



## **SAFEGUARDING AND PROMOTING WELFARE POLICY AND PROCEDURES**

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# Safeguarding Children

## Policy Statement

PAC-UK is committed to fulfilling its duty to safeguard and promote the welfare of children, by ensuring that staff are trained and supported in meeting their safeguarding responsibilities in the course of their work, and have easily accessible procedures and guidance to assist them. The board of trustees will designate one of its members to take the lead on safeguarding and promoting welfare, whose responsibilities include ensuring PAC-UK:

- Has an effective safeguarding and promoting welfare policy in place and follows agreed procedures;
- Recruits staff and volunteers in line with safer recruitment processes;
- Has procedures for dealing with allegations of abuse made against staff and volunteers;
- Has a designated Lead Safeguarding Manager for dealing with safeguarding issues;

## 1. Introduction

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As a specialist adoption support agency, PAC-UK delivers a range of services, information and advice to children, young people and parents or carers. PAC-UK also delivers services to adopted adults and birth relatives who may include vulnerable adults. It must have the appropriate safeguarding arrangements in place in the same way as organisations in the public sector, and it must work effectively with Local Safeguarding Children Boards. Staff (paid and volunteer) must be aware of their responsibilities for safeguarding and promoting the welfare of children and know how to respond to child protection concerns in line with current national guidance.

Both the London and Leeds Safeguarding Children Boards provide further information where more detailed consideration is necessary.

This policy is based on *Working Together to Safeguard Children (2006 and 2015)* and *What To Do If You're Worried a Child Is Being Abused (2003)*.

## 2. Guiding Principles

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The child's interests are paramount, and his or her safety and welfare will always be given first priority.

A child's concern will be listened to carefully and will always be taken seriously.

The limits of confidentiality, if child protection concerns arise in the course of PAC-UK's work with service users, will be explained to them at the time of their initial involvement with the agency.

Care will be taken not to infringe privacy and confidentiality any more than is necessary to safeguard the welfare of the child.

In assessing the need for action when faced with child protection concerns, staff will remain sensitive to issues of family relationships, religion and culture, but will always place a child's safety and welfare first.

Arrangements will be made to assist with communication in circumstances of disability or where English is not the service user's first language.

Staff will use plain, jargon-free language appropriate to the age and culture of each person, and will explain any unavoidable technical or professional terms.

PAC-UK will ensure that all staff, including volunteers, understand the agency's safeguarding procedures, and are given appropriate levels of training in child protection matters.

PAC-UK will ensure that training programmes take account of the latest Government guidance and requirements, and relevant research, and operate within an anti-discriminatory framework.

PAC-UK will ensure that the safeguarding procedures in use by the local authorities in which it operates are accessed when necessary, in order that good working relationships and appropriate levels of co-operation can be maintained should the occasion arise.

PAC-UK will ensure that all staff receive appropriate supervision on a regular basis, and have access to a suitably qualified manager in the event of the need for an urgent case discussion.

### **3. Abuse, neglect and concerns for children's welfare**

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A person may abuse or neglect a child by inflicting harm, or by failing to prevent harm. Children and young people may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. The concept of *significant harm* as the threshold justifying compulsory intervention in family life is likely to apply to the indications of abuse set out in section 4 below. The local authority as lead agency for child protection and the police have powers to take action in such instances of abuse by removing children from situations of harm or danger. Local authorities have a duty under Section 47(1) to investigate where they have reasonable

cause to suspect that a child who lives or is found in their area, is suffering or is likely to suffer, significant harm.

#### **4. Types of abuse and neglect**

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**Physical abuse;** which may involve hitting, shaking, throwing, poisoning, burning, scalding, drowning, suffocating, or otherwise causing physical harm to a child, including by fabricating the symptoms of, or deliberately causing, ill health to a child.

**Emotional abuse** is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person, age or developmentally inappropriate expectations being imposed on children, causing children frequently to feel frightened, or the exploitation or corruption of children. Emotional abuse may include witnessing domestic violence.

**Sexual abuse** involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape or buggery) or non-penetrative acts. They may include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.

**Neglect** is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to, a child's basic emotional needs, including securing the child's safety.

**Sexual Exploitation** of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

**Radicalisation** refers to the process by which a person comes to support terrorism and forms of extremism leading to terrorism. Since 2010, when the Government published the Prevent Strategy, there has been an awareness of the specific need to safeguard

children, young people and families from violent extremism. There have been a number of occasions where extremist groups have attempted to radicalise vulnerable children and young people to hold extreme views including views justifying political, religious, sexist or racist violence, or to steer them into a rigid and narrow ideology that is intolerant of diversity and leaves them vulnerable to future radicalisation.

**Female Genital Mutilation** (FGM) is defined by The World Health Organisation as: "Comprises of all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for nonmedical reasons".

## **5. Child welfare concerns**

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Child welfare concerns may arise in many different contexts, including where a child or family is already known to agencies. Reasons for these concerns may not be as clearly defined as the signs and symptoms of abuse or neglect, and the likelihood of significant harm may not be clearly established. Nevertheless, professionals may feel concern or anxiety that a child's welfare, health or development is being impaired in some way, and that this perceived impairment to a child requires further consideration. Factors that contribute to such concerns may include:

- Social exclusion
- Domestic violence
- Mental illness of parent or carer
- Drug and alcohol misuse

In addition to S47 inquiries, the Framework for Assessment of Children in Need and their Families (DoH 2000) provides the appropriate tool for agencies to use in working together in such cases.

In addition to their allocated casework or other professional activity with a child, PAC-UK staff may be involved in a case that also requires child protection activity, either as a referrer, a provider of information, or as a contributor to an assessment.

## **Procedures**

## **6. What to do when child protection concerns arise**

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Concerns for a child's welfare may arise in a variety of ways and in a range of settings. PAC-UK staff cannot assume that only Local Authority workers might come across situations where possible abuse of a child is a concern. Staff working with any of the parties involved in adoption may find themselves discussing information that alerts them to the possibility of abuse, even when problems with a child were not the focus of the session. A service user, whether a child or an adult, may reveal indications of abuse, past

or present, without realising the implications of what is being said. A clear statement of abuse, neglect or other causes for concern may be made, or indications of possible cause for concern may be noticed by anyone working with or caring for a child.

PAC-UK staff must be familiar with and follow PAC-UK's child protection procedures and guidance, understanding how they fit with the Local Safeguarding Children Board's child protection procedures for promoting and safeguarding the welfare of children. Staff must know whom to contact to express concerns about a child's welfare and how to make a referral to Children's Services.

In situations where an adult openly refers to abuse or expresses concern about their, or a partner's treatment of a child, the staff member should check back to confirm they have correctly understood what is being said, explain the course of action the agency may be required to take and make it clear that he or she will need to discuss with their manager whether it is necessary for PAC-UK to pass the information on to the relevant statutory agency. Upon receipt of any such information the manager should discuss the matter immediately with the Lead Safeguarding Manager, or in his/her absence, the CEO. It is not the responsibility of PAC-UK or any of its staff to undertake a child protection investigation. The role of PAC-UK staff is to listen carefully, note what is said, give reassurances where appropriate, seek advice and share all concerns as soon as it is practical to do so.

If any child or adult service user asks the worker to keep information about potential or actual abuse secret, the worker must explain immediately and straightforwardly that such information cannot be kept secret and will be discussed with their line manager and referred to the relevant local authority.

Staff must remember that an allegation of child abuse or neglect may lead to a criminal investigation, so staff must not do anything that may jeopardise police inquiries such as asking a child leading questions or attempting to investigate the allegations of abuse.

From October 2015, the new 'mandatory reporting' duty for professionals working in the 'regulated professions' came into force. This requires PAC-UK to notify the police if it discovers that an act of FGM appears to have been carried out on a girl who is under 18 (either if they have confirmed it or it has been verbally disclosed by an affected girl). A Local Authority may exercise its powers under Section 47 of the Children Act 1989 if it has reason to believe that a child is likely to suffer or has suffered FGM. Under the Children Act 1989, local authorities can apply to the Courts for various Orders to prevent a child being taken abroad for mutilation.

If any member of staff has concerns that a child, young person or adult with safeguarding needs may be at risk of radicalisation, or involved in terrorism, they should speak to their line manager

## **Emergency Action**

In exceptional circumstances, when it is judged that the child or young person is in immediate danger, then steps should be taken to keep them safe until appropriate action can be taken by Children's Services. A decision to take such action requires immediate discussion and confirmation of actions to be taken by whom and when, with the worker's line manager.

## **7. Actions**

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1. Staff must discuss any concerns with their line manager. This discussion must be recorded, signed and dated by worker and manager. If the line manager is not available the Lead Manager for Safeguarding should be contacted directly or, in his/her absence, another senior manager.
2. All concerns about child abuse or neglect must be referred to Children's Services or the Police. Agreement with Line Manager must be sought about who should make the referral, and to whom.
3. A Safeguarding 'live' tracker exists to log all concerns and outcomes with details of actions taken when and by whom. It needs to be completed as actions are taken so there is a clear concurrent record of decisions and actions.
4. All referrals must be notified to the Lead Safeguarding Manager at the point of the referral and initial information is recorded onto the tracker. The details disclosed, along with all deliberations, decisions, correspondence and actions must be carefully recorded and collated on the SG Tracker and 'SG Form'. The SG form must be sent as a completed case recording to the PA of the CEO within one week of the notification and reporting process being completed. Case identity numbers should be given as well as names.
5. Children should be communicated with in a way that is appropriate to their age, understanding and preference. This is especially important for children with a disability and for children whose preferred language is not English. Where concerns arise as a result of information given by a child it is important to reassure them but not to promise confidentiality.

6. When a referral is made to the local authority agreement should be sought from the recipient about what the child and parents will be told, by whom and when.
7. If a referral is made by telephone, it must be confirmed in writing within 48 hours. Children's Services should acknowledge the written referral within one working day of receiving it. If such acknowledgement is not received within 3 working days, they must be contacted again by the line manager conducting the case.
8. Consent for referrals: in general, it is good practice to seek to discuss any safeguarding concerns with the family (parents and child but see also below ) and, where possible and appropriate, seek their consent to making a referral to social services. However, there will be some circumstances where a staff member should not seek consent e.g. where to do so would:
  - Place a child at increased risk of significant harm;
  - Place an adult at risk of serious harm;
  - Prejudice the prevention or detection of a serious crime;
  - Lead to unjustified delay in making enquiries about allegations of significant harm.

This should be discussed with the local authority social worker first.

## **8. Which Local Authority should be notified?**

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Referral should be made to the local authority in which the child or vulnerable adult is currently residing, as well as the placing local authority where an adopted child has been in placement for less than 3 years.

## **9. Action in relation to historical abuse**

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Adult service users may disclose they have been abused as children and possibly into adulthood. Often an individual may not report abuse until many years after the event. PAC-UK's response to allegations of historical abuse must be of a high standard since there is a significant likelihood that a person who abused a child/ren in the past, will have continued and may still be doing so (they may still have contact with children). The staff member informed about the abuse by the client must inform the client that the situation will be discussed with the staff member's manager and that the relevant local authority and the police are likely to be informed. A discussion between the staff member and their line manager, or in their absence the Lead Safeguarding Manager or

another manager, should agree the actions to be taken. Points for deliberation and decision will include:

- Whether the concerns meet the threshold for referral to the local authority: where our concerns seem borderline in terms of significant harm the local authority may already have other information/concerns about an alleged abuser, which PAC-UK is unaware of and the new information we hold could add to an accumulation of concerns and become significant. Therefore we should share information in such circumstances.
- Whether a referral to the police is necessary: even in cases of historical abuse. It may not be too late for a prosecution, although this is a police decision in conjunction with the Crown Prosecution Service. Our duty is to share information of potential (historical) significant harm.
- Whether and how to seek consent from adult service user to make a referral: careful thought must be given to how the service user might react if the police are immediately involved. The service user would be required to make a statement to the police. It is important that the service user understands that the outcome may be that no further police action is possible. This could be because of a lack of corroborating evidence or because it is later assessed by the CPS that the individual complainant will not be able to withstand detailed cross examination in a criminal trial.

In any of the above situations, the service user may indicate that he or she is unwilling to make a statement to the police or talk to Children's Services staff. A referral should still be made if, after discussion with your manager, it is decided that the allegation is of sufficient substance and concern that you/your manager believe requires further investigation.

Where the abuse disclosed to a PAC-UK staff member relates to events in the child's (or now adolescent/adult's) past, it is always advisable for the worker to ascertain whether the abuse has previously been investigated before making a referral to Children's Services as this will enable the statutory authorities to refer back to the original events.

## **10. Record Keeping**

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Clear detailed recording must be placed on the case file using SG Form and on the safeguarding tracker within 24 hours about any of the above events. The case record should include what was said, by whom (with names), the decisions made and reasons for them, the action taken, and any outcome. In any circumstances where the protection of a child has been discussed, the record should be countersigned by the manager, together with any other relevant comments or information.

Notify the Lead Manager for Safeguarding, by email, the actions, decisions taken, outcomes recorded and placed on file and recorded on the tracker. This includes

Children's Services and police decisions. Where it is decided that the threshold to notify statutory agencies has not been met it is necessary for the case recording procedure described above, including information being placed on the tracker. This ensures that where a series of lower level concerns are received over a period of time we note the threads and review and reconsider over time whether a point is reached when notification to the relevant statutory agency should occur. However the case recording does not need to be sent to the PA of the CEO but should be saved on the team safeguarding folder..

## **11. Information sharing**

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This section is about sharing information for the purposes of safeguarding and promoting the welfare of children where information received falls short of indicating risk of significant harm but the information received may contribute to a wider picture of concerns. Sharing information amongst practitioners working with children and their families is essential. In many cases it is only when information from a range of sources is put together that a child can be seen to be in need or at risk of harm.

There may be anxiety for staff about the legal or ethical restrictions on sharing information, particularly with other agencies. Staff should be aware of the law and should comply with the code of conduct or other guidance applicable to PAC-UK. These rarely provide an absolute barrier to disclosure. PAC-UK staff must be prepared to exercise their professional judgement. A failure to pass on information that might prevent a tragedy could expose PAC-UK to criticism in the same way as an unjustified disclosure.

A decision about whether to disclose information may be particularly difficult if staff think that it may damage the trust between them and their client. Wherever possible staff should explain the problem to the client, seek agreement to the disclosure and explain the reasons if deciding to act against a parent or child's wishes. It is often helpful to discuss such concerns with a senior colleague, designated or named professional.

## **12. What are the legal restrictions?**

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The decision about whether to disclose information may arise in various contexts. There may be concerns about a child that might be allayed if shared with another agency. PAC-UK staff may be asked for information in connection with an assessment of a child's needs under s17 of the Children 1989 or receive an enquiry under s47 of the Act or in connection with court proceedings. In all cases the main restrictions on disclosure of information are:

- Common law duty of confidence
- Human Rights Act 1998
- Data Protection Act 1998

Each of these has to be considered separately. Other statutory provisions may also be relevant. But in general, the law will not prevent PAC-UK staff from sharing information with other practitioners if:

- Those likely to be affected consent;
- The public interest in safeguarding the child's welfare overrides the need to keep the information confidential;
- Disclosure is required under a court order or other legal obligation.

### **13. Disclosure in the absence of consent**

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The law recognises that disclosure of confidential information without consent or a court order may be justified in the public interest to prevent harm to others, especially regarding the protection of children.

The approach to sharing confidential information should be the same whether any proposed disclosure is internally within PAC-UK or between agencies. Where it is determined that the child, or vulnerable adult, is, or maybe at risk of significant harm (see earlier definition) a referral to the relevant local authority must be made.

### **14. What if the duty is to a child or young person?**

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A duty of confidence may be owed to a child or young person in their own right. A young person aged 16 or over, or a child aged between 12 and 15 who has the capacity to understand and make their own decisions, may give (or refuse) consent to disclosure. Otherwise a person with parental responsibility should consent on their behalf and must give consent where the child is under 12.

### **15. Supervision**

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Safeguarding children entails making difficult professional judgements and decisions. All PAC-UK staff involved must have access to advice and support, from peers, managers, and named and designated professionals.

Effective supervision is important in promoting good standards of practice and in supporting individual staff members. PAC-UK will ensure that staff fully understand their roles and responsibilities, that practice is soundly based and consistent with both Local Safeguarding Children Board guidance and PAC-UK's organisational procedures.

Supervision includes scrutinising and evaluating the practitioner's work, assessing the strengths and weaknesses of the practitioner and providing coaching and development. Supervisors should be available to practitioners as an important source of advice and expertise and may be required to endorse judgements. Supervisors should record key

case decisions on the Case Supervision form for inclusion in the Case File in line with the Recording Policy.

## **16. Training**

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PAC-UK staff who come into contact with children must know of the predisposing factors, signs and indicators of child abuse. They must be able to exercise professional skill in terms of effective information sharing and have the ability to analyse information. They must also have the knowledge and skills to collaborate with other agencies and disciplines in order to safeguard the welfare of children. They will need a sound understanding of the legislative framework and the wider policy context in which they work, as well as a familiarity with the policy and procedures of local safeguarding boards.

PAC-UK is responsible for ensuring that its staff are competent and confident to carry out their safeguarding responsibilities by ensuring they attend Local Safeguarding Board training within six months of joining the organisation and that this training is repeated on a 3 yearly basis. PAC-UK will also keep records of attendance at training.

PAC-UK has an effective staff supervision and appraisal system in place across the organisation as well as effective systems for identifying and meeting any training and development needs.

As a minimum, all staff who come into contact with children or parents must have completed the Local Safeguarding Children Board's basic requirements for child protection training. Staff who work directly with children or parents may also be required to complete further training at a more advanced level, and/or demonstrate an appropriate level of knowledge, skills and expertise in child protection, supported by on-going local safeguarding board specialist training.

## **17. Recruitment and selection of staff**

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In common with all agencies and services whose staff and volunteers work closely with children, PAC-UK has policies and procedures in place to deter those who are unsuitable to work with children. Common features include the following:

- Criminal record checks and further checks if the candidate has lived abroad (more details on DBS website);

- Checks of lists maintained by the Department of Health, the Department for Education, and the Disclosure and Barring Service of those deemed unsuitable to work with children<sup>1</sup>.
- Candidates to confirm identity and residency/eligibility to work in the UK; original passports and Home Office documentation to be seen by recruiter.
- Verifying authenticity of qualifications and references directly;
- Seeking a full employment history for prospective staff and reserving the right to approach any previous employer;
- Making appointments only after references and checks are obtained;
- Making all appointments to work with children (including internal transfers) subject to a probationary period;

Even the most careful selection process cannot identify all those who may pose a risk to children. Post-employment management and supervision must always be alert to indicators of untoward behaviour.

## **18. Allegations of abuse made against a member of staff or volunteer**

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Experience has shown that those who work with children in any and every setting can subject them to abuse. Allegations against staff and volunteers must be taken seriously and treated in accordance with the relevant Local Safeguarding Children Board Procedures. Allegations may arise from a variety of sources, for example following a complaint by parents or a child or concerns being raised by other members of staff.

PAC-UK must openly recognise the possibility of abuse and must prevent the creation of circumstances that could facilitate abuse. All allegations need to be considered in context for the activity carried out by the agency; for example, physical contact may be unavoidable for some professionals but may be misinterpreted by children. For this reason, it is important that staff are given guidance on acceptable behaviour and safe working practice in order to protect them from misplaced or malicious allegations.

Where abuse by a member of staff or other professional, volunteer or student on placement is suspected, this must be reported to PAC-UK's Lead Safeguarding Manager (or another manager in their absence) who will in turn notify the LADO in Camden or Leeds within one working day. The 'LADO' is the Local Authority Designated Officer who has specific responsibility with regard to handling allegations of abuse made against those who work with children (paid workers and volunteers).

The telephone number for the LADO in Camden is: **020 7974 6999** and for Leeds is **0113 3760336**.

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<sup>1</sup> These checks are automatically undertaken by the Disclosure and Barring Service (DBS)

The LADO will make a judgement about the response needed to ensure children's safety. Initial discussions between the LADO and PAC-UK's Lead Safeguarding Manager will focus on if there is any available evidence to support the allegation and if so how it should be dealt with under this policy. Some allegations may not require any further action and it will be left to the agency to decide whether to take any disciplinary action.

As a result of the initial discussion, the LADO may decide to take any of the following courses of action:

- referral to the police for a criminal investigation
- referral to Family Support Social Work (FSSW) for assessment and possible child protection investigation
- initiation of disciplinary proceedings against the member of staff  
referral to DBS for the person to be barred where allegations are substantiated and the person is thought to be unsuitable to work with children.

For London based staff following the initial telephone conversation with Camden's LADO, the 'agency reporting form for all allegations against staff and volunteers' needs to be completed by PAC-UK's Safeguarding Lead Manager and emailed to: [child.protection@camden.gov.uk](mailto:child.protection@camden.gov.uk). This form can be found on Camden's safeguarding website: <http://www.cscb.org.uk/> under 'Professionals' heading).

For Leeds based staff the same form needs to be to the child protection team in Leeds.

If a referral is made to FSSW, a strategy meeting will be convened by Children's Services or occasionally by the police to decide whether the child has suffered significant harm and if a child protection investigation needs to take place. The strategy meeting will look at the level of risk the adult poses to children and what actions need to be taken to ensure the safety of all children the individual comes into contact with.

In addition to the referral form, the Guidance on "Managing allegations against adults who work with children"(part of London CP Procedures) is also available on the Camden Safeguarding Children Board website ([www.cscb.org.uk](http://www.cscb.org.uk)).

The LADO and the Local Authority HR department have developed a joint protocol on what information will be kept on personnel files. The protocol makes clear that when a referral leads to an investigation, at the point when the investigation has concluded, the LADO will complete a brief summary report outlining the concerns, any actions taken and the outcomes. The report will be shared with the member of staff and placed on the staff member's personnel file.

This aspect of the LADO's role applies to all PAC-UK staff whether paid, unpaid, volunteer, casual, agency and self-employed workers. They capture concerns, allegations or offences emanating from inside and outside of work. The LADO is involved from the initial phase of the allegation through to the conclusion of the case.

**Protected Disclosure (See Protected Disclosure (formerly Whistleblowing Policy and Procedures)**

All staff need to be made fully aware of the organisation's policy on whistleblowing and use it should they have any concerns of a potential safeguarding nature about a colleague or manager.

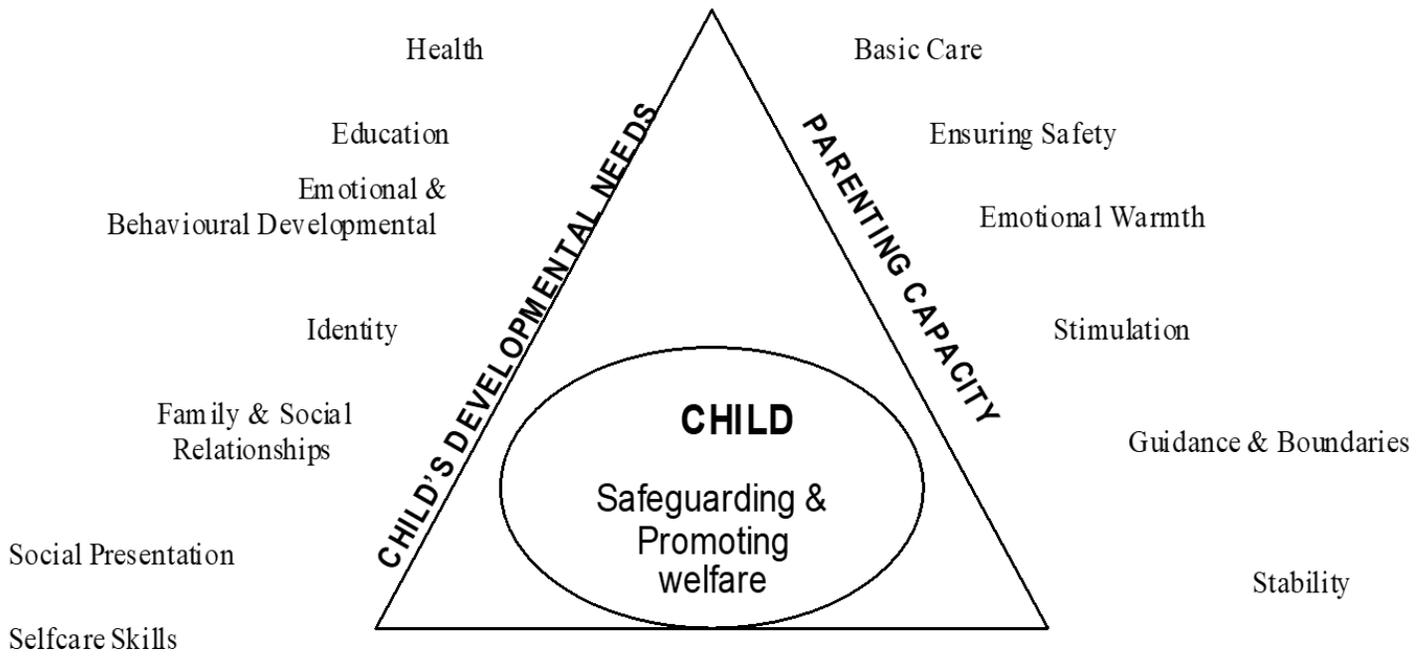
**19. References**

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Fraser Guidelines 1985  
Children Act 1989  
Data Protection Act 1998  
Human Rights Act 1998  
The Protection of Children Act 1999  
Assessment of Children in Need and their Families (2000)  
Adoption and Children Act 2002  
What To Do If You're Worried A Child Is Being Abused (2003)  
Keeping Children Safe (2003)  
The Children Act 2004  
Every Child Matters (2005)  
Working Together to Safeguard Children (2006)  
Safeguarding Vulnerable Groups Act 2006  
HM Government guidance Working Together to Safeguard Children (2013)

# Appendix 1: Assessment Framework

## Assessment Framework

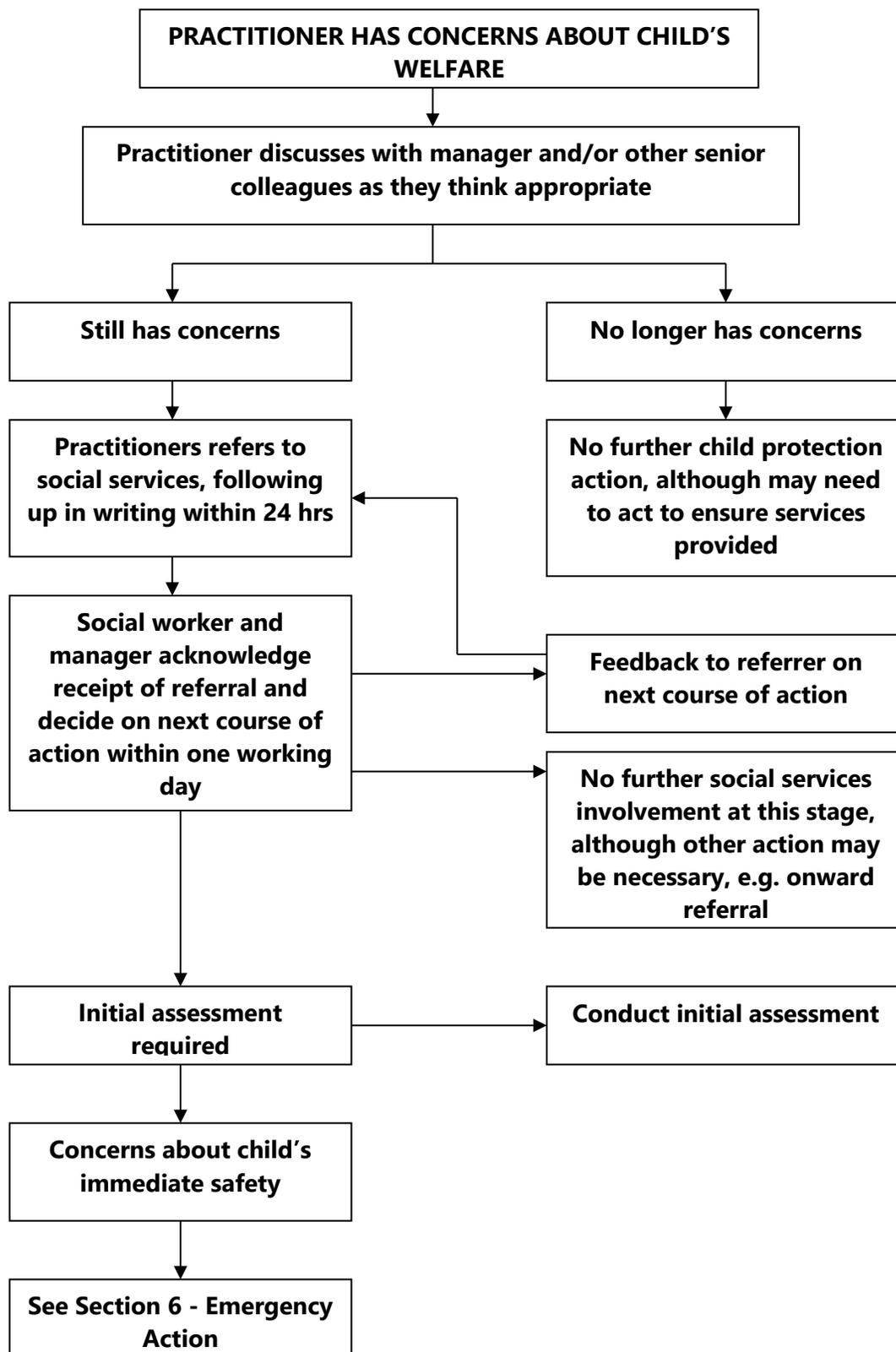


## FAMILY & ENVIRONMENTAL FACTORS

- Family History & Functioning
- Wider Family
- Housing
- Employment
- Income
- Family's Social Integration
- Community Resources

## Appendix 2: Referral Flowchart

Ref: *What To Do If You're Worried a Child is Being Abused* (2003)



## Vulnerable Adults

### Policy Statement

PAC-UK recognises that some of its service users are vulnerable and may require additional or specific support in order to protect their safety and welfare and promote their rights to services. As part of its duty of care towards service users, PAC-UK is committed:

To carry out its functions in ways that support and enable all service users to easily access, understand and participate in services provided, and to have their views sought and considered;

To take action when concerns arise in relation to vulnerable service users, and to work collaboratively with others to protect vulnerable service users from mistreatment or exploitation;

To increase staff awareness and recognition of the issues involved.

### 1. Duty of care

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A duty of care may arise through common law, regulations or contractual arrangements.

Staff and volunteers have a duty of care towards those who use PAC-UK's services. This means they have a responsibility to promote the rights and inclusion of service users wherever possible in PAC-UK's provision of services, and to actively promote their safety and welfare.

See also:

PAC-UK's Safeguarding and Promoting Welfare Policy and Procedures: Safeguarding Children: Actions to be taken in the event of concerns about a child.

Guidance for staff and volunteers on safeguarding or protecting Vulnerable Adults: What to do when there is a concern of possible mistreatment or abuse of a vulnerable adult.

### 2. Legal framework

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#### ***The Government's White Paper 'Modernising Social Services'***

Published in 1998, this stresses the importance of improving the protection for adults needing care and support.

### ***The Care Standards Act 2000***

This established the National Care Standards Commission, now Commission for Social Care Inspection (CSCI), which is England's independent regulator for social care, private, voluntary and healthcare services.

### ***'Speaking up for Justice'***

This 1998 report highlighted the treatment of vulnerable or intimidated witnesses in the criminal justice system and the need to obtain best evidence. This resulted in their eligibility for special support measures under Part 2 of the Youth Justice and Criminal Evidence Act 1999 supported by the Home Office 'Action for Justice' and 'Achieving Best Evidence' Guidance.

### ***The Human Rights Act 1998***

This places a positive duty upon public bodies to act compatibly with the 1950 European Convention on Human Rights. This includes having respect for private and family life, and freedom from discrimination or degrading treatment.

### ***'No Secrets'***

This 2000 guidance published by the Department of Health under section 7 of the Local Authority Social Services Act 1970 builds upon the Government's respect for human rights and details a national policy on the protection of vulnerable adults through effective multi-agency teamwork.

### ***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) was initially phased in from October 2009 under the Safeguarding Vulnerable Groups Act, but then halted whilst the vetting and barring scheme (VBS) was reviewed and 'remodelled' by the Coalition Government.

The aim of the scheme was to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the previous vetting systems using List 99 and POCA was 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 was also established, replacing POVA. In effect, there are just two lists: the children's barred list and the adult's barred list.

The scheme also aimed to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity. As from 01 December 2012 the decision on who should be placed on the barred lists will lie with the new Disclosure and Barring Service (DBS), an independent statutory body

formed from the merger of the Criminal Records Bureau and the Independent Safeguarding Authority

The Act covers regulated and controlled activity providers, so widening the scope particularly in relation to vulnerable adults as opposed to the previous POVA scheme.

### 3. Aims of the Policy

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- To serve as a public statement of PAC-UK's recognition of the rights of vulnerable adults to full inclusion in services, and that without additional support, vulnerable people are open to inequality of service provision;
- To provide a consistent approach across PAC-UK's services to assist the inclusion of vulnerable adults and promote the equality of service provision to them;
- To encourage attitudes and practices that help to create a responsive atmosphere in which individuals can be included in service delivery and have their voices heard;
- To respond appropriately and in a timely way to issues of inequality, abuse or exploitation, by following the procedures of host authorities or partnership agencies for safeguarding adults;
- To enable staff through training or other means to understand the importance of not allowing their own ethical or moral beliefs to intrude into their professional practice, or to impose their own values and standards on their service users or colleagues.

### 4. What we will do to achieve the aims

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To achieve the aims PAC-UK will:

- Promote the inclusion of vulnerable adults through the policies and practice of the agency
- Work together to safeguard and protect adults
- Provide clear guidance on the identification of vulnerable adults
- Respect Equal Opportunities

***- Promote the inclusion of vulnerable adults through the policies and practice of the agency***

Examples include:

- Ensuring that all documents and records used in service provision are written in a form that is clear and easy to understand;
- Providing additional support to services users where required, such as inclusion of specialist interpretation, advocates or other supportive adults;

- Allowing for additional time before, during and after meetings to allow the service user to understand and discuss or question the information or decisions relevant to the meeting;
- Providing the service user with timely, simplified written summaries of the content of meetings or visits, and of decisions made by the agency.

**- *Work together to safeguard and protect adults***

- Raise staff awareness of adult vulnerability and the need for prevention and reduction in risk in service provision.
- Enable staff to identify the mistreatment of vulnerable adults and to respond to concerns and allegations in a considered and proportional manner, using the relevant multi agency framework of referral.
- Act in accordance with the adult's wishes, balanced with our judgment of their mental capacity, their best interests and our duty of care to others, including children.
- Share information within legal and ethical constraints to safeguard adults.
- Support everyone's entitlement to civic and Human Rights. This includes ensuring carers receive appropriate advice and support services.
- Understand and respect equal opportunities, anti-discriminatory practice and diversity issues.

**- *Provide clear guidance on the identification of vulnerable adults***

A person's vulnerability and ability to protect themselves is determined by personal factors and environmental factors. These include:

- Social Isolation
- Poor self-esteem
- Minority status
- Mental Incapacity
- Physical or mental frailty
- Disability, physical or learning
- History of abuse as a child
- Drug/alcohol misuse
- Early loss of parent
- Communication difficulties
- Institutionalisation

The impact of one or more of these factors may result in service users having specific needs for additional supports in order to make the best use of services, to understand what service is being provided, and to ensure that their views are clearly communicated.

**- *Respect Equality***

It is acknowledged by PAC-UK that its service users may come from an environment where there has been multiple deprivation, abuse, and social disadvantage. This may require additional consideration by staff and volunteers to understand the specific needs of the service user and to actively seek to provide sensitive and effective methods of working together to overcome these disadvantages.

## **Procedures**

**See also Safeguarding Children: Actions to be taken in the event of concerns about a child**

## **5. Guidance**

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The following guidance is intended to assist staff who have concerns for the safety and welfare of adult service users.

If you are working with a vulnerable adult service user, you may see or hear about situations that give rise to concern either to you or the service user. Examples include: exploitation or abuse of the adult, current or historical information which may give cause for concern about the safety or welfare of a child or other adults, criminal activity.

Remain calm, listen patiently, and treat the information seriously.

Reassure the person who is telling you their concerns or demonstrating to you that there may be cause for concern that they are doing the right thing in doing so.

Tell them what you will do next.

Do not promise confidentiality. Explain that you will have to share information, but that you will do so only with those people who need to know it.

Remember to consider your own safety as well as that of others.

Discuss the case with your supervisor immediately and decide the next action to be taken. If the decision is to make a referral to Social Services or to the police, the formal referral procedure should be followed which is relevant to the local authority responsible for the service user.

Make a prompt legible record of what you saw or were told, using the adult's actual words. Note the name of any witnesses, accurate times and the reasons for actions you took. Make sure you distinguish between fact and opinion. Sign and date your record.

## 6. References

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In October 2005 the Association of Director of Social Service Departments (ADSS) launched the *Safeguarding Adults: A National Framework of Standards*. This contains a collection of good practice examples and a set of eleven standards for safeguarding adults.

Note: There has been a shift in language from 'vulnerable adult' as used in the *No Secrets* DoH guidance document to 'safeguarding adults'.