



Lions Clubs International Multiple District 105

Policy concerning the Protection of Vulnerable Persons Including Children and Young Persons

Version Control

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NB. All changes to this document have been approved by the Council of Governors of the day based on advice (and lessons learned) from the appropriate MD Specialist Officers (MD VPO, MD Legal, MD Insurance) and reflect changes in advice from relevant regulatory authorities and/or introduction of new legislation

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Section 1

Introduction

- 1.1** Members of Lions Clubs International are privileged to work within their local communities, assisting persons often less fortunate than themselves. Activities undertaken by Lions Club members often involve them working closely with adults and vulnerable persons, including children and young persons.
- 1.2** This document seeks to provide a basic awareness of the abuse of vulnerable persons, including children and young persons and assists in helping to recognise abuse and thereafter to deal sensibly and sensitively with it. The document provides guidance on what is acceptable and unacceptable behaviour, acknowledging that we all have a duty to safeguard those in our care. We must not forget that we also have a duty to safeguard ourselves and the organisation that we belong to. The term 'Vulnerable Persons' is used throughout this document. The term is used to refer to adults who are vulnerable as well as children and young persons.
- 1.3** The core principles of equal opportunities and equality must apply to all persons with whom we come into contact regardless of ethnicity, nationality, age, gender, sexuality, marital status, disability, culture, religious beliefs or except where it is strictly relevant, their possession of a criminal record.
- 1.4** Most people who look after vulnerable persons are safe, but, sadly, some people are very skilled at making friends with vulnerable persons with the intention of harming them. Vulnerable persons may be abused by a wide range of people including relatives and family members, professional staff, paid care workers, volunteers, other service users, neighbours, friends, associates and people who deliberately exploit those who are vulnerable.
- 1.5** It is the duty of every citizen to report any concerns they may have in relation to the abuse or inappropriate care or suspected abuse or inappropriate care of a vulnerable person.
- 1.6** This policy complies with current legislation enacted in England and Wales. Section 9 deals with specific legislation currently enacted in Scotland. Sections 7 & 9 and references to CRB checking in Section 8 do not apply in District 1051. Lions in District 1051 should comply with the principles outlined in all other sections of the document.

Section 2

Definitions and Forms of Abuse

- 2.1 A vulnerable adult is defined as:** 'A person who is 18 years of age or over, and 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/herself, or unable to protect him/herself against significant harm or serious exploitation'.
(*Law Commission - Who decides? Making decisions on behalf of mentally incapacitated adults 1997*).
- 2.2 Vulnerable adults include:** People with learning disabilities, mental health problems, older people and disabled people may fall within this definition, particularly when their situation is complicated by additional factors such as:
- Physical frailty
 - Chronic illness
 - Sensory impairment
 - Challenging behaviour
 - Social problems
 - Emotional problems
 - Poverty
 - Homelessness
 - Substance abuse
- 2.3 A Child and young person is defined as;** A person under the age of 18 years.
- 2.4 Abuse is defined as:** A violation of an individual's human and civil rights by any other person or persons.
- Abuse may consist of a single act or repeated acts.
 - Abuse is neglect, physical injury, emotional abuse, financial or material abuse or sexual abuse.
 - Abuse can be inflicted or knowingly not prevented by the person who cares for the vulnerable person, a person known to the vulnerable person who is not the carer or more rarely, by a stranger. In many cases, vulnerable persons are subjected to a combination of forms of abuse, such as neglect and emotional abuse.
 - Abuse can be an act of neglect or an omission to act and may be the unintended consequences of a person's actions. It can and may occur for example when a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not consented or cannot consent to.
 - Abuse can occur within any relationship and may result in significant harm to or exploitation of the person subjected to it.
- 2.5** The abuse can take place in the home, at school or anywhere where vulnerable persons spend their time, including with voluntary organisations. Some forms of abuse are obvious, for example, when an adult strikes out at a vulnerable person in anger, but others can be much more subtle and therefore

difficult for outsiders to detect. While some forms of abuse are a result of someone carrying out an action that harms the vulnerable person, other forms of abuse are a result of neglect, of failing to take steps that keep vulnerable persons safe and well.

2.6 Physical abuse:

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a vulnerable person whom they are looking after. This situation is most recently described using the term fabricated or induced illness by carer.

2.7 Vulnerable Persons who are hurt or injured and who display signs of unusual bruising may have been physically abused. This kind of abuse also includes giving vulnerable persons alcohol and drugs. Signs to look for include changes in demeanour and behaviour, flinching when approached and being in a state of “frozen watchfulness”.

2.8 This is not to say that whenever an injury is caused to a vulnerable person it must be a case of physical abuse. Injuries may occur by accident, for example whilst taking part in physical activity. What matters is whether the vulnerable person was knowingly put at risk or whether the person paid reasonable attention to the vulnerable person’s safety.

2.9 Sexual Abuse:

Sexual abuse involves forcing or enticing a vulnerable person to take part in sexual activities, whether or not the vulnerable person is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non contact activities, such as involving vulnerable persons in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging vulnerable persons to behave in sexually inappropriate ways.

2.10 Sex offenders, who are usually, but not exclusively men, are found at all levels of society and come from every type of background. They will often take up positions and activities that give them easy access to vulnerable persons such as:

- Leader of a children's activity group
- A coach or volunteer in sporting activity
- A worker in a school
- A member of a caring profession
- A member of a voluntary organisation

2.11 Abusers often 'groom' vulnerable persons for sexual purposes by taking a strong interest in a vulnerable person and gaining their trust over a long period of time.

2.12 Emotional Abuse:

Emotional abuse is the persistent emotional ill treatment of a vulnerable person such as to cause severe and persistent adverse effects on the

person's emotional development. It may involve conveying to a vulnerable person 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. It may involve causing vulnerable persons frequently to feel frightened or in danger, or the exploitation or corruption of vulnerable persons. Some level of emotional abuse is usually involved in all types of ill treatment of a vulnerable person, though it may occur alone.

- 2.13** This form of abuse includes threats of harm or abandonment, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks. It often involves persistently subjecting a person to emotional ill treatment, bullying or deliberate rejection. Bullied persons often show signs of fear such as mood swings, withdrawn behaviour or sudden changes in performance.
- 2.14 Financial or Material Abuse:**
Includes theft, fraud, pressure around wills, property or inheritance, misuse or misappropriation of benefits.
- 2.15 Neglect and/or Acts of Omission:**
This form of abuse occurs when adults fail to meet a vulnerable person's basic needs, such as for food, warm clothing, or failing to provide adequate medical attention. This also includes vulnerable persons alone inside or outside the home.
- 2.16** Neglect might also occur during organised activities if vulnerable persons are exposed to risk of injury or there is a failure to ensure their safety and well-being. Sometimes extreme examples of neglect can amount to a criminal offence.
- 2.17 Racially motivated abuse:**
Whilst not classified as an individual category of abuse, racially motivated abuse can take any of these forms and this needs to be noted additionally in situations when the victim perceives abuse to have been racist in its intent.
- 2.18 Inappropriate Care:**
It has to be recognised that there may be acts or omissions to act which although not easily understood as abusive, may nevertheless significantly contribute to diminishing the dignity and quality of life of a vulnerable person. 'Inappropriate Care' is included within this document deliberately to encourage the widest consideration of acts that are against the best interests of the vulnerable person.
- 2.19** It is anticipated that all such acts should be subject to consideration and scrutiny by organisations and citizens. Inclusion of the term encourages a healthy level of challenge to acts which although they may not of themselves constitute actual abuse, may nevertheless contribute to an unhealthy and unacceptable regime, which may amount also to abuse when their aggregated effect is considered. Encouraging active consideration and challenge of such issues is part of the climate of prevention of abuse itself.

2.20 What degree of abuse justifies intervention?

The Law Commission makes use of the concept of significant harm as an important threshold when considering the nature of intervention by which they mean:

2.21 Significant harm is defined as any - 'ill treatment (including sexual abuse and forms of ill treatment that are not physical); the impairment of or an avoidable deterioration in physical or mental health; and the impairment of physical, emotional, social or behavioural development'
(Law Commission Report 1995 – Page 207)

2.22 Significant harm may comprise a series of incidents which, when regarded in isolation, seem insignificant, but when frequent or continuous become serious.

2.23 The safety and welfare of the vulnerable person will always be paramount. The support needs of the vulnerable person should also be considered throughout this whole process.

Section 3

Protecting the Vulnerable Person How to Identify Abuse and what action to take

3.1 How to identify abuse:

The abuse of vulnerable persons can manifest itself in several ways. The following are some common signs to be aware of:

- Unexplained or untreated bruising or injuries.
- Suffering continual stomach pains or other physical ailments without any medical explanation.
- Aggressive or withdrawn behaviour and refusal to talk about the problem.
- Unexpected fear of people and flinching when touched.
- Sexually explicit behaviour and language.
- Fear of returning to parents or carers or of them being contacted.
- Changes over time in manner and appearance, such as losing weight, becoming dirty and dishevelled, being constantly tired and always hungry.
- Telling you about being asked to "keep a secret" or dropping other hints or clues about the abuse.

3.2 It is important to be alert for signs of abuse. However, even where a vulnerable person is displaying some of these signs it does not necessarily mean he/she is being abused - there may be other causes. Also none of these signs may be present, but you may suspect that something is wrong.

3.3 If you are worried about possible abuse it is your responsibility to put the vulnerable person's welfare first and to discuss your concerns with a professional.

3.4 What to do if you are concerned that some form of abuse may have taken place:

- If you have concerns you must act - it is now your responsibility to take positive action.
- Always inform Social Services or the Police if you have concerns about a vulnerable person's safety. They are trained to deal with this problem and will take responsibility for what happens next. This may not be direct action, but your information will always be welcomed and taken seriously.
- If your concerns are about a person in your organisation to whom you would normally go to seek advice on this issue contact Social Services or the Police directly.
- Do not feel intimidated or frightened of the Police or Social Services, they are sensitive to people's anxieties about this issue and are trained to make difficult decisions. Be assured your views will be taken seriously, but the best interests of the vulnerable person will always determine any course of action.
- Refer the matter to your Lions' District 'Vulnerable Persons Coordinator'.

3.5 What to do if a vulnerable person tells you about abuse:

- Most importantly, you should listen attentively and let him/her know it was right to tell someone about his or her worries.
- Stay calm and make sure that the vulnerable person feels safe and knows that he/she is not to blame for what has happened.
- Explain that you will have to tell someone else about the abuse if it is to stop. Never agree to keep it a secret.
- Only ask questions to establish what was done and who did it.
- Make a written note of what the vulnerable person said and the date and time of your conversation.
- Seek advice before telling parents, carers or any other person implicated in the abuse about the conversation, you could be placing the vulnerable person at further risk by doing so.
- Don't worry that you may be making things worse by reporting your concerns - few things are worse than allowing the abuse to continue. Many vulnerable persons are devastated by the experience of abuse and, in the most serious cases, may be seriously harmed or have their life threatened.
- Seek help from Social Services or the Police immediately and inform the Lions' District 'Vulnerable Persons Coordinator'.

3.6 You should try to avoid asking the victim direct questions about any alleged abuse and **do not engage in any formal interview with them**, this should not however preclude you from asking questions that are designed to clarify what is being said so long as this does not become intrusive.

3.7 It is important to note what the vulnerable person tells you. This is particularly important when the person volunteer's information about the identity of the alleged perpetrator or some other material fact that relates directly to the alleged abuse. You must make notes, either at the time, or as soon as possible afterwards.

3.8 **If you discover that the vulnerable person is physically injured and in need of immediate medical assistance, you must summon help by calling an Ambulance or the person's doctor. If the abuse amounts to a criminal assault, you must also consider contacting the Police.**

3.9 Making referrals.

You should never delay in passing your concerns to your local social services who will ensure that any necessary enquiries take place. You will always be taken seriously. Do not worry that you may be mistaken. It is better to have discussed it with somebody with the experience and responsibility to make an assessment.

3.10 Referrals should be made by telephone to social services as soon as practicable. If you need to refer your concerns outside office hours, contact the emergency duty service or the police.

3.11 Information and Consent Form VP1

Where vulnerable persons are invited to a Lions Club event, which they attend without a parent, guardian or carer, it is essential that we do all that we can to protect them whilst they are temporarily in our care.

- 3.12** Vulnerable persons for example may have special medical or dietary needs that must be taken into consideration. The parent or guardian or carer should be asked to give their written consent for the vulnerable person to attend the event together with any relevant information about the vulnerable person's condition. Form VP 1 has been devised for this purpose and is shown as Appendix 'A'.
- 3.13** There will be no requirement to complete the form where the vulnerable person is accompanied by their parent, guardian or carer.

Section 4

Protecting Yourself and Your Club

- 4.1** It is a sad fact of life that, from time to time, organisations unwittingly recruit staff or volunteers who pose a risk to vulnerable persons. Abusers are usually people known to their victims, and these people can include parents, carers, relatives or family friends. They can also include professionals and volunteers who work with vulnerable persons.
- 4.2** It is also the case that people who pose no risk are sometimes vulnerable to accusations of abuse. This is because they regularly come into contact with vulnerable persons who may be confused or frantic enough to resort to desperate ways to stop the abuse. For example, a child being sexually abused by a relative might accuse another person in the hope that the truth will be discovered, or simply that the ensuing fuss will scare the real abuser and make him/her stop.
- 4.3** Although this can and does occasionally happen, it is important to remember that it is an unusual occurrence and that by taking the steps outlined below you will do much to minimise any chances of becoming inappropriately accused.
- 4.4 Recognised good practice:**
To ensure that you protect vulnerable persons from harm and protect yourself from false allegations, you must adopt a personal code of conduct. A code of conduct, at its simplest, is a list of key principles of good practice. The following list could form the basis of your code. Learn these principles and add to them as appropriate:
- Respect all individuals, whatever their age, developmental stage, ability, sex, sexual orientation or ethnicity.
 - Place the safety and well being of vulnerable persons first. It must be placed before any personal or organisational goals and before loyalty to friends or colleagues.
 - Form appropriate relationships with vulnerable persons. These should be based on mutual trust and respect.
 - Be aware of the relative powerlessness of vulnerable persons, especially disabled persons.
 - Be committed to actively preventing the exploitation and abuse of vulnerable persons.
 - Always work in an open environment - avoid private locations (e.g. taking vulnerable persons to your home).
 - Always try and ensure that you are never alone with a vulnerable person.
 - Maintain a safe and appropriate distance with vulnerable persons (e.g. it is not appropriate to have an intimate relationship with a vulnerable person or share a room with them).
 - Involve carers, parents and/or guardians wherever possible.
 - Be aware of the Lions' vulnerable person's policy and your responsibilities.

- Avoid any horseplay, sexually suggestive comments or language.
- Always seek the carers, parents' and vulnerable person's consent if he/she is very young or disabled and need help to go to the toilet - never take them on your own.
- Remember that it is okay to touch a vulnerable person in a way that isn't intrusive or disturbing to him/her or to observers.
- Make sure that any allegations or suspicions are recorded and acted upon.

4.5 Do not:

- Engage in rough physical games including horseplay.
- Touch a vulnerable person in an intrusive or sexual manner.
- Make sexually suggestive comments to a vulnerable person, even as a joke.
- Do things of a personal nature that vulnerable persons can do for themselves, such as going to the toilet or changing clothes.

4.6 Do I drive him/her home?

There may be occasions when Lions Clubs members have to provide a lift to vulnerable persons because no alternative means of transport is available. In such circumstances, if there is no other viable option, it is appropriate to provide a lift because arguably by not providing a lift the vulnerable person may be placed at greater risk. However it is extremely important to let the carers and/or parents know what you are doing and seek their consent. Providing a lift in these circumstances may be acceptable as a one-off, but if it becomes a regular occurrence then there is a need to review the practice in conjunction with your nominated Vulnerable Persons District Officer.

4.7 If you are required to provide a lift to a vulnerable person, always try and ensure that another member or helper is with you. This safeguards you as well as the vulnerable person.

4.8 If it becomes a regular occurrence to provide transport to vulnerable persons then the written consent of the parent or guardian or carer is essential. Form VP 2 has been devised for this purpose and is shown at **Appendix 'B'**.

Section 5

General Advice concerning specific Lions Activities

5.1 Lion's Clubs activities are many and varied. The below is not meant to be an exhaustive list but seeks to provide general advice about specific activities involving vulnerable persons, which in the past have caused concern.

5.2 Youth Exchange

Hosting a young person as part of the Lions Youth Exchange programme can bring its own problems and potential difficult situations. The following additional guidelines may assist:

- Try and ensure that there are always two responsible adults present, preferably husband and wife. Avoid being left alone with the youth – particularly if you are male.
- Try and encourage other members of your club/zone to participate in meeting and entertaining the Youth.
- Respect the young person's privacy – never enter their bedroom unless in an emergency.
- Always ensure that you are properly dressed – even if it is your usual practice to just wear a dressing gown in the morning, for the period of hosting dress before going to breakfast.
- Take time to find out about the customs and traditions of the country from which the youth is coming from and where possible explain how customs and traditions are different in the United Kingdom.
- Always seek feedback on the placement from the young person who lived there. Another member of the host Lions Club together with a trusted representative of the young person should be involved in the feedback process, which ideally should be by way of a face to face meeting.

5.3 Father Christmas

Christmas is a happy time, particularly for children and their families. Lions Clubs activities add to the festive season. It would be a sad indictment on society if we could not continue with Lions Clubs activities for fear of undesirables abusing their position of trust or mischievous persons making false allegations. By adhering to the principles set out in this policy the welfare of children and the protection of Lions Clubs members will at all times be safeguarded.

5.4 Specifically for activities involving Father Christmas, ensure that Lions Club members are not left alone with children. **Two Lions members need to be present at all times.** Remember it is perfectly acceptable to allow a child to sit on Santa's lap providing these essential safeguards are in place.

5.5 Alpha Leo Clubs

The benefit of establishing Leos Clubs is self-evident. Apart from allowing children to join the family of Lions Clubs International, and all the benefits that may bring, Leo's members may well decide to graduate to full Lions Club International membership when they have attained the age of 18 years.

- 5.6** Follow the guidelines to ensure that everyone is safeguarded. The sponsor Lion who has responsibility for liaising with the Leos Club members must protect both himself/herself and the children in his/her charge. In simple terms it is not acceptable for an adult Lions member to be left in sole charge of young girls or boys. It is essential that the safeguards stated in this policy are in place. Always make sure that there is a sufficient number of adults present at all times. Make allowances for the fact that one adult may have to leave for such reasons as to make a telephone call or to go to the toilet. The short period of time that the absence may involve is all that it may take for an incident to actually occur or to be falsely alleged. If one adult has to be absent for any reason it is essential that there are at least two others left in charge of the children. At least one adult must be the same sex as the children.

5.7 Parties/Discos/Pantomimes/Holidays

The Lions motto is 'We Serve'. We do this with pride and professionalism. We provide opportunities for persons who are disadvantaged. In providing such opportunities we may unwittingly allow undesirable persons to take advantage of vulnerable persons in their care, **but not if we adopt the code of good conduct stated in this policy.** The guidance is clear. Always safeguard the vulnerable person and protect yourself.

Section 6

Role of Vulnerable Persons Officers

6.1 Multiple District 'Vulnerable Persons Policy Officer'

A Multiple District 'Vulnerable Persons Officer' must be appointed who will be the person with overall key responsibilities for implementation of this policy. That officer will also be the 'Lead Counter signatory' for the purpose of the CRB vetting process (See Section 7).

6.2 District 'Vulnerable Persons Officers'

Each District must appoint 'Vulnerable Persons Officers'.

- Choose respected and committed members for the role of District Vulnerable Persons Officer. That person then becomes the point of contact for other members, carers, parents and vulnerable persons, and for other organisations such as Social Services, the Police, or the Local Authority if a problem relating to abuse should arise.
- The District Vulnerable Persons Officer will liaise with the appropriate authorities if a complaint about possible abuse is made.
- The District Vulnerable Persons Officer's name and contact details should be given to existing and new members as well as to parents and carers of those vulnerable persons temporarily in our care

6.3 It is important to note that the Vulnerable Persons Officer is not an expert and is not there to sit in judgement on anybody - their principle task is to advise clubs to ensure that vulnerable persons get the support and protection they need and deserve, and to act as a link to the professional caring agencies.

6.4 Once a Vulnerable Persons Officer has been appointed and familiarised him/herself with the main issues, the next step is to let other members know what is going on. Ensure that the Vulnerable Person's Protection policy is made available to all existing and new members.

6.5 Clubs may also want some expert input to their discussions. Arrange for someone from Social Services or the Police to talk through the process of implementing an effective Vulnerable Persons Protection Policy.

6.6 Creating a policy is, however, only the first step towards developing a safe environment. The policy must be kept alive at all times and reviewed annually. The membership and selection standards too should be kept under constant review.

6.7 Vulnerable Persons District Officers are registered as 'Counter signatories' with the Criminal Records Bureau. This means that they process all applications to the CRB for disclosures (See Section 7)

6.8 It is **strongly recommended** that each Club appoint a Vulnerable Persons Liaison Officer. The suggested roles for that person are:

- To locally represent the VP District Officer

- Draw the attention of event organisers to risk assessment issues concerning vulnerable persons.
- Making copies of the policy available to all members.

6.9 Clubs must inform their respective VP District Officer of the identity of their VP Club Liaison Officer.

Section 7

Vetting and Criminal Records Bureau Disclosures

7.1 **Vetting**

There is overwhelming evidence to show that only a small percentage of incidents of abuse against vulnerable persons are reported and, of these, only a proportion results in the conviction of the abuser. Therefore trying to ascertain whether or not a person has any convictions for offences against vulnerable persons is not the most efficient way to prevent abuse.

7.2 The responsibility for 'vetting' persons who have substantial access to vulnerable persons is that of the Criminal Records Bureau (CRB). The CRB provides 'Disclosures'.

7.3 **What is a disclosure?** - A disclosure is a document containing information held by the police and certain government departments. It can be used by employers and voluntary organisations to help make safer recruitment decisions. Disclosures are provided by the CRB, which is an executive agency of the Home Office.

7.4 The Disclosure service offers organisations a means to check the background of job applicants to ensure that they do not have a history that would make them unsuitable for posts they are trying to fill. Disclosures will provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer (PNC). If the position involves working with children or vulnerable adults, Disclosures will also contain details from lists held by the Department of Health (DH) and the Department for Education and skills (DfES) of those considered unsuitable for this type of work. Depending upon the level of Disclosure, it might also contain information held by local police forces.

7.5 There are three levels of Disclosure:

- Enhanced
- Standard
- Basic

7.6 The CRB will issue 'Standard' and 'Enhanced' Disclosures free of charge for volunteers; subject to Paragraph 7.7 working in sensitive positions (including working with children and vulnerable adults).

7.7 According to the CRB's Glossary of terms a volunteer is: a person who performs any activity which involves spending time, unpaid (except for travelling and other out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives. If your volunteers meet this criteria and their regular voluntary duties include working with, caring for, supervising, training or being in sole charge of children or vulnerable adults then they will be eligible to receive free 'Standard' or 'Enhanced' Disclosures.

- 7.8 Volunteering organisations are not exempt from paying the £300 registration cost and the £5 registration fee for additional counter-signatories.
- 7.9 The Council of Governors agreed the registration of MD105 with the CRB. Clubs may therefore make application to the CRB under the umbrella of the MD registration.
- 7.10 (a) It must be clearly understood that there is no need for every member of Lions Clubs International to undergo the 'vetting' procedure. It is only necessary where a Lions Club Member or agent has sole/unsupervised access to vulnerable persons. That phrase means exactly what it says
- (b) Please note that particular attention needs to be made to the following statement: any member of, and those acting on behalf of, the Lions organisation over the age of 18, in sole/unsupervised contact with young people under the age of 18 as a result of Lions activities, shall be CRB checked. (In Scotland CRB is termed disclosure)
- 7.11 **There is no general obligation to apply for a criminal record check and in any event a criminal record check cannot be undertaken without the consent of the subject of the check.** However If a Lion club member declines to undergo a criminal record check then they will not be permitted to have unsupervised contact with vulnerable persons during Lions activities.

7.12 The Process

The Council of Governors within MD 105 has decided that Lions Clubs members who have sole/unsupervised access to vulnerable persons are required to undergo the vetting process.

- 7.13 Each Vulnerable Persons District Officer is registered with the Criminal Records Bureau as a 'Counter signatory.'
- 7.14 Vulnerable Persons District Officers will retain blank 'Disclosure Applications Forms', which will be sent out to applicants on request with guidance on how to complete the form.
- 7.15 The Vulnerable Persons District Officer will consider the request from the applicant and decide whether the duties of the applicant justify the need to apply for a CRB disclosure.
- 7.16 If the decision of the Vulnerable Persons District Officer is challenged then the matter will be referred to the Multiple District Vulnerable Persons Policy Officer whose decision will be final.
- 7.17 Applicants must complete the form and provide documentary evidence of their identity (for example: Passport, Driving Licence, Birth Certificate, Utility Bill etc),
- 7.18 On receipt of a completed 'Disclosure Application Form' the Vulnerable Persons District Officer must verify without any doubt the identity of the applicant. This will be done by examination of personal documents such as

passport, driving licence, birth certificate, utility bills etc. This verification can be undertaken by a Club appointed VPO who has received instruction on the verification process by the District VPO or other suitable person (e.g if that person happens to be a countersignatory for CRB in a work related or other environment). The Club VPO MUST forward photocopies of all verified documentation to the District VPO using the checklist provided – without this documentation the District VPO will not be able to process the application.

- 7.19** Having verified the identity of the applicant and decided the application is appropriate the Vulnerable Persons District Officer will complete the application form and forward it to the CRB for processing.
- 7.20** It is the duty of the applicant to forward their personal documents to the District/Club Vulnerable Persons Officer to prove their identity. It is the duty of the District/Club Vulnerable Persons Officer to ensure that the applicant's documents are returned safely after they have been checked. It is recommended in both cases to utilise the 'Signed For' postal system to safeguard the documents in transit.
- 7.21** The Criminal Records Bureau will send out two copies of the 'Disclosure'. One to the applicant and one to the Multiple District Vulnerable Persons Policy Officer who is also the 'Lead Counter signatory'. It is the role of the Multiple District Vulnerable Persons Policy Officer to then consider whether the 'Disclosure' prohibits the applicant from having 'substantial unsupervised access to vulnerable persons'. The Vulnerable Persons District Officer will then be advised accordingly depending upon whether the VP District Officer is involved in the recruitment decision for him/her to receive Disclosure Information.
- 7.22** The 'Disclosures' can only be used for the purpose they were obtained, namely considering the suitability of the applicant for working with vulnerable persons. Due regard will be taken of the Human Rights Act 1998, Data Protection Act and Police Act 1997 in safeguarding the personal data of the subject of the application and 'Disclosure'.
- 7.23** It is a criminal offence to pass on 'Disclosures' or 'Disclosure Information' to anyone who is not entitled to receive it. It is reasonable to include the Club President and or Club Secretary in the information sharing process if it is necessary to exclude a Lion member from contact with vulnerable persons. It is not reasonable to pass the information on any further without good cause. At all times the advice of the Multiple District Vulnerable Persons Policy Officer will be sought in dealing with sensitive information.
- 7.24** The Multiple District Vulnerable Persons Policy Officer will retain the disclosures for 6 months in a secure non-portable container. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.
- 7.25** Once the retention period has elapsed any 'Disclosure information' will immediately be destroyed by secure means i.e. shredding, pulping or burning. Whilst awaiting destruction, 'Disclosure information' will not be kept in any

insecure receptacle (e.g. waste bin or confidential waste sack). No photocopy or other image of the 'Disclosure' or any copy or representation of the contents of a 'Disclosure' will be kept.

7.26 However, notwithstanding the above, a record of the date of issue of a 'Disclosure', the name of the subject, the type of 'Disclosure' requested, the position for which the 'Disclosure' was requested, the unique reference number of the 'Disclosure' and the details of the decision taken will be kept. The details of the decisions taken must in no way reflect the disclosure information. **This Criminal Record Check needs to be repeated every three years**

7.27 'Disclosure information' is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given. Having a criminal record will not prevent a Lion member having contact with vulnerable persons depending upon the circumstances and background of the offence/s revealed.

7.28 It is important to note that criminal record checks may well reveal sensitive personal information, which may not be relevant to the reason that the check was carried out. **Such information must be disregarded.**

7.29 If any Club Officer is in any doubt as to how to deal with the 'Disclosure' issues revealed then the advice of the Multiple District Vulnerable Persons Policy Officer must be sought. If there is any disagreement with the advice of the Multiple District Vulnerable Persons Policy Officer then the matter will be referred to the Council of Governors as the final arbitrators.

7.30 At the July 2008 Council of Governors it was agreed that the following posts would carry a requirement for CRB clearance:

- All VDGs in preparation for their year as DG
- MD, District and Club members of Youth Teams who deal with under 18s and most especially anyone involved with Alpha Leo Clubs or Leos under the age of 18. This would include Youth Committee Chair, Young Ambassador Officers, Peace Poster Officers, Lions Clubs Leo Officers, and also MD Leo Committee members, and those involved directly or staying overnight at a Youth Camp, Life Skills Officers and Youth Football Officers.
- MD, District and Club Officers dealing with those with Physical and Learning Disabilities
- MD, District and Club Vulnerable Persons Officers

Section 8

Leos

Any member of, and those acting on behalf of, the Lions organisation over the age of 18 in sole/unsupervised contact with young people under the age of 18 as a result of Lions activities shall be CRB checked. (in Scotland CRB is termed disclosure)

8.1 Structure:

Due to the varied structure and lower age ranges of the Leos in MD105, Leo clubs shall refer to their sponsoring Lions club Vulnerable Persons Officer or Lions District Vulnerable Person Officer for information and advice relating to this policy.

8.2 Each Leo club to appoint a Leo Club Vulnerable Persons Liaison Officer, who is over the age of 18 years and needs to have a CRB clearance. Where no Leo Club member can take on this position, the sponsoring Lions Club must appoint a suitable Lion to take on this responsibility for Vulnerable Persons Liaison. The position implies that the Lion is over 18 years and has CRB clearance or is willing to undergo CRB clearance.

8.3 The suggested roles for that person are:

- Draw the attention of event organisers to risk assessment issues concerning vulnerable persons.
- Making copies of the policy guidelines available to all members, and full policy available to club members upon request.
- Ensuring that all Leos within the club have read and signed a copy of the Leos Policy Guidelines on Vulnerable Persons. This signed copy should be held within club records.

8.4 It will be the responsibility of the Lions District Vulnerable Persons Officer to countersign any requests made to the Criminal Record Bureau (CRB).

8.5 The Leos Multiple District President shall appoint a Multiple District Vulnerable Persons Officer, who is responsible for advising clubs on their responsibilities under the Vulnerable Persons Policy. This Officer shall be over 18 and CRB checked.

8.6 School Based Club

It is important to liaise with the school about expected practices. They may already have guidelines for the operation of external extra-curricular activities which you must follow. **The key point is to never be alone with a minor.** It is generally expected that adults who have frequent access to students need to be CRB checked. If you are taking students outside the school then you must refer to school policies and the guidance given below. Parental permission must be given. You shall inform the school that Leos are covered by Lions insurance (see MD Directory for details and note limited benefit for under 16's) and that we have this policy in place as they may wish to read it. If

in doubt about any issues please seek advice from the school and Vulnerable Persons Officer

8.7 Whereby a Leo club consists primarily or wholly of vulnerable persons, there shall be either 2 Lions or 1 Teacher and a Lion (all CRB checked with the remit of this policy) or 1 Teacher and Over 18 (for all cases it is preferable to have a mixed gender for supervision)

8.8 Community Based Clubs:

The sponsoring Lions and older Leos (Over 18) have a responsibility to protect both themselves and the younger Leos at events. It is not acceptable for an adult Leo member to be left in sole charge of younger Leos/girls/ boys. It is essential that the safeguards stated in this policy are in place. Always make sure that there is a sufficient number of adults present at all times. Make allowances for the fact that one adult may have to leave for any reason. If one adult has to be absent for any reason it is essential that there are at least two others left in charge. It is advisable that at least one adult be the same sex as the children

8.9 Formation of Club / Appointing Lion Advisors

Any Lion who is involved in the setting up of or continuing in an advisory role within a Leo Club needs to have CRB clearance or be willing to undergo CRB checking..

8.10 EVENTS:

Leo's Clubs activities are many and varied. The list below is not meant to be an exhaustive list but seeks to provide general advice about specific activities involving vulnerable persons, which in the past have caused concern.

➤ **MD Leo Conference**

As part of an ever changing culture in Leos, it can now be expected that younger alpha Leos will be regularly attending Leo MD Conference. Whilst the hosting committee now has a requirement to ensure all Leos under 16 have a signed consent form with an adult aged over 25 acting in *loco parentis* it is up to all Leos to consider their actions throughout the event.

- Ensure that there are always two responsible adults present. Avoid being left alone with the youth.
- Never agree to purchase or provide alcohol or cigarettes for anyone who is under age
- Encourage other members of your club to participate in meeting and entertaining the Youth over the Conference weekend.
- Respect the young person's privacy – never enter their bedroom unless in an emergency. ,
- Never invite them into your room.

➤ **Leo Charter Camps / Events**

Whilst these events are planned to be a lot of fun, We need to carefully consider the needs of those attending e.g. Leos aged under 18 years As with above, consider all points of good practice, taking into consideration the temporary accommodation arrangements such as tents etc.

Again avoid being alone with youth. Do plan activities which involve more than one person being present, or at least are within sight or hearing of others.

➤ **Parties/Discos/Pantomimes/Holidays**

These sorts of events provide opportunities for persons who are disadvantaged. In providing such opportunities we may unwittingly allow undesirable persons to take advantage of vulnerable persons in their care, but not if we adopt the code of good conduct stated in this policy. The guidance is clear. Always safeguard the vulnerable person and protect yourself.

➤ **Do I drive him/her home?**

There may be occasions when Leo Club's members have to provide a lift to vulnerable persons because no alternative means of transport is available. In such circumstances, if there is no other viable option, it is appropriate to provide a lift because arguably by not providing a lift the vulnerable person may be placed at greater risk. However it is extremely important to let the carers and/or parents know what you are doing and seek their consent. Providing a lift in these circumstances may be acceptable as a one-off, but if it becomes a **regular occurrence** then there is a need to review and consider obtaining written consent for Leo Club file records. *Appendix B* of this Vulnerable Person Policy provides this form (VP2).

If Leos are attending events organised by others organisations where Vulnerable Persons may be present, they should be aware and adopt the key principles considered to be good practice in section 4.4 of this Vulnerable Person's Policy.

Section 9

Legal Position in Scotland regarding Vulnerable Persons

The basic framework for the Vulnerable Persons Policy including Children is valid for Scotland but the legal requirements are different between Scotland and England.

With the enactment of the Protection of Children Scotland Act 2003 (POCSA) there are several differences between the law in Scotland and England. This applies to both Children and also to Vulnerable Adults.

This law covers most of the recommendations contained in the Cullen report following the Dunblane massacre in 1996. The provisions in POCSA have also been reviewed in the light of the more recent Bichard report on the incident in Soham in 2002.

The law (POCSA) came into effect in two stages the first was the 10th January 2005 and the second stage was implemented on the 10th April 2005. Thus the whole law is now in effect. The 'list' of people who are not permitted to be in sole charge of children held by the Scottish Ministers, which did not exist prior to the 10th January, has already grown considerably. This is because the period for investigation of up to six months has now passed. Nobody will become 'fully listed' without his or her knowledge.

It should be noted that the only way to find out positively whether an individual is listed or not is to apply for an enhanced disclosure and include requirements for a child care and adult 'at risk' positions. The list is not available for inspection by the public.

The Act places our Clubs in Scotland, under a legal duty to do three things:

- 1. Refer an individual to the List where the grounds for referral are met.**
- 2. Not knowingly appoint an individual who is fully listed to a child care position (as defined under Schedule 2 of the Act).**
- 3. Remove an individual who is fully listed from a child care position.**

Under many circumstances Members of Lions Clubs can operate within the restrictions and guidance indicated in the Multiple District Policy on Vulnerable Persons including Children, however if there is a situation where the Lion is in sole charge of Children then an 'Enhanced disclosure with Child Care Position' must be obtained from CRBS, before undertaking the Child care position. **It is no longer valid in Scotland to apply for just an 'enhanced' application if it is intended that the Lion will work in sole charge of, or frequent contact with Children or Vulnerable adults.**

All new applications in Scotland will be made on this basis. (At this time the application forms do not reflect this requirement but the cover sheet or envelope, completed by the signatory, does have appropriate check boxes on it). This is another change resulting from implementation of the Act.

All clubs in District 105NE (including those in NE England) have been registered under the 'umbrella' organisation of 'Lions Club International District 105NE' with

Disclosure Scotland and CRBS. The reason for this is that under the constitution disciplinary action is with the Directors and Membership of each club. All disclosures applied for under the registered body are free of charge.

It is essential that a Club does not allow a person who is 'fully listed' to undertake a child care position. (Note that this is a criminal offence under POCSA).

Under the second item above it is therefore essential that all Lions undertaking child care positions without supervision must have already received and enhanced disclosure certificate based upon child care prior to undertaking any child care position. (Once again this is a criminal offence by the Club or organisation).

In the case of referral the best statement that can be made is as follows;
'An organisation will have a duty to make a referral to the Scottish Ministers if an individual working in a child care position harms or puts a child at risk of harm AND is dismissed or moved away from access to children as a consequence. In addition, a person in a child care position who harms a child or puts a child at risk of harm AND would have been dismissed if they had not resigned, retired, been made redundant or left at the end of a temporary contract, must also be referred to the Scottish Ministers'.

If there are any doubts by clubs regarding referral or potential referral, then please refer the situation immediately to the Vulnerable Persons Scotland Officer for 105NE listed in the MD directory. There are specific forms to be completed for referral.

There are guide lines already in existence for the review by the representatives of the Scottish Ministers and all persons referred have the right to reply before the listing is changed from provisional to fully listed.

A Provisionally listed person can continue in Child care positions until such time as the 'provisional listing' is confirmed as 'fully listed'.

Please note that these provisions do not extend to England and only enhanced certificates are available from the CRB in England.

Information and Consent Form – Form VP1

* Delete as applicable

Please continue overleaf if necessary

Type of event: _____

Where taking place: _____

Date of event: From: _____ To: _____

Name of person attending the event: _____

Address: _____

Date of birth: _____ Telephone Number: _____

Name address and telephone number of emergency contact: _____

Name address and telephone number of Doctor: _____

Are you receiving any medication or treatment at present: **YES*/NO***

If **Yes** please give details: _____

Are you allergic to anything?(Antibiotics, any particular food or drug etc.) **YES*/NO***

If **Yes** please give details: _____

Emergency Treatment

In the event of being unable to make a decision I **Do*/Do Not*** give my permission for the Lions Club member in charge or named deputy or First Aider to sign for emergency treatment deemed necessary by a doctor.

Signature: _____ Dated: _____

Parent*/Guardian*/Carer* Consent

I am willing for (name) _____ to attend the above Lions Club event and I verify the information contained on this form as being correct.

Signature: _____ Dated: _____

Travel Arrangements Consent Form – Form VP2

* Delete as applicable

Please continue overleaf if necessary

Type of event: _____

Where taking place: _____

Time and Date of event: From: _____ To: _____

Name of person attending the event: _____

Address: _____

Date of birth: _____ Telephone Number: _____

Travel arrangements

Who is providing transport?

Name: _____

Vehicle: _____

Contact Details: _____

Who will be present during the journey: _____

Name address and telephone number of emergency contact: _____

Parent*/Guardian*/Carer* Consent

I am willing for (name) _____ to attend the above Lions Club event. I have read the information on this form and I am satisfied with the proposed travel arrangements. I therefore give my consent to these travel arrangements.

Signature: _____ Dated: _____