



Safeguarding Children and Vulnerable Adults Policy within SNAP Cymru Training Provision

1. Definition

The safeguarding and protection of children, young people and vulnerable adults can be defined as protecting such groups from physical, emotional or sexual abuse or neglect. SNAP Cymru recognises that all learners have a fundamental right to be protected from harm and should be given the opportunity to gain the maximum benefit possible from their educational opportunities

2. Audience

The intended audience for this document is:

SNAP Cymru staff, volunteers and learners and any external or guest trainers or speakers who are involved in the delivery of SNAP Cymru, Agored Cymru provision

This policy covers all the courses delivered by SNAP Cymru, both accredited and non-accredited

3. Introduction

3.1 In relation to legislation, a child is considered to be anyone who has not yet reached their eighteenth birthday. Therefore, throughout this document “children” will be used to describe both “children and young people”. The fact that a child has become sixteen years of age is living independently or is in further education, a member of the armed forces, in hospital, or within the criminal justice system does not change their status or their entitlement to services or protection.

3.2 In the Law Commission (1997) document “Who decides? Making decisions on behalf of mentally incapacitated adults”, the broad definition of a vulnerable adult is a person who is eighteen years of age or over, and who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of her/himself, or unable to protect her/himself against significant harm of exploitation”. The main categories of people covered by this definition include people who have a learning disability or difficulty; physical or

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sensory impairments; mental illness including dementia; people with substance misuse problems; and those who are old and frail. For the purposes of this definition, “community services” will be taken to include all care services provided in any setting or context.

3.3 The interest of the child is paramount in all considerations of welfare and safeguarding. Safeguarding children is everyone’s responsibility. Child protection is a part of safeguarding and promoting welfare. This refers to the activity which is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect. Harm is defined as ill-treatment or the impairment of health or development, including, for example, impairment suffered from seeing or hearing the ill-treatment of another.

3.4 There are four categories of abuse: emotional, neglect, physical, and sexual in relation to a child or vulnerable adult.

- Emotional abuse is the persistent emotional ill-treatment of a child or vulnerable adult such as to cause severe and persistent adverse effects on the child’s emotional and behavioural development.
- Neglect is the persistent or severe neglect of a child or vulnerable adult, or the failure to protect a child or vulnerable adult from exposure to any kind of danger, including cold, starvation or extreme failure to carry out important aspects of care, resulting in the significant impairment on health or development, including non-organic failure to thrive.
- Physical abuse can and does manifest through the hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child or vulnerable adult. Physical harm may also be caused when a parent or carer fabricates or induces illness in a child or vulnerable adult whom they are looking after.
- Sexual abuse is the forcing or enticing a child or vulnerable adult to take part in sexual activities, whether or not the child or vulnerable adult is aware of what is happening, including physical contact including sexual acts; non-contact activities such as involving children in looking at pornography or sexual acts; or encouraging children or vulnerable adults to behave in sexually inappropriate ways.
- In addition to the above categories, vulnerable adults may also experience financial or material abuse which includes theft, fraud, pressure around wills, property or inheritance, misuse or misappropriation of benefits.

3.5 Safeguarding and promoting the welfare of children and vulnerable adults is defined as protecting such groups and people from maltreatment; preventing impairment of health or development; ensuring that children and vulnerable adults have equitable opportunities to be provided with consistent safe and effective care; and undertaking that role so as to enable children to have optimum life chances and

to enter adulthood successfully and vulnerable adults to live their lives protected from abuse and have opportunities for reparation if appropriate.

4. The National Legislative Framework

4.1 In terms of safeguarding the protection of children, SNAP Cymru policy is informed by the following legislation:

- The Children Act 1989
- The Education Act 1996
- The Housing Act 1996
- The Licensing Act 1996
- The Housing Act 2004
- The Children Act 2004
- Rehabilitation of Offenders Act 1974

4.2 SNAP Cymru operates within the following Welsh Assembly Government guidance:

- Safeguarding and Protecting Children and Young People: A guide to good practice exemplification for awarding bodies (2006)
- Safeguarding Children: Working Together Under the Children Act 2004 (2006)

4.3 In terms of safeguarding and protecting vulnerable adults, Agored Cymru policy is informed by the following guidance and legislation within it:

- In Safe Hands: Implementing Adult Protection Procedures in Wales (2000)

4.4 SNAP Cymru acknowledges that abuse can and does manifest from aspects of discrimination and prejudice. This policy should be read in conjunction with the Equality and Diversity Training Policy.

4.5 There is no legislation or body of common law that specifically relates to the protection of Vulnerable Adults against abuse. However there are several pieces of legislation that seek to provide a considerable level of protection. These include: Criminal law; Common law; Civil law. There are many more Acts and Guidance additional to these listed below.

- Sex Offenders Act 1987
Sex Offenders Act 1987 allows for persons who have been convicted by the Criminal Courts or have received a final warning (young offender) in relation to a sexual offence to have their names and addresses entered on a register and a risk assessment made by the Police, Probation and other agencies.
- The Care Standards Act 2000
The Care Standards Act 2000 is to protect vulnerable people from abuse and neglect as well as to promote the higher standards of quality in the care that people receive. This Act provides an additional level of protection for

vulnerable adults. The Act establishes arrangements for a list of people judged unsuitable to work with vulnerable adults in the care centre. Relevant statutes relating to the rights of individuals and the sharing of personal and confidential data:

- **The Disability Discrimination Act 1995**
The Disability Discrimination Act 1995 provides rights for disabled people (vulnerable adults) who have or have had a disability that makes it difficult for them to carry out normal day to day activities. The difficulty or disability must be substantial and have a long term effect, i.e. it must last or be expected to last for twelve months. Conditions that have a slight effect on day to day activities, but are expected to become substantial, are also covered. Severe disfigurement is also classed as a disability. Employers and people who provide goods and services to the public have to take reasonable measures to ensure they are not discriminating against disabled people. There are two government documents published to provide further guidance of the DDA: 'Codes of Practice in relation to employment and service delivery'; 'Guidance on the definition of disability' - both documents can be used by tribunals or courts to interpret the law.
- **Human Rights Act 1998**
The Human Rights Act 1998 includes amongst others articles: Right to Life; Prohibition of Torture, Inhuman, Degrading Treatment; Prohibition of Slavery and Labour; Right to Liberty and Security; Right to Respect for Private and Family Life; Right to Marry; Prohibition of Discrimination; Prohibition of Abuse of Rights; Protection of Property; Right to Education.
- **Data Protection Act 1998**
The Data Protection Act 1998 requires any disclosure of personal data must be bound to both common and statute law, e.g. the common law duty of confidence, the Data Protection ACT 1998 and the Human Rights Act 1998. The data protection principles require that such information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant and not held longer than is necessary, and is kept securely.
- **Public Interest Disclosure Act 1998 (Whistle blowing)**
Public interest disclosure or whistle blowing concerns the disclosure or communication of information about possible malpractice of individuals or organisations, either internally or externally, to an outside authority.

5. Policy

5.1 SNAP Cymru is committed to safeguarding and protecting children and vulnerable adults in all aspects of its training activity.

5.2 SNAP Cymru will ensure that:

- A senior member of staff is designated to take overall responsibility for dealing with all safeguarding matters. SNAP Cymru will also designate an alternative who can act in the designated person's absence.
- Child and vulnerable adult protection training is provided for all staff including external verifiers, quality reviewers and short-term staff and fixed-term contracts
- Clear guidance is provided to all staff, including external verifiers and quality reviewers, about how to behave and respond to a range of child protection and vulnerable adult safeguarding issues. All staff are expected to act decisively and with confidence, and there is an absolute expectation that they will do so. The safety and welfare of children and vulnerable adults is paramount at all times.

In all situations where there has been an allegation or suspicion that a vulnerable adult is being abused the prime concern is to safeguard the Child or vulnerable adult. Social Services Departments will make enquiries into all vulnerable adult protection referrals. If these enquiries establish that an investigation needs to be made then this investigation is normally instigated within 24 hours and completed as soon as possible thereafter.

The primary responsibility for the protection of vulnerable adults is vested in the local authority, which has a duty to investigate any situation where there is reasonable cause to suspect that a vulnerable adult is suffering or likely to suffer significant harm. The Local Authority is empowered to take whatever action it legally can to protect the vulnerable adult, including starting care proceedings. These responsibilities are carried out principally by the Social Services Department.

Action to be taken by SNAP Cymru staff or volunteers if abuse is suspected:

- If there is cause to suspect that a child or vulnerable adult is suffering or at risk of suffering significant harm the SNAP Cymru staff member (includes volunteers) should immediately contact her/his supervisor or line manager to discuss the issue.
- If after discussion, concern still exists then the supervisor/line manager should refer the matter to the Social Services Department Team for the locality where the child lives. (details will be in each Social Services Department's POVA Procedures Handbook or telephone directory)
- If a supervisor /line manager is not available for consultation the staff member/volunteer should contact SNAP Cymru Head Office. In the unlikely event that no-one is available for consultation the staff member/volunteer should not delay but refer onto Social Services as outlined above.
- If a situation arises outside office hours the referral should be made to the Emergency Duty team of the Social Services Department who will initiate the necessary action.

- All referrals must be confirmed in writing using the proforma supplied with the Local Authority POVA Handbook or as otherwise specified by the Social Services Department. SNAP Cymru will do all it can to co-operate with the Social Services Department in its subsequent investigation SNAP Cymru Management for the POVA

Selection of Staff and Volunteers

- Applicants for paid or voluntary work will be expected to provide at least one referee who can indicate whether there has been any concern regarding their work with children or vulnerable adults.
- The selection interview should explore the applicant's experience of working or contact with children and vulnerable adults and their commitment to protect them.
- All staff and volunteers that potentially will work with or have contact with children and vulnerable adults will undergo an enhanced criminal records bureau check. SNAP Cymru will only recruit and appoint staff that are deemed suitable to work with these groups, based on their declarations of unspent and exempt convictions, in accordance with the Rehabilitation of Offenders Act, 1974.

Records

- Records are kept of all safeguarding issues where they present including the outcome in relation to snap Cymru' responsibility and accountability reports of any incidents of abuse are made to SNAP Management and the appropriate external services i.e. the Police Authority and Social Services. This will be undertaken through established reporting procedures within SNAP Cymru.
- The policy will be reviewed following each significant incident and, in the absence of such an incident, every other year.

5.3 SNAP Cymru will provide regular training to staff to ensure they are aware of the policy, the appropriate referral procedures and lines of responsibility in dealing with safeguarding issues.

6. Related topics

Equality and Diversity policy

<http://www.charity-commission.gov.uk/index.asp>

Safeguarding Children: Working Together Under the Children Act 2004 (2006)

Welsh Assembly Government | In Safe Hands: Implementing Adult Protection Procedures in Wales, July 2000

In Safe Hands: Implementing Adult Protection Procedures in Wales (2000)

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