

Safeguarding Children and Vulnerable Adults Policy

2021

Background

The Trustees have reviewed the Charity Commission's advice on working with vulnerable groups (specifically children or young people under 18 years of age or adults who are in receipt of 'regulated activity').

The Trustees wish to ensure that the charity maintains the highest possible standards to meet its social, moral and legal responsibilities to protect and safeguard the welfare of children and adults who may be experiencing, or at risk of, abuse (adults at risk) with whom its work brings it into contact.

The Trustees understand that they are responsible for ensuring that those benefiting from, or working with, St Luke's Healthcare for the Clergy are not harmed in any way through contact with the charity. They understand that they have a legal duty to act prudently and must take all reasonable steps within their power to ensure that beneficiaries are not harmed.

St Luke's draws the attention of its providers and collaborators to their responsibility to understand and apply safeguarding principles and procedures to all patients referred to them by or on behalf of St Luke's.

Regulated activity

The Safeguarding Vulnerable Groups Act 2006 defines certain types of work, namely any activity which involves contact with children or adults at risk and is of a specified nature (e.g. teaching, training, care, supervision, advice, treatment or transport), as Regulated Activity. The following section is taken from the definition of Regulated Activity provided by the Department of Health as at October 2015. For more information see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

Providing Health Care

1. The provision of health care by any health care professional to an adult, or the provision of health care to an adult under the direction or supervision of a health care professional, is regulated activity.

- a. A health care professional is a person who is regulated by any of the following professional regulators:
- General Medical Council
 - General Dental Council
 - General Optical Council
 - General Osteopathic Council
 - General Chiropractic Council
 - General Pharmaceutical Council
 - Pharmaceutical Society of Northern Ireland
 - Nursing and Midwifery Council
 - Health and Care Professions Council

b. Health care includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. This includes diagnostic tests and investigative procedures. Health care also includes procedures that are similar to forms of medical or surgical care that are not provided in connection with a medical condition. An example of this is taking blood from a blood donor or cosmetic surgery.

2. The provision of psychotherapy and counselling to an adult which is related to health care the adult is receiving from, or under the direction or supervision of, a health care professional, is regulated activity. This would include the provision of psychotherapy and counselling over the telephone. Life coaching is excluded.

3. First aid, when any person administering the first aid is doing so on behalf of an organisation established for the purpose of providing first aid (for example, St John Ambulance Service), is regulated activity. This includes first aid given by Community First Responders.

4. A worker employed for another purpose who volunteers, or is designated, to be that organisation's first aider is not in regulated activity. For example, a person who works in a department store whose role includes being a first aider is not engaging in regulated activity.

5. Members of peer support groups (for example, Alcoholics Anonymous), are not in regulated activity, even if the group is directed or supervised by a health care professional.

6. All staff who work in community pharmacies and opticians who are not regulated health care professionals will be excluded from regulated activity. For example, a person who works in a high street pharmacy providing health advice to customers over the pharmacy counter will not be in regulated activity.

7. Staff in GP surgeries or dental practices who do not provide health care (for example, receptionists) will not be in regulated activity.

St Luke's understands that it is involved in regulated activities falling within points 1 and 2 above because it offers services to clergy and their families via its Honorary Consultants and collaborators. Point 7 clarifies the role of the staff of the charity, particularly the Medical Secretary, by stating that they are not engaged in regulated activity.

Safeguarding Vulnerable Groups

This Policy sets out the requirements with which providers of health care and wellbeing support who work with St Luke's as Honorary Consultants or any other form of provider or collaborator must comply in respect of safeguarding vulnerable groups.

This Policy covers children and adults at risk defined as follows:

- 'child' or 'children' refers to a person or persons under the age of 18 years (as defined in the Children Act 2004);
- 'adult at risk' is defined in the 2014 Care Act as an adult who
 - (a) has needs for care and support (whether or not the local authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

The following safeguarding principles have been agreed by the Government within the Care Act 2014 as a foundation to achieving good outcomes for patients:

- Principle 1 – Empowerment - Presumption of person-led decisions and consent
- Principle 2 – Protection - Support and representation for those in greatest need
- Principle 3 – Prevention - Prevention of neglect, harm and abuse is a primary objective
- Principle 4 – Proportionality - Proportionate and least intrusive response to the risk presented
- Principle 5 – Partnerships - Local solutions through services working with their communities
- Principle 6 – Accountability - Accountability and transparency in delivering safeguarding.

Safeguarding encompasses the following core elements:

- Prevention of harm and abuse through provision of high-quality care
- Effective responses to allegations of harm and abuse
- Using learning to improve service to patients.

Vulnerable Groups Policy of St Luke's Healthcare for the Clergy

The purpose of this policy is:

- to protect children and adults who receive health care, whether physical or mental, including advice, investigations or treatment from St Luke's Healthcare for the Clergy's Honorary Consultants, and collaborators. This includes the children of adult beneficiaries
- to provide Trustees, staff and volunteers with the overarching principles that guide our approach to safeguarding: St Luke's believes that a child, young person or adult should never experience abuse of any kind. We have a responsibility to promote the welfare of all children, young people and adults at risk and to keep them safe.

- 1.** The Trustees are committed to ensuring that those who provide health care under the auspices of St Luke's practice in a way that protects the beneficiaries from harm.
- 2.** The Honorary Consultants appointed by the charity to give advice, 'second opinions' and sometimes investigations and/or treatment to clergy and their families, are chosen for their recognised skills and expertise and their compassionate manner.
- 3.** Honorary Consultants and other service providers are required every two years to sign to re-confirm that they have read, understood and abide by, the relevant safeguarding policies for children and adults set out by their place of work, whether that is within or outside the NHS.
- 4.** They are also asked every two years to re-confirm the continuation of their post in the NHS or private practice and that they are undertaking the required appraisal and revalidation procedures.
- 5.** If they do not respond to this request or have let the Medical Secretary know that they have retired, St Luke's does not send clergy patients to them. The information is kept on file at St Luke's.
- 6.** All personal data on Honorary Consultants as well as patients is processed by the charity in accordance with the requirements of the Data Protection Act 2018.
- 7.** This policy applies to Honorary Consultants, paid staff, volunteers, collaborators and anyone working in a health care capacity with clergy and their families on behalf of St Luke's. The Board of Trustees and staff need to be aware of the policy, but as their position in these roles does not involve contact with the clergy and their families that falls within the definition of regulated activity, they do not need to undergo DBS checks.

- 8.** This policy will be referenced on the website and in manuals and documents relating to the physical and mental health and wellbeing activities of St Luke's.
- 9.** Honorary Consultants and service providers – DBS checks
- a)** In line with the Vetting and Barring Scheme, the charity asks all Honorary Consultants every two years to confirm that they have up-to-date DBS checks as required by their NHS or private health institution. If they do not respond to this request or have let the Medical Secretary know that they have retired, St Luke's does not send clergy patients to them.
- b)** Honorary Consultants and service providers who come into direct contact with clergy patients undergoing physical or mental health consultations or procedures, which therefore fall into the category of regulated activity, must have undertaken an *Enhanced with Barred List* DBS check* prior to starting such work. This is because the clergy who seek treatment could be considered to be a vulnerable group according to the Safeguarding Vulnerable Groups Act 2006.
- 10.** Trustees and staff – DBS checks
- a)** The Charity Commission states that "The position of Trustee of a vulnerable groups' or children's charity is not a regulated activity in itself. It is only if trustees have close contact with these vulnerable beneficiaries that they would fall within the scope of regulated activity and be eligible to obtain an enhanced DBS check and barred list check."
- b)** Having taken the above into account, the Trustees have considered the need for DBS checks and have agreed that, as they do not come into contact with beneficiaries, they do not fall within the scope of regulated activity and therefore DBS checks are not a requirement for staff, nor for those in the role of Trustee.
- 11.** The designated safeguarding contact for St Luke's is the Chief Executive, Claire Walker. Any concerns about any of St Luke's activities should be raised with her in the first instance.

Responsibility

Overall responsibility for this policy and its implementation lies with the Board of Trustees.

Review

This Policy will be reviewed annually by the Trustees.

Approved by the Trustees 19th March 2021.

*See <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about> for more information