

Child and vulnerable adult protection

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1 | The law on child and vulnerable adult protection

There are a number of Acts, Regulations and Employers' Duties which are being updated on a regular basis. The basic principles for organisations are that:

- 1 For those involved in working with children and vulnerable adults*, the welfare of the child and vulnerable adult is the over-riding consideration;
- 2 People who have previously harmed or put at risk of harm children or vulnerable adults, are prevented from working with them (paid or unpaid) or running organisations that work with them.

*A vulnerable adult is defined as being aged 18 or over and having, e.g. learning or physical difficulties, mental ill-health (temporary or permanent, including drug or alcohol addiction) or reduced physical or mental capacity, or dependent on others or needing assistance in performing basic physical functions or severely impaired in their ability to communicate or to protect themselves from assault, abuse or neglect.

2 | Good practice

All voluntary organisations working with vulnerable people and children should:

- Promote their general welfare, health and full development and protect them from harm;
- Recognise their rights as individuals and treat them with dignity and respect;
- Train staff and volunteers to be aware of the risks to those they work with and enable them to identify a vulnerable adult service user;
- Identify a named, trained person to whom those who feel vulnerable, at risk or who have been harmed or abused can go;

- Adopt and apply a rigorous method of recruitment/selection of staff and volunteers;
- Plan the work of the organisation in order to minimise opportunities for those using its services to suffer harm;
- Develop effective guidance and procedures that:
 - » Respond to accidents, complaints, allegations or suspected abuse;
 - » Ensure appropriate referrals and co-operation with The Local Safeguarding Board and protection procedures;
- Establish links with parents, carers and other relevant organisations.

How to identify people who should not work with children or vulnerable adults

Currently there are three lists of people that are not suitable to work with children or vulnerable adults:

- The DfES's list of people barred under Section 142 of the Education Act 2002 (formerly known as **List 99**);
- The **PoCA list** (Protection of Children Act); and
- The **PoVA list** (Protection of Vulnerable Adults).

These lists are part of an enhanced Criminal Records Bureau (CRB) check.

List 99, PoCA list, PoVA list

Child care organisations must and others may:

- Check lists when recruiting anyone to a child care post;
- Not employ anyone on either list (paid or unpaid);
- Dismiss anyone currently in a relevant post if discovered to be on the list;
- If recruiting from an agency, it remains the organisation's responsibility to complete safeguarding checks;

- Refer a worker (paid or unpaid) if an act of misconduct or risk of harm involves a child or vulnerable adult (even if it comes to light at a later stage).

Misconduct may include:

- Acts of sexual or physical abuse;
- Intentional and excessive use of restraint;
- Poor care practices which breach the organisation's own policies (which should be thorough, clearly defined and regularly reviewed).

Harm means:

- Sexual abuse and physical or non-physical ill-treatment;
- Impairing physical or mental health;
- Impairing physical, intellectual, emotional, social or behavioural development.

3 | Employers' Duties

A check should be obtained from the Criminal Records Bureau for all paid and volunteer staff who will be working with children, young people and vulnerable adults before they start work with your organisation. The highest level check gives information on spent and unspent convictions, cautions, reprimands and warnings, and other information considered relevant by the local police force. It also informs you whether the applicant is included on government department lists of people considered unsuitable to work with children or vulnerable adults.

Organisations that are given access to this sort of information about an individual are put in a position of considerable responsibility. You should make sure that you follow the confidentiality guidelines provided by the issuing body. You should also carefully consider whether the information you have been given has any relevance to the post the individual is applying for. Consider also these points:

- The nature of the offence;
- The nature of the post for which they have applied;
- How long ago the offence was committed;
- The frequency of the offence and whether there is a pattern of either unrelated or similar offences.

You will be breaking the law if you discover that a job applicant has been banned from working with children or vulnerable adults and you then

go on to appoint them. Likewise, someone who has been banned from working with children or vulnerable adults would be breaking the law if they accepted such a post. References should always be followed up and further references should be sought if insufficient information is given.

Further help

Ask BVSC Helpline

0121 678 8888
askbvsc@bvsc.org

Development Agencies website

Links and information for developing voluntary and community organisations.
www.birmingham-da.org

CRB (Criminal Records Bureau)

There are umbrella organisations which will carry out checks for voluntary and community organisations. Ask for quotes as costs vary.
www.crb.gov.uk

Local authorities

All local authorities have a Local Safeguarding Board, the Birmingham website is:
www.lscbbirmingham.org.uk

Department of Health

www.dh.gov.uk

Department for Children Schools and Families

www.dfes.gov.uk

Home Office

www.homeoffice.gov.uk

The Churches Child Protection

Advisory Service

www.ccpas.co.uk

ACAS

Keep up to date with changes in the law.
www.acas.org.uk