



The Inns of  
Court College  
of Advocacy

# Safeguarding Policy

Version 1.0

# 1 Purpose and Scope

The ICCA aims to provide a safe environment for all students and staff whilst studying and working at the ICCA. The ICCA is committed to providing and promoting a positive environment for all its students, staff and members of its community which is free from all forms of prejudice, discrimination, harassment and bullying.

This policy sets out the ICCA's duty to safeguard any child or adult at risk who either applies and is admitted as a student of the ICCA, or who comes into contact with ICCA activity.

This policy and its related procedures apply to all ICCA staff, students, freelance practitioners, student ambassadors, alumni, volunteers and any associated personnel representing the ICCA

The ICCA does not act in loco parentis (in place of a parent) for any student or staff member; however, in legal terms we recognise the duty to safeguard the welfare of children and adults at risk, as defined in the Safeguarding Vulnerable Groups Act 2006. The ICCA recognises that some adults may have an appointed representative, e.g. mental health advocate, legal/enduring power of attorney.

This policy seeks to support activities involving children and adults at risk and to provide assurance to all students, staff, volunteers, associates and visitors that safeguarding is treated seriously by the ICCA and the requirements of this policy and its procedures will be undertaken/discharged in an effective and timely manner.

References in this document to the 'ICCA' mean the Inns of Court College of Advocacy as a subsidiary organisation of the Council of the Inns of Court (COIC).

The guidance in this policy applies to any activity organised and/or delivered by the ICCA, regardless of where the activity takes place and whether it is a part of collaborative provision arrangements.

## 2 Definitions

The ICCA has a duty of care to safeguard the welfare of both children and adults at risk. These groups can be defined as:

**Child/Children:** A person/people under the age of 18

**Young People:** Children who are 16 or 17 years old

**Adults at Risk:** An adult is any person aged 18 or over. Some adults may be deemed at risk and, therefore, entitled to be safeguarded because they are unable to protect themselves against significant harm or exploitation. The London Safeguarding Adults Procedures state that an adult at risk may be a person who:

- Is elderly and frail due to ill health, physical disability or cognitive impairment.
- Has a learning disability.
- Has a physical disability and/or a sensory impairment

- Has mental health needs such that their capacity is reduced.
- Has a long-term illness/condition.
- Misuses substances or alcohol.
- Is a carer, such as, a family member/friend who provides personal assistance and care to adults and is subject to abuse.
- Is unable to demonstrate the capacity to make a decision and is in need of care and support

**Age of Consent:** in the UK, a person can legally consent to sexual activity if they are 16 years old or over. However, it is illegal under the Sexual Offences Act 2003 for an adult in a position of trust to engage in sexual activity with a person under the age of 18. Staff employed by the ICCA are in a position of trust when working with Children and Young People. The Policy on Personal Relationships between Staff and Students outlines the ICCA's position on relationships between members of staff and students at the ICCA. It is intended to ensure that the staff-student relationship is one that is founded on mutual trust and confidence.

**Safeguarding:** Taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially adults at risk and children, from that harm; and to respond appropriately when harm does occur. Safeguarding applies consistently and without exception across our programmes, partners, students, volunteers and staff. It requires proactively identifying, preventing and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and also protect those accused until proven guilty.

Further definitions on regulated activity and abuse/harm/exploitation can be found in Appendix 1.

## 3 Policy

### 1 Aims

- 1.1 This policy and the related Cause for Concern Procedures seek to ensure that people are safe and protected from harm. In addition, this policy aims to:
  - Provide a definition of 'children' and 'adult at risk' in the context of safeguarding duty.
  - Provide a clear process to follow if a safeguarding concern arises.
  - Provide guidance and procedures that promote safe practice and challenge poor and unsafe practice across all ICCA activities and premises.
- 1.2 The policy provides information to enable staff to identify instances in which there are grounds for concern about the welfare of a child or adult at risk, whether arising from home, community or the ICCA environment, and to understand the appropriate actions to take to keep them safe.

- 1.3 This policy also supports and interacts with the ICCA's approach to the Prevent Duty – supporting and safeguarding students who may be at risk of being drawn into terrorism (Counter-Terrorism and Security Act 2015).
- 1.4 This policy should be read in conjunction with COIC and the ICCA's policies, procedures and guidelines referred to within the policy.

## **2 Legal Context**

- 2.1 Higher Education providers have a common law duty to take reasonable and necessary steps to ensure that children and adults at risk are safe and that reasonably foreseeable harm does not occur as a result of careless acts, deliberate acts or omissions of the institution. These measures are in addition to those required under general Health and Safety requirements.
- 2.2 This policy and related ICCA procedures are informed by a collection of legislation and guidance on the protection of children and adults at risk. This includes, but is not limited to:
  - Children Act 1989
  - Data Protection Act 1998
  - Sexual Offences Act 2003
  - Children Act 2004
  - Safeguarding Vulnerable Groups Act 2006
  - Equality Act 2010
  - Protection of Freedoms Act 2012
  - Counter-Terrorism and Security Act 2015
  - Working together to Safeguard Children 2015
  - Protecting Vulnerable Adults 2017
  - Enhanced Due Diligence: Safeguarding for External Partners 2018
  - Keeping Children Safe in Education 2018

## **3 Potential Areas of Risk**

- 3.1 The ICCA is a predominantly adult learning environment. However, there are circumstances when children (including young people) and adults at risk may interact with staff and students of the ICCA. These include, but are not limited to:
  - Outreach or widening participating activities taking place on or off campus.
  - Events and Conferences.
  - Volunteering activities.
- 3.2 Specific areas of activity, for example, admission of students have local procedures designed to promote safeguarding practices.

## 4 Specific Responsibilities

### The ICCA

- 4.1 The ICCA has a duty of care to its staff and students and is responsible for ensuring appropriate policy, procedures, guidance, risk assessment, action planning and training are in place to facilitate effective safeguarding of vulnerable groups. The ICCA will take reasonable steps to ensure that our contractors understand, accept and are responsible for their, or their employees' conduct in connection with, or in the vicinity of, vulnerable groups on ICCA premises. These steps include but are not limited to;
- Ensure all people under the scope of this document are formally provided with this document, continue to have access to it, and are familiar with their responsibilities within this policy.
  - Ensure team members receive training on safeguarding at a level commensurate with their role in the organisation, as outlined in Appendix 1 of the Cause for Concern Procedures – Training Schedule
- 4.2 The ICCA will take all reports of safeguarding concerns seriously and will follow up on them promptly and according to due process. The ICCA will make this policy publicly available to all affected communities and commits to working with them to ensure they know how to access and use this policy.
- 4.3 Information on the support provided by the ICCA can be found primarily on the Student Handbook and on the HR webpages.
- 4.4 All ICCA staff, students, freelance practitioners, student ambassadors, alumni, volunteers and any associated personnel who are acting as representatives or on behalf of the ICCA are expected to:
- Be aware of, and comply with, this policy and the associated procedures and follow any local safeguarding protocols within their specific team;
  - Contribute to creating and maintaining an environment that prevents safeguarding violations;
  - Undertake training associated with this policy for their role (see Appendix 1 of the Cause for Concern Procedures – Training Schedule);
  - Fully reflect safeguarding responsibilities in event planning and risk assessments for ICCA activities in accordance with Health and Safety procedures;
  - Bring to their line manager's attention any concerns or queries over whether their work activities would require them to have an appropriate level of Disclosure and Barring Service (DBS) checks that allows them to work with children and adults at risk;
  - Co-operate fully with internal or external investigations carried out into reported concerns;
  - Report any concerns, suspicions or information regarding safeguarding violations to appropriate personnel;

- Maintain confidentiality about any suspected or actual incidents involving the ICCA, through the ICCA's safeguarding reporting system and whistleblowing arrangements, as required.
- 4.5 Activity that sits outside regular teaching and learning programmes and which involves children or adults at risk should be risk assessed (see Sections 10 and 12 of the Cause for Concern Procedures). 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.
- 4.6 Children and adults at risk who are participating in an ICCA 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 ICCA with whom they will be interacting.
- 4.7 Practical guidance on working with children (including young people) and adults at risk and information about spotting the signs and symptoms of abuse or neglect are provided in Section 9 and Appendix 2 of the Cause for Concern Procedures.

## Key Roles

- 4.8 The ICCA has a Lead Safeguarding Officer (LSO)) and Designated Safeguarding Officers who will work with other agencies where appropriate to ensure legal and regulatory compliance and to achieve the aims of this policy. Specific Safeguarding roles and contact details are contained in the Cause for Concern Procedures.

## Non-compliance with the Safeguarding Policy

- 4.9 The ICCA expects all ICCA staff, students, freelance practitioners, student ambassadors, alumni, volunteers and any associated personnel representing the ICCA or who contribute to its activities to follow the guidance on safeguarding and to promote the welfare of children and adults at risk. Failure to follow this guidance and procedures may not necessarily constitute abuse, but it is nonetheless a matter of concern for the ICCA and may lead to disciplinary action.
- 4.10 If members of staff, students, alumni, student ambassadors or volunteers and associated personnel of the ICCA are concerned that another member of the ICCA community is not following the guidance and procedures, they should contact their own line manager or the Designated Safeguarding Officer or Lead Safeguarding Officer.

# 5 Safeguarding in relation to Students

- 5.1 The ICCA takes a risk management approach to safeguarding in organising learning and teaching and delivery of services to students and the public. The ICCA will carry out risk assessments in respect of activities that involve children or adults at risk and make reasonable, proportionate adaptations to those activities. See Sections 10 - 12 of the Cause for Concern Procedures.

- 5.2 Although in terms of Local Authority and legal definitions of vulnerability, ICCA students will not meet the formal safeguarding threshold, the ICCA takes a broader duty of care to all its students. The ICCA's Cause for Concern Procedures, so far as is appropriate, contains similar provisions for reporting concerns and providing support to students who do not meet the formal safeguarding threshold.
- 5.3 The ICCA believes that individuals have a right to learn and develop within a safe environment. The ICCA also understands that some students will encounter difficulties during their time at the ICCA. The problems may be academic, personal or practical and difficulties in one area can often have an impact on other areas of the student's life.
- 5.4 The ICCA encourages a culture of openness where people feel able to speak up about their concerns knowing that support will be forthcoming. The ICCA expects that its staff team will ensure that any student experiencing difficulty will be guided to appropriate support services in order that their case can be managed appropriately. This includes but is not limited to ICCA Student Services and ICCA Wellbeing webpages.
- 5.5 The ICCA reserves the right to refuse to admit a child or adult at risk to a programme of study, or other ICCA managed activities, if it judges that the adaptations necessary to safeguard that individual's wellbeing go beyond what is reasonable and proportionate.

## **Outreach and Widening Participation**

- 5.6 The safeguarding and conduct policies of the ICCA apply to staff, students and associated personnel of the ICCA as a minimum standard, wherever and whenever they are acting on behalf of the ICCA (this includes student ambassadors and alumni).
- 5.7 When visiting schools and colleges, staff and representatives of the ICCA should ensure they are aware of local safeguarding policies and procedures for the premises and the point of contact for raising safeguarding concerns within the setting. In England, social services offer a point of contact in the Local Authority Designated Officer (LADO) for each county/region for this purpose, should it be necessary to report beyond the specific school.
- 5.8 ICCA staff are not expected to take responsibility for students in other educational establishments. Students remain the responsibility of their regular staff members. ICCA staff should avoid situations where they might be left alone with students from other establishments, should ensure that the room/space is appropriate to the situation, and should always offer the student the choice to be accompanied by a person of their choosing.

## **Students Under the Age of 18**

- 5.9 The ICCA will not normally consider applications from students who will be aged under 18 years old at the date of application to the programme. If such an applicant were to be considered the following provisions would apply:

- 5.9.1 An application to study at the ICCA from applicants who are aged under 18 years at the date they submit their application must be referred to the Lead Safeguarding Officer who will ensure that appropriate safeguards are in place throughout the applications and selection process and who will detail the requirements that need to be satisfied in order for an offer to be made.
- 5.9.2 The ICCA will provide particular guidance for applicants who will be aged under 18 years at the commencement of their programme of study about the nature of the ICCA environment, which will include links to the ICCA's broader safeguarding policy and procedural guidance.
- 5.9.3 Where students are under the age of 18 years when they begin a course of study provided by the ICCA, appropriate safeguards will be applied.

## **Students – Criminal Convictions and Risk**

- 5.11 The ICCA acknowledges that some applicants may have criminal conviction(s) or be subject to police investigation prior to making an application to the ICCA. Equally, students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at the ICCA.
- 5.12 The ICCA recognises its duty to protect the ICCA community and the communities around us, and that information regarding an individual's criminal convictions may need to be taken into account when deciding whether that individual may begin or continue their studies. The ICCA also notes the specific duties which it holds in relation to the Inns of Court and the Bar Council and the Bar Standards Board.
- 5.13 The ICCA requires offer holders to declare all relevant criminal convictions or conditional cautions, pending police investigations or charges on enrolment. If an applicant is convicted of a relevant criminal offence after enrolment, they must inform the ICCA at the earliest opportunity.
- 5.14 Any information provided will be treated in line with ICCA policy and the Data Protection Act 2018, or any subsequent legislation.
- 5.15 Where a conviction is disclosed which indicates that the individual poses a risk to children or adults at risk, the ICCA has the right to deny admission to a student.

## **6 Safeguarding – Other Groups**

- 6.1 The ICCA recognises that there may be other groups not explicitly discussed in this policy.
- 6.2 Where children of students, staff or visitors are present on premises used by the ICCA, they remain the responsibility of their parent/guardian, teachers or organiser of the activity, unless they are enrolled as students, or are otherwise involved in an ICCA-managed activity.



## **Staff who fall into the vulnerable group category**

- 6.3 The ICCA is committed to supporting and promoting the welfare of all its staff. The ICCA is also committed to seeking to ensure that staff are in a safe environment conducive to work and the enjoyment of a positive staff experience.
- 6.4 It is the general policy of the ICCA to ensure that all employees who may be potentially vulnerable (e.g. victim survivors of violence or abuse or individuals with a mental health diagnosis such that capacity is diminished) are given an appropriate level of support in our working environment.
- 6.5 Any staff member who considers that they have been subject to inappropriate behaviour or abuse will also have access to the staff complaints procedure and can seek additional guidance on the HR Portal.

## **7 Safeguarding in relation to Staff**

### **Recruitment and selection of staff and volunteers**

- 7.1 The ICCA will obtain appropriate DBS disclosures for all staff, students or volunteers working in 'regulated activity'. A definition of 'regulated activity' can be found in Appendix 1. The appropriate level of check is applied according to the requirements of the role and the environment they are based within. The ICCA will 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.
- 7.2 The Director of Operations is responsible for maintaining dedicated procedures for ensuring that relevant staff have the appropriate level of DBS check in place.
- 7.3 Most, if not all, staff, students and volunteers are engaged in roles that are not 'regulated activity'. Staff may, however, be involved in activities that may also involve children or adults at risk. As outlined above, the ICCA takes a risk management approach to the delivery of learning and teaching and ICCA-managed activities involving the wider public. All staff, students and volunteers are expected to follow the code of practice and maintain standards of conduct befitting those who are role models and influential figures in the lives of others.
- 7.4 All staff, students, 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).

### **Training**

- 7.5 Safeguarding responsibilities are part of the ICCA's induction processes for all staff. In addition:

- All departmental staff who are likely to specifically work with Children or Young People will be subject to Disclosure and Barring Service (DBS) checks and will receive enhanced Child Protection training.
- Personal tutors are provided clear guidance on how to follow the Cause for Concern Procedures.
- Staff and students working to support activities with young people and adults at risk, for example as part of ICCA outreach programmes or as ICCA ambassadors, will receive training in safeguarding responsibilities and good practice.
- Any member of the ICCA who will be planning activities with/for children or adults at risk is required to undertake appropriate training. See Appendix 1 of the Cause for Concern Procedures for the training schedule.

## **Staff – Criminal Convictions**

- 7.8 The ICCA 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 records at the point of employment.
- 7.9 Disciplinary action may also be taken against staff, in accordance with the ICCA's employment procedures, for a failure to comply with the requirement to declare criminal convictions.

## **8 Procedure for Raising Concerns**

- 8.1 The ICCA is committed to ensuring that safe, appropriate, accessible means of reporting safeguarding concerns are made available to team members and all the communities we work with.
- 8.2 This policy recognises that reports can be made in a variety of ways and may not be related to our student community. Advice on how to report a safeguarding concern of an individual who is not part of the student or staff community at the ICCA, along with the Safeguarding Incident Report Form, can be found in Sections 10 and 11 of the Cause for Concern Procedures.
- 8.3 The aim of the Cause for Concern Procedure is to provide consistency in how students are supported and have a robust process in place for identifying students at risk and providing support. It is anticipated that the Cause for Concern Procedures will primarily be used to support ICCA students who are over 18 and are not considered to be adults at risk. However, the process for reporting and investigating incidents and concerns has been designed to ensure that all incidents and concerns can be appropriately signposted and investigated by the ICCA, whatever the circumstances of the individual affected.

- 8.4 The indicators of abuse or harm or the risk of being drawn into terrorism can be very difficult to recognise and it is not a staff member's responsibility to decide whether a child or adult at risk has been abused or harmed or subjected to abuse or harm, but only to raise concerns that they may have. The aim of the Cause of Concern Procedures is to ensure that all staff are provided with clear guidance on how to report a concern and that suitable mechanisms are in place to allow the concern to be investigated appropriately thereafter.
- 8.5 The procedure to be followed when reporting or investigating a concern about an individual associated with the ICCA who is under the age of 18 or who is an adult at risk are set out at Section 6 of the Cause for Concern Procedures (in relation to ICCA students ) and Part Two of the Cause for Concern Procedures (in relation to non-ICCA students). Section 4 of the Cause for Concern Procedures requires staff to report any safeguarding-related concern that they have about any such individual. Managers and Safeguarding Officers will ensure that staff reporting such incidents are given confidentiality and will suffer no penalty for following their duty report (see section 11).
- 8.6 The Safeguarding route is also the primary reporting route for staff to report concerns about the following, even if the student of concern is not under 18 or an adult at risk:
- Female Genital Mutilation (FGM) as a suspected crime (it is a legal requirement for adults to report this if they become aware of it),
  - forced marriage; and
  - any student who is at potential risk of being drawn into terrorism (in line with the ICCA's obligations under the Prevent Duty – see Section 7 of the Cause for Concern Procedures).
- 8.7 Allegations against members of staff will be considered in accordance with the Council of the Inns of Court's Disciplinary Procedure. In the case of serious allegations, the duties of the staff member may be curtailed while an investigation is underway. Allegations against students will be considered in accordance with the ICCA's relevant student conduct regulations. Where a crime is suspected of being committed, the ICCA will involve the police.
- 8.8 All reports will be escalated to the Dean of the ICCA who will report to the ICCA Board of Governors.

## **Reporting to Statutory Bodies and Other Organisations**

- 8.9 The principal regulator for the ICCA is the Office for Students.
- 8.10 The Office of Students will be notified if there has been any safeguarding allegation or any breach of policies that puts beneficiaries at risk as well as an explanation of next steps.
- 8.11 The UK local authorities, including the police, will be notified if there are any incidences of child sexual exploitation, wherever it takes place.

## 9 Allegations

- 9.1 Staff, students and volunteers working in direct contact with children or adults at risk may come across possible signs of harm and/or abuse. In each circumstance, the individual needs to ensure that any concerns for the wellbeing of a child or adult at risk are reported to the appropriate person (see the Reporting a Concern flowchart in Section 5 of the Procedures).

The report should be made as quickly as possible and within 24 hours.

- 9.2 The ICCA recognises its duty of care to victims and survivors and will provide appropriate support to those individuals during and following the outcome of the investigation.
- 9.3 The ICCA has a duty of care to its staff as an employer, to its students and to those engaged in a voluntary capacity and will seek to manage and minimise the stress inherent in circumstances where an allegation is made against a member of staff, student or volunteer. It is essential that any allegation of abuse made against a member of staff, student or volunteer is dealt with fairly, quickly and consistently, in a way that provides effective protection for the child/adult at risk, and at the same time supports the person who is the subject of the allegation.
- 9.4 The ICCA 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 their trade union. These sources of support are available equally to a member of staff who faces allegations of inappropriate behaviour, abuse and/or neglect.

### Whistleblowing

- 9.5 Whistleblowing is an important aspect of a safeguarded institution, whereby staff, students and volunteers are encouraged to share genuine concerns about a colleague's behaviour, in confidence, with the Lead or Designated Safeguarding Officer.
- 9.6 There may be situations whereby staff, students or volunteers have genuine concerns about the conduct of a colleague towards a child or adult. All members of the ICCA have the right and the responsibility to raise concerns, without prejudice to their own position, about the behaviour of staff, students, volunteers, or others, which, may be harmful to those in their care and will receive appropriate support when doing so.
- 9.7 In accordance with legislation and its policy, the ICCA will support and protect the individuals 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.
- 9.8 Staff who want access to free confidential advice about whistleblowing can contact Public Concern at Work.

## 10 Information Sharing and Confidentiality

- 10.1 A general principle for processing information is that information is only shared with the consent of the subject of the information. However, in some circumstances, it will not be appropriate to seek consent before sharing information with others and/or information can be shared where consent has been refused. This is where to do so would:
- Place the child, an adult or others at increased risk of Significant Harm; or
  - Undermine the prevention, detection or prosecution of a serious crime (i.e. any crime which causes or is likely to cause significant harm to a child or to an adult) including where seeking consent might lead to interference with any potential investigation.
- 10.2 Further information and advice on sharing information within a safeguarding context can be found in the HM Government Guidance Document: Information Sharing: Advice for Practitioners providing Safeguarding Services.

### Internal Reporting

- 10.3 The Lead Safeguarding Officer shall be responsible for ensuring that appropriate records are kept of all Safeguarding Incidents in a manner compliant with GDPR duties.
- 10.4 The Dean of the ICCA will provide report all Safeguarding Incidents to the ICCA Board of Governors who will include this information in the ICCA Annual Declarations and Accountability Statement.

## 11 Policy Implementation and Review

- 11.1 This policy document constitutes the general policy that applies to all areas of activity in the ICCA.
- 11.2 It is the responsibility of Designated Safeguarding Officer to review this policy annually. All revisions will be reviewed by the COIC Audit and Risk Committee.
- 11.3 All versions of this policy will be dated, and approved versions signed by the COIC Director of Operations.
- 11.4 The ICCA will further develop the policy where necessary in line with the changes in legislation and best practice guidance and following internal review of the effectiveness of existing procedures.

## 15 Related Policies and Procedures

- Cause for Concern Procedures
- Academic Regulations
- Data Protection Policy
- Equality and Diversity Statement

- Freedom of Information Policy
- Student Conduct Policy
- Harassment and Bullying Policy
- Health and Safety Policy
- Prevent Duty Statement
- Policy on Personal Relationships between Staff and Students
- External Speaker Policy
- General Terms of Conditions for Students

# Appendix 1 – Definitions

For the purposes of this policy and related procedures, the following definitions will apply:

## 1 Definitions of “child” and “adult at risk”

**Child/Children:** A person/people under the age of 18

**Young People:** Children who are 16 or 17 years old

**Adult at Risk:** An adult is any person aged 18 or over. Some adults may be deemed at risk and, therefore, entitled to be safeguarded because they are unable to protect themselves against significant harm or exploitation. The London Safeguarding Adults Procedures state that an adult at risk may be a person who:

- Is elderly and frail due to ill health, physical disability or cognitive impairment.
- Has a learning disability.
- Has a physical disability and/or a sensory impairment.
- Has mental health needs such that their capacity is reduced.
- Has a long-term illness/condition.
- Misuses substances or alcohol.
- Is a carer, such as, a family member/friend who provides personal assistance and care to adults and is subject to abuse.
- Is unable to demonstrate the capacity to make a decision and is in need of care and support.

An adult may be temporarily or permanently at risk due to a specific situation or context. This may include care-experienced people under the age of 25, young adult carers, refugee and asylum-seekers, and people estranged from their family.

In law, an adult is deemed to have capacity to give or withhold consent to social services referrals, medical examinations, etc. If it is believed that an adult is at risk of harm and may need protection, a responsible person must consider if the individual is capable of giving consent. If this is so determined, a professional acting on behalf of the organisation must seek the individual's consent before taking any action, such as, a referral to social services or the police.

There are some exceptions to this rule where consent is not required. These are:

- Where there is a duty to act (e.g. a crime may have taken place); or
- When it is in the public interest to act (e.g. another person or people, child or adult, is/are put at risk); or
- When it is suspected that the individual may be under the undue influence of someone else.

**Age of Consent:** In the UK, a person can legally consent to sexual activity if they are 16 years old or over. However, it is illegal under the Sexual Offences Act 2003 for an adult in a position of trust to

engage in sexual activity with a person under the age of 18. Staff employed by the ICCA are in a position of trust when working with Children and Young People.

## **2 Definitions of Regulated Activity**

Regulated activity with a child includes:

- Unsupervised teaching, training or instruction of children (teaching/training provided wholly or mainly for children not courses aimed at/delivered to students who are mainly over the age of 18), carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight (2am-6am)
- Care (personal and health care) or supervision of children.
- Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational wellbeing if carried out by the same person frequently (as above)
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (as above)
- Driving a vehicle being used to convey children.

Regulated activity with adults at risk includes:

- Personal care (physical assistance with eating or drinking, toileting, washing or bathing, dressing, oral care or care of the skin, hair or nails provided for reasons of age, illness or disability).
- Healthcare (by a health care professional or a person acting under the direction or supervision of a healthcare professional).
- Social work.
- Assistance in day-to-day matters including handling cash.
- Driving the adult to appointments for the purposes of health care, personal care or social work required due to age, illness or disability.
- People who hold a lasting or enduring power of attorney under the Mental Capacity Act 2005 (MCA), a deputy under the MCA, an Independent Mental Health/Capacity Advocate in respect of the individual.