

Heartfulness/SRCM UK (the “Charity”)

Policy on the Safeguarding of Protected and/or Vulnerable Adults

Statement of Intent

The Charity offers meditation with transmission and relaxation sessions to adults over the age of 18.

The Charity wishes to ensure that:

- in accordance with the requirements of the Protection of Vulnerable Groups (Scotland) Act 2007 as amended (the “2007 Act”), that its activities will not fall within the category of “Regulated Work” as defined under this Act with regard to protected and/or vulnerable adults. This means that all those connected with the Charity, including the charity trustees, volunteers, trainers, Heartspot coordinators who carry out the meditation sessions and the zonal coordinators do not require to be a member of the Protection of Vulnerable Groups (PVG) scheme, or to have completed disclosure checks under the 2007 Act.
- in accordance with the requirements in England and Wales of the Safeguarding Vulnerable Groups Act 2006 as amended (the “2006 Act”), that its activities do not fall within the category of “Regulated activity” as defined in the 2006 Act. As a result, members of the Charity including the charity directors, volunteers, trainers, the Heartspot coordinators who carry out the meditation sessions and the zonal coordinators do not require to have completed Disclosure and Barring Service checks and have Disclosure and Barring Service certificates.

Owing to the nature of the meditation with transmission and relaxation used by the Charity, the Charity does not consider that the sessions are suitable for everyone, as discussed in this policy, and that protected and/or vulnerable adults may not feel at ease in sessions depending upon the circumstances involved.

The Charity is satisfied that in accordance with the “normal duties” test under the 2007 Act and the “regulated activity” test under the 2006 Act, it is not carrying out any activities which are specifically aimed at providing services to protected and/or vulnerable adults. Given that the Charity provides open sessions to the general public, it is possible that from time to time an adult who would be regarded as being protected and/or vulnerable may come along to one of the sessions, who may not be suited to the session. This is discussed further below.

The Charity recognises that everyone has a role to play in relation to safeguarding in order to promote and prioritise the safety and wellbeing of vulnerable and/or protected adults. This policy therefore provides our charity trustees, volunteers, trainers, Heartspot and zonal coordinators and beneficiaries, with our approach to dealing with the protection of vulnerable and/or protected adults and explains who our sessions are suitable for. This is to ensure that appropriate action is taken in the event of any allegations or suspicions regarding possible harm to a protected and/or vulnerable adult which comes to the attention of a charity trustee, volunteer, trainer, Heartspot coordinator and zonal coordinator or which arises from any form of contact with the Charity.

Related Policies & Procedures

This policy forms part of our other policies and procedures, which should all be read together. These policies include the following:-

- Grievance procedure for managing complaints;
- Our safeguarding policy for children;
- Anti-bullying/ harassment;
- Code of conduct for charity trustees/ directors, volunteers, and trainers; and guidance for mediators;
- Conflicts of interest;
- Data protection and recording information; and
- Whistleblowing.

Our Safeguarding Officer

The charity has its own Safeguarding Officer and an Asst Secretary for Legal Affairs who also deals with safeguarding issues. Their details are shown below. They can be contacted at any time to report any concerns or issues, or to pass on a report or allegation.

In the event that the Safeguarding Officer is unavailable for any reason, please contact the Asst Secretary for Legal Affairs instead.

Safeguarding Officer:- Venkat Shenoy who can be contacted on ventkat.shenoy@heartfulness.uk or on safeguarding.equality@heartfulness.uk

Asst Secretary for Legal Affairs:- Simon Maharaj who can be contacted on asst-secretary.legal@heartfulness.uk.

Definition of a Protected Adult

A protected adult in terms of the 2007 Act is an individual aged 16 or over who is receiving certain services as defined in the 2007 Act, as amended by the Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Adults) Regulations 2010 and the Protection of Vulnerable Groups (Scotland) Act 2007 Prescribed Services (Protected Adults) Regulations 2010.

These services include healthcare services provided by the NHS or another operator including the provision of counselling, healthcare advice or related support about personal wellbeing, community care services provided by a Council under the Social Work (Scotland) Act 1968 or the Mental Health (Care and Treatment) (Scotland) Act 2003, welfare services, housing support services and a care home service.

A “vulnerable adult” under the 2006 Act is an individual over the age of 18 to whom a regulated activity relating to adults in Schedule 4 of the 2006 Act applies.

These services include health care provided by the NHS, relevant personal care such as physical assistance, or assistance in general household matters given to a person by reason of age, illness or disability, social work under the Care Standards Act 2000, and assistance to an adult in the conduct of the adult’s own affairs.

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For the avoidance of any doubt, the Charity does not provide any activities that would fall under the definition of services mentioned above, for the purposes of being a regulated activity under the 2007 Act and the 2006 Act. Likewise it is not the Charity's intention to provide any form of teaching, instruction or training specifically aimed at protected and/ or vulnerable adults.

This means that there is no need for any of our charity trustees, volunteers, Heartspot coordinators, trainers, and zonal coordinators to ask an adult attending one of our sessions any questions about their personal circumstances that could be regarded as being intrusive.

Who is a Protected Adult?

The Charity recognises that the 2007 Act and the 2006 Act do not apply to normal social or day to day activities aimed at the general population which will include the relaxation and meditation classes provided by the Charity. These sessions are aimed at the general population over the age of 18, as the Charity does not work with children under the age of 18.

The Charity recognises however that it is possible in carrying out the activities of the Charity, that a charity trustee/volunteer/Heartspot coordinator/ trainer or zonal coordinator may come into contact on an infrequent and irregular basis with a protected and /or vulnerable adult. This may be unavoidable if a protected/ vulnerable adult comes along to one of the sessions. At no point however will the Charity be focusing on protected adults as a target audience, so any contact with a protected and /or vulnerable adult will be considered to be purely incidental to the nature of the work that the Charity carries out. The Charity also endeavours to keep such incidents to an absolute minimum by making it clear to the general public from the outset and on their website who their sessions are best suited to.

The Charity recognises that an adult may have the potential to be vulnerable for a number of reasons. This could be for example if he/she:-

- Has reduced physical or mental capacity;
- Has a physical or a learning disability;
- Has any form of mental illness including an addiction to alcohol or drugs;
- Is in receipt of any form of healthcare, or welfare services; and
- Is living in a residential care home or sheltered housing;
- Is unable to protect himself or herself against any harm or exploitation, including financial exploitation (please see Appendix 1);
- Is receiving any community benefits because of their age, health or disability.

The Charity wishes to make it clear however that just because an adult may meet one or more of the criteria set out above, it does not necessarily mean that they are vulnerable or are unable to safeguard their own wellbeing or manage their affairs owing to the nature of their particular condition or disability. For example, the Charity will not exclude an elderly or disabled person from a session just because they are elderly or disabled. The Charity recognises that until contact is made with the adult concerned, it may be impossible to identify whether or not any form of vulnerability exists and if so, whether or not the session will be suitable for the adult.

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The Charity will be careful at all times to avoid carrying out its activities at any location which could fall within the definition of being a regulated activity for the purposes of the 2007 Act and the 2006 Act. For example, the Charity will be unable to provide any activities to residents within a care home. However, if a charity trustee/volunteer/trainer/Heartspot or zonal coordinator should come into contact with a resident from a care home who is attending one of our sessions or events, then the Charity will regard this contact as being “incidental” in the course of carrying out their normal activities, and the individuals concerned will not therefore require to be regulated.

For the avoidance of any doubt, we will not provide any sessions at a GPs surgery for patients of the practice. We can however provide classes to the GPs and/or their staff at the GPs practice only. Likewise the same principle will apply to a dentist surgery or other health care environments such as hospitals.

What is Abuse?

Abuse can take a number of different forms and involve the violation of an individual’s human and civil rights by any other person. It can include physical abuse, sexual abuse, emotional or psychological abuse, financial abuse, discriminatory abuse, personal exploitation, violation of their rights. Further details of what constitutes abuse are shown in Appendix 1.

Who are the Charity’s Activities Aimed At?

Our classes are aimed at the general public above the age of 18. As stated above, we offer no sessions/events aimed specifically at protected and/or vulnerable adults. The Charity is not therefore a member of the PVG scheme nor are its members required to obtain DBS certificates, and it does not carry out disclosure checks on charity trustees/trainers/ volunteers/ Heartspot and zonal coordinators.

We recognise that the forms of meditation and relaxation used by the Charity are better suited to those who would not be regarded as being vulnerable. This can be a question of degree. For example, Heartfulness Meditation is not suitable for those with severe mental health issues, although it can be helpful for adults with mild to moderate depression or anxiety.

As a Charity, we encourage that those who attend our sessions and events do so willingly and of their own choice, i.e. no coercion or control is being exercised upon them to attend and this is a decision they have made themselves. Likewise the adult has to be capable of understanding the session in order to benefit from it. If any vulnerable adult who happens to attend a session is accompanied by a family member/ guardian who has any concerns about whether or not the Charity’s activities may be suitable for them, they should feel free to contact the Safeguarding Officer of the Charity in advance of any future session/event so that this can be discussed in more detail.

If a Charity Trustee/Volunteer/Trainer/ Heartspot or Zonal Coordinator have any concerns that someone in the session may be a Protected and/or Vulnerable Adult

The Charity has a duty of care to the beneficiaries taking part in its sessions. We have to ensure that sessions are provided safely to all and are enjoyable and beneficial to the adults involved. We have explained in this policy why our sessions are not suitable for everyone and our concerns that the sessions could be difficult and confusing to an adult who may be vulnerable and who is unable to understand/ take part in or follow the session owing to the nature of their particular vulnerability.

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If a charity trustee/ volunteer/ trainer/ Heartspot or zonal coordinator identifies someone in the session who owing to the nature of their vulnerability means that they are unable to participate in or understand the session (they may also appear to be confused, upset, lost etc), they should use the following procedure:

- They should report their concerns to the Safeguarding Officer at the end of the session. If the report is made verbally, this should be followed up in writing within 48 hours.
- In the event that the concerns are noted during a 1:1 session, the volunteer should immediately bring the session to an end and report their concerns to the Safeguarding Officer as soon as possible after the session. If the report is made verbally, this should be followed up in writing within 48 hours. No further 1:1 sessions should be arranged.
- The Safeguarding Officer will consider what action may be required. The Safeguarding Officer will on receipt of the written report also notify the chairman. The chairman will let the charity trustees know and keep them up to date on the situation as it develops.

The Charity has to date found that where there have been difficulties of this nature during a session, that the adult concerned hasn't tried to come back to a further session.

If the adult continues to attend however and the Safeguarding Officer is concerned about the effect of this upon the adult, the other adults in the session and upon the Charity itself, the Safeguarding Officer can with another charity trustee/ trainer/volunteer /Heartspot or zonal coordinator present speak to the adult and their family/ guardian if they are accompanied to the sessions about these concerns and discuss whether or not the sessions are suitable. A copy of this policy should be made available to the adult/ their family/ guardian where appropriate. It may be necessary for the Safeguarding Officer to suggest that the adult stops coming to any further classes. The Safeguarding Officer is expected to handle this discussion with great sensitivity and professionalism.

- If the Safeguarding Officer speaks to the adult/ their family or guardian, they must prepare a written report of the discussion and the outcome. A copy of this must be sent to the chairman, to be circulated to the trustees.

If a Charity Trustee/Volunteer/Trainer/Heartspot or Zonal Coordinator have any concerns regarding the possible harm or abuse of a Protected and/or Vulnerable Adult

- This relates to concerns about possible abuse as identified in this policy, or regarding the vulnerability of an adult for any reason. This could arise from something that the charity trustee/ volunteer/trainer/Heartspot or zonal coordinator observes or overhears during or before/ after the session, or that they are made aware of at the session by another adult.

Procedure to follow in this event:-

- The Charity trustee/volunteer/trainer/Heartspot or zonal coordinator have a responsibility to report this concern in accordance with the procedures set out in this policy. Even if the concern seems minor, it should never be ignored.
- The Charity trustee/volunteer/trainer/Heartspot or zonal coordinator should make an immediate report to their Safeguarding Officer setting out the nature of the concern, how the matter came to their attention and their observations if any. If this report is made verbally, it should also be confirmed in writing to the Safeguarding Officer within 48 hours of the verbal report for the purpose of our records.

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- The Safeguarding Officer will immediately on receipt of the initial report inform the police/ Social Services or other relevant authority as they decide to be appropriate. A copy of the written report and any subsequent communication should also be passed by the Safeguarding Officer immediately to the Chairman of the Charity who will then inform the charity trustees and keep them updated of progress.

Responsibilities of Charity Trustees/Volunteers/ Trainers/Heartspot or Zonal Coordinators

- All those involved with the Charity, particularly the charity trustees, the volunteers, trainers, Heartspot coordinators and zonal coordinators must ensure that they are familiar with this safeguarding policy and know how to follow and apply these procedures if required. In the event of a vulnerable adult attending a session, this safeguarding policy should also be made available to any adult/accompanying family/guardian attending the sessions who wishes to see it.
- The charity trustee/volunteer/trainer/ Heartspot or zonal coordinator should always take action in accordance with this policy if they have any safeguarding or other concerns regarding a protected/vulnerable adult.
- The charity trustees /volunteers/ trainers/Heartspot and zonal coordinators are responsible for their own professional conduct on behalf of the Charity at all times and are expected to abide by the Code of Conduct of the Charity.
- Anyone who reports a protected and/or vulnerable adult issue, whether they are a charity trustee/volunteer/trainer/Heartspot or zonal coordinator or other adult in the class should be reassured that they will be listened to and their concern or allegations will be taken seriously and acted upon in accordance with this policy. Under no circumstances should the charity trustee/volunteer/trainer/Heartspot or zonal coordinator promise to keep the matter confidential or secret.

Safeguarding Concerns about any of the Charity Trustees/Volunteers/Trainers/Heartspot and Zonal Coordinators

In the event that any adult in the session has any concerns about the behaviour of a charity trustee/volunteer/trainer/Heartspot or zonal coordinator towards a protected and/or vulnerable adult, regardless of whether it is something they have witnessed or heard directly or indirectly, they should immediately report their concerns to the Safeguarding Officer, unless this is one of the individuals concerned, in which case a report should be made to the Asst Secretary for Legal Affairs. Contact details for these individuals have already been provided.

The Charity understands that this may be a difficult and sensitive concern to report, but the Charity has a duty to safeguard protected and/or vulnerable adults and to prevent the reputation of the Charity being brought into disrepute. The safeguarding procedures set out in this policy will be followed immediately.

In the event the concern is being raised by another charity trustee/volunteer/trainer/ Heartspot or zonal coordinator about one of their colleagues, then the reporting individual should remember that their first duty is to safeguard the protected and/or vulnerable adult concerned by following the procedures set out in this safeguarding policy. Their concerns should be reported to the Safeguarding Officer unless this is one of the individuals concerned, in which case a report should be made to the Asst Secretary for Legal Affairs. They should be reassured that their report will be taken seriously and investigated fully. The individual concerned should not talk about the disclosure to any other colleagues within the Charity.

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The procedure to follow in this event:

- Any verbal report should also be confirmed in writing to the Safeguarding Officer within 48 hours of the verbal report for the purpose of our records. The Safeguarding Officer will immediately on receipt of the initial report inform the police/ Social Services/ other relevant authority as appropriate. A copy of the written report and any subsequent communication should also be passed by the Safeguarding Officer immediately to the Chairman of the Charity who will then inform the charity trustees and keep them updated of progress.
- The Charity may also wish to conduct its own internal investigation into the matter, with the charity trustees being kept fully informed throughout.

Record Keeping

- Any such written report will be kept in accordance with the Charity's Data Protection Policies and Procedures.
- The information in the report should be recorded as factually as possible. Any records kept by charity trustees/volunteers/trainer/ Heartspot or zonal coordinators about a protected and/or vulnerable adult should include what was said or observed, all the persons involved, the date and time of what occurred, date of any disclosure and if there were any observable injuries.
- A record should also be kept of any action agreed or to be taken.
- All reports should be completed ideally within 48 hours of the incident or disclosure occurring, or as soon as is reasonably practicable.

Professional Code of Conduct

- All charity trustees/volunteers/ trainers/ Heartspot and zonal coordinators will adhere by the Charity's Code of Conduct in relation to dealing with members of the public. This will include maintaining a professional boundary at all times.
- Any charity trustee/volunteer/trainer/ Heartspot or zonal coordinator who breaches the Code of Conduct in relation to a safeguarding issue will immediately be reported to the Safeguarding Officer and further action will be taken in accordance with the Charity's disciplinary procedures.

Appendix 1

The following guidance is taken from the updated NSPCC Guidance on the definitions and signs of abuse in vulnerable adults. Full details can be found on www.nspcc.org.uk. The following examples are not conclusive and are for illustrative purposes only.

Physical Abuse

This can occur where deliberate harm or injury is caused to a vulnerable adult by hitting, shaking, squeezing, burning, scalding, cutting, suffocation and biting or by giving children alcohol, inappropriate drugs or poison. This category will also include attempted suffocation or drowning.

Sexual Abuse

Sexual abuse of a vulnerable adult will include either forcing or enticing a vulnerable adult to take part in sexual activities, including prostitution to meet the sexual needs or practices of another adult/carer. This can include physical contact and will include penetrative or non-penetrative acts. Sexual abuse shall also include showing or involving vulnerable adults in the production of pornographic material, watching sexual activities or encouraging vulnerable adult to behave in a way that is sexually inappropriate. Other areas to look out for include use of the internet for online sexual abuse such as grooming, or exploiting a vulnerable adult for sexual activities by giving them gifts or affection.

Emotional Abuse

Emotional abuse is the regular emotional mistreatment of a vulnerable adult such as a persistent lack of love or affection, by constantly shouting at the vulnerable adult, threatening them or taunting them, making them feel worthless and unloved or inadequate and nervous or withdrawn.

Emotional abuse can also occur where there is continual overprotection which either holds back or prevents the vulnerable adult from socialising with others.

Emotional abuse can also include asserting control over a vulnerable adult by intimidation, threats of coercion, harassment or isolating a vulnerable adult from services or supportive networks. It can involve being drawn in to radicalisation of any kind. It can also involve bullying in any form, such as bullying by parents/ coach or a teacher. It can also include witnessing the ill treatment of another vulnerable adult.

As the above demonstrates, emotional abuse can occur in many different ways.

Neglect

Neglect is the repeated and regular failure by an adult to meet the basic needs of a vulnerable adult for essentials such as food, clothing, warm shelter and helping to meet the vulnerable adults basic physical or psychological needs.

Bullying and Cyber-bullying

This has already been discussed above but can take the form of any of the other recognised forms of abuse.

Bullying can occur over things like social media, online, by texting or in person.

Financial Abuse

Financial abuse will involve the exploitation in some way or misuse of the property, possession or benefits which the vulnerable adult either receives or is entitled to receive. This will include stealing from them, fraud, putting on pressure or other forms of exploitation.