

## **Safeguarding Children and Vulnerable Adults Policy**

**2023**

### **Background**

The Trustees of St Luke's Healthcare for the Clergy (working name St Luke's for Clergy Wellbeing) 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 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 for Clergy Wellbeing 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.

For more information see:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf](http://www.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 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

2. Health care includes all forms of health care provided for adults, whether relating to physical or mental health, and includes palliative care. It 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.
3. 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.
4. 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.
5. 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.
6. Members of peer support groups (eg Alcoholics Anonymous) are not in regulated activity, even if the group is directed or supervised by a health care professional.
7. 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.
8. 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 providing access to regulated activities falling within point 2 above because it refers clergy and their families to Cognacuity for psychiatric or psychological assessment and treatment.

St Luke's also offers grants to clergy and their families to help them to access psychological assessment or treatment from a health professional of their choice, which is an 'arms' length transaction over which St Luke's has no control, nor does it have any responsibility for any regulated activity via this route.

Point 8 above 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 Background**

This Policy sets out the requirements with which providers of health care and wellbeing support who work with St Luke's 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 for Clergy Wellbeing**

The purpose of this policy is:

- to protect children and adults who receive psychological health care through a referral made by St Luke's
- to provide Trustees, staff and volunteers with the overarching principles that guide our approach to safeguarding: St Luke's for Clergy Wellbeing 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.

### **Providers of psychological health care**

Cognacity psychiatrists and psychologists who come into direct contact with clergy patients undergoing mental health assessment or therapy, must meet the requirements of their professional body (eg RCPsych) in relation to safeguarding training and DBS checks. In cases where St Luke's offers funding to help clergy to access psychological assessment or care, it is the responsibility of the clergy themselves to choose a therapist who has the necessary skills and training to offer what they need.

### **Trustees and staff**

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."

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 those in the role of Trustee. Amongst the staff, the Medical Secretary must have a current DBS check in place, as they are the person who is in regular contact by phone and email with clergy and their families.

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.

### Volunteers

From time to time, St Luke's welcomes volunteers who work with the charity in an administrative or fundraising role. St Luke's is committed to ensuring that all volunteers are treated in a fair and consistent way.

The Volunteer Policy is located in the folder marked 'Current Policies' stored in the cabinet alongside the folder enclosing Trustee meeting minutes.

### 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

Signed Edward Martineau  
Chairman

Date 20.3.23

Noted by the Board  
20<sup>th</sup> March 2023

Reference Minute 13

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