

Karmabank CIC

VULNERABLE ADULT & CHILD PROTECTION POLICY

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Introduction

This policy was designed for use at the Pod Welcome Space in partnership with RBKCs. We have updated it following our formation as Karmabank CIC. This policy is intended primarily for our Staff, Members and volunteers, but can serve as an introduction to Karmabank's Vulnerable Adult & Child Protection Policy to raise awareness of safeguarding issues particular to the broad range of people we serve. Given we are a small volunteer led grass roots non-profit with limited resources and funding, we accept any open dialogue to develop and guide us further with this policy.

While we are primarily an organisation supporting adults over 18, we recognise that parents may bring children, or we may organise special community events at which families or children may be present. **PARENTS MUST ALWAYS BE PRESENT AT ALL TIMES WHERE THEIR CHILDREN ARE PRESENT.**

With School groups, teachers with adequate safety & safeguarding training must also be present.

We are committed to ensuring all relevant team members and volunteers have enhanced DBS at minimum, and they attend regular updated safeguarding training, as well as other safety training such as first aid, creating safe psycho social spaces and suicide prevention.

Our policy outlines Karmabank's commitment to the belief that all persons, especially the most vulnerable adults, children and young people have the right to develop their potential, purpose, happiness, and creativity.

Our policy applies to a wide variety of persons, from a variety of backgrounds, with a variety of traumas, legal positions, languages etc. The policy is adapted from child protection guidelines to fit the work we do and the care we provide for new arrivals and local residents of all ages, ethnicities, faiths and backgrounds.

Karmabank endeavours to protect all the vulnerable persons who come into our care and to provide them with a safe place to develop. We believe that the best interests of all persons are of paramount importance in all actions concerning them. Their views must be heard and respected at all times, particularly when concerning their rights.

We recognise that children are young, innocent and naive. As individuals they need guidance and protection for their own personal development. Children need to be safe and protected so they can be allowed to develop freely and contribute to society in a positive way. Children and Young peoples' welfare is defined as protection from accidents, harm and abuse (UNICEF CONVENTION ON THE RIGHTS OF THE CHILD)

This statement sets guidelines for our members, volunteers and team to follow in pursuit of good practice when dealing with vulnerable adults, children and young people, outlined in sections 1 and 2.

We also recognise our volunteers, trainers, staff and team members are often vulnerable themselves, and affected deeply by working with vulnerable new arrivals, and the stories they hear. This policy applies to them too.

Directors, Karmabank

I. Karmabank CIC'S VULNERABLE ADULT & CHILD PROTECTION POLICY

Karmabank CIC believes it is always unacceptable for a vulnerable person, whether adult, child or young person to experience abuse, neglect, or harm of any kind and recognises its responsibility to safeguard the welfare of all vulnerable persons by a commitment to a practice that protects them.

We recognise that:

- The welfare of the vulnerable adult/child/young person is paramount.
- All vulnerable persons, regardless of age, disability, gender, ethnic heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse.
- Working in partnership with vulnerable adults, children, young people, their parents, carers and their agencies is essential in promoting young people's welfare.
- The welfare of our volunteers, staff, trainers and team members are of equal importance.
- We must provide suitable mechanisms to regularly monitor and safeguard the mental health and wellbeing of members, staff, volunteers, and trainers.

The purpose of the policy:

- To provide protection for the vulnerable people, children and young people who receive Karmabank's services including the children of adult members or users.
- To provide staff, trainers and volunteers with guidance on procedures they should adopt in the event that they suspect a vulnerable adult, child or young person may be experiencing, or be at risk of, harm.
- To share and apply culturally appropriate practices and behaviour wherever possible.

This policy applies to all volunteers, helpers, session workers, agency staff, students, Elected Members or anyone else working on behalf of Karmabank.

We will seek to safeguard vulnerable adults, children and young people by:

- Valuing, listening to and respecting them
- Adopting vulnerable person & child protection guidelines through procedures and a code of conduct for staff and volunteers
- Recruiting staff and volunteers safely, ensuring all necessary checks are made
- Sharing information about vulnerable person & child protection and good practice with children, trainers, parents, staff and volunteers
- Sharing information about concerns with agencies who need to know, and involving carers, parents and children appropriately
- Providing effective management for staff and volunteers through supervision, support and training.

Vulnerable Adult & Child Code of Conduct

1.1 Introduction

Everyone who participates in Karmabank activities is entitled to do so in an enjoyable and safe environment. Karmabank has a moral and legal obligation to ensure that, when given responsibility for vulnerable people, trainers and volunteers provide them with the highest possible standard of care.

Karmabank is committed to devising and implementing policies so that everyone engaged in our activities accepts their responsibilities to safeguard vulnerable persons and children from harm and abuse. This means to follow procedures to protect vulnerable persons and children and report any concerns about their welfare to appropriate authorities.

The aim of the code of conduct is to promote good practice, providing vulnerable person and children with appropriate safety/protection whilst in the care of Karmabank and to allow staff and volunteers to make informed and confident responses to specific vulnerable person and child protection issues.

A child/young person is defined as a person under the age of 18 (Children's Act 1989). The Department of Health defines a vulnerable adult as "a person aged 18 or over who may need community care services because of a disability (mental or other), age, or illness. A person is also considered vulnerable if they are unable to look after themselves, protect themselves from harm or exploitation or are unable to report abuse." The Care Act 2014 provides further protection for vulnerable adults. It is a legal framework assisting local authorities in their safeguarding duties, such as:

- Protection
 - Empowerment
 - Accountability
 - Prevention
 - Proportionality
 - Partnerships
- The Safeguarding Vulnerable Groups Act (SVGA) 2006 provides for mechanisms such as DBS checks, which Karmabank asks all volunteers, trainers and staff to maintain updated (no older than 3 years).

1.2 Statement

Karmabank is committed to the following:

the welfare of the vulnerable person and child is paramount

all vulnerable person and children, whatever their age, culture, ability, gender, language, racial origin, religious belief and/or sexual identity should be able to participate in our activities in a fun and safe environment.

taking all reasonable steps to protect vulnerable persons and children from harm, discrimination and degrading treatment and to respect their rights, wishes and feelings

all suspicions and allegations of poor practice or abuse will be taken seriously and responded to swiftly and appropriately

all Karmabank leaders and volunteers who work with vulnerable persons and children will be recruited with regard to their suitability for that responsibility, and will be provided with guidance and/or training in good practice and child protection procedures

working in partnership with parents and children is essential for the protection of children

respecting and Implementing culturally appropriate standards and practices wherever possible.

protecting the mental health and well being of our volunteers, trainers and staff is equally important when applying our standards and duties of care.

1.3 Monitor and review the code of conduct and procedures

The implementation of procedures should be regularly monitored and reviewed. The welfare officer should regularly report progress, challenges, difficulties, achievements gaps and areas where changes are required to the management committee.

The code of conduct should be reviewed every 3 years or whenever there is a major change in the organisation or in relevant legislation.

2 Promoting Good Practice

2.1 Introduction

To provide vulnerable persons and children with the best possible experience and opportunities in all activities provided by Karmabank everyone must operate within an accepted ethical framework.

It is not always easy to distinguish poor practice from abuse. It is therefore NOT the responsibility of employees or participants of Karmabank activities to make judgements about whether or not abuse is taking place. It is however their responsibility to identify poor practice and possible abuse and act if they have concerns about the welfare of the vulnerable person or child, as explained in section 4.

This section identifies what is meant by good practice and poor practice.

2.2 Good Practice

All personnel should adhere to the following principles and action:

1. Always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)
2. Make the experience of the activity fun and enjoyable: promote fairness, confront and deal with bullying
3. Treat all persons equally and with respect and dignity
4. Always put the welfare of the vulnerable person or child first
5. Maintain a safe and appropriate distance with participants of activities (e.g. it is not appropriate for staff or volunteers to have an intimate relationship with a vulnerable person or child or to share a room with them)
6. Avoid unnecessary physical contact with young people. Where any form of manual/physical support is required it should be provided openly and with the consent of the young person. Physical contact can be appropriate so long as it is neither intrusive nor disturbing and the vulnerable person's (or parents') consent has been given
7. Involve parents/cares wherever possible, e.g. where young people need to be supervised in changing rooms, encourage parents to take responsibility for their own child. If groups have to be supervised in changing rooms always ensure parents, trainers etc work in pairs, female for girls, male for boys.
8. Request written parental consent if Karmabank representatives are required to transport young people in vehicles
9. Gain written parental consent for any significant travel arrangements
10. Ensure that for any events outside (ie. picnics, outings) adults should not enter a young person's room or hidden space or invite young people to their rooms or hidden spaces.
11. be an excellent role model, this includes not smoking or drinking alcohol in the company of young people

12. always give enthusiastic and constructive feedback rather than negative criticism
13. recognising the developmental needs and capacity of the vulnerable person and do not risk sacrificing welfare in a desire to promote Karmabank or personal achievements
14. secure written parental consent for Karmabank to act in loco parentis, to give permission for the administration of emergency first aid or other medical treatment if the need arises
15. keep a written record of any injury that occurs, along with details of any treatment given

2.3 Poor Practice

The following are regarded as poor practice and should be avoided by all personnel:

1. Unnecessarily spending excessive amounts of time alone with vulnerable persons or children away from others
2. Taking young people alone in a car on journeys, however short
3. Taking young people to your home where they will be alone with you
4. Sharing a room with a vulnerable or young person
5. Engaging in rough, physical or sexually provocative games, including horseplay
6. Allow or engage in inappropriate touching of any form allowing young people to use inappropriate language unchallenged
7. Making sexually suggestive comments to a vulnerable or young person, even in fun
8. Reducing a vulnerable person to tears as a form of control
9. Allow allegations made by a vulnerable person to go unchallenged, unrecorded or not acted upon
10. Do things of a personal nature that the vulnerable person can do for themselves

When an emergency case arises where it is impractical/impossible to avoid certain situations e.g. transporting a young person, the tasks should only be carried out with the full understanding and consent of the parent/carer and the young person involved.

If during your care you accidentally hurt a vulnerable person, the vulnerable person seems distressed in any manner, appears to be sexually aroused by your actions and/or if the vulnerable person misunderstands or misinterprets something you have done, report any such incidents as soon as possible to another colleague and make a written note of it. Parents should also be informed of the incident.

3 Defining Child Abuse

3.1 Introduction

(The following applies also to any vulnerable persons in Karmabank's care)

Child abuse is defined as any form of physical, emotional or sexual mistreatment or lack of care that leads to injury or harm, that may or may not occur within a relationship of trust or responsibility and is an abuse of power or a breach of trust. Abuse can happen to a young person regardless of their age, gender, race or ability.

There are four main types of abuse: physical abuse, sexual abuse, emotional abuse and neglect. The abuser may be a family member, someone the young person encounters in residential care or in the community, including sports and leisure activities. Any individual may abuse or neglect a young person directly, or may be responsible for abuse because they fail to prevent another person harming the young person.

Abuse in all of its forms can affect a young person at any age. The effects can be so damaging that if not treated may follow the individual into adulthood.

Young people with disabilities may be at increased risk of abuse through various factors such as stereotyping, prejudice, discrimination, isolation and a powerlessness to protect themselves or adequately communicate that abuse had occurred.

3.2 Types of Abuse

Physical Abuse: where adults physically hurt or injure a young person e.g. hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, drowning. Giving young people alcohol or inappropriate drugs would also constitute child abuse.

This category of abuse can also include when a parent/carer reports non-existent symptoms or illness deliberately causes ill health in a young person they are looking after. This is known as Munchausen's syndrome by proxy.

In a sports situation, physical abuse may occur when the nature and intensity of training disregard the capacity of the child's immature and growing body.

Emotional Abuse: the persistent emotional ill treatment of a young person, likely to cause severe and lasting adverse effects on the child's emotional development. It may involve telling a young person they are useless, worthless, unloved, inadequate or valued in terms of only meeting the needs of another person. It may feature expectations of young people that are not appropriate to their age or development. It may cause a young person to be frightened or in danger by being constantly shouted at, threatened or taunted which may make the young person frightened or withdrawn.

Ill treatment of children, whatever form it takes, will always feature a degree of emotional abuse.

Emotional abuse in sport may occur when the young person is constantly criticised, given negative feedback, expected to perform at levels that are above their capability. Other forms of emotional abuse could take the form of name calling and bullying.

Bullying may come from another young person or an adult. Bullying is defined as deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. There are three main types of bullying.

It may be physical (e.g. hitting, kicking, slapping), verbal (e.g. racist or homophobic remarks, name calling, graffiti, threats, abusive text messages), emotional (e.g. tormenting, ridiculing, humiliating, ignoring, isolating from the group), or sexual (e.g. unwanted physical contact or abusive comments).

In sport bullying may arise when a parent or coach pushes the young person too hard to succeed, or a rival athlete or official uses bullying behaviour.

Neglect occurs when an adult fails to meet the young person's basic physical and/or psychological needs, to an extent that is likely to result in serious impairment of the child's health or development. For example, failing to provide adequate food, shelter and clothing, failing to protect from physical harm or danger, or failing to ensure access to appropriate medical care or treatment.

Refusal to give love, affection and attention can also be a form of neglect.

3.3 Indicators of Sexual Abuse

Sexual Abuse occurs when adults (male and female) use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing young people pornography or talking to them in a sexually explicit manner are also forms of sexual abuse. In activities which might involve physical contact with young people could potentially create situations where sexual abuse may go unnoticed.

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. Most people are not experts in such recognition, but indications that a child is being abused may include one or more of the following:

1. unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries
2. an injury for which an explanation seems inconsistent
3. the young person describes what appears to be an abusive act involving them
4. another young person or adult expresses concern about the welfare of a young person
5. unexplained changes in a young person's behaviour e.g. becoming very upset, quiet, withdrawn or displaying sudden outbursts of temper
6. inappropriate sexual awareness engaging in sexually explicit behaviour
7. distrust of adult's, particularly those whom a close relationship would normally be expected
8. difficulty in making friends
being prevented from socialising with others
9. displaying variations in eating patterns including over eating or loss of appetite
10. losing weight for no apparent reason
11. becoming increasingly dirty or unkempt

3.4 Signs of bullying include:

1. behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, emotionally up and down, reluctance to go training or competitions
2. an unexplained drop off in performance
3. physical signs such as stomach aches, headaches, difficulty in sleeping, bed wetting, scratching and bruising, damaged clothes, bingeing e.g. on food, alcohol or cigarettes
4. a shortage of money or frequent loss of possessions

3.5 Use of Photographic/Filming Equipment

(The following applies to any vulnerable person in Karmabank's care)

There is evidence that some people have used group events as an opportunity to take inappropriate photographs or film footage of young people. All persons working for or volunteering for Karmabank should be vigilant and any concerns should be reported to the Karmabank Executive Team or immediate trainers or managers.

4 Responding to Suspicions and Allegations

4.1 Introduction

It is not the responsibility of anyone working for Karmabank in a paid or unpaid capacity to determine definitively whether or not abuse has taken place. However there is a responsibility to act on any concerns through contact with the appropriate authorities so that they can then make inquiries and take necessary action to protect the vulnerable person. This applies BOTH to allegations/suspicions of abuse occurring within Karmabank and to allegations/suspicions that abuse is taking place elsewhere.

This section explains how to respond to allegations/suspicions.

4.2 Receiving Evidence of Possible Abuse

(The following applies to any vulnerable person in our care)

We may become aware of possible abuse in various ways. We may see it happening, we may suspect it happening because of signs such as those listed in section 3 of this document, it may be reported to us by someone else or directly by the vulnerable person affected.

In the last of these cases, it is particularly important to respond appropriately. If a child or vulnerable person says or indicates that they are being abused:

- stay calm so as not to frighten the child or vulnerable person
- reassure the child or vulnerable person that they are not to blame and that it was right to tell
- listen to the child or vulnerable person, showing that you are taking them seriously
- keep questions to a minimum so that there is a clear and accurate understanding of what has been said. The law is very strict and child or vulnerable person abuse cases have been dismissed where it is felt that the child or vulnerable person has been led or words and ideas have been suggested during questioning. Only ask questions to clarify
- inform the child or vulnerable person that you have to inform other people about what they have told you. Tell the child or vulnerable person this is to help stop the abuse continuing safety of the child or vulnerable person is paramount. If the child or vulnerable person needs urgent medical attention call an ambulance, inform the doctors of the concern and ensure they are made aware that this is a child protection issue
- record all information
- report the incident to the Karmabank Executive Team or immediate trainers or managers.

In all cases if you are not sure what to do you can get help from NSPCC Helpline, Hestia, or the Refugee Council, or Police in cases of emergency.

4.3 Recording Information

To ensure that information is as helpful as possible, a detailed record should always be made at the time of the disclosure/concern. In recording you should confine yourself to the facts and distinguish what is your personal knowledge and what others have told you. Do not include your own opinions.

Information should include the following:

- the vulnerable person's or child's name, age and date of birth
- the vulnerable person's or child's home address and telephone number whether or not the person making the report is expressing their concern or someone else's
- the nature of the allegation, including dates, times and any other relevant information
- a description of any visible bruising or injury, location, size etc. Also any indirect signs, such as behavioural changes
- details of witnesses to the incidents
- the vulnerable person's or child's account, if it can be given, of what has happened and how any bruising/injuries occurred
- have the parents been contacted? If so what has been said?
- has anyone else been consulted? If so record details
- has anyone been alleged to be the abuser? Record detail

4.4 Reporting the Concern

All suspicions and allegations **MUST** be reported appropriately. It is recognised that strong emotions can be aroused particularly in cases where sexual abuse is suspected or where there is misplaced loyalty to a colleague. It is important to understand these feelings but not allow them to interfere with your judgement about any action to take.

Karmabank expects its members and helpers to discuss any concerns they may have about the welfare of a child immediately with the person in charge and subsequently to check that appropriate action has been taken.

If the Karmabank Executive Team is not available, staff, trainers and volunteers should take responsibility and seek advice from immediate authorities at locations, the NSPCC helpline, the duty officer at social services departments, Hestia or Refugee Council helplines, or the police. Telephone numbers can be found online and in local directories.

A summary of reporting procedures is provided in Appendix 2. Where there is a complaint against an employee or volunteer, there may be three types of investigation:

- Criminal in which case the police are immediately involved.
- Child protection in which case the social services (and possibly) the police will be involved.
- Disciplinary or misconduct in which case Karmabank will be involved.

As mentioned previously in this document paid staff and volunteers of Karmabank are not child or vulnerable person protection experts and it is not their responsibility to determine whether or not abuse has taken place. All suspicions and allegations must be shared with professional agencies that are responsible for child protection.

Social services have a legal responsibility under The Children Act 1989 and the Care Act of 2014 to investigate all child and vulnerable person protection referrals by talking to the child, family and carers (where appropriate), gathering information from other people who know the child or vulnerable person and making inquiries jointly with the police.

NB: If there is any doubt, you must report the incident: it may be just one of a series of other incidents which together cause concern.

Any suspicion that a child or vulnerable person has been abused by an employee or a volunteer should be reported to Karmabank Executive Team or immediate trainers and managers who will take appropriate steps to ensure the safety of the child or vulnerable person in question and any other child or vulnerable person who may be at risk. This will include the following:

1. Karmabank will refer the matter to social services department
2. the parent/carer of the child/vulnerable person will be contacted as soon as possible following advice from the social services department
3. the Karmabank Team will be notified to decide who will deal with any media inquiries and implement any immediate disciplinary proceedings
4. if a paid member of staff or volunteer is the subject of the suspicion/ allegation the report must be made the Karmabank team who will refer the matter to social services

Allegations of abuse are sometimes made sometime after the event. Where such allegation is made, you should follow the same procedures and have the matter reported to social services. This is because other children attending the activity or Karmabank or outside it may be at risk from the alleged abuser. Anyone who has a previous conviction for offences related to abuse against children is automatically excluded from working with children.

4.5 Concerns Outside the Immediate Activity (e.g. parent or carer)

Report your concerns to the Karmabank Team. If they are not available, the person being told or discovering the abuse should contact their local social services department or the police immediately.

Social Services and the Karmabank Team or person dealing with the discovery will decide how to inform the parents/carers.

The incident should be reported to the Karmabank Team who will ascertain whether or not the person/s involved in the incident play a role in the organisation and act accordingly.

Maintain confidentiality on a need to know basis.

4.6 Confidentiality

Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only. This includes the following people:

- The parents of the child or carers of the vulnerable adult
- The person making the allegation
- Social Services/police

- Karmabank Team
- The alleged abuser (and parents if the alleged abuser is a child)

Seek social services advice on who should approach the alleged abuser.

All information should be stored in a secure place with limited access to designated people, in line with data protection laws.

4.7 Internal Inquiries and Suspicion

Karmabank will make an immediate decision about whether any individual accused of abuse should be temporarily suspended pending further police and social services inquiries.

Irrespective of the findings of the social services or police inquiries the Karmabank Committee will assess all individual cases to decide whether a member of staff or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision; especially where there is insufficient evidence to uphold any action by the police. In such cases the Karmabank Committee must reach a decision based upon the available information which could suggest that on the balance of probability, it is more likely than not that the allegation is true. The welfare of the vulnerable person or child should remain of paramount importance throughout.

Recruiting and Selecting Personnel with Vulnerable Persons and Children

5.1 Introduction

It is important that all reasonable steps are taken to prevent unsuitable people from working with vulnerable persons and children. This applies equally to paid staff and volunteers, both full and part time. To ensure unsuitable people are prevented from working with vulnerable persons and children the following steps should be taken when recruiting.

5.2 Controlling Access to Vulnerable Persons and Children

All staff and volunteers should complete an application form. The application form will elicit information about the applicants past and a self disclosure about any criminal record.

Consent should be obtained from the applicant to seek information from the Disclosure & Barring Service (DBS).

Two confidential references, including one regarding previous work with vulnerable persons children should be obtained for Staff. These references MUST be taken up and confirmed through telephone contact.

Evidence of identity (passport or driving licence with photo).

5.3 Interview and Induction

All employees and volunteers will be required to undertake an interview carried out to acceptable protocol and recommendations. All employees and volunteers should receive formal or informal induction during which:

- A check should be made that the application form has been completed in full, including sections on criminal records and self disclosures
- Their qualifications should be substantiated
- The job requirements and responsibilities should be clarified

They should sign up to the organisation's Vulnerable Person and Child Protection Code of Conduct Vulnerable Person and Child Protection Procedures are explained and training needs identified e.g. basic child protection awareness

5.4 Training

In addition to pre-selection checks, the safeguarding process includes training after recruitment to help staff and volunteers to:

1. Analyse their own practice against what is deemed good practice, and to ensure their practice is likely to protect them from false allegations Recognise their responsibilities and report any concerns about suspected poor practice and/or abuse
2. Respond to concerns expressed by a vulnerable person or child Work safely and effectively with vulnerable persons and children

Karmabank requires:

All staff and volunteers who have access to vulnerable persons and children to undergo a DBS check

- A. All employees, volunteers, trainers, welfare officers and managers to undertake relevant child protection training or undertake a form of home study, to ensure their practice is exemplary and to facilitate the development of positive culture towards good practice and child protection All staff and volunteers to receive advisory information outlining good/bad practice and informing them what to do if they have concerns about the behaviour of an adult towards a young person
- B. Vulnerable person Workers should have an up to date first aid qualification Any outside agency workers should be asked for a copy of their CRB details and shown a copy of the Child Protection Policy

5.6 Relevant Legislation and Policy for the care of Asylum Seekers & Refugees

The following legislation provides the local framework for the assessment and access to social care for asylum seekers and refugees (<https://www.scie.org.uk/publications/guides/guide37-good-practice-in-social-care-with-refugees-and-asylum-seekers/background/legislation.asp>) Once refugees have been granted leave to stay they are entitled to receive provision on the same basis as UK residents.

- Local authorities have a duty to assess all individuals (including refused asylum seekers) if they appear to be in need of care services under Section 47 of the NHS and Community Care Act 1990.
- Local authorities have a duty to provide care under Section 21 of the National Assistance Act 1948. The Slough judgement clarified local authorities' responsibilities under Section 21 of the National Assistance Act 1948. It clarified what care means in this context and ruled that to qualify for support, an individual has to have a care need above and beyond the provision of accommodation, such as personal care or household tasks.
- Schedule 3 of the Nationality, Immigration and Asylum Act 2002 prevents local authorities from routinely providing support to refused asylum seekers who are in the country unlawfully. There are some exceptions to these exclusions but they do not prevent local authorities providing assistance to refused asylum seekers if to do otherwise would be a breach of an individual's human rights under the Human Rights Act 1998. This means that local authorities should assess refused asylum seekers if care needs have been signalled, but it does not necessarily mean that they should provide support.
- Local authorities consider eligibility for care needs on a case by case basis, taking into account all the factors surrounding the individual's circumstances and seeking their own legal advice if necessary.
- In circumstances where an asylum seeker or refugee is eligible for support, direct payments or a personal budget may be the means by which support is provided rather than direct services.
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Since 2009 the Department of Health has been reassessing the eligibility of refused asylum seekers to access NHS healthcare. The government's consultation on a policy of restricted access to free treatment for refused asylum seekers was subject to a judicial review in April 2008, and was initially overturned but the government successfully appealed against this verdict in the court of appeal 2009. The Court of Appeal (CA) found that refused asylum seekers were not eligible for free care on the grounds that they 'cannot be said to be ordinarily resident in the UK, since their stay here is not 'ordinary'. The CA also found that failed asylum seekers cannot be considered exempt from charges by having resided lawfully in the UK for one year prior to treatment since they do not have the necessary 'leave to enter' in order to reside lawfully in the UK.

[The Immigration Bill 2013](#) outlines legislation to introduce surcharges for migrants accessing health and social care provision. [Migrant Health Guide](#). [Care Act 2014](#)

The Care Act contains rules which may affect refugees and asylum seekers. These relate to rights to residency and persons subject to immigration controls. [Immigration and Asylum Act 1999](#)
[Local Government Act 2000](#) Nationality, Immigration and Asylum Act 2002
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 Department of Health, Social Services and Public Safety (2004) Borders, Citizenship and Immigration Act 2009
Equality Act 2010

Declaration

On behalf of Karmabank, we, the undersigned, will oversee the implementation of the Vulnerable Persons & Child Protection Code of Conduct and take all necessary steps to ensure it is adhered to.

Name: Andrew Standen-Raz Karmabank CEO/Founder

Signed:

Date: 12/4/23



DESIGNATED PERSON

Name: Rhonda Borel-Chaffin, Director

Signed:

Date: 1/12/24

The designated Vulnerable Persons & Child Protection Officer for Karmabank is:

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