



# Caroline Shevelan Counselling Services Vulnerable Adult Safeguarding Policy

Version 1.1

## Purpose of this document.

1. The Safeguarding and welfare of everyone who attends counselling sessions with Caroline Shevelan Counselling Services forms an essential part of my core values. This document relates specifically to the safeguarding and welfare of vulnerable adults who attend counselling sessions with Caroline Shevelan Counselling Services. I aim to ensure, through effective inspection and regulation and ongoing training that vulnerable adults are safe from harm.
2. The purpose of this document is to outline policy of Caroline Shevelan Counselling Services on responding to concerns relating to people aged 18+ who are legally defined as vulnerable adults.
3. This safeguarding policy provides guidance to all service users who may have concerns of this nature during our work together.

## The definition of safeguarding.

4. Government guidance in relation to adults is contained in the document 'No Secrets'. Protection of Vulnerable Adults guidance (now Adult's List Good practice guidance) and is 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

5. Caroline Shevelan Counselling Services is committed to working with other agencies to ensure that people in settings that I am responsible for are safeguarded. People who use services have a right to live and work in environments free from abuse, neglect and discrimination.
6. Caroline Shevelan Counselling Services 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.



7. Caroline Shevelan Counselling Services 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)

#### Definition of Abuse

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

9. A vulnerable adult is described as a person who is aged 18 or over and by the Vulnerable Groups Act 2006 as:

- someone living in residential accommodation, such as a care home or a residential special school
- someone living in sheltered housing
- someone receiving domiciliary care in their own home
- someone receiving any form of healthcare
- someone detained in lawful custody (in a prison, remand centre, young offender institution, of the Immigration secure training and Asylum centre Act or 1999) attendance centre
- someone under the supervision of the probation services
- someone 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
- someone 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
- someone who is an expectant or nursing mother living in residential care, or
- someone receiving direct payments from a local authority or health and social care trust in lieu of social care services.

10. 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.

11. 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.

12. 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
- discriminatory abuse – including racist, sexist and other forms of harassment.

(Safeguarding Vulnerable Groups Act 2006, 2006;  
[www.legislation.gov.uk/ukpga/2006/47/contents](http://www.legislation.gov.uk/ukpga/2006/47/contents). 5 Immigration and Asylum Act 1999; [www.legislation.gov.uk/ukpga/1999/33/contents](http://www.legislation.gov.uk/ukpga/1999/33/contents).)

Procedure for responding to safeguarding concerns relating to vulnerable adults

13. If an act of abuse or neglect of a vulnerable adult is identified or suspected then the following will occur:

- stop everything else and concentrate on what is being observed or disclosed.
- ensure the immediate safety of the vulnerable adult (and any other persons)
- no promise of confidentiality or secret keeping will be made
- no investigation will be carried out or leading questions asked
- the necessary information to make an informed referral will be obtained
- advice will be sought in supervision and in consultation with the person to whom the information pertains a decision will be made about contacting the local social services team (to discuss next steps and appropriate action.
- appropriate records of the incidence will be made and kept of both the concern and the actions taken and these will be stored in accordance with the information retention policy.



## Complaints or concerns

14. Caroline Shevelan Counselling Services will seek to ensure that vulnerable adults and their families have ready access to us if they have concerns about the conduct of our staff, those undertaking work on our behalf, or any member of Caroline Shevelan Counselling Services.

15. We have procedures in place to ensure that the individuals who work or volunteer for our service 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 including but not limited to clinical supervision and the BACP board of ethics.

16. I will undertake to keep my, and any future employees, safeguarding training up to date, including training in good practice and changes to legislation.

17. As counselling services involve one to one work in private and enhanced DBS will be obtained and will endeavour to maintain good practice and in accordance with our lone working policy for the protection of both me and my clients.

## Complaints

18. A complaint about the conduct of anyone employed by, or volunteering for Caroline Shevelan Counselling Services 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 Caroline Shevelan Counselling Services

19. However we receive the complaint, Caroline Shevelan Counselling Services 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 and employees.

20. If the issue does not require immediate referral to the BACP complaints division, we would review the information we have and gather more information. This would be followed by further discussion with the concerned parties and with the relevant clinical supervision in order to make a decision about next steps in accordance with the BACP ethical framework for the counselling profession (2018). Next steps could include further training and or support or removal from or adjustment to their role).

21. We would also document the whole situation carefully and this would be retained in accordance with our information retention policy.



## Disciplinary process

22. An escalated disciplinary process will apply where an employee or 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.

23. Depending on the circumstances, this may also include a capability review and referral to the relevant complaints department of the BACP. Additionally, the policy applies where a family member or an acquaintance of an employee or volunteer for Caroline Shevelan Counselling Services is implicated in, suspected and/or accused of a matter related to abuse of a child or children, or vulnerable adult, where there is evidence that the employee/volunteer had knowledge of the activity and did nothing.

## Subsequent convictions.

24. If anyone employed by or volunteering for Caroline Shevelan Counselling Service is convicted of a crime which may impact safeguarding issues, during their tenure, they are obliged to inform us so we can take appropriate steps to ensure the wellbeing of our service users. If this crime involves the person concerned being obliged to sign the sex offenders register, they will be asked to leave their employment and or volunteer post and not attend the site where counselling services take place.

## Appendix 1. Definitions

### Abuse and neglect

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

26. 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

27. 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

28. 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

29. 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

30. 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

31. 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 significant action to safeguard children from harm, or promote the welfare of a child who is suffering. 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).

32. 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 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.

## In the context of Vulnerable Adults

33. In addition to definitions provided above (used as they provide the most useful summary even though they pertain to children which is beyond the scope of this policy), 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.

34. 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.

35. 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.

36. 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.

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

## Appendix 2. The legislative context

38. The Safeguarding Vulnerable Groups Act 2006 reforms arrangements for safeguarding vulnerable adults. The purpose of the new scheme is to minimise the risk of harm to 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 vulnerable adults will have to go through. The new arrangements were introduced under Criminal Justice Protection and by Court the of Children Act Services will replace Act Act 1999, 2000.

39. 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 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

40. The Safeguarding Vulnerable Groups Act 2006 sets 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.

41. 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 purposes 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.'

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

43. 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).

44. 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.

45. 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.

46. 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.

47. 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.



48. 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) .

49. 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).