SAFEGUARDING POLICY

Incorporating Adult and Child Protection

January 2021

Statement of Intent

Maidstone Churches Winter Shelter (MCWS) holds as one of its highest priorities the health, safety and welfare of all vulnerable adults and young people who are involved in the activities which come under its responsibility.

This Policy refers to all vulnerable adults regardless of gender, ethnicity, disability, sexuality or religion, and young people under the age of 18.

It is the duty of all staff employed, all trustees and all volunteers recruited by MCWS to follow the Policy. It should be read in conjunction with the MCWS Whistle-blowing policy.

MCWS will exercise its duty of care through raising awareness of situations that can cause harm and will follow recommended practice to reduce risk to vulnerable adults and young people.

This policy is aligned to the Multi-Agency Safeguarding Adults Policy, Procedures and Practitioner Guidance for Kent and Medway and to Kent and Medway Safeguarding Children's Procedures (KMSCP).

MCWS appoints a Safeguarding Lead and a Deputy, who will make sure that everyone in the organisation is aware of this policy and that it is followed.

The Safeguarding Lead is Gwyn McPherson (Project Manager) and the Deputy Safeguarding Lead is Martin Hinchliffe (Trustee).

Details of the safeguarding leads and their contact details will be displayed in the MCWS offices and at all venues where the shelter operates.

Any employee, volunteer or guest who has concerns that this policy is not being followed has the right to contact the Chair of the Trustee Board in confidence, to report such concerns.

The policy will be reviewed by the trustees every two years.

Aim of the Policy

The aim of this policy is to outline the practices and procedures for paid staff, trustees and volunteers in MCWS, to prevent abuse of vulnerable adults and young people by raising awareness and providing a clear framework for action when abuse is suspected.

MCWS undertakes very limited work with young people. However, there are some areas which are specified below:

- Young people volunteering at a local shelter and assisting in delivering support to homeless people in various ways, such as serving meals or refreshments, engaging in social activities such as playing cards/board games or making up beds.
- Within the course of their duties, Trustees, staff and volunteers may come into contact with young people as a secondary activity e.g. staff promoting the project to groups within schools or other organized groups, such as Scouts/Guides or Church groups.

For these reasons, we believe it important and necessary to include child protection within this policy.

The policy also aims to protect adult workers and volunteers, particularly whilst lone working.

The policy covers all Trustees, staff and volunteers in all areas of work for MCWS.

VULNERABLE ADULTS

Definition of Vulnerable Adult

As stated in the Multi-Agency Safeguarding Adults Policy, Procedures and Practitioner Guidance for Kent and Medway, written by the Kent and Medway Safeguarding Adults Board (November 2019):

The Statutory Guidance to the Care Act 2014, Section 14 clearly states that **Safeguarding is defined 'as protecting an adult's right to live in safety, free from abuse and neglect'.**

There is a clear duty for Board members and providers to co-operate in order to prevent abuse and neglect, whilst strongly promoting an adult's well-being. It is part of the Section 42 responsibility to establish the outcomes that an adult at risk may require and it is important to obtain the views and wishes of the adult when deciding how, if and what, action should be taken.

According to the Government publication 'No secrets' in March 2000, a Vulnerable Adult is 'a person aged 18 years or over 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 him or herself, or unable to protect him or herself against significant harm or exploitation'.

The term 'Vulnerable Adults' could include people with learning disabilities, mental health problems, older people and people with a physical disability or impairment. It is important to include people whose condition and subsequent vulnerability fluctuates. It may include an individual who is vulnerable as a consequence of their role as a carer in relation to any of the above. It may also include victims of domestic abuse, hate crime and anti-social abuse behaviour.

The person's need for additional support to protect themselves may be increased when complicated by additional factors, such as physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems or poverty, all of which could lead to homelessness.

Many vulnerable adults may not realise they are being abused. For instance, a homeless person dependent on non-prescription drugs, accepting that they are dependent on their supplier, may feel that they must tolerate losing control of their lives. They may be reluctant to assert themselves for fear of upsetting their suppliers or making the situation worse.

It is important to consider the meaning of 'Significant Harm'. The Law Commission, in its consultation document 'Who Decides,' issued in Dec 1997 suggested that; 'harm' should be taken to include not only ill treatment (including sexual abuse and forms of ill treatment which are not physical), but also 'the impairment of, or an avoidable deterioration in, physical or mental health; and the impairment of physical, intellectual, emotional, social or behavioural development'.

The Care Act (2014), primarily sections 42-47, established a legislative framework for Adult Safeguarding. The requirements are further detailed in the supporting statutory guidance to the Care Act, specifically Chapter 14 which provides additional information and clarity in relation to safeguarding. The aims of adult safeguarding are to:

- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- stop abuse or neglect wherever possible;
- safeguard adults in a way that supports them in making choices and having control about how they want to live;
- promote an approach that concentrates on improving life for the adults concerned;
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or wellbeing of an adult; and address what has caused the abuse or neglect.

ABUSE

Definition of Abuse

According to the Government publication 'No secrets' in March 2000, abuse is defined as:

'A violation of an individual's human or civil rights by any other person or persons'.

Everyone has the right to live in safety, free from abuse and neglect.

Abuse and neglect can occur anywhere; in a person's own home or a public place, in hospital or whilst attending a day centre, in a college or a care home etc. The list is endless.

Victims of abuse may be living alone or with others. The person causing the harm may be a stranger but, more often than not, the victim knows them and feels safe with them. Abusers are usually in a position of trust and power, such as a health or care professional, relative or neighbour.

Abuse of a vulnerable adult may consist of a single act or repeated acts. It may occur as a result of neglect or an omission to act, such as failure to undertake action or appropriate care tasks, or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the individual.

Concerns about abuse may be raised and reported as a result of a single incident or repeated incidents. However, for some clients the issues of abuse relate to neglect and poor standards of care. These are ongoing issues and, if ignored, may result in a severe deterioration in both physical and mental health and even death.

Types of Abuse

The following categories of abuse are not mutually exclusive and a vulnerable adult may be subjected to more than one type of abuse at the same time, whatever the setting.

It is important to recognise that some vulnerable adults may reveal abuse themselves by talking about or drawing attention to physical signs or displaying certain actions/gestures. This may be their only means of communication. It is important to be alert to these signs and to consider what they might mean.

The main forms of abuse are:

Physical abuse

- Hitting, slapping, scratching, kicking
- Pushing or rough handling
- Assault and battery
- Restraining without justifiable reasons
- Inappropriate and unauthorised use of medication, such as using it as a chemical form of restraint
- Inappropriate sanctions including deprivation of food, clothing, warmth and health care needs.

Sexual abuse

- Sexual assault or acts to which a vulnerable adult cannot or has not consented, or was pressurised into consenting
- Sexual activity which takes place when the vulnerable adult is unaware of the consequences or risks involved
- Rape or attempted rape
- Sexual harassment
- Non contact abuse e.g. voyeurism, pornography.

Psychological abuse

- Emotional abuse
- Verbal abuse
- Blame
- Harassment
- Humiliation and ridicule
- Controlling or coercion
- Threats of harm, punishment, abandonment, intimidation
- Isolation or withdrawal from services or supportive networks
- Deprivation of contact or exclusion from services
- Deliberate denial of religious or cultural needs
- Failure to provide access to appropriate social skills and educational development training.

Financial abuse

- Misuse or theft of money
- Fraud and/or extortion of material assets
- Misuse or misappropriation of property, possessions or benefits
- Exploitation, pressure in connection with wills, property or inheritance or financial transactions.

Neglect and acts of omission

- Ignoring medical or physical care needs
- Withholding the necessities of life, such as adequate nutrition, accommodation, heating, lighting etc
- Failure to access care or equipment for functional independence
- Failure to give prescribed medication
- Failure to provide access to appropriate health, social care or educational services
- Failure to give privacy and dignity
- Professional neglect.

Discriminatory abuse

- Discrimination demonstrated on any grounds including sex, race, colour, language, culture, religion, politics or sexual orientation
- Discrimination that is based on a person's disability or age
- Harassment and slurs which are degrading
- Hate crime.

Multiple forms of abuse

Multiple forms of abuse may occur in an ongoing relationship or in an abusive service setting, to one or more people at a time. This makes it important to look beyond single incidents or breaches in standards and look for underlying dynamics and/or patterns of harm. Any or all types of abuse may be perpetrated as the result of deliberate intent and targeting of vulnerable people, negligence or ignorance.

Domestic violence and abuse

From 31 March 2013, the Government definition of domestic abuse was widened to include those aged 16-17 and to include coercive control.

The title of the definition was amended to 'domestic violence and abuse'.

The Government definition of domestic violence and abuse is:

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members[1] regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

[1] Family members are: mother, father, son, daughter, brother, sister & grandparents; directly-related, in-laws or step-family.

It is important to recognise that Vulnerable Adults may be the victims of Domestic Abuse themselves or be affected by it occurring within their household. This is likely to have a serious effect on their physical and mental wellbeing. Where Vulnerable Adults are victims of Domestic Abuse, they may need extra support to plan their future. The violence or threat of violence may continue after a victim has separated from the abuser. It is important to ensure that all the vulnerable people in this situation have appropriate support to enable them to maintain their personal safety.

Self-Neglect

Self-neglect differs from other forms of abuse because it does not involve a perpetrator. Self-neglect is a persons' refusal or failure to provide himself/ herself with food, water, clothing, shelter, personal hygiene, medical care or safety precautions, to the point that they are at risk of significant harm.

If self-neglect is suspected it is important for a safeguarding lead to be notified. They then follow the Kent and Medway self-neglect policy and procedures:

https://www.kent.gov.uk/__data/assets/pdf_file/0012/16140/Self-neglect-policy-and-procedures.pdf

Definition of Child Abuse

Child protection is the responsibility of everyone. Child abuse affects every aspect of a child's life and the impact of abuse on later life cannot be underestimated.

Somebody may abuse or neglect a child or young person by inflicting harm, or by failing to act to prevent harm. All young people can become at risk of abuse. Young people may be abused in a family, in an institution or community setting, by those who know them, or by a stranger.

Young people from all cultures are subject to abuse and neglect and there is evidence to suggest that young people with disabilities are at increased risk of abuse and may be especially vulnerable to abuse for a number of reasons. Safeguards for protecting disabled young people are essentially the same as for non-disabled children.

The Safeguarding Association (13 June 2019) identifies five kinds of child abuse (as defined in the UK Government guidance 'Working Together to Safeguard Children (2016):

1. Physical abuse

This harm is not accidental. Physical abuse is deliberate harm to a child which causes bruises, cuts, burns or broken bones. In babies, shaking or hitting them can cause non-accidental head injuries, which can have life-altering consequences.
Physical abuse may involve:

- Hitting
- Shaking
- Throwing
- Poisoning
- Burning or Scalding
- Drowning
- Suffocating
- Any other physical harm

2. Emotional abuse

This is sometimes called psychological abuse. It is the persistent, ongoing emotional ill-treatment of a child or young person, which may cause adverse effects on his/her emotional development. It may involve conveying to a young person that they are valued only insofar as they meet the needs of another person. It can also involve:

- Inappropriate expectations being imposed on a child/young person, regardless of their age or levels of development.
- Making a child/young person feel worthless, unloved or inadequate
- Deliberately trying to scare or humiliate a child/young person, causing him/her to feel frightened or in danger.
- The exploitation or corruption of a child/young person.
- Isolating or ignoring a child/young person

Some level of emotional abuse is involved in all forms of ill-treatment of a young person, though it may occur alone.

3. Sexual abuse

The age of consent is 16 years old. Below that age, the law states a young person cannot consent to sexual acts.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not he/she is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. These can include:

- Kissing
- Touching
- Fondling the child/young person's genitals or breasts
- Vaginal or anal intercourse
- Oral sex

Sexual abuse may also involve non-contact activities, such as involving children/young people to watch, or be involved in the production of, pornographic materials or watching sexual activities. It can also include encouraging young people to act in sexually inappropriate ways.

Research by the NSPCC found that 72 percent of sexually abused children do not tell anyone about what happened at the time, and that 31 percent still have not told anyone by early adulthood.

4. Neglect

This is the persistent failure to meet a child's/young person's basic physical and/or psychological needs, which is likely to result in the serious impairment of his/her health or development.

Neglect may happen as early as during pregnancy, as a result of maternal substance abuse.

It may involve a parent, carer or other responsible adult:

- failing to provide adequate food, heating, shelter and clothing, including exclusion from home
- failing to protect a child from physical and emotional harm or danger
- failing to ensure adequate supervision (including the use of inadequate care-takers)
- failing to ensure access to appropriate medical care or treatment.
- failing to meet a child's basic emotional needs

These kinds of abuse and neglect can exist in isolation, or together, in various combinations.

5. Bullying

This can be defined as deliberately hurtful behaviour. It is usually repeated over a period of time, and occurs where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are:

- physical
- verbal
- emotional.

The damage inflicted by bullying can often be underestimated. Bullying can cause significant distress to children/young people so much so that it affects their health and development.

Modern Slavery & Radicalisation

These two issues are a concern relating to the community as a whole, but children and vulnerable adults are at greater risk.

Modern slavery

This is an international crime, affecting 20-30 million people around the world. It violates human rights. Victims are forced, threatened or deceived into situations of subjugation, degradation and control, which undermine their personal identity and sense of self.

It can include victims trafficked from abroad and children and vulnerable adults from the UK.

Types of slavery include:

- Forced labour
- Sexual exploitation
- Criminal exploitation
- Domestic servitude

Signs to look out for include:

- People living in poor conditions
- People working but having no money to show for it
- Signs of physical or psychological abuse
- Victims may have their freedom restricted and may have had their travel documents retained

Radicalisation

This is the action or process of causing someone to adopt radical positions on political, religious or social issues. This can lead to acts of intimidation and violence and, in extreme cases, acts of terrorism. Extremists look to recruit new members to their cause and children, young people and vulnerable adults can be more susceptible to coercion.

Communities play a vital role in assisting people to move away from violent extremism and intervening to stop acts of violence before they are committed. The Government has developed PREVENT anti-terror strategy to help organisations in this role:

https://www.gov.uk/government/publications/prevent-strategy-2011

Signs to look out for include;

- The person abruptly abandons friends and family members
- They stop participating in activities that once occupied plenty of their time, such as sports.
- They are looking at violent/extremist websites
- They have new friends outside of their usual social network

Criminal offences

Some instances of abuse will constitute a criminal offence. This may lead to criminal proceedings and appropriate intervention must take this into account. Vulnerable adults and young people are entitled to the protection of the law in the same way as any other members of the public.

Alleged criminal offences differ from all other non-criminal forms of abuse in that the responsibility for initiating investigative action rests with the Police and decisions regarding prosecution are the responsibility of the Crown Prosecution Service.

Therefore, whenever complaints about alleged abuse suggest that a criminal offence may have been committed, it is imperative that contact is made with the police as a matter of urgency. Criminal investigation by the police takes priority over all other lines of enquiry. Ensuring the safety of victims however must be assured.

Rights and Responsibilities

Responsibilities of MCWS

To ensure that all staff, trustees and volunteers are aware of the Safeguarding Policy and are adequately trained:

- to notify the appropriate agencies if abuse is identified or suspected
- to support and, where possible, secure the safety of individuals
- to ensure that all referrals to services include full information in relation to the identified risk and vulnerability
- to ensure that volunteers are over the age of 14 and that those aged 14-17 are accompanied by a responsible adult at all times whilst undertaking Shelter activities
- to arrange for DBS checks to be carried out for employees and volunteers who work closely with vulnerable adults and young people. (DBS checks are generally undertaken for Trustees, Project Staff & Overnight volunteers).

Responsibilities of MCWS employees, trustees and volunteers

- To be familiar with the MCWS Safeguarding Policy
- To take appropriate action in line with the policies of MCWS
- To promote the principles and good practices of MCWS to other voluntary organisations
- To declare any existing or subsequent convictions. Failure to do so will be regarded as gross misconduct, possibly resulting in dismissal.
- Trustees and staff who interact with guests/clients must have an up-to-date DBS certificate for vulnerable adults.

Support for those who report abuse

Anyone making a complaint or allegation or expressing concern, whether they be staff, service users, carers or members of the general public should be reassured that:

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

The vulnerable adult has the right:

- To be made aware of this policy, if appropriate
- To have alleged incidents recognised and taken seriously
- To receive fair and respectful treatment throughout
- To be involved in any process, as appropriate
- To receive information about the outcome.

Suspicions of Abuse

It is vital that any suspicion of abuse is acted upon promptly.

For volunteers

- If you suspect a client, young person or other volunteer is being abused, contact the Venue Lead as quickly as possible
- If you suspect it is a member of MCWS staff who is doing the abusing, contact MCWS (the Safeguarding Lead) or (Deputy Lead). You can approach them directly.

For staff or trustees

- In the event that any member of staff or trustee suspects abuse, they should contact the Safeguarding Lead or Deputy Lead.
- If the allegation concerns a trustee, the Safeguarding Lead or the Deputy will discuss this with MCWS Chair
- If the allegation concerns the Chair, the Safeguarding Lead or Deputy Lead should be contacted.
- If the allegation concerns the Deputy Lead, then the Safeguarding Lead should be contacted.

The member of staff, trustee or volunteer is required to:

- Seek emotional support, if required, from an appropriate person within MCWS, usually their line manager or the Safeguarding Lead
- Keep records of all conversations, meetings attended, letters received, telephone calls or emails relating to the allegation.

It is the responsibility of those dealing with the allegation(s) to support and, where possible, secure the safety of individuals and to ensure that all referrals to services contain full information in relation to identified risk and vulnerability

The Safeguarding Lead, their deputy or the person dealing with the allegation will inform Social Services, the Commission for Social Care Inspection and/or the Police if appropriate and act according to the Multi-Agency Safeguarding Adults Policy,

Procedures and Practitioner Guidance for Kent and Medway and to Kent and Medway Safeguarding Children's Procedures (KMSCP).

The Safeguarding Lead or his/her deputy, or the person dealing with the allegation, will be responsible for maintaining incident records and keeping them in a secure place, in accordance with the Data Protection Regulations.

Allegations against Staff or Volunteers

The primary concern of MCWS is to ensure the safety of the vulnerable adult or young person. It is essential in all cases of suspected abuse by a member of staff (including volunteers) that an action is taken quickly and professionally, whatever the validity. All cases of suspected abuse will be recorded.

There are occasions where a vulnerable adult/ young person will accuse a member of staff/volunteer of physically or sexually abusing them. In some cases, this may be false or unfounded. However, in some cases the allegations may be true.

Any instance of a vulnerable adult or young person being abused by a member of staff, trustee or volunteer is particularly serious. On the other hand, for an innocent person to be accused of such an act is a serious ordeal which can result in long term damage to their health and career. Emotional support will be available.

In the event that any member of staff or trustee suspects any other member of staff or trustee of abusing a MCWS guest, it is their responsibility to bring these concerns to the attention of the Safeguarding Lead or Deputy, except where either is the suspect.

If a decision is made to pursue an allegation of abuse against a member of staff, this will be dealt with under MCWS's disciplinary procedures, copies of which can be obtained from the MCWS Administrator.

MCWS Good Practices

Good Practice - Recruitment of staff

Those within MCWS responsible for recruitment shall:

- Expect each person who has regular contact with vulnerable adults or young people to complete a job application form.
- Interview each person to assess their suitability for any position
- Request references from two people in positions of responsibility who have known the person for at least two years and who are not relatives. Recruiting staff will follow up on at least one reference. If the initial reference does not appear satisfactory the 2nd reference should be obtained.
- Request an appropriate DBS check for each staff member who is likely to have regular contact with vulnerable adults or young people in the course of the organisation's activities
- No staff member will be allowed to work alone with vulnerable adults or young people until an appropriate DBS check has been satisfactorily completed.

Good Practice - Recruitment of volunteers

Those within MCWS responsible for volunteer recruitment shall:

- Expect each volunteer to complete a Volunteer Application Form.
- Request volunteers to provide details of two referees who have known the person for at least two years and who are not relatives. Recruiting staff will follow up on at least one reference. If the initial reference does not appear satisfactory the 2nd reference should be obtained.
- Volunteer references will last for 3 years.
- Overnight cover at the shelter requires at least one person with an appropriate DBS check for vulnerable adults to be present and awake at all times. (Note: This is in the situation where there are two volunteers awake and two sleeping during the night). It is preferable for ALL overnight volunteers to have an up-to-date DBS check for vulnerable adults though, in case of last-minute changes of volunteers etc.
- There should always be at least one male volunteer on each overnight shift, in a team of 4 x overnighters (2 awake / 2 sleeping). For guidance on overnight cover, please refer to Appendix 1.

<u>Good Practice</u> - Support and training

MCWS will provide appropriate support, guidance and training to trustees, staff and volunteers and will, in particular:

- Give all trustees, staff and volunteers clearly defined roles
- Give all trustees, staff and volunteers information and training, as appropriate, on the prevention of abuse of vulnerable adults and children
- Develop disciplinary and grievance procedures to deal with complaints and incidents involving trustees, staff and volunteers, in connection with their treatment of vulnerable adults and children
- Develop a code of conduct for all MCWS trustees, staff and volunteers (this is included in this policy – pages 19 & 20)
- Give guidance on how to deal with allegations and suspicions of abuse, from approved sources (included at the end of this policy)
- Make sure that all trustees, staff and volunteers receive regular support and supervision.
- Ensure Trustees and Staff maintain an up to date knowledge of any safeguarding legislation and requirements.

<u>Good Practice</u> - Involving members and service users

MCWS will inform guests, staff and volunteers of our Safeguarding Policy and will encourage guest feedback on the activities we provide, together with how they can be improved. In particular we will:

- Display information about whom they can talk to within the organisation, if they have concerns or suspect that abuse is occurring
- Develop a feedback system to collect and respond to comments and concerns about the activities and services we provide
- Involve volunteers and guests in the development and review of the Safeguarding Policy.

<u>Good Practice</u> - Health and safety

We will review our practices, to reduce the risk of vulnerable adults or young people being placed in positions of harm. This includes:

- Developing health and safety guidelines that cover all the key areas of our activities
- Undertaking risk assessments for all activities which involve vulnerable adults and young people

- Making sure that all our activities are adequately staffed, supervised and insured. Any situations involving one-to-one working with a guest will be recorded and safe working practices followed.

- Not having a volunteer be alone with a guest unless they have a DBS check and certificate. Where possible, one-to-one situations should be avoided but, if unavoidable, a risk assessment should be completed and any appropriate mitigating actions put in place.

Good Practice - Raising concerns

MCWS will deal with concerns/allegations of abuse quickly and with sensitivity. Where appropriate, we will share information about concerns with all relevant agencies and involve guests and volunteers. We will:

- provide all trustees, staff and volunteers with guidelines on how to deal with the disclosure or discovery of abuse (this is included in this policy)

- appoint a Safeguarding Lead and a Deputy to deal with notifying Social Services, the Commission for Social Care Inspection and/or the Police as appropriate, of allegations or suspicions of abuse

- only disclose information to the relevant agencies on a need-to-know basis and, if possible, with the explicit consent of the vulnerable person concerned. Where possible confidentiality will be maintained.

The Safeguarding Lead and Deputy will be responsible for maintaining incident records and keeping them in a secure place, in accordance with Data Protection Regulations

CODE OF CONDUCT

MCWS recognises that it is not practical to provide definitive instructions that would apply to all situations, at all times, where trustees, staff or volunteers come into contact with vulnerable adults and young people, or to guarantee the protection of vulnerable adults and young people and MCWS staff.

However, below are the standards of behaviour required of trustees, staff and volunteers in order to fulfil their roles with MCWS. This code should assist in the protection of vulnerable adults, young people, trustees, volunteers and members of staff.

These guidelines apply equally to trustees, paid staff and volunteers who work in an unpaid capacity, in venues where activities take place.

Trustees, staff and volunteers must never:

- Engage in rough, physical games including horseplay with vulnerable adult/young people service users
- Allow or engage in inappropriate touching of any kind
- Do things of a personal nature for vulnerable adults/young people that they can do for themselves
- Physically restrain a vulnerable adult/young person unless the restraint is to prevent physical injury of the vulnerable adult/other vulnerable adult/young person/staff/other/yourself. **In all circumstances physical restraint must be appropriate and reasonable; otherwise, the action can be defined as assault**
- Make sexually suggestive remarks/comments to or within earshot of a vulnerable adult/ young person
- Have vulnerable adults/young people on their own in a vehicle. (There are exceptions for volunteer drivers). Also, it is essential that there is adequate insurance for the vehicle to cover transporting vulnerable adults as part of the business of your work. In extreme emergencies (for medical purposes) where it is required to transport a vulnerable adult on their own, it is essential that another member of staff (preferably the Safeguarding Lead) is notified immediately
- Take a vulnerable adult/young person to the toilet unless another adult is present or has been made aware
- Spend time alone with a vulnerable adult/young person on his/her own, outside of the normal working relationship. If you find you are in a situation where you are alone with a vulnerable adult/young person, make sure that you can be clearly observed by others
- Engage in a personal relationship with a vulnerable adult/guest, beyond that appropriate for your professional role/relationship

Preventing abuse of young people

Planning work or activities which will, or are likely to, involve young people will include assessment of the risks for them, paying due attention to the venue and environment, the time of day or night, the type of work/activity, how well the young people are known, the gender of the young people, and those working with them.

A young person will only ever be left alone with an adult who is EITHER:

- his/her 'named' responsible adult OR
- a member of staff or a volunteer qualified and engaged to work with the young person and who has undertaken an enhanced DBS check.

In all other circumstances, there will always be at least two adults present for work or activities with young people.

The layout of any work or activity situation will permit constant supervision of all young people.

Young people will be encouraged to express any concerns they have with respect to their own welfare and sense of security and to the behaviour of adults in the context of MCWS's activities.

Implications for staff, trustees or volunteers

Staff, trustees or volunteers who breach any of the above may be subject to the disciplinary procedure or the complaints procedure.

If an allegation against a member of staff has occurred, an investigation will be carried out in accordance with the procedure for dealing with such allegations against staff: copies of this procedure are available from the Safeguarding Lead or Resources Manager. The investigating officer will be required to liaise with the nominated person to clarify if she/he has any relevant records or any other vulnerable adult /child protection information in relation to the individual.

LEGISLATIVE FRAMEWORK

Acts of UK Parliament about Adult Safeguarding

The following legislation has been passed by Parliament to protect vulnerable adults.

- **Fraud Act 2006**
  This came into force on 15th January 2007. It removes all deception offences from the Theft Acts of 1968 and 1978. It provides a formal definition of the single criminal offence of fraud. Section 4 of the Fraud Act is the most significant for vulnerable adults as it provides an offence of Fraud by abuse of position.

- **Mental Capacity Act**
  The Mental Capacity Act 2005 empowers and protects people who are not able to make their own decisions, including decisions about property and financial affairs, health, welfare and where they live.

  It applies to anyone aged 16 or over and sets out who can make decisions, when and how, where a person lacks the mental capacity to make decisions for themselves. This might be because of brain injury; a stroke; dementia; mental health problems; alcohol or drug misuse; side effects of medical treatment; or other illness or disability.

  This act includes the new offence of ill-treatment or neglect of a person who lacks capacity.

- **Domestic Violence Crime and Victims Act 2004**
  This includes the addition of the offence of causing or allowing the death of a vulnerable adult, young person or child through abuse or neglect.

- **Sexual Offences Act 2003**
  This came into force on 1st May 2004 and includes a range of new offences. It also provides harsher sentences for sexual offences against vulnerable adults, young people and children and includes new measures to strengthen and monitor offenders.

For the full version of the Kent and Medway Safeguarding Vulnerable Adults Policy:

https://www.kent.gov.uk/__data/assets/pdf_file/0018/11574/Multi-Agency-Safeguarding-Adults-Policy,-Protocols-and-Guidance-for-Kent-and-Medway.pdf

Acts of UK Parliament about Youth & Child protection

There is no single piece of legislation that covers child protection, but rather a myriad of laws and guidance that are continually being amended, update and revoked.

- **The Children Act 1989**
  This act was introduced to provide comprehensive legislation to ensure that the developmental needs and welfare requirements of children are met and that they are protected from any form of harm. The welfare of the child should be at the centre of any decision made about him/her.

  The Act places obligations on the local authority and partner agencies, as well as parents and the courts, to ensure that children are safeguarded and protected from harm.

  The Act says that only the police, Social Services and the NSPCC have the legal right and responsibility to investigate concerns about child abuse.

  Children Act Update 2004 – a further Act was introduced to strengthen the legislation from 1989. This new piece of legislation was implemented to encourage partnership working between agencies and it established greater accountability.

- **The young people (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997**
  This act is mainly concerned with preventing the approval of people as foster carers or adoptive parents where either they or any other member of their household over the age of 18 is known to have been convicted of, or cautioned for, relevant offences. These regulations also apply to childminding, private fostering and residential care.

Three guidance documents were published to help professionals identify young people at risk and work together to protect them:

1. **Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children: July 2018**

This document provides definitions of child abuse and neglect and guidance on when children's names should be added to the Child Protection Register.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf

2. **A framework for the assessment of children in need and their families (2000)**

This was published to help professionals with their assessments, by providing a systematic way of identifying young people in need and ascertaining the best way of helping those young people and their families.

https://bettercarenetwork.org/sites/default/files/Framework%20for%20the%20Assessment%20of%20Children%20in%20Need%20and%20Their%20Families%20-%20Guidance%20Notes%20and%20Glossary.pdf

3. **Positive for youth: A shared vision for how all parts of society can work together in partnership to improve outcomes for young people, particularly those most vulnerable**

Positive for Youth is a new approach to cross-Government policy for young people aged 13-19 in England. It brings together all of the Government's policies for this age group, presenting a single vision across the interests of at least nine departments.

http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eOrderingDownload/DFE-00198-2011.pdf

What to do if you're worried about a child is being abused

Every child matters:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf

The United Nations Convention on the Rights of the Child 1989
This document includes the right to protection from abuse, the right to express their views and have them listened to and the right to access care and services for disabled young people or young people living away from home. It applies to all children and young people aged under 18 years.

https://www.unicef.org.uk/what-we-do/un-convention-child-rights/

Children Act (Update) 2004
This does not replace or even amend much of the young people Act 1989, instead it sets out the process for integrating services to young people so that every child can achieve the five outcomes laid out in the **Every Child Matters Green Paper**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf

For the full version of the Kent and Medway Safeguarding Children Procedures:
https://www.proceduresonline.com/kentandmedway/

APPENDIX ONE

Overnight Volunteer Cover Guidance

Maidstone Churches Winter Shelter generally require there to be four overnight volunteers onsite at each venue, at least one of whom should be male, from 9.30pm until 7am. At least two of these volunteers should remain awake at any one time, in order to 'mind' the guests. Typically, this means that two volunteers go to sleep from 10pm until approximately 2.30am, at which time the other two volunteers take their turn to sleep from 2.30am until 7am.

The need to have four overnight volunteers, with two of these four asleep, is based on having the ability/resource to handle any potential incident that may occur with any of the guests, especially if there is a full complement of 15 overnight guests. Four volunteers can be available if the two sleeping volunteers are woken up.

There are occasions when the shelter struggles to find and allocate four overnight volunteers at a particular venue, on any particular night. This can be due to a lack of volunteers, or a rota'd volunteer falling sick/cancelling. If this happens with sufficient warning, the Administrator should try to find cover from amongst our other overnight/ad-hoc overnight volunteers. Failing this, consideration may be given to calling in a paid overnighter* (see further details below).

The Administrator should provide the Project Manager/Project Workers and Venue Lead with the name(s) of the replacement overnight volunteer(s) or paid overnighter.

However, if one or more of the 4 rostered overnighters cancels later in the day (after 2pm) or doesn't arrive for their shift, a decision must be made on whether it is safe to open the shelter that night. For example, is it safe to operate with less than four overnight volunteers, but with an appropriate risk assessment and mitigating actions? Such mitigating actions could include:

- Having a reduced number of overnight guests that night
- Ensuring there is someone (Project Team member, Trustee or Volunteer) who is willing to be called out in the event of an incident
- Having 4 hour, rather than 8-hour, overnight volunteer shifts
- Deciding that the mix of guests on that particular night is unlikely to cause any significant issue/incident.
- Ascertaining whether it is appropriate to call in a 'paid overnighter' (*see further details below) in order for the shelter to remain open that night.

The purpose of this guidance is to provide information and support for the Project Manager/Workers and Venue Leads on how to assess and mitigate a situation of having less than 4 overnight volunteers on a particular night. **Where possible, this assessment must be made prior to the registration and allocation of guests each**

day, as there may be a case where the number of overnight guests needs to be reduced below 15.

Scenarios

In all of the scenarios below, consideration of the health and physical capability of the mix of volunteers must be taken into account, together with the status of their DBS certificates.

On any occasion where it is identified there will be a shortage of overnight volunteers, the first step will be for the Project Manager and Project Workers to work with the Administrator in order to obtain a replacement(s) from the volunteer database. Funds permitting, consideration should also be given to the supply of an *Overnight Support Worker (Security Guard) from a local Security Company.

If the Administrator/Project Team are still unable to ensure sufficient overnight cover, the Trustees must be contacted, for advice and support.

4 Overnight Volunteers:

Open shelter overnight.

3 Overnight Volunteers:

a. The duty Project Worker(s), in conjunction with the Project Manager and Venue Lead, will conduct a risk assessment to identify any potential risks and mitigating actions for maintaining a safe and calm overnight shelter, taking into account the number of guests registered for the night (Max 15 Guests). The risk assessment will consider things such as the mix of guests, their behavioural history, ease of maintaining the security of the specific venue, mix of overnight volunteers (male/female) etc.

b. Following the risk assessment, the Project Manager will decide whether it is safe to open the shelter for the number of guests registered for the night (Max 15 Guests) or whether to reduce the number of overnight guests.

c. The Project Manager will seek the agreement of the 3 remaining overnight volunteers for their willingness to open overnight and, if agreed, ask that at least two of them remain awake at any one time during the night.

d. Consideration should also be given to having overnight split shifts where one overnight volunteer slot is filled by two people, each spending half the night at the shelter.

e. The Project Manager will inform the Trustee responsible for operations of any decisions related to operating with 3 overnight volunteers.

2 Overnight Volunteers:

f. In this unlikely and unfortunate situation, the Project Manager will have to either:

- close the shelter for the night
- consider operating with less than 10 guests
- seek Trustee approval to call in a paid overnighter (see below*) who will stay awake for the whole night. This allows the 2 x volunteers to each sleep for half the night, whilst the other stays awake with the paid member of staff.

g. The Trustee responsible for operations will be consulted if any thought is given to opening with just 2 overnight volunteers. A risk assessment will be carried out and, if risks are identified as very low and the two overnight volunteers agree to staying awake all night, the Project Manager and Trustee will determine how many guests can be safely accommodated overnight. There must be at least one male overnight volunteer and both volunteers must have a DBS vulnerable adult certificate.

1 Overnight Volunteer:

Close the shelter. However, if it is viable to employ two 'paid overnighters' to cover the shift, consideration may be given to this option rather than closing for the night.

Additional notes

Is it safe to operate with less than four overnight volunteers?
A few of our overnight volunteers stay up all night, regardless of the fact that they are given the opportunity to sleep for half of their rostered session. If one of the rostered volunteers is known to stay awake all night, it may be worth contacting them to check whether they are happy to do so. This leaves the other 2 volunteers to each sleep for half the night, meaning there will always be two volunteers awake at any one time.

*Paid overnight staff
With Trustee agreement and funds permitting, it is possible to call in a paid overnighter (professional security team member) to help cover the overnight shift(s). Paid overnighters can be either male or female as this is their profession, although it is preferable to have a male present at any overnight shift (either one of the volunteers or the paid overnighter).

Review of Safeguarding Policy

The Safeguarding Policy will be reviewed every two years and ratified by the trustees of MCWS.

Date of last Review (approval by board): February 2021
Date of next Review and approval by Board: February 2023