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## Part 1. Safeguarding children and young people policy

1. ARC's aim is to ensure, through effective inspection and regulation, that outcomes for children and young people are improved by the receipt of better care, services and education. Improved outcomes can only be achieved if children are safe from harm. Therefore, safeguarding the welfare of children is part of our core values.

### Purpose of this document

2. The purpose of this document is to outline ARC's policy on responding to concerns regarding the safeguarding and protection of children and young people aged under 18 years.<sup>1</sup> This policy, combined with the associated procedures, provides guidance to all staff or volunteers who may come across concerns of this nature within the context of their work with ARC. This includes:
  - all members of ARC's core team
  - Children/youth group volunteers
  - All individuals within the camp

### The definition of safeguarding

3. ARC adopts the definition used in the Children Act 2004 and the Department for Education (DCSF (now DfE)) guidance document Working together to safeguard children (2010, paragraph 1.20), which focuses on safeguarding and promoting children and young people's welfare and can be summarised as:
  - protecting children from maltreatment
  - preventing impairment of children's health or development
  - ensuring that children are growing up in circumstances consistent with the provision of safe and effective care, and
  - undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully.

### Aims and objectives of the policy

4. ARC as a group will regularly take up inspection activities covering settings that also have broader safeguarding responsibilities. In all of this activity, as well as responding to immediate concerns, we will ensure that appropriate measures and practice to safeguard and promote the welfare of children are in place and bring matters requiring attention to the relevant authorities.
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5. The safeguarding officer can be anyone within ARC's community. They are required to complete an online basic safeguarding training and assessment programme, supplemented by a refresher module after five years. This means they will be expected to have a good understanding of safeguarding concerns, including potential abuse and neglect of children and young people, which may come to light in the workplace as well as in the settings we regulate and inspect
6. We will ensure that all ARC's volunteers and those who undertake work on our behalf maintain a proper focus on safeguarding children and young people and that this is reflected both in sound individual practice and our internal policies and guidance. All parties involved in working with children and young people must:
  - give highest priority to children's welfare
  - recognise, identify and respond to signs of abuse, neglect and other safeguarding concerns relating to children and young people
  - respond appropriately to disclosure of abuse
  - respond appropriately to allegations against staff, other adults, and against themselves
  - act appropriately during inspection and understand safe practice in carrying out their duties
  - be alert to the risks which abusers, or potential abusers, may pose
  - contribute as necessary to all stages of ARC's safeguarding and protection processes.

## ARC's responsibilities

7. ARC does not investigate individual child protection cases or referrals. ARC is not the statutory authority for the conduct of enquiries into specific child protection concerns; therefore all volunteers need to follow the procedures to ensure that all allegations or suspicions of abuse or significant harm to any child are reported to the children's services department of the relevant local authority. We will share all relevant information with the respective statutory child protection agencies (children's services and/or police) without delay and within agreed protocols.
8. ARC will ensure that it fulfils its responsibilities to work jointly with others to safeguard and promote the welfare of children and young people and, where necessary, to help bring to justice the perpetrators of crimes against children.
9. ARC will also fulfil its own responsibilities and powers as a regulator (for example, in relation to early years and childcare settings and social care settings such as children's homes) and take whatever enforcement action is deemed necessary to protect children.

## Future action

10. ARC has established a Safeguarding Group, accountable to the main Safeguarding officer, it is to:
  - coordinate the implementation of the policy and procedures and associated briefings. (see appendix 2)
  - monitor compliance with the policy
  - ensure that procedures, advice and guidance work effectively and are revised as needed
  - consider and advise on the review and development of inspection methodologies by individual directorates to ensure that safeguarding issues are adequately addressed
  - develop arrangements for utilising and collating safeguarding evidence arising out of inspections
  - report to the Safeguarding officer on matters relating to safeguarding.

## Part 2. Procedures for responding to specific child protection concerns about children at risk of significant harm

### Scope of the procedure

11. ARC volunteers may encounter child protection concerns. Such concerns could emerge from ARC's work with the children or young people, from a member of the public contacting ARC or by a complaint.
12. The concern might relate to:
  - what is or may be happening (or happened in the past) to a child or young person in an organisation (for instance a nursery or school), or
  - what is happening (or happened) outside that organisation (for instance in their own family).
13. The concern may be brought to our attention by the child or young person themselves, alleged by others or through direct observation.
14. The concerns may therefore be about the behaviour of a:
  - member of staff/volunteer (for instance a teacher, social worker or group worker)
  - provider of a service (for instance a childminder, foster parent or volunteer)
  - peer (for instance another young person in a children's home)
  - child or young person or adult in the community (for instance a relative or family friend)

- member of ARC' s team (for instance a youth work volunteer).
15. The concern could relate to actions or inaction (for instance an insufficient response by a provider to information regarding the risk of significant harm to a child or young person).
  16. The concern may be about a current situation or past events and may be about allegations or disclosures of physical abuse, sexual abuse, emotional abuse or neglect, or a combination of one or more of these categories. For a more detailed set of definitions, refer to Appendix 1.
  17. ARC volunteers may receive this information by one or more means, such as a telephone call, a letter, an email, through observation, discussion and the examination of documents.

Any member of ARC volunteers could receive such information. In all circumstances they must respond in accordance with the following procedure.

#### Note

18. Volunteers receiving a complaint need to decide whether any matters need to be dealt with under the child protection procedures as well. This may be particularly relevant when considering complaints about bullying. If in doubt seek advice from the safeguarding officer, who will take it further.

#### Immediate action to take if, as a member of ARC you observe abuse while it is taking place

19. This could take a number of forms, for instance seeing an adult hit a child, observing a member volunteer using inappropriate restraint on a young person or witnessing the neglect of basic care needs of a disabled child.
20. First, do all you can to stop the abuse immediately without putting the child or young person, or yourself, at undue risk. Inform the perpetrator of your concerns. Advise them to stop the action immediately. Ask them to move themselves to an area where there is no contact with children and/or young people. Advise them that you will immediately be informing the safeguarding officer on site.

#### Then:

- if the perpetrator fails to desist – take appropriate action to stop the abuse and call for assistance
- if the perpetrator does desist, and even if they leave the scene as requested, it is essential that you stay with the child until you can transfer them to the care of another responsible adult.

Then:

- report the incident immediately to the safeguarding officer.
21. Take notes of what has been said, what you have heard or seen – if it is not possible to take notes at the time, do so immediately afterwards. Keep the notes taken at the time, without amendment, omission or addition, whatever subsequent reports may be written. The notes should be dated and signed. The notes should cover what you saw, who said what, what action you took, and the details of date, time and location and names of child and perpetrator.
22. Then follow steps in.

### Immediate action to take if you receive an allegation of possible significant harm to a child or young person

If you are in direct contact with the person raising the concern, for instance through a telephone call or receipt of a complaint.
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- Stop other activity and focus on what you are being told, or have just seen. Responding to suspicion of abuse takes immediate priority.
  - Do not promise confidentiality or agree to 'keep it a secret'. Explain clearly to the person raising the concern about what you expect will happen next. You can assure them that you will only tell those you have to tell to try to get the matter dealt with. You can and should express support and reassurance to the person giving you the information, particularly if it is a child or young person, that the matter will be dealt with quickly and appropriately.
  - It is absolutely vital that you avoid any action that could jeopardise subsequent investigations, including legal proceedings. In particular, avoid asking leading questions like 'Did he do X to you?' or 'How did he hurt the young person' but confine yourself to open questions like 'Can you tell me what happened?' and 'What happened next' or 'Who said that?'
23. Ask only what you need to know to come to a judgement about whether abuse may have taken place and to gather factual details. You do not need full details but do need sufficient information for an informed referral:
- details of the concern or allegation
  - name, date of birth and address of the child or young person
  - details of the service or setting the allegation is being directed at including contact details of manager on site, and so on
  - if possible, additional relevant information regarding the child, for example ethnicity and details of other agencies involved.

24. If talking with a child then work at their pace – do not rush them. Avoid expressing opinions.

- Consider whether immediate action is needed to secure the protection of any children or young people who may be at risk. Think about the child or young person who is the immediate subject of the concerns, and any other child or young person who may be at risk, in light of what you have been told or suspect.
- If you are working with any children or young people, who may be at immediate risk, consider what action may be necessary to secure their safety. You will need to stay with those you think are at immediate risk until you can transfer them to the care of another responsible adult. Then you will need to contact the Safeguarding officer on site, so they can take responsibility for further action. If there is no-one on site you will need to contact Harrogate social services (see section 5), they will then decide on any further action you may need to take to ensure children's safety.
- If you are not onsite with a child or young person, discuss how they may make themselves safe. Take into account the child's or young person's wishes about any immediate protection. Check whether any other children may be at risk and consider what action is necessary to secure their immediate safety.
- Take notes of what has been said, what you have heard or seen and what you did – if it is not possible to take notes at the time, do so immediately afterwards. Keep the notes taken at the time, without amendment, omission or addition, whatever subsequent reports may be written. Wherever possible, try to write down what was said verbatim, and make it clear (for example, by using quotation marks) where your notes record somebody's actual words. Notes should be dated and signed.
- Follow the steps below entitled identification of level of concern and next steps.

If you are not in direct contact with the person raising the concern, for instance if you have received a letter or email.

- Stop other activity and focus on what you are being told. Responding to suspicion of abuse takes immediate priority.
- Retain any written records including emails and letters.
- Follow the steps below entitled identification of level of concern and next steps.

## Identification of level of concern and next steps

25. In all cases:

- Do not, at this stage, tell the person who is the subject of an allegation or suspicion what you have been told or what you suspect – that may put a child or young person at further risk and/or jeopardise any subsequent enquiry.
- Do not investigate the case yourself. While professionals should seek, in general, to discuss any concerns with the child and family and, where possible, seek their agreement to making referrals to local authority children's social care, this should only be done where such discussion and agreement-seeking will not place a child at increased risk of suffering significant harm.
- Decide whether the allegation or suspicion indicates that a child or young person may be suffering, or is at risk of suffering, significant harm ('significant harm' is the trigger for children's social care services and/or subsequent police enquiries. You can find more details of what is meant by significant harm in Annex 1). You will need to discuss with the local social services team (see section 5) whether:
  - the allegation or suspicion would constitute a child or young person suffering, or being at risk of, significant harm
  - the actual or likely harm is of a sexual, physical, emotional or neglect nature, or involves witnessing domestic violence, sufficient to affect the child's or young person's normal physical, sexual, emotional, educational or social development.
- Remember, whether or not you personally believe what is said, the benefit of the doubt must always be in favour of making the report. You do not personally have to believe the concern to be true to make a referral. This assessment is for children's services and/or the police to make. False allegations, even anonymous ones, are relatively rare.

If the concerns are raised during the course of ARC's conference and you are a member/volunteer of the team discuss the allegation immediately with the Safeguarding officer (unless they are the subject of the allegation).

- The Safeguarding officer will decide whether they, or you, should contact the local social services team. The local social services team will need first-hand reports or evidence, so you will usually be the best person to make contact.
- If you are unable to contact the Safeguarding officer or you are working alone, contact the local social services team directly and without delay.

Follow the steps entitles subsequent action in all cases.

## Subsequent action in all cases

- Jesmond House 29 Victoria Ave Harrogate, North Yorkshire HG1 5QE - 01423 568099. If unavailable contact the local authorities immediately on 999

26. For any referral to be made to the appropriate authorities for investigation you will need to know:

- details of the concern/allegation
- name, date of birth and address of the child or young person
- details of the service/setting being inspected including contact details of manager on site, and so on
- if possible, additional relevant information regarding the child, for example ethnicity and details of other agencies involved.

## Allegations about a Volunteer or officer

Decide whether any immediate action needs to be taken in line with this document and then contact Safeguarding officer or local social services team.

- Where concerns are reported about any ARC member, they should always be passed to the Safeguarding officer or local social services team in line with Working together to safeguard children.
- If concerns are raised about the Safeguarding officer in all cases go straight to contacting the local social services team.

See Appendix 2 for more details relating to complaints or concerns about staff.

## Part 3. Safeguarding vulnerable adults

### Policy and procedures

#### Introduction

27. The legal and policy basis for responding to concerns regarding the safeguarding and welfare of vulnerable adults is entirely different from that for children and young people. Working together to safeguard children only applies to children and young people up to when they reach the age of 18. Any incident or concerns relating to a young person or adult of 18 years and over, even if still at school, are not covered by Local Safeguarding Children's Boards or their procedures. Government guidance in relation to adults is contained in the document 'No Secrets' and the previous Protection of Vulnerable Adults guidance (now Adult's List guidance).<sup>2, 3</sup> Good practice guidance is also available through the Association of Directors of Social Services publication Safeguarding Adults: A national framework of standards for good practice and outcomes in adult protection work.

#### Policy statement

28. ARC is committed to working with other agencies to ensure that people in settings that we inspect are safeguarded. People who use services have a right to live and work in environments free from abuse, neglect and discrimination.
29. ARC does not investigate issues of concern in relation to vulnerable adults. Local councils and the police hold the lead responsibilities for responding to allegations of abuse in relation to adults and in coordinating the local interagency framework for safeguarding adults.
30. ARC will bring to the attention of the social services and police any concerns or allegations identified through any part of its work.

The definition of abuse of adults is contained in 'No Secrets' (Para 2.5)

31. Abuse is a violation of an individual's human and civil rights by other person or persons. Abuse may consist of single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent.

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<sup>2</sup> No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, DoH, 2000;  
[www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4008486](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008486)

<sup>3</sup> Protection of Vulnerable Adults (POVA) scheme in England and Wales for care homes and domiciliary care agencies: a practical guide, DoH, 2004;  
[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4085855](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4085855).

Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

32. A vulnerable adult is defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is aged 18 years or over and who:<sup>4</sup>
- is living in residential accommodation, such as a care home or a residential special school
  - is living in sheltered housing
  - is receiving domiciliary care in their own home
  - is receiving any form of healthcare
  - is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)<sup>5</sup>
  - is under the supervision of the probation services
  - is receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
  - is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
  - is an expectant or nursing mother living in residential care, or
  - is receiving direct payments from a local authority or health and social care trust in lieu of social care services.
33. Within this context abuse can take the form of:
- physical abuse – including hitting, pushing, kicking, misuse of restraint or inappropriate sanctions
  - sexual abuse – including sexual assault or acts to which the adult did not, or could not consent
  - psychological abuse – including emotional abuse, threats, deprivation of contact, humiliation, intimidation, coercion, verbal abuse, isolation or withdrawal from services
  - financial or material abuse – including exploitation and pressure in connection to wills, property, inheritance or financial transactions
  - neglect or acts of omission – including ignoring medical or physical care needs, withholding of medication or adequate nutrition and failure to provide access to appropriate health, social care or educational services

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<sup>4</sup> Safeguarding Vulnerable Groups Act 2006, 2006; [www.legislation.gov.uk/ukpga/2006/47/contents](http://www.legislation.gov.uk/ukpga/2006/47/contents).

<sup>5</sup> Immigration and Asylum Act 1999; [www.legislation.gov.uk/ukpga/1999/33/contents](http://www.legislation.gov.uk/ukpga/1999/33/contents).

- discriminatory abuse – including racist, sexist and other forms of harassment.

#### Procedure for responding to safeguarding concerns relating to vulnerable adults

34. The principles for volunteers in identifying and responding to incidents of concern in relation to adults are the same as those for children and young people. In most cases exactly the same process and guidance outlined in Part 2.
35. In summary if an act of abuse or neglect of a vulnerable adult is identified or suspected then the members of the ARC community should:
  - stop everything else and concentrate on what you are observing or being told
  - ensure the immediate safety of the vulnerable adult (and any other persons)
  - do not promise confidentiality or agree to keep something secret
  - do not investigate yourself and avoid asking leading questions
  - obtain the necessary information to make an informed referral
  - contact the local social services team – 01423 568099 to discuss next steps and appropriate action
  - advise the Safeguarding officer within the setting being inspected.
  - make and keep a record of the incident and actions taken.

## Appendix 1. Definitions

### Abuse and neglect

The following definitions are taken from Working together to safeguard children (DCSF (now DfE): March 2010).

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults or another child or children.

### Physical abuse

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

### Emotional abuse

Emotional abuse is the persistent emotional maltreatment 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. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber-bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

### Sexual abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

## Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

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

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### The concept of significant harm

Some children are in need because they are suffering or likely to suffer significant harm. The Children Act 1989 introduced the concept of significant harm as the threshold that justifies compulsory intervention in family life in the best interests of children, and gives local authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the welfare of a child who is suffering, or is likely to suffer significant harm.<sup>6</sup>

A court may make a care order (committing the child to the care of the local authority) or supervision order (putting the child under the supervision of a social worker, or a probation officer) in respect of a child if it is satisfied that:

- the child is suffering, or is likely to suffer, significant harm, (including impairment suffered from seeing or hearing the ill-treatment of another); and
- the harm or likelihood of harm is attributable to a lack of adequate parental care or control (section 31 of the Act).

There are no absolute criteria on which to rely when judging what constitutes significant harm. Consideration of the severity of ill-treatment may include the degree and the extent of physical harm, the duration and frequency of abuse and neglect, the extent of premeditation, and the presence or degree of threat, coercion, sadism and bizarre or unusual elements. Each of these elements has been associated with more severe effects on the child, and/or relatively greater difficulty in helping the child overcome the adverse impact of the maltreatment. Sometimes, a single traumatic event may constitute significant harm, for example, a violent assault, suffocation or poisoning. More often, significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development. Some children live in family and

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<sup>6</sup> The Children Act 1989; [www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents).

social circumstances where their health and development are neglected. For them, it is the corrosiveness of long-term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm. In each case, it is necessary to consider any maltreatment alongside the child's own assessment of his or her safety and welfare, the family's strengths and support services, as well as an assessment of the likelihood and capacity for change and improvements in parenting and the care of children and young people.

## Protection of vulnerable adults

Alongside ARC's responsibility to safeguarding children and young people, it has equal regard and concern for safeguarding vulnerable adults who are not covered by child protection legislation.

ARC volunteers, should be aware of their responsibility towards vulnerable adults and to contribute to preventing further abuse if they are made aware of it.

The basis for the following is Department of Health guidance detailed in No Secrets (2000) and the Protection of Vulnerable Adults (2004) and reflected in the 'Adult List' requirements of the Safeguarding Vulnerable Groups Act 2006.

A vulnerable adult is defined by the Safeguarding Vulnerable Groups Act 2006 as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a welfare service defined as the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services.

Note, however, that people are not vulnerable adults just because of any learning difficulty or learning disability. They will be defined as vulnerable adults when they

receive health, social care or other services, or activities specifically for those with learning difficulties and/or disabilities.

Adults considered to be vulnerable in the above definition may have a range of learning difficulties and/or disabilities, including: mental health difficulties, significant behavioural and emotional difficulties; cognitive learning difficulties, including severe and complex learning disability; sensory disability; and speech and language disability and communication disorders, including autistic spectrum difficulties and Asperger's Syndrome.

This is not a complete list nor does it imply that all learners who have such learning difficulties and/or disabilities should be considered to be a vulnerable adult.

### What is meant by abuse in the context of vulnerable adults?

In addition to definitions provided above, in the context of vulnerable adults the following outlines the main forms of abuse:

- physical abuse, including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions
- sexual abuse, including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting
- psychological abuse, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks
- financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits
- neglect and acts of omission, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating
- discriminatory abuse, based on disability, gender, race, age, religion or belief, gender reassignment and sexual orientation and other forms of harassment, slurs or similar treatment.

Incidents of abuse may be multiple, either to one person in a continuing relationship or service context – or to more than one person at a time. Patterns of abuse and abusing vary and reflect very different circumstances. These include:

- serial abusing in which the perpetrator seeks out and 'grooms' vulnerable individuals. Sexual abuse usually falls into this pattern as do forms of financial abuse

- long-term abuse in the context of an ongoing family relationship such as domestic violence
- opportunistic abuse such as theft
- situational abuse which arises because pressures have built up and/or because of difficult or challenging behaviour
- neglect of a person's needs because those around him or her are not able to be responsible for their care, for example, if the carer has difficulties attributable to such issues as debt, alcohol or mental health problems
- institutional abuse which features poor care standards, lack of positive responses to complex needs, rigid routines, inadequate staffing and insufficient knowledge base within the provider or service
- unacceptable 'treatments' or programmes with sanctions or punishments such as withholding food and drink, seclusion, unnecessary and unauthorised use of control and restraint, or over-medication
- failure to ensure staff receive appropriate guidance on anti-racist and anti-discriminatory practice
- failure to access key services such as health care and dentistry
- misappropriation of benefits and/or use of the person's money by other members of the household
- fraud or intimidation in connection with wills, property or other assets.

Some instances of abuse will constitute a criminal offence. In this respect vulnerable adults are entitled to the protection of the law in the same way as any other members of the public. In addition, statutory offences have been created which specifically protect those who may be incapacitated in various ways. Examples of actions which may constitute criminal offences are assault, whether physical or psychological, sexual assault and rape, theft, fraud, and other forms of financial exploitation, and certain forms of discrimination, whether on racial or gender grounds.

Alleged criminal offences differ from all other non-criminal forms of abuse in that the responsibility for initiating action invariably rests with the state in the form of the police and Crown Prosecution Service. While private prosecutions are theoretically possible, they are exceptional in practice. Accordingly, when complaints about alleged abuse suggest that a criminal offence may have been committed it is imperative that reference should be made to the police as a matter of urgency. Criminal investigation by the police takes priority over all other lines of enquiry.

Non-criminal forms of abuse must be also treated with the highest priority. These should be brought to the attention of the Safeguarding officer. Such instances may also require referral to other local authority agencies, including local social service departments, ARC and the Care and Social Services Inspectorate.

## Appendix 2. Complaints or concerns about our staff

ARC will seek to ensure that children and young people, parents and carers, members of the public and service providers and our employees have ready access to us if they have concerns about the conduct of our staff or those undertaking work on our behalf.

We have rigorous procedures in place to ensure that the individuals who are recruited into ARC posts are fit and suitable for those posts and we have robust policies which enable us to follow up quickly any allegations about the conduct of our own staff.

We will have two safeguarding contact people, one male and one female, who will be trained in safeguarding good practice and to whom people report an incident or concern.

Each group will have 1 leader trained in safeguarding good practice and these will report to the safeguarding contact people.

No leader will work alone with children.

### Pre-volunteer

#### Disclosure Barring Service checks

We carry out enhanced Criminal Record Bureau (DBS) checks for all volunteers

We ensure the people we have working with groups work in accordance with the safeguarding policy

That the safeguarding officer(s) know how groups are run

We never have lone workers.

### During employment

#### Complaints

A complaint about the conduct of an ARC volunteer may come through various routes. These include:

- through our formal procedure as detailed in this document
- through other correspondence from the public
- through a helpline
- Through anyone connected to ARC

However we receive the complaint, ARC will ensure that all complaints are treated with due care and attention, considering the expectations of the public and also the fair treatment of our volunteers. Where the complaint involves a safeguarding issue, this should immediately be referred to the Local social services team.

If the issue does not require immediate referral, we would review the information we have and gather more information. Then we discuss the matter with the person complained about, or whom we have concerns about, and make a decision about whether they need training and or support or we would remove them from their role. We would also document the whole situation carefully.

### Disciplinary process

This escalated disciplinary process will apply where a volunteer is suspected and/or accused of, or deemed to have acted in contravention of the safeguarding policy. This applies where there is a child protection issue because of an employee's action or as a result of their inaction, whether wilful or because of negligence. Depending on the circumstances, this may also include a capability review. Additionally, the policy may apply where a family member or an acquaintance of an ARC volunteer is implicated in, suspected and/or accused of a matter related to abuse of a child or children where there is evidence that the employee had knowledge of the activity and did nothing.

### Subsequent convictions.

If anyone, having volunteered for ARC in the capacity of children's group leader, is subsequently convicted of a crime which may impact safeguarding issues, they are obliged to inform us so we can take appropriate steps to ensure the well being of our community members.

## Appendix 3. The legislative context

Working together to safeguard children (DCSF (now DfE), 2010) sets out how organisations and individuals should work together to safeguard and promote the welfare of children and young people, in accordance with the Children Act 1989 and the Children Act 2004. These Acts are the primary legislation from which Working together to safeguard children derives its legislative basis. This latest edition (2010) follows the publication of Lord Laming's report The Protection of Children in England: a progress report in March 2009 and the acceptance by Government of all his

recommendations.<sup>7</sup> It has also been updated to reflect developments in legislation policy and practice relating to safeguarding children.

Part I of Working together to safeguard children is statutory guidance and includes in chapter 6 supplementary guidance on safeguarding and promoting the welfare of children, including:

- sexually exploited children
- children affected by gang activity
- fabricated or induced illness
- investigating complex (organised or multiple) abuse
- female genital mutilation
- forced marriage and honour-based violence
- allegations of abuse made against a person who works with children
- abuse of disabled children
- child abuse linked to belief in 'spirit possession'
- child victims of trafficking.

Part II is non-statutory practice covering lessons from research, working with children and families, safeguarding children who may be particularly vulnerable and managing individuals who pose a risk to children.

Working together to safeguard children provides helpful guidance on the roles and responsibilities of organisations and providers in the safeguarding of children and young people.

Section 11 of the Children Act 2004 and section 55 of the Borders, Citizenship and Immigration Act 2009 place duties on organisations and individuals to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.<sup>8</sup> Section 175 of the Education Act 2002 places the same duties on organisations and individuals to achieve this by:

- creating and maintaining a safe learning environment for children and young people; and,
- identifying where there are child welfare concerns and taking action to address them, in partnership with other organisations where appropriate.

Education staff have a crucial role to play in helping identify welfare concerns, and indicators of possible abuse or neglect, at an early stage: referring those concerns to the appropriate organisation, normally local authority children's social care,

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<sup>7</sup> The Protection of Children in England: a progress report, 2009, <http://publications.education.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=HC+330>.

<sup>8</sup> The Children Act 2004; [www.dcsf.gov.uk/childrenactreport/](http://www.dcsf.gov.uk/childrenactreport/).

contributing to the assessment of a child's needs and, where appropriate to ongoing action, to meet those needs. When a child has special educational needs, or is disabled, the school will have important information about the child's level of understanding and the most effective means of communicating with the child. They will also be well placed to give a view on the impact of treatment or intervention on the child's care or behaviour.

This statement should clearly set out staff responsibilities for reporting suspected child abuse or neglect in accordance with Local Safeguarding Children Board procedures and should include contact and telephone numbers for the local police and children's services. It should also include procedures to be followed in the event of an allegation being made against a member of staff or volunteer. All organisations providing group day care must have a designated person who is responsible for liaison with local child protection agencies on child protection issues, and other staff should be able to implement child protection procedures in the absence of that person.

In addition:

The Children Act 2004:

'proposed changes in policy and legislation in England to maximise opportunities and minimise risks for all children and young people, focusing services more effectively around the needs of children, young people and families. The Act gives effect to the legislative proposals set out in the Green Paper to create clear accountability for children's services, to enable better joint working and to secure a better focus on safeguarding children.'

Integrated services for children are defined as:

'...services for children and young people aged 0–19 inclusive, whether by statutory, voluntary or private providers, which are assessed by any of the 10 inspectorates and commissions listed in section 20 of the Children Act 2004. It also includes services for those over 19 who are receiving services as care leavers under sections 23C and 24D of the Children Act 1989, and those over 19 but under 25 with a learning difficulty within the meaning of section 13 of the Learning and Skills Act 2000 and receiving services under that Act. However, for certain services in secure training centres, prisons and immigration removal centres, by youth offending teams, local probation boards and police forces, only services for children up to their 18<sup>th</sup> birthday are within scope.'

The Safeguarding Vulnerable Groups Act 2006 reforms arrangements for safeguarding children and vulnerable adults. The purpose of the new scheme is to minimise the risk of harm to children and vulnerable adults from those who might seek to harm them through their work (paid or unpaid). It seeks to do this by barring unsuitable individuals not just on the basis of referrals, but also at the earliest possible opportunity, as part of a centralised vetting process that all those working closely with children and/ or vulnerable adults will have to go through. The new arrangements introduced by the Act will replace the existing arrangements

provided for under the Protection of Children Act 1999,<sup>9</sup> the Care Standards Act 2000,<sup>10</sup> the Criminal Justice and Court Services Act 2000<sup>11</sup> and the Education Act 2002.

The Disclosure Barring Service (DBS) is an executive agency of the Home Office. It provides access to criminal record information to help organisations make safer recruitment decisions by identifying candidates who may be unsuitable for certain work. The DBS now offers one type of effective disclosure:

- enhanced disclosure shows current and spent convictions, cautions, reprimands and warnings held on the Police National Computer. In the case of a post which involves working with children, the Protection of Children Act 1999 list and information that is held under the section 142 of the Education Act 2002 – commonly known as List 99 and now being replaced by the ISA children's barred list – will be searched. Any person whose name is on List 99 (now the ISA list) is barred from working with children. Enhanced disclosures also show any relevant information held by local police forces such as details of acquittals, pending prosecutions or other non-conviction information.

### Children and Vulnerable Adults Barred Lists

The Safeguarding Vulnerable Groups Act 2006 set out the legislative context for the introduction of the ISA and the Vetting and Barring Scheme, with its barred lists for children and vulnerable adults. This legislation replaces the previous barred lists under the Protection of Children Act 1999 and the Protection of Vulnerable Adults scheme.

Section 6.6 of the then DCSF guidance The PoCA 1999: A Practical Guide to the Act for all Organisations Working with Children (2005) (<http://publications.teachernet.gov.uk/eOrderingDownload/PoCA%20Guidance%20%28Final%29%200905.doc>) sets out what should be considered as 'misconduct' for the proposes of inclusion on the barred list:

'...in the circumstances of this Act misconduct would range from serious sexual abuse through to physical abuse which may include intentional inappropriate restraint and/or consistently poor child care practices in contravention of organisational codes of conduct which resulted in harm or risk of harm to children.'

The Protection of Vulnerable Adults (POVA) scheme set out in the Care Standards Act 2000 (now replaced by the Safeguarding Vulnerable Groups Act 2006) was implemented on a phased basis from 26 July 2004. At the centre of the scheme is the POVA list (now ISA Vulnerable Adults barred list). Care workers who have harmed a vulnerable adult, or placed a vulnerable adult at risk of harm, (whether or

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<sup>9</sup> Protection of Children Act 1999, [www.legislation.gov.uk/ukpga/1999/14/notes/contents](http://www.legislation.gov.uk/ukpga/1999/14/notes/contents).

<sup>10</sup> Care Standards Act 2000, [www.legislation.gov.uk/ukpga/2000/14/contents](http://www.legislation.gov.uk/ukpga/2000/14/contents).

<sup>11</sup> Criminal Justice and Court Services Act 2000, [www.legislation.gov.uk/ukpga/2000/43/contents](http://www.legislation.gov.uk/ukpga/2000/43/contents).

not in the course of their employment) are banned from working in a care position with vulnerable adults. This legislation covers England and Wales.

The Vetting and Barring Scheme began to operate from 12 October 2009, when the definitions of regulated and controlled activity came into operation, requirements in relation to barred individuals were introduced and requirements to refer to the ISA took effect. You can find detailed guidance on the scheme at:

[www.isa.homeoffice.gov.uk/PDF/VBS\\_Guidance.pdf](http://www.isa.homeoffice.gov.uk/PDF/VBS_Guidance.pdf).

Since October 2009, it has been a criminal offence for individuals barred by the ISA to work or apply to work with children or vulnerable adults in a wide range of posts – including most jobs in the NHS, Prison Service, education and childcare. Employers also face criminal sanctions for knowingly employing a barred individual across a wider range of work.

Employers, local authorities, professional regulators and other bodies have a duty to refer to the ISA any information about individuals working with children or vulnerable adults where they consider them to have caused harm or pose a risk of harm.

Regulated activity is the term used in the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 to cover activities where people are working or volunteering with children or vulnerable adults on a regular basis.

Regulated activity covers anyone working closely with children or vulnerable adults, either paid or unpaid, not part of a family or personal arrangement, on a frequent or intensive basis.