

Cardiff University – Interim Safeguarding Policy

Children and ‘At Risk’/Vulnerable Adults

1. Background and Scope

- 1.1 This policy is designed to guide the University in its statutory and moral obligation to safeguard children and ‘at risk’/vulnerable adults who come into contact with the University community, and the staff working with children and ‘at risk’/vulnerable adults to ensure that there are clear guidelines and procedures for identifying risk and reporting concern.
- 1.2 The University is committed to providing a safe environment for all children and ‘at risk’/vulnerable adults [see definitions below]. The University may encounter children and ‘at risk’/vulnerable adults through its teaching, research, outreach, access or other activities. The University cannot act ‘in loco parentis’ and ultimate responsibility for children rests with those who have parental responsibility. This Policy seeks to support activities involving children and ‘at risk’/vulnerable adults, and to offer assurances to staff, students, volunteers and visitors that safeguarding will be dealt with effectively and in a timely manner.
- 1.3 The University has a Lead Safeguarding Officer and two Principal Safeguarding Officers who will work with other agencies where appropriate to achieve its aims.
- 1.4 This policy extends to all members of the University and particularly to staff and students working with children and ‘at risk’/vulnerable adults (excluding staff working in the University Day Care Centre which is covered separately by a comprehensive Child Protection Policy and relevant regulatory requirements). It also extends to volunteers, students and contract workers engaged on behalf of the University. In clinical settings appropriate NHS safeguarding procedures will apply.
- 1.5 The Students Union may have specific issues relating to their activities that relate to safeguarding children and ‘at risk’/vulnerable adults which are covered separately by a comprehensive safeguarding policy. Where issues arise that are relevant to the Students Union and the University, the organisations will work together to address these issues.
- 1.6 The University has a separate policy for circumstances where children accompany their parent(s)/guardian(s) onto any part of the University campus. Further information can be found on the staff well-being and safety web pages.
- 1.7 This policy is also intended to support and interact with the University’s policies and guidance in relation to its ‘Prevent duty’ - supporting and safeguarding students who appear to be at risk of being drawn into terrorism or into extremist ideologies which place students at risk of being drawn into terrorism (“radicalisation”) (Counter-Terrorism and Security Act 2015).
- 1.8 This Policy should be read in conjunction with the University’s policies, procedures and guidelines referred to within the policy.

2. What is Safeguarding

2.1 The Care Quality Commission defines safeguarding as "protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect."

2.2 Cardiff University is committed to upholding the safety and welfare of children and 'at risk'/vulnerable adults. The key principles that underpin this policy stem from the Human Rights Act 1998, the Children Act 2004, the All Wales Child Protection Procedures 2008 and the Social Services and Wellbeing (Wales) Act 2014.

2.3 Whilst there is no statutory definition of safeguarding, 'Safeguarding children: working together under the Children Act' 2004 sets out that safeguarding and promoting the welfare of children is concerned with:

- protecting children from abuse and neglect
- preventing impairment of their health or development
- ensuring that they receive safe and effective care

2.4 Abuse is a violation of an individual's human and civil rights by any other person or persons.

3. Who are we seeking to Safeguard?

3.1 Safeguarding applies to 'children' and 'at risk' adults' (sometimes referred to as "at vulnerable adults)

Who is a child?

- The Children Act 1989 defines a 'child' as a person under the age of 18.
- the Health and Safety at Work Regulations 1999 (Reg 19) which defines the term "children/child" to apply to persons between birth and 16 years. Individuals of 16 and 17 years are 'young persons', anyone over 18 adult.

3.2 The terms 'child', 'under18-year old' and 'young person' are used interchangeably in this document. "young person/people" is not a legal term, but for the purposes of this document, a young person is someone who might not perceive themselves as a child, but who is still in the age range of the legal definition.

There is no legal definition of 'At Risk Adult' or a 'Vulnerable Adult'.

3.3 An adult at risk is defined by the Department of Health in the 'No Secrets Guidance (2000)', as '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'.

3.4 In respect of safeguarding vulnerable adults, section 126 of the Social Services and Wellbeing (Wales) Act 2014, defines an adult at risk as being anyone 18 years of age or older who is:

- experiencing or is at risk of abuse or neglect;
- has needs for care and support whether or not the local authority is meeting these; and as a result of these needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

3.5 Adults will also be deemed as 'at risk' or 'vulnerable' if they require 'regulated services' as defined under the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012).

4. Why Is Safeguarding Necessary In Higher Education?

- 4.1 The Lord Laming Report, 2003 stated that safeguarding is everyone's responsibility. This means that in an educational setting, including a university, everyone should know who to contact if they have concerns about a child or adult at risk. Following this report, the Children's Act 2004 required local authorities across England Wales to set up a Local Safeguarding Children Board. The business of this board is to ensure collective accountability for safeguarding children.
- 4.2 The Social Service and Wellbeing (Wales) Act 2014 establishes the National Independent Safeguarding Board for Wales to provide support and advice to the local Children's Safeguarding Boards and newly established Adult Safeguarding Boards (these may join together as one board in defined areas). Universities have a common law duty to take the necessary steps that are reasonable to ensure that children and 'at risk'/vulnerable adults are safe and that reasonably foreseeable harm does not occur as a result of careless acts or omissions of the institution. These measures are in addition to those required under general Health and Safety requirements. Universities are not however named under the Children's Act as having a duty to safeguard and protect children and young people since their core client group is over eighteen years old.

5. Policy Statement

- 5.1 The University is committed to providing a safe and secure environment for all students, staff and individual visitors who access its facilities and services. Cardiff University is committed to increasing awareness of safeguarding issues relating to children and 'at risk'/vulnerable adults, promoting good practice and assisting members of staff to make informed and confident responses in relation to safeguarding issues for children and 'at risk'/vulnerable adults. This policy is designed to safeguard children and 'at risk'/vulnerable adults who come into contact with the University community, and the staff working with children and 'at risk'/vulnerable adults, to ensure that there are clear guidelines and procedures for identifying risk and reporting concerns.

(The Codes of Practice for Working with Children, Young Persons and 'At Risk'/Vulnerable Adults are contained in Appendix 1.)

6. Roles and Responsibilities

The names and contact details of all officers are shown at section 15 below.

- 6.1 The University Lead Safeguarding Officer (LSO) is the Academic Registrar, who has overall accountability and strategic responsibility for safeguarding children and at risk/vulnerable adults within the University.
- 6.2. **The two Principal Safeguarding Officers** have strategic responsibility for overseeing the implementation of the safeguarding policy within the University and provide leadership and support to Designated Safeguarding Officer to. These are the **Director of Human Resources** in respect of staff, and the **Head of Student Support and Wellbeing** in respect of University students.

- 6.3 In Academic Schools and Professional Service departments where there are programmes or activities where staff and/or students work with children, and 'at risk'/vulnerable adults as part of their roles, one or more **Designated Safeguarding Officers (DSO)** will be appointed to take responsibility for safeguarding within that programme or activity. The DSO will normally be the organiser or coordinator of the programme or activity. Depending on the scale of activity affecting children or 'at risk'/vulnerable adults for each DSO appointed there may be one or more nominated **Deputy Designated Safeguarding Officer (DDSO)** to support the DSO. For example one faculty or department may have one DSO and a number of DDSOs, another may just have a DSO.

(The responsibilities of all Safeguarding Officers can be found at appendix 4.)

7. Signs of harm and/or abuse

- 7.1 Staff and students working in direct contact with children or 'at risk'/vulnerable adults may come across signs of harm and/or abuse. Staff need to ensure that any concerns for the wellbeing of a child or 'at risk'/vulnerable adult are reported to the appropriate faculty or department Designated Safeguarding Officer or Deputy Designated Safeguarding Officer or to the Principal Safeguarding Officer (if department Designated Safeguarding Officer and Deputy Designated Safeguarding Officer are not available) as quickly as possible and, at most, within 24 hours.
- 7.2 The Designated Safeguarding Officer, Deputy Designated Safeguarding Officer or the Principal Safeguarding Officer as above will invoke the appropriate procedures to ensure that children and adults are safeguarded involving Social Services and the Police as appropriate. Where staff members are unsure and need guidance about safeguarding issues, they must seek support from the Designated Safeguarding Officer, Deputy Designated Safeguarding Officer or Principal Safeguarding Officer.
- 7.3 In addition to actions set out in paragraph 7.1 above, where an allegation of abuse or inappropriate behaviour is made against a member of staff and relates to their actions as an employee of the University, Human Resources will advise and guide the line manager of the member of staff against whom allegations have been made in relation to employment and disciplinary issues. A referral should be made to Children's Services if the allegation involves actual or possible harm to a child, or to Adult Social Services if the allegation involves actual or possible harm to a vulnerable adult.
- 7.4 In addition to actions set out in paragraph 7.1 above, where an allegation of abuse or inappropriate behaviour is made against a student and relates to their actions as a member of the University, the Head of Student Cases will provide advice in relation to student discipline or casework issues.

8. 'Control Measures'/Procedures

- 8.1 This policy document constitutes the general policy that applies to all areas of activity in the University.
- 8.2 It is the responsibility of the Safeguarding Steering Group to review this policy annually.
- 8.3 The University will develop new policies where necessary in line with changes in legislation and best practice guidance
- 8.4 Any local procedures and codes of practice will be subject to approval by the Safeguarding Steering Group.
- 8.5 Following are some general principles that must apply to all local procedures and codes of practice.

9. Planning an activity

- 9.1 Any member of the University who has responsibility for organising an activity involving 'at risk'/vulnerable adults or children must nominate an individual to act as the Designated Safeguarding Officer for the activity.
- 9.2 Activities should:
- be designed so that appropriate training and supervision is available to those working with 'at risk'/vulnerable adults or children;
 - minimise occasions on which members of the University will need to work alone in an unsupervised way with 'at risk'/vulnerable adults or children; and
 - be appropriately risk assessed.
- 9.3 Every activity which involves 'at risk'/vulnerable adults or children should be risk assessed and the assessment should consider how the risks identified can be minimised and should also outline the local processes for reporting concerns, as well as taking account of Health and Safety considerations. This may form a part of an application for ethics approval. Training requirements and records of training undertaken should be recorded in the risk assessment.
- 9.4 Completed risk assessments should then be made available to all staff or volunteers involved in the activity.
- 9.5 Any pre-employment or pre-activity checks (including DBS checks) should be carried out in accordance with the University's guidance.
- 9.6 Children and 'at risk'/vulnerable adults who are participating in a University activity must, as part of their induction to the activity, be given clear information about how, and to whom, they can report concerns about any member of the University with whom they will be interacting. More than one point of contact should always be given and the details of the University's Safeguarding Officers included (in addition to the contact details of the Designated Safeguarding Officer for the activity) so that complaints can be made directly to these officers, where appropriate.

10. Training

- 10.1 Any member of the University who will be planning activities with children should have completed appropriate training. Advice is available from the Safety and Wellbeing Division.
- 10.2 Anyone holding the role of Designated Safeguarding Officer and their deputies will undergo appropriate training in safeguarding issues on a regular basis
- 10.3 Activity organisers (for example, involving residential courses for young people) may wish to arrange additional training.
- 10.4 Training can be recorded and monitored via the Core HR system.

11. Students

- 11.1 The University takes a risk management approach to safeguarding in organising learning and teaching and delivery of services to students and the public. Faculties and Departments are required to carry out risk assessments in respect of activities that involve children or 'at risk'/vulnerable adults', and make reasonable, proportionate adaptations to those activities.

- 11.2 Where adaptations are reasonable and proportionate, the University will put in place measures in order to control risks and ensure safeguarding and wellbeing.
- 11.3 The University reserves the right to refuse to admit a child or 'at risk'/vulnerable adult to a programme of study, or other University -managed activities, if it judges that the adaptations necessary to safeguard that individual's well-being go beyond what is reasonable and proportionate.
- 11.4 The University will provide guidance for applicants who will be aged under 18 years at the commencement of their programme of study about the nature of the University environment, which will include links to the University's safeguarding policy and contacts. This guidance will also be copied to the applicant's guardian(s) / parent(s) for information, both at the point of offer and prior to enrolment.
- 11.5 UCAS applicants are required to declare only 'relevant' criminal convictions, 'relevant' being defined as offences against the person, whether of a violent or sexual nature or offences involving supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking. Where a conviction is disclosed which indicates that the individual poses a risk to children or at risk/vulnerable adults, the University has the right to deny admission to a student.
- 11.6 As a condition of admission to certain programmes of study or other university-organised activity where they will be in regulated activity, students are required to undergo a DBS check prior to the commencement of placement activity. The University is obliged to refuse admission if the DBS disclosure, on a reasonable assessment, would disqualify the applicant from practising as a professional in the context of the activities of the University. Regulated activity is defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 (The relevant extract from the Act identifying 'Regulated Activity' is provided in Appendix 8 below).
- 11.7 The University does not consider it practicable to take steps other than those described in paragraphs 11.5 and 11.6 above, to vet the backgrounds of students who, during the course of learning and teaching activities and administrative activities, come into contact with other students who are children, young people or 'at risk'/vulnerable adults (including, for example, those volunteering to work in clinics). The University takes a risk management approach to organising curriculum and service delivery; Academic Schools and Professional Service departments carry out a risk assessment, and make reasonable adaptations to the delivery of curriculum and/or services.

12. Staff

- 12.1 All employees, contractors and volunteers are advised to minimise physical contact with students, except for reasons of health and safety, or where physical contact may be a necessary part of learning in the University (e.g. safe manual handling or the provision of personal care (e.g. carers to disabled students)).
- 12.2 The University has a responsibility for the safety of its learners, and therefore reserves the right to deny employment to individuals where permitted DBS checks suggest that they might pose a danger to that community.
- 12.3 The University reserves the right, in accordance with its employment procedures, to suspend and/or dismiss staff members from employment or from undertaking a specific role with respect to that employment (e.g. academic staff acting as personal tutor). This may be in circumstances where the individual acquires or extends a relevant criminal record, or where they have withheld information about their criminal record at the point of employment. Disciplinary action may also be taken against staff, in accordance with the University's employment procedures for a failure to comply with this policy.

- 12.4 The University recognises its responsibility for the wellbeing of staff. Any employee who considers that they themselves may be an adult at risk, can seek support from line management. The staff member may also seek additional help and guidance from his/her trade union. These sources of support are available equally to a member of staff who faces allegations of inappropriate behaviour, abuse and/or neglect. Any staff member who considers that they have been subject to inappropriate behaviour or abuse will also have access to the Dignity at Work and Study Policy
- 12.5 All employees, contractors and volunteers are reminded of the offence of abuse of positions of trust under sections 16 to 19 of the Sexual Offences Act 2003. This makes it an offence for a person aged 18 or over intentionally to behave in certain sexual ways in relation to a child aged under 18, where the person aged 18 or over is in a position of trust (defined as looking after a child aged under 18 who is receiving education at an educational institution) A person “looks after” a child in this context if he/she is regularly involved in caring for, training, supervising or is in sole charge of a child or children.
- 12.6 The University obtains enhanced DBS disclosures for all employees, students or volunteers working in ‘regulated positions’ (Any work which is currently defined as regulated activity relating to children and adults within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006). The University has procedures to evaluate information about an individual’s criminal record, and make sensible, fair and consistent judgements about whether the individual is safe to engage (or remain engaged) in the employment, role or office.
- 12.7 Many employees are engaged in roles that are not ‘regulated positions’ (see paragraph 12.6 above), yet are involved in activities that may also involve children or ‘at risk’/vulnerable adults. As outlined in paragraph 11.1 above, the University takes a risk management approach to the delivery of learning and teaching and University-managed activities involving the wider public.

13. Other groups

- 13.1 Where children of students, staff members or visitors are present on the University estate or premises used by the university, they remain the responsibility of their parent/guardian or teachers, unless they are enrolled as students, or are otherwise involved in a University-managed activity (see para 13.2 below).
- 13.2 Safeguarding the well-being of children visiting the University estate or premises used by the university (without their parent/guardian) is the responsibility of the organiser of the activities in which the child is participating.
- 13.3 Safeguarding the well-being of service users of the university is the responsibility of the organiser of the service they are accessing within the overall remit of this policy

14. Procedures to be invoked when harm/abuse is suspected

The procedures to be invoked when harm/abuse is suspected can be found at Appendix 1.

15. Contact Details for Designated Safeguarding Staff

Safeguarding Role	Title	Name	Ext	Email
Lead Safeguarding Officer	Academic Registrar	Simon Wright	(0)29 2087 5829	WrightS11@cardiff.ac.uk
Principal Safeguarding Officer - Students	Director of Student Support and Wellbeing	Ben Lewis	(0)29 2087 4179	LewisBM1@cardiff.ac.uk
Principal Safeguarding Officer- Staff	Director of Human Resources	Sue Midha	029 20879243	midha@cardiff.ac.uk
Principal Safeguarding Officer- Staff	Director of Human Resources	Sue Midha	029 20879243	midha@cardiff.ac.uk

Appendix 1 - Code of Practice for Staff Working with Children and 'At Risk'/Vulnerable Adults

1. GENERAL PRINCIPLES

These guidelines reflect the principles that:

- Well-being is paramount.
- Everyone should be treated with respect and dignity.
- Employees should understand their responsibilities to safeguard and promote well-being
- All members of the University should demonstrate exemplary behaviour when working with children, and 'at risk'/vulnerable adults in order to protect them from abuse and to protect themselves from false allegations.
- Employees should discuss and/or take advice promptly from a DSO/DDSO about any incident or behaviour that may give rise to concern.
- Any allegations or suspicions of abuse should be reported immediately to the DSO/DDSO and to the relevant Local Authority Department.
- Employees should be aware that breaches of the law and other professional guidelines could result in disciplinary or criminal action being taken against them.
- Employees should know the procedures for handling allegations against staff and to whom they should report concerns.

2. WORKING WITH CHILDREN AND YOUNG PEOPLE

The Children Act 1989 defines a 'child' as a person under the age of 18.

2.1 WHAT IS ABUSE?

Abuse is a violation of an individual's human and civil rights by any other person or persons.

2.1.1 Abuse of children and young people

It is recognised that some members of the University will have little contact with vulnerable groups at work and consequently may not be in a position to recognise abuse.

Abuse can and does occur both within families and in institutional or community settings. The University acknowledges that some individuals seek to use voluntary and community organisations to gain access to vulnerable people, and that it is necessary to have an open mind when the possibility arises that a member of the University is suspected of abuse or inappropriate activity. Abuse is defined by the All Wales Child Protection Procedures 2008 as one of the following:

1. **Physical:** "Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing harm to a child. Physical harm may also be caused when a parent or caregiver fabricates or induces illness in a child who they are looking after."
2. **Emotional:** "Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only in so far as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, for example by witnessing domestic violence abuse within the home or being bullied or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, though it may occur alone."
3. **Sexual:** "Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact activities, including penetrative or non-penetrative acts. They may

include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.”

4. **Neglect:** “Neglect is the persistent failure to meet a child’s basic or physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. It may involve a parent or caregiver failing to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs. In addition, neglect may occur during pregnancy as a result of maternal substance misuse”
5. **Domestic Violence:** In addition, the Domestic Violence, Crime and Victims Act 2004 closed a loophole for murder/manslaughter and the 2012 Amendment includes “causing child or vulnerable adult to suffer physical harm”
6. **Grooming:** Under the Sexual Offences Act 2003, grooming of young people under the age of 18 became a statutory offence.

7. **Online Abuse:** Online abuse is any type of abuse that happens on the web, whether through social networks, playing online games or using mobile phones. Children, young people and ‘at risk’/vulnerable adults may experience cyberbullying, grooming, sexual abuse, sexual exploitation or emotional abuse. Children and ‘at risk’/vulnerable adults can be at risk of online abuse from people they know, as well as from strangers. Online abuse may be part of abuse that is taking place in the real world (for example bullying or grooming). Or it may be that the abuse only happens online (for example persuading children to take part in sexual activity online). Children and ‘at risk’/vulnerable adults can feel like there is no escape from online abuse – abusers can contact them at any time of the day or night, the abuse can come into safe places like their bedrooms, and images and videos can be stored and shared with other people.

2.2 Working safely with children

You should:

- Maintain (or know the whereabouts of) a register of children working with you at any given time.
- Work in an open environment avoiding private or unobserved situations and encouraging open communication. Avoid spending time alone with children away from others. Teaching spaces for one-to-one tuition should incorporate a proportionate degree of external visibility.
- Any staff working with children, or ‘at risk’/vulnerable adults in a clinical or therapeutic setting, sometimes alone, should be appropriately supervised and have undergone DBS checks.
- Treat all children fairly, with respect and dignity.
- Treat the child’s welfare as paramount.
- Maintain a safe and appropriate distance with children. It is illegal for staff, students or volunteers to have an intimate relationship with a child.
- Ensure that if any form of manual/physical contact is required, it should be provided where you can be observed and clearly seen by others. In sporting situations this should be according to guidelines provided by the appropriate National Governing Body.
- Involve parents/carers/teachers wherever possible, e.g. by encouraging them to take responsibility for the children in their care in changing rooms, clinics etc.

- Aim to be an excellent role model.
- When feedback is necessary give enthusiastic and constructive feedback rather than negative criticism.
- Keep a written record of any injury that occurs, along with the details of any treatment given.
- Attend relevant safeguarding training courses that the University provides.
- Be committed to cooperate in any investigations.

You should never:

- Engage in rough physical games, or those that could be considered as sexually provocative.
- Share sleeping accommodation overnight with a child.
- Go into a child's room unless absolutely necessary. (If it is necessary, two members of staff should enter.)
- Use a mobile phone or camera when working except in an emergency.
- Allow or engage in any form of inappropriate touching.
- Allow children or colleagues to use inappropriate language unchallenged.
- Make comments to a child, even in fun, that could be construed as sexually provocative.
- Deliberately reduce a child to tears as a form of control, belittle or demean a child or use emotional abuse.
- Allow allegations made by a child to go unrecorded or not acted upon.
- Invite or allow children, to visit or stay with you at your home.
- Do things of a personal nature for children that they can do for themselves. It may sometimes be necessary for staff or volunteers to do things of a personal nature for children, particularly if they are young or are disabled. These tasks should only be carried out with the full understanding and consent of parents/carer or teacher and, where possible, the child. Toileting must be undertaken by two people, one of whom must be female when accompanying a female child, young person or vulnerable adult (where assistance is needed). There is a need to be responsive to a child's reactions, talk with him/her about what you are doing and give choices where possible. This is particularly so if you are involved in any dressing or undressing of outer clothing, or where there is physical contact, lifting or assisting a child to carry out particular activities. Avoid taking on the responsibility for tasks for which you are not appropriately trained.
- Some research activities involving children may necessitate physical contact. It is important for adults to understand what is appropriate within such activities, to avoid anything that could be misunderstood, and for such activities to be supervised.
- Physical contact between a member of staff and student is sometimes necessary for the student's learning. Its purpose and form should be explained to the student by the member of staff and the student's consent obtained in advance of physical contact taking place. In this context, as in all others, a member of staff should be sensitive to feedback from the student and respond accordingly.
- Have a child, young person or vulnerable adult on one's own in a vehicle.

- Spend time alone with a child. If you are in a situation where you are alone with a child, make sure that you can be clearly observed or seen by others. In a therapeutic, clinical environment relevant ethical and professional guidelines should be adhered to

1. Working with at risk and vulnerable adults

There is no legal definition of a 'vulnerable adult'. An adult at risk is defined by the Department of Health in the 'No Secrets Guidance (2000)', as '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'.

In respect of safeguarding vulnerable adults, section 126 of the Social Services and Wellbeing (Wales) Act 2014, defines an adult at risk as being anyone 18 years of age or older who:

- is experiencing or is at risk of abuse or neglect;
- has needs for care and support whether or not the local authority is meeting these; and as a result of these needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

There are situations, such as in the provision of personal care to a disabled person, where it will be necessary to have a degree of physical contact in a one-to-one situation. The key principle is that the person should be treated with respect and dignity and that consent should be obtained to any action taken where appropriate (e.g. in relation to cases under the Mental Capacity Act).

Adults will also be deemed as 'Vulnerable' if they require 'regulated services' as defined under the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act 2012).

3.1 What is Abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons.

3.2 Abuse of adults

There are many ways in which an adult may be abused. It is not unusual for an abused adult to suffer more than one kind of abuse. Accordingly, the impact of abuse and its seriousness for the individual must be evaluated in every case.

[In Safe Hands](#) (Welsh Government 2000) identifies five main categories of abuse:

1. Physical: including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions;
2. Sexual: including rape and sexual assault or sexual acts to which the vulnerable adult has not given consent, or is incapable of giving informed consent or was pressured into consenting. This may involve contact or non-contact abuse (e.g. touch, masturbation, being photographed, teasing, inappropriate touching);
3. Financial or material: 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;
4. Emotional or Psychological: abuse including emotional, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks; and
5. Neglect or acts of omission: including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, withholding of the necessities of life, such as medication, adequate nutrition and heating.

Other areas to consider specifically for the student population are Radicalisation & extremism – links to your representation on the Channel Panels; Human Trafficking; Female Genital Mutilation; Honor Based Violence & Forced Marriage.

4. What to do if Abuse is Reported or Suspected

The recognition of abuse is not always easy and the University acknowledges that its employees are not experienced in this area and will not easily know whether or not abuse is taking place. Indeed, it is not the place of University members to make such a judgement. However, the university recognises that it has a responsibility to act on any concerns in order to safeguard the welfare of vulnerable groups.

Any concerns should be reported promptly to a DDSO or DSO who will in turn report to the Lead and Principal Safeguarding Officers as appropriate. All staff should be made aware of whom the DSO or DDSO is in their relevant setting, before working with members of any vulnerable group.

Every effort should be made to maintain confidentiality. Suspicions must not be discussed with anyone else on campus other than those nominated above.

The LSO and PSO have the responsibility to act on behalf of the University in dealing with allegations or suspicion of abuse or neglect. This will include collating details of the allegation or suspicion and referring the matter to the appropriate statutory authorities.

Where there are outreach activities, e.g. in a school or hospital, reported or suspected abuse should be referred to the Designated Safeguarding Officer of the school or hospital. The expectation of the University is that any such referral would be brought to the attention of the University Lead Safeguarding Officer by the school or hospital Designated Safeguarding Officer.

NB: It is the task of designated statutory bodies (Police, Social Services, NSPCC) not the University, to assess the information given to them and to decide whether to investigate the matter further under The All Wales Child Protection Procedures (2008) and the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults (2013).

It is important to note that in the case of adults, if the adult has the capacity to refuse consent to Social Services responding to the alleged abuse and there are no other 'at risk'/vulnerable adults'; a crime has not been committed; and children are not present (or in the environment where the alleged abuse has taken place), Social Services cannot proceed without consent and therefore, the University would not be able to proceed.

Under no circumstances should members of the University carry out their own investigation into suspicions or allegations of abuse, neither should they question victims closely, as to do so may contaminate evidence and obstruct any investigation that may be carried out subsequently by the Police or Social Services.

8. Responding to Suspicions of Abuse

If a vulnerable person says something or acts in such a way that abuse is suspected, the person receiving the information should:

- React in a calm but concerned way.
- Tell the person that s/he is right to share what has happened; and that s/he is not responsible for what has happened.
- Take what the person says seriously.

- Keep questions to an absolute minimum only to clarify what the person is saying; not to interrogate.
- Do not interrupt the person when they are recalling significant events.
- Reassure the person that the problem can be dealt with.
- Do not give assurances of confidentiality that cannot be kept but should reassure the person that the information will only be passed on to those people who need to know.
- Make a full record of what is said and done, though this should not result in a delay in reporting the problem to the relevant DSO or DDSO.

The record should include:

- The person's account of what has occurred.
- The nature of the allegation or concern.
- A description of any visible physical injury (clothing should not be removed to inspect the injury).
- A verbatim record of the disclosure. This may be used later in a criminal trial and it is vital that what is disclosed is recorded as accurately as possible. Do not ask leading questions. The record must be drafted in the person's words and should not include the assumptions or opinions of others.
- Any dates, times or places and any other potentially useful information.

The problem should be reported IMMEDIATELY by the DSO/DDSO to the LSO or PSO who will take the appropriate action. If the concern is of a very serious nature and arises out of normal office hours (evenings and weekends), contact should be made directly with the relevant Social Services Emergency Duty Team.

It is recognised that staff may need support after receiving a disclosure and will be offered appropriate support by line management.

8. Whistleblowing

Whistleblowing is an important aspect of a safeguarded institution whereby staff, student mentors and volunteers are encouraged to share genuine concerns about a colleague's behaviour, in confidence, with the Principal Safeguarding Officer (HR)

Working with children, or 'at risk'/vulnerable adults places staff and volunteers in positions of power. In order to retain the trust of a child, or adult at risk, it is essential that all reasonable steps are taken to ensure this power is exercised responsibly.

There may be situations whereby staff or volunteers have genuine concerns about the conduct of a colleague towards a child or adult. All members of the University have the right and the responsibility to raise concerns, without prejudice to their own position, about the behaviour of staff, managers, volunteers, students or others, which may be harmful to those in their care and will receive appropriate support when doing so.

In accordance with the Public Interest Disclosure Act 1988 and the All Wales Whistleblowing – Right to Raise Concerns 2012, and the USW Whistleblowing Policy, the University will support and protect those staff and students who, in good faith and without malicious intent, report suspicions of abuse or concerns about colleagues and their actions. Whistleblowing should be part of transparent work practices and is not intended to set up mistrust or suspicion among staff and volunteers.

Staff who want to get free confidential advice about whistleblowing can contact Public Concern at Work on 020 7404 6609 or visit their website at: www.pcaew.org.uk.

9. Allegations or Suspicion of Abuse against a Member of the University

This can be an extremely difficult issue to deal with. It can be difficult to accept that a colleague may harm a child, or adult. It may also be that the behaviour that causes concern is bad practice rather than abuse. Any concerns should be reported to the DSO/DDSO in the first instance.

It is important that any response is properly co-ordinated and that events are managed in the right order. For this reason, the University will consider taking no direct action against a member of the University without the advice and agreement of the investigating agencies (e.g. the Police, NSPCC or Social Services), except where such action is necessary to protect a child, or adult.

If, following consideration and any consultation, the concern is clearly about bad practice rather than abuse, the University will take the necessary action to advise, manage or instigate disciplinary action against the member of the University about whom the allegation has been made.

Irrespective of the outcome of any Police or Social Services investigations, the University may consider disciplinary action in accordance with its disciplinary procedure.

10. Concerns of Possible Abuse Outside of the University

As a result of their contact with a child, or adult, members of the University may become concerned that the person is being abused by someone unconnected with the University. In these circumstances the individual should report their concerns to the DSO/DDSO as outlined above.

11. Allegations of abuse by an individual from an external organisation using university facilities

A child, or adult who is on campus through an external organisation may make an allegation of abuse to a member of the University about an adult member of that external organisation. In this situation, the member of the University must report the allegation to the DSO/DDSO. The DSO/DDSO will report the matter to the external organisation and will notify the Lead Safeguarding Officer of their action. The University expects the organisation to follow its own safeguarding policy and will require confirmation that the appropriate action has been taken. In addition, the Lead Safeguarding Officer will consider whether it is permissible to allow the external organisation continued use of the facilities during the investigation period and beyond.

12. Working with vulnerable groups in research

There are important issues to consider when working with vulnerable groups on a research project:

- The Faculty Ethics Committee/Ethics Champion/University Ethics Committee with the Lead DBS Countersignatory must consider whether anyone working with vulnerable groups as part of a research project (whether staff or student within the University) requires a DBS disclosure.
- All research involving vulnerable groups must obtain approval from the relevant Faculty Ethics Committee/Champion and be consistent with the University's policy on research ethics.
- The researcher should ensure that informed consent has been obtained from parents of children under 18. Children should be given the opportunity also to consent to participation, but parental consent is essential.
- Any research activity will respect the person's right to confidentiality and comply with any relevant code of ethics applicable to the type of research being conducted.
- The researcher should monitor the effect of the research on the person to ensure that they feel comfortable with continuing with the research.

- Wherever possible, a same sex chaperone should always be present during the research.

13. Widening Access and Recruitment

The University carries out a wide range of activities for young people in order to increase levels of participation in higher education.

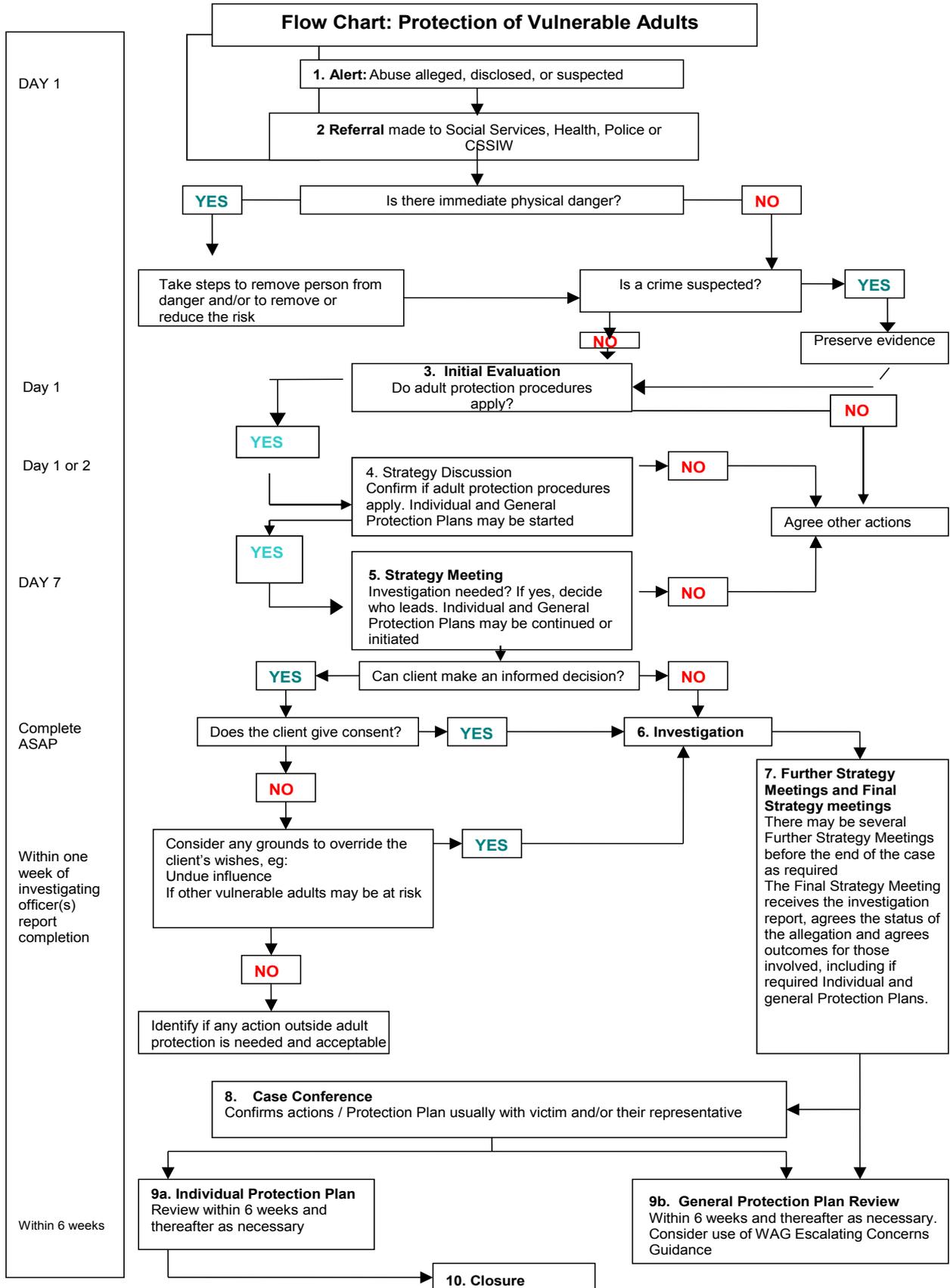
A Designated Safeguarding Officer (DSO) and if required Deputy Designated Safeguarding Officer (DDSO) should be identified to take responsibility for dealing with any safeguarding issues that arise during a particular event. In the case of centrally-organised events, the DSO will be the Widening Access Manager. For all other events the DSO will be the individual responsible for organising and running the event. It is the responsibility of the DSO to understand and implement the procedures and recommendations set out in this policy.

The DSO is responsible for ensuring that a risk assessment has been considered and acted upon as appropriate. A Risk Assessment document must be completed prior to each event on campus. This should set out potential hazards and the measures taken to ensure the safety of participants.

In the case of residential summer schools it is likely that staff and student representatives will require appropriate DBS checks. Further advice can be obtained from Human Resources.

Appendix 2

The Ten Stages and Timescales in the Adult Protection Process



Stage	Activity	Timescale
Stage 1 Alert (abuse alleged, disclosed, suspected)	<ul style="list-style-type: none"> • Evaluate risk, • Make decision, • Take action • Make referral. 	Take immediate/ emergency action if necessary → Referral to be completed within one working day.
Stage 2 Referral Received	<ul style="list-style-type: none"> • Referral received by Social Services, Police, CSSIW, HIW or Health. • Evaluate risk. 	
Stage 3 Initial evaluation	<ul style="list-style-type: none"> • Decide if the <i>Adult Protection Procedures</i> apply. 	→ Initial evaluation on the day the referral is received.
Stage 4 Strategy Discussion	<ul style="list-style-type: none"> • Initial information gathering. • Evaluate all risks. • Create and implement Individual or General Protection Plans if risk identified. • <i>'Police will decide if a criminal investigation is required'</i>. 	→ Strategy Discussion within 2 working days of the alert
Stage 5 Strategy Meeting	<ul style="list-style-type: none"> • Evaluate risk and in the context of risk assessment decide if investigation needed or alternative action. • Create and implement Individual or General Protection Plans if risk identified. 	→ Within 7 working days of the alert
Stage 6 Investigation	<ul style="list-style-type: none"> • Investigation conducted, including further evaluation of risk. 	→ Complete as soon as possible and within timescale agreed at Strategy Meeting
Stage 7 Reconvened Strategy Meeting	<ul style="list-style-type: none"> • Receive investigation report, agree actions. • Review risk and formulate Individual and General Protection Plan whenever necessary. 	→ Within 7 working days of completion of the investigation report
Stage 8 Case Conference	<ul style="list-style-type: none"> • Feedback to alleged victim/advocate/family • Agree Protection Plan. • Evaluate risk 	→ Within one week of Reconvened Strategy Meeting.
Stage 9 Reviews	<ul style="list-style-type: none"> • Reviews of Individual Protection Plan and risk. 	→ Within 6 weeks of agreement of Individual Protection Plan and thereafter as agreed.
Stage 10 Closure	<ul style="list-style-type: none"> • Adult protection work completed and adult protection file closed. • Care management continues as necessary. 	→ Once all risks resolved or agreement reached on the management of any continuing risks.

NB: Working days exclude weekends and bank holidays

Appendix 3. Referral Form – Confidential

Please complete as fully as possible, especially ensuring that risks are identified.

Child / Young Person's / 'At Risk'/Vulnerable Adult details:

Surname: [Click here to enter text.](#)

Forename(s) [Click here to enter text.](#)

Date of birth: [Choose an item.](#) / [Choose an item.](#) / [Choose an item.](#)

How does the individual describe their gender: Male Female In another way

Address: [Click here to enter text.](#)

Post code [Click here to enter text.](#)

Parents' / Carers' address: (if different from above)

[Click here to enter text.](#)

Post code. [Click here to enter text.](#)

Summary of reason for referral:

(Please include details of relevant dates, times, locations in relation to the referral. Continue on extra sheet if required)

Details of any other person known to have information on the referral:

Surname Click here to enter text.

Forename(s) Click here to enter text.

Date of birth: Choose an item. / Choose an item. / Choose an item.

Address: Click here to enter text.

Post codeClick here to enter text.

Contact details:

Date of referral:Click here to enter a date.

Referred by:

Surname: Click here to enter text.

Forename(s) Click here to enter text.

Post: Click here to enter text.

School / Department: Click here to enter text.

Contact details:

Telephone Click here to enter text.

Date form received: Click here to enter a date.

Action taken:

Appendix 4

Responsibilities of Safeguarding Officers

Lead Safeguarding Officer (LSO)

- To be accountable to the University Executive Team and Governing Body for the institution's safeguarding policy and practice.
- Ensure there is a staff structure and committee structure in place to fulfil safeguarding responsibilities
- To develop University wide procedures, practice and guidance for safeguarding that are compliant with Local Safeguarding Children Board procedures.
- To Chair the University Safeguarding Steering Group.
- Ensure that safeguarding is afforded utmost priority at the most senior level within the institution.
- Undertake safeguarding training at an appropriate level.
- Ensure that funding and human resources including staff development and training are available to fulfil safeguarding responsibilities.
- Ensure procedures are in place for managing allegations, whistleblowing and safe recruitment practices.
- Ensure that secure records of Vulnerable Groups Protection concerns are stored and shared appropriately.
- To create links with the local authority children's services teams.
- To identify Principal Safeguarding Officers.
- Ensure that monitoring and review systems are in place to incorporate new guidance and legislation and to test out existing systems.
- To act as a source of support, advice and expertise to staff.

Principal Safeguarding Officers (PSO)

- Deputise for the LSO in the university senior management structure
- Receive referrals that have been escalated from DSO/DDSO level
- Liaise with the Lead Safeguarding Officer to inform him/her of any issues and on-going investigations
- Devise the means by which the policy is implemented, monitored and refined.
- Ensure each member of staff has access to and understands the USW Safeguarding Policy especially new or part time staff who may work with different educational establishments
- Refer cases of suspected abuse or allegations escalated from DSO/DDSO level to the relevant investigating agencies
- Report such referrals to the Lead Safeguarding Officer.
- Keep detailed, accurate and secure written records of referrals/concerns

Lead Safeguarding Officer (LSO), Principal Safeguarding Officer (PSO)

Training

- Be trained to an appropriate level in Safeguarding and attend any relevant or refresher training courses at least every two years.
- Be trained in whistleblowing.
- Have a working knowledge of how (Local Children's Safeguarding Boards) operate, the conduct of a Child Protection case conference or strategy meeting and be able to attend and contribute to these effectively when required to do so

Designated Safeguarding Officer (DSO)
Deputy Designated Safeguarding Officer (DDSO)

- Receive incident or case information from staff or students.
- Refer cases of suspected abuse or allegations to the relevant investigating agencies such as Social Services, Police (DSO).
- Report referrals to Lead Safeguarding Officer when they need to be escalated and keep the LSO aware of developments in cases managed by DSO.
- Act as a source of support, advice and expertise to staff.
- Ensure programmes or activities are planned, organised and delivered in accordance with this policy.
- Undertake safeguarding risk assessments of activities making suggestions for reasonable adjustments (e.g. to curriculum or assessment)
- Liaise with Marketing and Student Recruitment when dealing with under-18s or vulnerable adult students.
- Provide the Safeguarding Steering Group with any additional safeguarding policies or procedures for implementation at a local level such as a clinic operation.
- Receive relevant and appropriate training to undertake the role.
- Arrange the training, induction and guidance for all staff and volunteers appropriate for programmes or activities concerned, including drawing attention to this policy.
- Ensure all relevant staff have induction training covering safeguarding (Level 1) and are able to recognise and report any concerns immediately they arise to the appropriate person.
- Where appropriate, advise parents of the existence of the Safeguarding Policy, which alerts them to the fact that referrals may be made and the role of the establishment in this to avoid conflict later.
- Keep detailed, accurate and secure written records of referrals/concerns.

DSO/DDSO Training

- Undertake Level 2 Safeguarding training and attend any relevant or refresher training courses at least every two years.
- Be trained in whistleblowing.
- Have a working knowledge of how Local Children's Safeguarding Boards operate, the conduct of a Child Protection case conference or strategy meeting and be able to attend and contribute to these effectively when required to do so; and the equivalent for 'at risk'/ vulnerable adults.

Appendix 5 – Designated Safeguarding Officers and Deputy Designated Safeguarding Officers

Name	Role	Department	E-mail	Phone
Karen Tanner	Residences, Sports & Crèche	Campus Facilities	tannerk@cardiff.ac.uk	029208 75813
Liz Connolly	DBS checks; staff records; work experience etc.	HR operations	connollye1@cardiff.ac.uk	029208 79099
Kathy Pittard Davies	Research projects/ethics	Research and Innovation Services	davieskp2@cardiff.ac.uk	029208 79274
Andy Berry	Safety/ risk management, link to disability staff	Safety & Wellbeing	berryaw@cardiff.ac.uk	029208 74137
Christine Werrell	Disability and vulnerable students	Student Support & Wellbeing	werrellc@cardiff.ac.uk	029208 79317
Dave Roylance	Recruitment, WP and Summer Schools	Communications and Marketing	roylance@cardiff.ac.uk	029208 75241
Sian Gethin-Pymble	Admissions	Registry and Academic Services	gethins1@cardiff.ac.uk	02920 876864
Daniel Palmer	SU Designated Officer	Students' Union	PalmerD@cardiff.ac.uk	029 2078 1400

Staff in areas that do not have a DSO or DDSO should report any concerns or seek advice from the Lead Safeguarding Officer or Principle Safeguarding Officers.

Appendix 6 - Relevant Legislation, Guidance and Codes of Practice

The Data Protection Act 1998

Human Rights Act 1998

The Children Act 1989

In Safe Hands (Welsh Government 2000)

The Children Act 2004

Working Together to Safeguard Children 2004

All Wales Child Protection Procedures 2008

Safeguarding Children in Education (DfES 2004)

Safeguarding Children: A Framework for HEIs (2007)

Sexual Offences Act 2003

Safeguarding Vulnerable Groups Act 2006

Wales Interim Policy and Procedures for the protection of Vulnerable Adults from Abuse (2013)

Social Services and Wellbeing (Wales) Act 2014

Female Genital Mutilation Act 2004

Forced Marriage Act 2007

Criminal Justice and Immigration Act 2008

Appendix 7

Contacting Children's Services

The appropriate Children's Services to be contacted in instances of alleged child abuse will be the one which covers the local authority area within which the incident occurred.

Therefore, if the incident occurred at the child's home/school, the appropriate geographical Children's Services would be the one for that local authority area.

Blaenau Gwent/Monmouthshire
Social Services
7 Bridge Street
Civic Centre
Ebbw Vale
01495 315700

Bridgend County Borough Council
Social Services Department
Council Offices
Sunnyside
Bridgend
CF31 4AR
01656 643643

Caerphilly Borough Council
Caerphilly Children Services
Hawtin Park
Gellihaf
Blackwood

Merthyr Tydfil County Borough Council
Via Cwm Taf MASH
Child - 01443 743619
Adult - 01443 742942
Out of office hours emergency - 01443 743665

08081001727

Cardiff Council
Social Care and Health
PO Box 97
Cardiff
CF11 1BP
Intake and Assessment Team
029 2053 6400 - during office hours
Emergency Duty Team
02920 788570 - out of office hours

Monmouthshire County Council
County Hall
6th Floor
Cwmbran
NP44 2XH
01633 644644

Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
SA13 1PJ
01639 685717

Newport Child Protection Unit
Children and Families Services
Newport County Borough Council
3rd Floor
Royal Chambers
High Street
Newport
NP20 1FR
01633 656656

Rhondda Cynon Taff County Borough Council
Via Cwm Taf MASH
Child - 01443 742928
Adult - 01443 742940
Out of office hours emergency - 01443 743665

Swansea
Directorate of Social Services
City and County of Swansea
PO Box 603
Swansea
SA1 9HT
01792 635700

Torfaen County Borough Council
Social Services Department
County Hall
Cwmbran
Torfaen
01633 762200

Vale of Glamorgan
Child Protection and Reviewing Unit
Vale of Glamorgan County Council
Dock Offices
Subway Road
Barry Docks
Barry
01446 725202

Contacting Adult Safeguarding Teams

The contact details for each local authority can be found at the link below.

http://ssiacymru.org.uk/home.php?page_id=3015

The Western Bay Safeguarding Adult Board covers the County Boroughs of Bridgend, Cardiff, Swansea, Vale of Glamorgan, Rhondda Cynon Taff, Merthyr and Neath and Port Talbot.

The Gwent region Adult Safeguarding Board includes the County Boroughs of Caerphilly, Blaenau Gwent, Monmouth, Newport and Torfaen. It is one of the four regional groups covering the whole of Wales.

Cwm Taf Multi-agency Safeguarding Hub (MASH) covers the Merthyr and RCT areas.

Appendix 8

Extract from the Safeguarding Vulnerable Groups Act 2006 (as amended)

Extracts from Schedule 4 REGULATED ACTIVITY

Part 2 REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

(1) Each of the following is a regulated activity relating to vulnerable adults—

(a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,

(b) the provision to an adult of relevant personal care,

(c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,

(d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,

(e) any relevant assistance in the conduct of an adult's own affairs,

(f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,

(g) such activities—

(i) involving, or connected with, the provision of health care or relevant personal care to adults, and

(ii) not falling within any of the above paragraphs, as are of a prescribed description.

(2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.

(3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act.

(3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.

(3B) Relevant personal care means—

(a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—

(i) eating or drinking (including the administration of parenteral nutrition),

(ii) toileting (including in relation to the process of menstruation),

(iii) washing or bathing,

(iv) dressing

(v) oral care, or

(vi) the care of skin, hair or nails,

(b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or

(c) any form of training, instruction, advice or guidance which—

(i) relates to the performance of any of the activities listed in paragraph (a),

(ii) is given to a person who is in need of it by reason of age, illness or disability, and

(iii) does not fall within paragraph (b).

(3C) Relevant social work has the meaning given by section 55(4) of the Care Standards Act 2000 and social care worker means a person who is a social care worker by virtue of section 55(2)(a) of that Act.

(3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—

(a) managing the person's cash,

(b) paying the person's bills,

(c) shopping.

(3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—

(a) a lasting power of attorney created in respect of the person in accordance with section 9 of the Mental Capacity Act 2005,

(b) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the person which is—

(i) registered in accordance with that Schedule, or

(ii) the subject of an application to be so registered,

(c) an order made under section 16 of that Act by the Court of Protection in relation to the making of decisions on the person's behalf,

(d) the appointment of an independent mental health advocate or (as the case may be) an independent mental capacity advocate in respect of the person in pursuance of arrangements under section 130A of the Mental Health Act 1983 or section 35 of the Mental Capacity Act 2005,

(e) the provision of independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) in respect of the person, or

(f) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration Act 1992.

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) is a regulated activity relating to vulnerable adults.

(6) The exercise of an inspection function of the Welsh Ministers so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults.

(7) An inspection function is a function relating to the inspection of–

(a) a local authority (within the meaning of section 1 of the Local Authority Social Services Act 1970 (c 42)) in the exercise of its social services functions (within the meaning of that Act),

(b) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000,

(c) an agency in relation to which such a requirement arises,

(d) a person to whom Part 2 of that Act applies in pursuance of regulations under section 42 of that Act,

(e) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003, or

(f) any person, other than a local authority, providing Welsh local authority social services within the meaning of that section, in so far as the inspection relates to social services, care, treatment or therapy provided for vulnerable adults by the establishment, agency, person or body.

(8) In sub-paragraph (7)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(9) The exercise of a function of the Commissioner for older people in Wales or the deputy Commissioner for older people in Wales is a regulated activity relating to vulnerable adults.

(10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.