



SAFEGUARDING YOUNG PERSONS AND ADULTS POLICY



JANUARY 2018
SUPPORT AND ADVOCACY FOR MS, CIC

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Statement

Support and Advocacy for MS, CIC (SAMS CIC) recognises that everyone, whether child or young person or adult, have an equal right to a life free from abuse, neglect or exploitation, whatever their setting or circumstances.

Adults are autonomous – they make their own decisions. Self-determination must guide Adult Protection activities, wherever possible. Some adults will be making decisions under duress and will need extra support. Others will not have the mental capacity to make informed decisions about their own protection; they need to have as much choice as possible within the principle of the duty of care.

All adults are entitled to access the Criminal Justice System. Subject to the mental capacity of the adult to consent, the seriousness of a suspected offence and the wishes of the adult concerned, the police should be called immediately if it is believed that a crime has been committed.

Adults need to be made aware of their rights, and how to get help if they are being abused. Any adult disclosing abuse must be listened to, taken seriously and believed, unless there is a good, substantiated reason that disproves what they are saying.

The adult at risk, and their protection needs, should be at the centre of any investigation. Interventions to protect must, wherever possible, follow principles of adult self-determination, consent and minimal intervention needed to protect the adult at risk.

Children and young people mainly enjoy the same rights as adults but without the same access to the criminal justice system. Parents/guardians have a right to be informed of any concern about their child's welfare or any action taken to safeguard and promote the child's welfare, providing this does not compromise the child's safety.

Within the context of this policy, an adult is anyone aged 18 or over; a child is aged 12 or under and a young person is aged 13 or over.

SAMS CIC realises that its portfolio of projects is unlikely to include children and this policy is therefore targeted at young persons and adults. It is the aim to protect all parties involved.

This policy is based on the following principles:

- The welfare of the individual is paramount;
- All persons at risk, whatever their age, culture, disability, gender, language, racial origin religious beliefs and/or sexual identity have the right to protection from abuse.

- All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately.
- All Directors / volunteers have a responsibility to report concerns to a Designated Person with responsibility for safeguarding.
- Directors / volunteers are not trained to deal with situations of abuse or to decide if abuse has occurred.

We shall aim to safeguard adults or young people at risk by:

- Adopting person at risk safeguarding guidelines through procedures and a code of conduct.
- Sharing information about person at risk safeguarding and good practice with carers, Directors and volunteers.
- Sharing information about concerns with agencies who need to know, and involving carers appropriately.
- Carefully following the procedures for recruitment and selection of Directors and volunteers.
- Providing effective management for Directors and volunteers through support, supervision and training.
- We are committed to reviewing our policy and good practice regularly.

SAMS CIC has adopted the policy contained in this document to set out agreed guidelines relating to projects for adults at risk.

Definitions

Definition of an adult at risk

This policy also adopts The *Police Act 1997 (Enhanced Criminal Record Certificates) (Protection of Vulnerable Adults) Regulations 2000*

"An 'adult at risk' is someone who is 18 years or over who may be in need of community care due to a mental health problem, learning disability, physical disability, age or illness. As a result, they may find it difficult to protect themselves from abuse."

This definition is taken from the Social Care Institute for Excellence "At a Glance: 44 Protocol Protecting Adults at Risk, London Multi-Agency Policies and Procedures to protect adults from abuse."

Definition of Safeguarding

Safeguarding is the action that can be taken to support anyone to keep their independence, well-being and choice to exercise their human right to live free from abuse and neglect.

Definition of a Designated Person

A person with the appropriate training and skills to make an initial evaluation of an incident and decide on the next appropriate cause of action

Determination of designated persons will be the sole remit of the Chair.

Definition of Abuse

'Abuse' is the harming of another individual, usually by someone who is in a position of power, trust or authority over that individual. The harm may be physical, psychological or emotional, or it may be directed at exploiting the vulnerability of the victim in more subtle ways (for example: through denying access to people who can come to the aid of the victim, or through misuse or misappropriation of his or her financial resources).

The threat or use of punishment is also a form of abuse. In many cases, it is a criminal offence.

Centre for Policy on Ageing (1996)

Types of Abuse

Physical Abuse

- Bodily assaults resulting in injuries, eg: hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
- Bodily impairment, eg: malnutrition, dehydration, failure to thrive
- Medical / healthcare maltreatment

Sexual Abuse

- Rape, incest, acts of indecency, sexual assault
- Sexual harassment or sexual acts to which the vulnerable adult has not consented, or could not consent to, or was pressured into consenting to.
- Sexual abuse might also include exposure to pornographic materials, being made to witness sexual acts and encompasses sexual harassment and non-contact abuse

Psychological / Emotional Abuse

- Threats of harm, controlling, intimidation, coercion, harassment, verbal abuse, enforced isolation, or withdrawal from services or supportive networks
- Humiliation
- Bullying, shouting, swearing

Neglect

- Ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services
- Withholding of the necessities of life, such as medication, adequate nutrition and heating

Financial or material

- Theft or fraud
- Exploitation, pressure in connection with Wills, property or inheritance or financial transactions, or the misuse or misappropriation of property

Identifying Signs of Abuse

The following signs may or may not be indicators that abuse has taken place, but the possibility should be considered.

Physical signs of abuse

Note: *Some ageing processes can cause changes which are hard to distinguish from some aspects of physical assault eg. Skin bruising can occur very easily due to blood vessels becoming fragile.*

- Any injuries not consistent with the explanation given for them
- Injuries which occur to the body in places which are not normally exposed to falls or games
- Unexplained bruising, marks or injuries on any part of the body
- Bruises which reflect hand marks or fingertips (from slapping or pinching)
- Cigarette burns
- Bite marks
- Broken bones
- Injuries which have not received medical attention
- Neglect-under nourishment, constant hunger, stealing or gorging food, untreated illnesses, inadequate care
- Repeated urinary infections or unexplained stomach pains
- Burns of unusual location or type
- Injuries found at different states of healing
- Weight loss due to malnutrition, or rapid weight gain
- Drowsiness due to too much medication, or lack of medication causing recurring crises/hospital admissions
- History of constantly changing GP or agency or reluctance to seek help
- Injuries to head/face/scalp
- Injury shape similar to an object.

Changes in behaviour that can also indicate physical abuse:

- Fear of carers being approached for an explanation
- Aggressive behaviour or severe temper outbursts
- Flinching when approached or touched
- Reluctance to get changed, for example, wearing long sleeves in hot weather
- Depression
- Withdrawn behavior
- Running away from home

Psychological and Emotional signs of abuse

The physical signs of emotional abuse may include:

- A failure to thrive particularly if a vulnerable adult puts on weight in other circumstances e.g. in hospital or away from their parents' care
- Sudden speech disorders
- Persistent tiredness
- Development delay, either in terms of physical or emotional progress
- Isolation
- Unkempt, unwashed, smell
- Over meticulous
- Inappropriately dressed
- Withdrawn, agitated, anxious not wanting to be touched
- Change in appetite
- Insomnia, or need for excessive sleep
- Tearfulness
- Unexplained paranoia or excessive fears
- Low self esteem
- Confusion

Changes in behaviour that can also indicate emotional abuse include:

- Obsessions or phobias
- Sudden under-achievement or lack of concentration
- Inappropriate relationships with peers and/or other adults
- Being unable to participate in recreational activities
- Attention seeking behavior
- Fear of making mistakes
- Self-harm
- Fear of carers being approached regarding their behaviour

Sexual Abuse

The physical signs of sexual abuse may include:

- Pain or itching in the genital/anal area
- Bruising or bleeding near genital/anal areas
- Sexually transmitted disease
- Vaginal discharge or infection
- Stomach pains
- Discomfort when walking or sitting down
- Pregnancy
- Disclosure or partial disclosure (use of phrases such as 'it's a secret')
- Disturbed behavior e.g. depression, sudden withdrawal from activities, loss of previous skills, sleeplessness or nightmares, self-injury, showing

- fear or aggression to one particular person, repeated or excessive masturbation, inappropriately seductive behaviour, loss of appetite or difficulty in keeping food down.
- Unusual behavior of others towards the vulnerable adult
 - Circumstances – e.g. two service users found in a toilet area, one in a distressed state

Changes in behaviour that can also indicate sexual abuse include:

- Sudden or unexplained changes in behaviour e.g. becoming withdrawn or aggressive
- Fear of being left with a specific person or group of people
- Having nightmares
- Running away from home
- Sexual knowledge which is beyond developmental level
- Sexual drawings or language
- Bedwetting
- Eating problems such as over-eating or anorexia
- Self-harm or mutilation, sometimes leading to suicide attempts
- Saying they have secrets they cannot tell anyone about
- Substance or drug abuse
- Suddenly having unexplained sources of money
- Not allowed to have friends
- Acting in a sexually explicit way.

Neglect

The physical signs of neglect may include:

- Constant hunger, sometimes stealing food from others
- Constantly dirty or smelly
- Loss of weight or being constantly underweight
- Inappropriate dress for the conditions

Financial Abuse

Financial or material signs may include:

- Unexplained or sudden inability to pay bills
- Unexplained or sudden withdrawal of money from accounts
- Disparity between assets and satisfactory living conditions
- Extraordinary interest by family members and other people in the vulnerable person's assets

Changes in behaviour that can also indicate neglect include:

- Complaining of being tired all the time
- Not requesting medical assistance and/or failing to attend appointments
- Having few friends
- Mentioning being left alone or unsupervised

Discriminatory signs

- Lack of respect shown to an individual
- Signs of substandard service offered to an individual
- Exclusion from rights afforded to others, such as health, education, criminal Justice

Rights and Responsibilities

SAMS CIC shall ensure that all designated persons, and any Directors / volunteers likely to have contact with vulnerable persons, receive Safeguarding training commensurate with their levels of responsibility.

SAMS CIC shall further ensure that this training is subject to refreshment, particularly to reflect any changes in legislation and/or best practice guidelines.

SAMS CIC shall instruct all of its Managers, Project Leaders and Supervisors that they have joint and several delegated accountabilities to introduce, and maintain, appropriate supervision and monitoring procedures, consistent with the aims of this Policy.

Adults at risk have the right to:

- Be made aware of this Policy
- Have alleged incidents recognised and taken seriously
- Receive fair and respectful treatment throughout
- Be involved in any process as appropriate
- Expect any information relating to issues, to be treated with the utmost confidentiality

Anyone making a complaint, allegation or expressing concern, whatever their status, has the right to expect that:

- They will be taken seriously
- Their comments will be treated confidentially, but that their concerns may be shared if they or others are at significant risk.
- If service users, that they will be given immediate protection from the risk of reprisals or intimidation.
- That the Directors will be given support and afforded protection, if necessary, in line with the Public Interest Disclosure Act 1998

Supervisory arrangements for the management of SAMS CIC activities and services.

We shall aim to protect adults at risk from abuse, and our team members from false allegations by adopting the following guidelines:

- We shall keep a register of all adults at risk using our services
- We shall keep a record of all Directors' and volunteers' duties
- We shall keep a record of all SAMS CIC activities including monitoring and evaluation records.
- The Directors and volunteers will record any unusual events on the accident/incident form.
- A series of accidents should trigger an incident enquiry.
- Where possible neither Directors nor volunteers should be alone with an adult at risk although we recognise that there may be times when this may be necessary or helpful.
- All team members should treat adults at risk with dignity and respect in both attitude language and actions.

Allegations against a Director / Volunteer

SAMS CIC shall assure all Directors and volunteers that it will fully support and protect anyone, who in good faith reports his or her concern that a colleague is, or may be, abusing a vulnerable person. Where there is a complaint against a Director / volunteer there may be two types of investigation:

- A criminal investigation,
- A disciplinary or misconduct investigation.

The results of the police and safeguarding services investigation may well influence the disciplinary investigation, but not necessarily.

Action if there are concerns

Concerns about poor practice:

If, following consideration, the allegation is clearly about poor practice; this will be dealt with as a misconduct issue.

If the allegation is about poor practice by the Designated Person or if the matter has been handled inadequately and concerns remain, it should be reported to the Chair of SAMS CIC who will decide how to deal with the allegation and whether or not the organisation should initiate disciplinary proceedings.

Concerns about suspected abuse

Any suspicion that a vulnerable person has been abused by either a Director or a volunteer should be reported to the Chair (as the Designated Person), who will take such steps as considered necessary to ensure the safety of the alleged victim in question and any others who may be at risk.

The Designated Person will refer the allegation to the safeguarding services who may involve the police, or go directly to the police if out-of-hours.

The Designated Person has a duty to inform the Local Authority Designated Officer (LADO) if the allegation is against a Director or volunteer within 24 hours. The role of the Local Authority Designated Officer (LADO) is set out in the HM Government guidance [Working Together to Safeguard Children \(2013\)](#).

Tel: 020 8831 6008

Email: Vivien.Rimmer@kingston.gov.uk

Referral to Disclosure and Barring Service

There may be a legal duty to refer the incident to the DBS in order for the DBS to update it's database.

Under the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, the following groups have a legal duty to refer:

- Regulated activity providers; and
- Personnel suppliers.

A regulated activity provider is an organisation or individual responsible for the management or control of regulated activity (paid or unpaid) and makes arrangements for people to work in that activity.

Examples of a regulated activity provider would include, but not be limited to:

- An NHS hospital or health and social care trust that employ people to provide care, supervision and advice to children and vulnerable adults.
- A school that provides education to children under 18 years of age.

A regulated activity provider can also be a person who manages volunteers in a regulated activity position, such as a scout leader or as part of a charitable organisation

Where a person/organisation has a legal duty to refer, there are two main conditions which should be met for a referral to be made, these are:

- 1) They have permanently removed a person from 'regulated activity' through dismissal or permanent transfer from 'regulated activity' (or would have if the person had not left, resigned, retired or been made redundant); and
- 2) They believe the person has either:
 - a. Engaged in 'relevant conduct', or
 - b. Satisfied the 'harm test' (i.e. no action or inaction occurred but the present risk that it could was significant), or
 - c. Received a caution or conviction for a 'relevant offence' (a list of these offences is available on the DBS website, or call the helpline for advice).

A referral should not be made when an allegation is first made. An investigation and evidence gathering should be first undertaken by the person or organisation that would normally refer to the DBS. This is in order to establish if the allegation has foundation, for example as part of an internal disciplinary process. Without evidence or substance to the claims many allegations will be quickly closed down as there will be no foundation on which the DBS can proceed

The carers of the vulnerable person will be contacted as soon as possible, following advice from the safeguarding services.

If the Designated Person is the subject of the suspicion/allegation, the report must be made to the appropriate Manager at the MS Society, London

Internal Enquiries and Suspension

The Designated Person will make an immediate decision about whether any individual accused of abuse should be temporarily suspended pending further police and safeguarding services inquiries.

Irrespective of the findings of the safeguarding services or police inquiries the organisation will assess all individual cases to decide whether a Director or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision; particularly where there is insufficient evidence to uphold any action by the police. In such cases, the organisation must reach a decision based upon the available information which could suggest that, on a balance of probability, it is more likely than not that the allegation is true. The welfare of the vulnerable person should remain of paramount importance throughout

Accountability and Responsibility

Accountability and Responsibility of all Directors and volunteers

All Directors must ensure that they:

- Are familiar with the Safeguarding Policy and Procedures
- Aware of action to be taken if abuse is identified, or suspected – and to whom it should be directed
- Understand that it is their personal responsibility to contact emergency services in appropriate circumstances
- Are required to declare any existing, pending or subsequent convictions. (Failure to do so is gross misconduct and will be penalized accordingly)
- Are Aware any disclosure of confidential information to any parties, other than in accordance with those detailed in this policy will be considered gross misconduct.
- No deviations from this policy are acceptable without the written approval of the Kingston Voluntary Action Board of Trustees.

The Directors must ensure that:

- They have received training adequate to meet their responsibilities, as stated in this Policy
- Notify appropriate agencies if abuse is suspected.
- Any Director / volunteers whom they supervise, have received training commensurate with their responsibilities
- They fully circulate this Policy to existing and future Director / volunteers
- Safeguarding policy and responsibilities are included in all Director inductions.
- If appropriate, Directors / volunteers are DBS checked, in accordance with Home Office Guidelines
- Maintain a written record of any concerns
- Formally record any contact with vulnerable persons following identified, or suspected abuse
- Make absolutely certain that records of any incident are kept in a locked filing cabinet, or more secure environment.
- All incidents should be discussed in supervision with the Chair. Even in the event that the investigation is now closed, this should be a formal opportunity for the Director / volunteer to reflect upon the incident and support they received. This may be as a result of being the reporting officer or the victim of abuse.
- To support and where possible secure the safety of individuals and ensure that all referrals to services have full information in relation to identified risk and vulnerability

The Directors must:

- Make certain that regular supervision and monitoring procedures are in place, and practice to clarify Director / volunteers' roles and responsibilities when engaging with vulnerable persons
- Monitor engagement with vulnerable people
- Highlight any issues or concerns
- Ensure any additional monitoring and supervision procedures are in place for their project.
- Must ensure effective monitoring and regular supervision and service user contact records are in place if their project involves potential contact with vulnerable persons.
- Ensure no contact or response to press enquiries without express permission of SAMS CIC. In any scenarios of press involvement confidentiality of all parties involved must be maintained.

Failure to comply with the requirements of this Policy or to adhere to procedures will be treated as gross misconduct.

Incident Procedures

If the adult at risk is in immediate and clear danger emergency services must be contacted. Once this has been done a designated person should be immediately informed

In the event the concern is not deemed an emergency, the Director or volunteer should report the concern to a designated person immediately. The concern must be raised as soon as possible, ideally within 24 hours.

If the direct Designated Person is unavailable, it should be reported to an alternative Director.

Details of the SAMS CIC Designated Person can be found in the Appendix to this document.

The referral to the designated person must be put in writing within 5 days of the incident.

Within 7 days, concerns should be investigated and reported on by the Designated Person.

The Designated Person must:

- Obtain information Directors, volunteers, and carers who have vulnerable person protection concerns and record this information.
- Assess the information quickly and carefully and ask for further information as appropriate.
- Take such steps as considered necessary to ensure the safety of the alleged victim in question and any others who may be at risk.
- Consult with a statutory safeguarding agency such as the SPA (Single Point of Access) to clarify any doubts or worries.
- Where appropriate, make a referral to a statutory safeguarding agency or the police without delay.
- Consider the adult at risk's capacity to make decisions
- Ascertain whether an advocate or appropriate adult might be necessary
- Ascertain any additional immediate action required
- Ascertain whether an investigation is necessary in accordance with Policies and Procedures
- Where abuse is suspected, make a referral to the appropriate
- Agency
- After 7 days, any referrals made by a designated person to an appropriate agency, should be followed up for an update on progress.
- Revert to the first step if there is a reoccurrence of abuse at any stage of the process.
- A suspected investigation should remain open for 6 months

- Document all reviews and actions at all stages
- If suspicions reoccur they must be referred to the Kingston Safeguarding Team.
- All documents in relation to the case must be kept in locked cabinet as stipulated in this policy.
- A suspected incident investigation should remain open for 6 months
- In the event of no other intervention having been deemed necessary after 6 months, the designated person need to write the Case Closed Report on the form attached to the Appendix.

Concerns about poor practice by the Designated Person

If, following consideration, the allegation is clearly about poor practice; this will be dealt with as a misconduct issue.

If the allegation is about poor practice by the Designated Person or if the matter has been handled inadequately and concerns remain, it should be reported to the Directors of SAMS CIC, who will decide how to deal with the allegation and whether or not the organisation should initiate disciplinary proceedings.

Code of Conduct

In addition to all procedures and responsibilities listed in this policy all Directors / volunteers should be aware of and adhere to the guidelines below.

- A Director or a volunteer must not give a service user an absolute guarantee of confidentiality
- When visiting an individual or group of service users, meetings should not take place in a closed room or an area that is out of sight.
- In no circumstances should Director or volunteer discuss a service user's family situation with a third party.
- Where appropriate all volunteers or Directors must submit the documentation "*Record of Activities*" and return to the Project Coordinator every two months.
- Volunteers and Directors should not accept gifts from service users unless in accordance with individual projects gift policy. If a service User has offered a volunteer or employee a gift the line manager must be immediately informed.
- *Equality and Diversity policies* ensuring they are fully aware of their legal responsibility to ensure that they or their project do not discriminate, either directly or indirectly, against anyone or any group in the provision of their services.
- Directors must adhere to Lone Working Policy.
- Directors and volunteers must not communicate with the media concerning their involvement with The Safeguarding Policy without the express permission of the Chair, who will consult with the other Directors.

Incident Guidelines

Directors or volunteer should:

- Stay Calm
- Listen patiently
- Reassure the person they are doing the right thing by telling you
- Explain what you are going to do
- Report to relevant supervisor/manager
- Write a factual account of what you have seen, immediately.

Do not:

- Appear shocked, horrified, disgusted or angry
- Press the individual for details (unless requested to do so)
- Make comments or judgments other than to show concern
- Promise to keep secrets
- Confront the abuser
- Risk contaminating evidence

Helpful statements to make:

- I believe you (or showing acceptance of what the vulnerable person says)
- Thank you for telling me
- It's not your fault
- I will help you

Do not say

- Why didn't you tell anyone before?
- I can't believe it!
- Are you sure that this is true?
- Why? Who? When? Where?
- Never make false promises

The Designated person should

- Ascertain whether the situation might fall within the definitions of abuse outlined in this policy
- Obtain information from Directors, volunteers, vulnerable person and carers who have protection concerns and record this information.
- Assess the information quickly and carefully and ask for further information as appropriate.

Allegations of physical injury or neglect

If a vulnerable adult has a symptom of physical injury or neglect the designated person will:

- Contact Safeguarding Services for advice in cases of deliberate injury or concerns about the safety of the vulnerable person. The carers should not be informed by the organisation in these circumstances.
- Where emergency medical attention is necessary it will be sought immediately. The designated person will inform the doctor of any suspicions of abuse.
- In other circumstances speak with the carer and suggest that medical help/attention is sought for the vulnerable person. The doctor will then initiate further action if necessary.
- If appropriate the carer will be encouraged to seek help from Safeguarding Services. If the carer fails to act the designated person should in case of real concern contact safeguarding services for advice.

Allegations of sexual abuse

In the event of allegations or suspicions of sexual abuse the designated person will:

- Contact the Safeguarding Service duty social worker directly. The designated person will not speak to the carer (or anyone else)
- Under no circumstances is the designated person to attempt to carry out any investigation into the allegation or suspicions of sexual abuse. The role of the designated person is to collect and clarify the precise details of the allegation or suspicion and to provide this information to Safeguarding Services whose task it is to investigate the matter.
- Whilst allegations or suspicions of sexual abuse should normally be reported to the designated person, their absence should not delay referral to Safeguarding Services.

Designated Person

- The Chair of Support and Care for MS, CIC

Report Adult Abuse - Contacts

In an emergency, dial 999.

Kingston upon Thames

https://www.kingston.gov.uk/info/200368/help_to_stay_safe/232/adult_safeguarding_%E2%80%93_helping_adults_at_risk/2

Merton

<https://www2.merton.gov.uk/health-social-care/adult-social-care/safeguarding-adults.htm>

Richmond

http://www.richmond.gov.uk/report_adult_abuse

Wandsworth:

http://www.wandsworth.gov.uk/site/scripts/home_info.php?homepageID=148&directoryCategoryID=626

Reporting Suspected Abuse

Confidential Recording Sheet

Name of person reporting:

Name of vulnerable adult:

Age group:

Ethnicity:

Religion:

First language:

Disability:

Carer's name (s)

Home address/Tel no:

Are you reporting your concerns or reporting someone else's. Please give details.

Reporting Suspected Abuse

Brief description of what has prompted the concerns: include date, time, specific incidents.

Any physical signs? Behavioural signs? Indirect signs?

Have you spoken to the vulnerable adult? If so, what was said?

Have you spoken to the carer(s)? If so, what was said?

Has anybody been alleged to be the abuser? If so, please give details?

Have you consulted anybody else? Please give details:

Person reported to and date of reporting:

Signature of person reporting:

Today's date: _____

Action taken:

Notes:

STRICTLY CONFIDENTIAL

Abuse Review Form

Details of suspected Victim:

Evidence or Suspicion:

Action Taken

Date

Signed

Position

Additional information

The Disclosure and Barring Service (DBS)

The DBS gives employers and voluntary organisations access to information about criminal records and other relevant information about people they intend to appoint in paid or unpaid posts working with vulnerable adults or children. It provides a “one stop shop” service across England and Wales.

All organisations working with vulnerable adults can access the DBS services. There are three kinds of checks, known as “Disclosure”: Standard, Enhanced and Enhanced with List checks. These relate to those who are being recruited to positions exempted under the Rehabilitation of Offenders Act.

The Three different levels of Disclosure

These different levels of Disclosure represent three levels of recruitment checking. Selecting the appropriate one depends on the position applied for and on the type of work involved.

Some positions naturally require more in-depth and more confidential information about an applicant than other positions.

All levels of Disclosures contain details of convictions, police cautions, reprimands or warnings on the PNC (Police National Computer) including ‘spent’ convictions. These ‘spent’ convictions are ones that happened some time ago and normally do not need to be revealed, as specified in the Rehabilitation of Offenders Act 1974. However, some single minor offences which are ‘time-expired’ are also ‘protected’ and will not be shown on the DBS certificate.

The essential difference between Standard and Enhanced is that Enhanced Disclosures are for positions which involve greater (often unsupervised) contact with vulnerable adults or children. For example, the type of work might involve regularly caring for, training, supervising or being in charge of such people.

“Enhanced with barred list check” is for specific listed roles. This difference is reflected in the depth and detail of checking that is carried out. In addition to all other checks, Enhanced Disclosures also involve an extra level of checking with local police force records.

The three levels of Disclosure (called Standard, Enhanced and Enhanced with Barred List checks) are aimed at protecting the vulnerable, or for particular positions of trust:

- Standard checks

To be eligible for a standard level DBS check, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975

- Enhanced checks

To be eligible for an enhanced level DBS check, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations.

- Enhanced checks with children's and/or adult's barred list check(s)

To be eligible to request a check of the children's or adult's barred lists, the position must be eligible for an enhanced level DBS check as above and be specifically listed in the police Act 1997 (Criminal Records) Regulations as able to check the barred list(s).

You can access the various Police Act 1997 (Criminal Records) Regulations by searching for them on Legislation.gov.uk.

This will not provide a list of job roles - such a list does not exist. Instead each Regulation can be opened to identify what roles, duties or activities have been included from the date that the Regulation was brought in. It is important to note that the Regulations can also remove roles.

How Disclosures are provided

All Disclosures are obtained via the one-stop shop of the DBS which consolidates data and information from a number of different sources. The person to whom the Disclosure relates must always consent to the check being carried out.

The application form has to be signed by both the individual applicant and an organisation registered with the DBS. In some cases, this will be the organisation that is recruiting, but often will be an "umbrella" organisation which provides the service for recruiting bodies that do less than 100 checks per year. Once it has been processed by the DBS, a certificate is sent to the individual applicant who should show it to the recruiting body.

An individual who has completed a DBS check can opt to enroll in the DBS update service. In this case they will provide their certificate and the recruiting body can check instantly on www.gov.uk/dbs-update-service if any new information has come to light since it was issued.

It is important to confirm the identity of the applicant is that on the certificate and that the certificate is of the appropriate level (e.g. Enhanced certificate for an Enhanced post). As this avoids repeat checks and speeds the process, applicants should be encouraged to enroll in this service. It can also be used to reconfirm the status of current employees or volunteers rather than redoing a full application for a check (e.g. annually or tri-annually).

Notes

It is recommended that you seek information directly from the DBS website or helpline for the specific needs of your organisation.

For further information

Disclosure and Barring Service

DBS Customer Service

PO Box 110

Liverpool

L69 3JD

Helpline: 0870 90 90 811

customerservices@dbs.gsi.gov.uk

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Useful Information

Legislation

- Children Act 1989
- Children Act 2004
- Protection of Children Act 1999
- Sexual Offences Act 2003
- Safeguarding Vulnerable Groups Act 2006

Guidance

Working Together to Safeguard Children

Updated 19th August 2013

Available on www.GOV.UK

The Safe Network

A national organisation which provides Safeguarding advice for voluntary and community organisations, including sample policies and procedures.

Statutory guidance on making arrangements to safeguard and promote the welfare of children under s11 of the Children Act (2004)

· HM Government 2007