



## Vulnerability Policy

### Introduction

Chandlers recognise that they have a role in ensuring that the vulnerable and socially excluded and people in poverty are protected and that the recovery process includes procedures agreed between the agent/agency and creditor about how such situations should be dealt with. The appropriate use of discretion is essential in every case and no amount of guidance could cover every situation, therefore the agent has a duty to contact the creditor and report the circumstances in situations where there is potential cause for concern.

If necessary, the enforcement agent will advise the creditor if further action is appropriate. The exercise of appropriate discretion is needed, not only to protect the debtor, but also the enforcement agent who should avoid taking action which could lead to accusations of inappropriate behaviour.

- Enforcement agents must withdraw from domestic premises if the only person present is, or appears to be, under the age of 18 but they can ask when the debtor will be home.
- Wherever possible, enforcement agents should have arrangements in place for rapidly accessing translation services when these are needed, and provide on request information in large print or in Braille for debtors with impaired sight.

Those who might be potentially vulnerable include:

- the elderly
- people with a disability
- the seriously ill
- the recently bereaved
- single parent families
- pregnant women
- unemployed people and,
- those who have obvious difficulty in understanding, speaking or reading English.

All Chandlers Limited Employees must be trained to V3 Vulnerability and Safeguarding of Children and Adults CPD Course and pass before dealing with any member of the public.

### Chandlers Anti-Poverty Strategy

#### Introduction

- Chandlers Anti-Poverty Strategy approved in 2003 and updated in 2009 contains two principles, which have had particular importance in formulating the companies approach to the collection of Local Taxes, Council Tax & Business Rates and in the recovery of overpaid Housing & Council Tax Benefit.

To maximise individual income levels through the provision of welfare rights information and advice and the prompt, sensitive and accurate advice on Housing and Council Tax Benefit.

To collect outstanding debts and charges in as sensitive a manner as possible, to ensure that further hardship, distress or financial difficulties are not created.

The approach advocated is one, which seeks to strike a balance between the need to maximise income to the client and the desire not to cause further hardship to the poorest within the community. The main principles, which underline this approach, are: -

- The Council is trying to prevent debt occurring by maximising benefit take-up.
- No reasonable offer of payment should be refused.

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- The main measure of success should be those cases which are under control. This will include, not only those people who are up-to-date with their payments but also those who have made and are keeping arrangements to pay arrears. This contrasts with the traditional use of the percentage of cases in arrears as the Performance Indicator for debt recovery.
- Clear information will be provided.
- Early contact reminders will be made in the recovery process when payments are missed.
- Chandlers will work closely with independent advice agencies, welfare rights agencies and other such organisations.
- a co-ordinated approach will be adopted when money is owed to more than one Council department.
- The authority will increase the range of payment facilities and options to make payments.

Chandlers Anti-Poverty Strategy acknowledged that many individuals and whole households in England and Wales are living in poverty – some in absolute poverty and many more in relative poverty.

#### **Anti-Poverty Strategy**

Chandlers adopted an Anti-Poverty Strategy at the time of the introduction of Council Tax and asked all clients to consider its implementation, based on the following principles: -

- to provide services based on need, rather than ability to pay;
- to maximise individual income levels through the provision of welfare rights information and advice.
- to collect outstanding debts and charges in as sensitive a manner
- as possible to ensure that further hardship, distress or financial difficulties are not created;
- to raise awareness of the general public, Council officers, individuals, groups and communities of poverty in England and Wales, its origins, effects and possible remedies;
- to ensure that lack of income does not affect a person's ability to participate in decisions about issues which affect them;
- to provide skills, training and encouragement to those people who need to be able to express themselves and overcome their experiences of dependency and powerlessness;
- to ensure that the benefits arising from capital and revenue expenditure by the Council accrue to those in greatest need.

A Corporate Objective of Chandlers is to remove barriers created by poverty, ignorance and conformity.

Chandlers recognise that many people within the community are required to make regular payments to the Authority in relation to services provided, or services supplied as part of its statutory functions.

Chandlers also recognise that there is a need for a thoughtful, well organised and efficient payment and collection system for Local Taxation collection and benefit overpayments, and are under a duty to maximise the collection of these taxes/payments.

Some people will experience difficulties in paying local taxes and Chandlers, as part of its 'Anti-Poverty Strategy', wish to be aware of the social implications in relation to any enforcement policy that it adopts in relation to the services provided within its Services.

#### **Procedures**

As with all debts, the Chandlers will wish to distinguish between those who cannot pay and those who will not pay local taxes.

Chandlers will provide (within the framework of the Local Government Finance Acts) an efficient and cost effective debt recovery procedure.



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Chandlers recovery procedure must be sufficiently effective to ensure that whenever they have the means, tax/charge payers pay their debts and are not able, or encouraged to avoid their obligations.

As part of its 'Anti-Poverty Strategy', Chandler's staff will consider charge payers personal, family and social circumstances and will provide clear, sensitive arrangements for those who need extra time to pay outstanding debts.

Chandlers will provide clear, written, enforcement and recovery guidelines to all staff, Enforcement Agents, collection agencies, rent collectors and others who may be involved in the collection, recovery and enforcement of local taxes and recovery of overpaid benefit.

Staff will have easy access at every stage to Revenue & Benefit Services debt recovery procedure, to help them provide advice on debts to tax/rate payers. Staff will also attempt to identify potential problems with regard to debts and deal with them as soon as they arise.

Clear information about enforcement and recovery procedures will be provided to individuals and advice agencies on request, so that tax/charge payers know where they stand and have a clear understanding of the procedures that are followed by the Chandlers and its clients.

Charge payers will be protected from harassment and undue hardship and Chandlers staff will seek to provide advice and guidance to debtors to help resolve the debt problems at an early stage, rather than allow debts to escalate out of control.

Having identified between those who cannot pay and those who will not pay, Chandlers will, during the stages of enforcement, take into account an individual's personal circumstances and their ability to pay the charge.

### Factors for Consideration

Chandlers will consider the following factors before initiating enforcement proceedings.

- What is the status of the individual concerned Charge payer, Student, Exempt, Resident, Tenant, Pensioner, Single Parent, Disabled person in need of care, Asylum seeker, Severely ill, or Homeless.
- For Council Tax/Business Rates enforcement, is the individual liable for Council Tax/Business Rates?
- Has a 'demand notice' (bill) been issued to the individual (by name),
- Has the individual paid the tax/rates/charge?
- Has the individual incorrectly paid into another account?
- Has the individual made an objection/appeal and paid a charge to another authority?
- Has the individual requested/received Housing or Council Tax Benefit, Council Tax discount, exemptions or Business Rate relief?
- Has the individual any outstanding debts with other departments within the Council?
- Is the company with communication with its client able to use their discretionary powers.

All Chandlers Employees are CRB checked and have to adhered to our CRB Policy below.

### Chandlers Criminal Records Bureau Policy

- As an organisation using the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions of trust, Chandlers limited complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.
- Chandlers is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Chandlers have a written policy on the recruitment of ex-offenders, which is made available to all Disclosure applicants at the outset of the recruitment process.

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- Chandlers actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
- Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Chandlers Limited and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Chandlers Limited to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Chandlers who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- We make every subject of a CRB Disclosure aware of the existence of the CRB Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Chandlers policy for safeguarding children and vulnerable adults Introduction.

Every child or vulnerable adult deserves to be happy and secure in their activities. And their carers or parents need to feel sure that the people in charge of these activities are trustworthy, responsible and will do everything they can to keep the vulnerable adult or child safe from harm.

Unfortunately, sometimes people who work in an industry who may encounter vulnerable people may pose a risk to children or vulnerable adults and may wish to harm them. It is therefore the duty of every employer working in this sector to put in place safeguards to protect the children, young people or vulnerable adults with whom they may come into contact during their work.

In addition, organisations will want to consider how to avoid putting their workers in positions where abuse might be alleged, and to ensure that all workers know exactly what to do should abuse be suspected. The emphasis has widened in recent years to not only protect the vulnerable from abuse and neglect but to actively promote the welfare of children and young people - not just to protect but to safeguard.

For all organisations working with children, young people or vulnerable adults, it is essential to carefully consider safeguarding both vulnerable people and the staff who have responsibility for them.

It is the responsibility of all such organisations to continually review and monitor their policy and procedures, gaining further advice and information wherever possible. All your workers should be aware of your policy and procedures in order to understand their individual responsibilities and help promote best practice.

#### [What is covered in this document](#)

This document aims to put the requirements into context, to explain some of the terms used, to give an overview of the sorts of things that should be considered in our policy and procedures, and to provide contact details of additional sources of information.

It is not intended as a comprehensive guide, rather as a starting point for organisations committed to safeguarding children or vulnerable adults.



## Vulnerability Policy

### The Main Legislation

#### The Rehabilitation of Offenders Act (1974)

This act made any convictions 'spent' after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss them, on the basis of a 'spent' conviction. However, under this act all applicants for positions which give them "substantial, unsupervised access on a sustained or regular basis" to children, must declare all previous convictions whether spent or unspent, and all pending cases against them.

#### The Children Act 1989

This act provided legislation to ensure that the welfare and developmental needs of children are met, including their need to be protected from harm.

#### The Police Act 1997

This act contained the provision to set up the Criminal Records Bureau for England and Wales. Under this act it is a criminal offence for an employer to:-

- not check an employee working with children or vulnerable adults.
- give a job to someone who is inappropriate to work with children or vulnerable adults when they know this to be case.

#### The Protection of Children Act 1999

Under this act, childcare organisations (defined as those that are 'concerned with the provision of accommodation, social services or health care services to children or the supervision of children') must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

#### Criminal Justice and Court Services Act 2000

This act covers Disclosures and child protection issues. It contains the list of convictions that bar offenders from working with children in 'regulated positions'. These types of 'regulated positions' are defined in this act and include:

- any employment in schools, children's homes, day care premises where children are present
- caring for, training, supervising, or being in sole charge of children
- unsupervised contact with children
- other positions which give the kind of access or influence which could put children at risk if held by a disqualified person (e.g. management committee members).

#### Care Standards Act 2000

A CRB disclosure is required for most roles in organisations providing care or health services regulated under this act. This act also sets out the Protection of Vulnerable Adults scheme.

The POVA or Protection of Vulnerable Adults scheme was launched in 2004 by the Department of Health and the National Assembly for Wales.

#### Every Child Matters and the Children Act 2004

In September 2003 the Government set out in the Green Paper 'Every Child Matters' its proposals for a radical reorganisation of children's services – from hospitals and schools, to police and voluntary groups. Subsequently 'Every Child Matters: Change for Children' was issued and the Children Act 2004 was passed. It sets out the Government's approach to the well-being of children and young people from birth to age 19. Every local authority will lead on integrated delivery of services for children and young people through multi-agency children's trusts. Local authorities are also required to set up statutory Local Safeguarding Children Boards which are replacing the non-statutory Area Child Protection Committees.

The children's trusts are a direct response to Lord Laming's report of the inquiry into the death of Victoria Climbié, which highlighted the extent to which better working together and better communication was crucial. That every Child



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Matters agenda was further developed through publication of the Children's Plan in December 2007, which aimed to improve educational outcomes for children, improve children's health, reduce offending rates among young people and eradicate child poverty by 2020. Further details from [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

Since May 2010, the new Coalition Government took office, and details of current Government policy are awaited.

### [Safeguarding Vulnerable Groups Act 2006](#)

In response to recommendation 19 of the Bichard Inquiry Report into child protection procedures following the Soham murders, new arrangements for people whose jobs and voluntary work bring them into contact with children and vulnerable adults (previously referred to as the vetting and barring scheme) was initially phased in from October 2009 under the Safeguarding Vulnerable Groups Act, but currently halted whilst the vetting and barring scheme (VBS) is reviewed and 'remodelled' by the Coalition Government.

The aim of the scheme was to provide a more effective and streamlined vetting service for potential employees and volunteers. This means that the previous vetting systems using List 99 and POVA was integrated to create a single list of people barred from working with children.

In addition, a separate, but aligned, list of people barred from working with vulnerable adults was also established, replacing POVA. In effect, there are just two lists: the children's barred list and the adult's barred list.

The scheme also aims to ensure that unsuitable individuals are barred from working, or seeking to work with children and vulnerable adults and the earliest opportunity. The decision on who should be placed on the barred lists will lie with the new Independent

Safeguarding Authority (previously referred to as the Independent Barring Board) which is an independent statutory body.

The Act covers regulated and controlled activity providers, so widening the scope particularly in relation to vulnerable adults as opposed to the previous POVA scheme.

Regulated activity can include, but is not limited to, any of the following:-

- teaching, training or instruction, care or supervision of children
- teaching training or instruction for vulnerable adults
- providing advice or guidance wholly or mainly for children, which relates to their physical, emotional or educational wellbeing
- providing advice, guidance or assistance wholly or mainly for vulnerable adults
- any form of treatment or therapy provided to children or vulnerable adults
- driving vehicle that is being used only for the purpose of conveying children or vulnerable adults and their carers
- opportunity for contact with children or vulnerable adults in some specified settings (such as catering or administrative or maintenance staff in a school setting, children's home, adult care home) and where the activity is 'frequent' (once a week or more, except in health or personal care services where frequent means once a month or more) or takes place on four or more days in a 30-day period ('intensive').

Controlled activity will include: -

- frequent or intensive activity that is ancillary to healthcare in hospitals or primary care
- frequent or intensive ancillary activity in adult social care settings and further education settings, and
- people working for specified organisations with access to health, education or social service records.

The requirement for controlled activity has been put to public consultation, further information from the Department for Education, [www.education.gov.uk](http://www.education.gov.uk)

The Act does not cover any employment which may occur in the context of private arrangements between family or friends, or for domestic employers (e.g. of a private tutor, nanny or care worker). But it is an offence for a barred person to undertake regulated activity in a domestic circumstance.



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All barred individuals must not engage in any regulated activity whether paid or unpaid.

### Duty to refer

If an employer removes an employee or volunteer from regulated activity or controlled activity, or if they leave while under investigations for allegedly causing harm or posing a risk of harm, the employer is required by law to refer this information to the Independent Safeguarding Authority.

It will also be a serious offence for employers/providers to permit a barred individual to work for any length of time (no matter how infrequent) in a regulated activity.

Further details from the Independent Safeguarding Authority at [www.isa.homeoffice.gov.uk](http://www.isa.homeoffice.gov.uk)

Whilst the Vetting and Barring Scheme is under review, organisations working with children and vulnerable adults should continue to use Criminal Records Bureau (CRB) disclosure checks for staff and volunteers.

New forms have already been produced by the CRB, and these will continue to be used, although details relating to ISA registration will be ignored when processed.

### Definitions of Terms Child

A child is legally defined as anyone under the age of 18.

### Vulnerable Adults

The definition of vulnerable adult is a person aged 18 or over and who: 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999)
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- Is receiving direct payments from a local authority or health and social care trust in lieu of social care services, or
- requires assistance in the conduct of their own affairs.

### Abuse

Abuse is the violation of an individual's human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against.

Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating. This list is not definitive.



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### Spent Convictions

Under the Rehabilitation of Offenders act 1974, if a person convicted of an offence is not convicted again during a specified 'rehabilitation period', the conviction is 'spent' (this would not include serious criminal offences). Usually the person does not have to reveal or admit the conviction, nor can an employer refuse to employ someone because of the spent conviction. However, there are some exceptions, particularly to protect children and other vulnerable groups (see further details above in 'Legislation'). An employer should not ask for a CRB Disclosure or for details of spent criminal convictions unless the post is one covered under the Rehabilitation of Offenders Act exceptions order or there is statutory obligation to do so.

### Social Services Department

If there is a concern about the possible abuse of a child, young person or vulnerable adult, the local authority social services department should be contacted. It is their legal responsibility to find out if abuse has taken place.

It is not the role of your organisation to decide whether abuse has taken place, only to report allegations to Social Services or the Police. If your organisation investigates the suspected abuse, it could actively damage chances of the case reaching resolution.

### Local Safeguarding Children Boards (LSCBs)

The LSCBs are statutory bodies set up by local authorities. They have replaced the Area Child Protection Committees which were non-statutory. Every local area now needs to have an LSCB. The aim is to ensure that key agencies work together effectively to ensure that children are safeguarded properly. The core membership of LSCBs is set out in the Children Act 2004, and includes local authorities, health bodies, the police and others. When working out your organisation's protection procedures you are advised to contact your local LSCB.

### Criminal Records Bureau

This Home Office agency was set up in 2002 to replace the old system of police checks. It provides the Disclosure service to help organisations recruit more safely, with checks on information held by the police and government departments. Their website is at [www.homeoffice.crb.gov.uk](http://www.homeoffice.crb.gov.uk)

CRB Customer Services PO Box 110  
Liverpool L69 3EF

General Enquiries: 0870 90 90 811

### Disclosure document

This is a document containing information held by the police and the Department of Health and the Department for Education and Skills, which can help organisations make safer recruitment decisions. Details of the Disclosure service can be found on the CRB website [www.homeoffice.crb.gov.uk](http://www.homeoffice.crb.gov.uk).

### Standard Disclosure

From 12 October 2009, all volunteers or employees who work with children or vulnerable adults must apply for an enhanced disclosure and not a standard one. The standard disclosure is for other types of work or licences.

### Enhanced Disclosure

This is the level of Disclosure for anyone whose work regularly involves caring for, training, supervising or being in sole charge of young people under 18 or vulnerable adults. In addition to the information provided for a Standard Disclosure of spent convictions, unspent convictions and cautions, it may also contain information held by the police which is thought relevant but which may not have led to a conviction.

The current CRB fee for an Enhanced Disclosure is £36.00 and the application process will take at least 3 weeks. Users (applicant, the employer, the Registered or Umbrella Body) can check the progress of their application online at [www.homeoffice.crb.gov.uk/tracking](http://www.homeoffice.crb.gov.uk/tracking). Disclosures are free of charge for volunteers (but not people on work experience or placements. The CRB's definition of volunteers is "a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative." They consider that volunteers are not individuals who expect to receive a benefit for the activity such as an expected credit towards a qualification gained by someone on a placement.)





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### Umbrella Registered Bodies

Organisations who need over 100 checks per year can register with the CRB in order to process applications to the Disclosure service for their own employees. The current registration fee is £300 plus £5 for each additional counter signatory.

CRB website.

[www.crb.homeoffice.gov.uk/umbrella\\_body\\_search.aspx](http://www.crb.homeoffice.gov.uk/umbrella_body_search.aspx) has a database of umbrella organisations in England, Scotland and Wales. Alternatively, your local CVS or safeguarding board may be able to advise on your nearest umbrella body.

Umbrella bodies normally charge a small administration fee on top of the CRB fee for the Disclosure. However, there is no CRB fee for Disclosures for Volunteers.

A handwritten signature in black ink, appearing to read 'C Waterman', is written over a light grey horizontal line.

Mr C Waterman CICM, MIoD  
Managing Director

Dated 6<sup>th</sup> January 2016