  www.assuramed.com

- **Crime Concern**
  contact Tracy Madgwick, HR Manager
  email: tracy.madgwick@crimeconcern.org.uk,
  fax: 01793 863555, mobile: 07899 665506
  www.crimeconcern.org.uk

- **Wrighton Education Services Ltd**
  Contact Peter or Lorraine on 020 7564 0480
  43b Mason Street, London SE17 1HF
  www.wrighton-education.com

Umbrella bodies normally charge a small administration fee on top of the CRB fee for the Disclosure. However there is no CRB fee for Disclosures for Volunteers.

**List 99**
A confidential list of adults who are banned from working with children or who have had restrictions placed on their employment. The list is held by the Department for Education and Skills (DfES). Schools must make sure that no-one who is on List 99 has regular contact with children.

**POCA list**
This is the Protection of Children Act list of people who are unsuitable for employment with children in childcare roles. The list is held by the Department of Health.

**POVA list**
This the Protection of Vulnerable Adults confidential list of care workers who have harmed vulnerable adults in their care. The list is held by the Department of Health.