



# Western Chan Fellowship CIO (“WCF”) Policy on Safeguarding Adults and Children

Version 2.1

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## Contents

What is a Safeguarding Concern? .....	2
Whom does this Policy protect? .....	2
Areas of Potential Concern .....	2
Vulnerability can be variable .....	2
Policy.....	3
Safeguarding Personnel .....	3
Safeguarding Officer.....	3
Safeguarding Team .....	3
Protecting ourselves and others in relationship .....	3
Protecting those with psychological disorders.....	4
Protecting against Safeguarding concerns .....	4
Training of Staff.....	4
Screening of Staff .....	4
Handling Safeguarding Concerns .....	4
Precautionary Suspension .....	5
Mental Health Issues .....	6
Learning from Experience.....	6
Appendix.....	8
Who is an ‘adult at risk or with care and support needs’? .....	8
What is ‘abuse’? .....	8
Types of abuse .....	8
Understanding Mental Capacity .....	9
Five key principles.....	10



## What is a Safeguarding Concern?

A 'Safeguarding Concern' is where an adult or a child is or appears at risk of being treated in a violent way, being psychologically abused, being financially exploited or sexually exploited. It also includes slavery, neglect both physical and emotional, discriminatory abuse, and organisational abuse. Some examples of concerns are given in the Appendix.

## Whom does this Policy protect?

This Policy is to protect everyone involved in WCF activities and help ensure that they can engage in Dharma activities in safety. The Policy addresses safeguarding concerns with regards to WCF staff and volunteers, teachers, group leaders and those attending retreats and local groups.

## Areas of Potential Concern

Whilst WCF does not accept bookings onto retreats by under-18s, they may for example attend WCF social events. Regarding adults who may be at risk or who have care or support needs, whilst WCF does not cater specifically for nor target these persons, such persons may book onto WCF events (sometimes without declaring their vulnerability) e.g. older adults and those with mental health problems. They may also attend local groups.

## Vulnerability can be variable

Vulnerability and resilience can vary throughout a person's life. Many people are generally emotionally and psychologically stable in most aspects of their lives. However, on occasion they may find themselves in a more vulnerable position, e.g. after a bereavement, serious illness, or breakdown of a relationship. They may be new to the practice of meditation and their practice may make them more sensitive. For example, we will bear in mind that a person who is emotionally vulnerable for any reason may not be able to make balanced decisions about friendships or sexual relationships with WCF staff. We will take great care to help each other avoid exploiting people in such situations of vulnerability.

On intensive residential retreats the contact with and between the retreatants can be intense, including one-to-one interviews with teachers or assistant/trainee teachers. Retreats can be experienced as emotionally demanding by the participants which may mean they are more vulnerable at these times. Hence WCF needs to train and screen retreat leaders and retreat staff, who are responsible for the wellbeing of retreatants at these times.

Likewise local WCF group leaders may have an intensive contact with and hence responsibility to the attendees. WCF therefore also needs to train and screen those who are responsible for leading local groups which are affiliated to WCF.



## Policy

### Safeguarding Personnel

WCF appoints a Safeguarding Team. The team comprises of a Safeguarding Officer and two to three additional team members.

#### Safeguarding Officer

This appointment is for a three-year term and is made by the trustees based on expertise and experience in the field. The Officer is responsible for ensuring that all employees and volunteers of WCF have valid and in-date (every three years) DBS checks. The Officer also coordinates safeguarding training for the WCF. In addition, the Officer is responsible for coordinating a response to any safeguarding issues arising in the WCF.

#### Safeguarding Team

The rest of the team is appointed by the trustees for a three-year term, again based on relevant expertise and experience. The team assists the Safeguarding Officer in providing training for the WCF in safeguarding issues and assists the Safeguarding Officer in dealing with any safeguarding issues that may arise in the Charity.

In addition, if it happens that neither the Safeguarding Officer nor any other member of the safeguarding team are trustees of the charity, the trustees will appoint one of their number to be "Safeguarding Trustee". All trustees take account of safeguarding matters when running the charity, but the Safeguarding Trustee takes special responsibility for setting safeguarding considerations before the trustees and may act as liaison person between the trustees and the Safeguarding Officer/Team.

### Protecting ourselves and others in relationship

Our first priority is to keep people safe through the prevention of harm. We are aware that as a person starts to explore the liberation that Dharma practice can provide, it is easy to confuse strength of feeling for the Dharma with an attraction to the individual serving as their main point of contact with WCF. This Policy aims to prevent the causing of harm through an expression of sexuality, or the sexual exploitation of retreatants through an abuse of the position of authority and power that Dharma teachers of all rank, group leaders and others listed above may be perceived to have. To attempt to achieve this we have created guidelines for people in responsible positions in the WCF.

- A sexual relationship is never appropriate between a teacher and a student who is working with them
- During WCF events, any intimation of future romantic or sexual relationship between WCF volunteer/employee/teacher and a student or participant is inappropriate.



If a relationship which is more than simple friendship begins to develop between a WCF volunteer/employee/teacher and student/participant, a discussion with a senior teacher must occur before the relationship is taken forward. Depending on the circumstances the senior teacher may require conditions be met, for example a pause in contact between the parties to give opportunity for each to reflect.

## Protecting those with psychological disorders

We are aware that those attending WCF events and retreats may include some experiencing psychological disorders ranging from mild to severe. We do ask retreatants to inform us of any prior mental health issues they have experienced in order to be aware and help them if necessary. We recognise that as Buddhists we do not have the professional skills to diagnose or help people with psychological disorders and that they may not be helped solely by the kindness of Buddhists. In such cases we may need to advise them to seek professional help.

We are aware that for people with serious psychological disorders certain Buddhist practices involving recognition of the illusion of self could be dangerous. We may need to encourage them in alternative Buddhist practices involving the calming of body and mind, or to avoid meditation either altogether or during periods of relapse.

## Protecting against Safeguarding concerns

### Training of Staff

WCF makes opportunities to train its retreat staff, group leaders and others in the issues surrounding persons who may be at risk or who have care and support needs. Its annual Leaders Retreat (for group leaders) includes this topic at least once every two years. There is written material and online training has been developed for those unable to attend the leaders retreat and for others such as retreat cooks and guestmasters. In addition, leaders are supported in their role by a mentoring relationship with senior teachers. Senior teachers are supported through peer supervision.

### Screening of Staff

The Disclosure and Barring Service (DBS) provides a mechanism for us to screen all relevant persons prior to taking up an official role (for example as retreat leader, group leaders, guestmaster, or cook), or (for those already involved with WCF) to continue acting in a role which involves contact with potentially vulnerable members of the public. Failure to register, or refusal or revocation of registration, means that the person cannot continue in that role. All persons with such roles are required to have a recent DBS certificate (every 3 years).

## Handling Safeguarding Concerns

The approach is similar regardless of the type or category of safeguarding concern.

In the first instance any safeguarding concern should be reported to the Safeguarding Team who will hear the matter in confidence. Where appropriate, i.e. where the concern does not require a full investigation and following a thorough discussion all



parties (including the Safeguarding Team) are satisfied that further action is not required, matters may be resolved between the parties affected with the support of the Safeguarding Team.

If the person alleging abuse is not an adult with formal care needs nor 'at risk', and the complaint reported appears to constitute a criminal offence, we respect their autonomy and rights and consider it is usually up to them to report to the Police if they wish to, though we will offer support and help to do so. There may be certain circumstances where it appears that the person is being influenced not to report by the person alleged to have committed the abuse. In these circumstances it may be appropriate for the Safeguarding Team or other trustee to report the matter to the Police on their behalf.

However, if the person is formally vulnerable or 'at risk' we may report on their behalf even without their consent, though ideally with their permission if possible.

If the person bringing the allegation is in immediate danger, whether formally 'at risk' or vulnerable, or not, the Safeguarding Team or a trustee if appropriate will help them formulate a safety plan and will, if the situation demands it, phone Social Services or the Police straight away. The same will apply if there appears to be imminent risk to a child or other third party.

If the concern does not appear to involve a criminal offence the Safeguarding Team will follow a process similar to that outlined in the WCF Complaints Procedure. This may involve taking advice and support from outside advisors. Such a referral would be on a 'need to know' basis only, maintaining the confidentiality of the complainant. As difficult issues such as these can result in trauma and distress to those affected, the Safeguarding Officer may encourage the complainant to seek external sources of support and counselling.

## Precautionary Suspension

After assessing a potential safeguarding concern, the Safeguarding Officer, preferably after discussion with other members of the Safeguarding Team or with trustees, may in their absolute discretion require that any person they consider may present an ongoing risk temporarily refrain, whilst the outcome of the investigation is unresolved/pending, from some/all of their involvement in WCF activities. In the case of a prolonged investigation the need for suspension to continue will be reviewed by the Safeguarding Team at least once every three months.

It is recognised that suspension from a public role is a serious step and potentially stigmatising for the person suspended. A person suspended from WCF activities while under investigation under the provisions of this Policy will have a right of appeal to the body of trustees once every six months that their suspension is in place.

Following the completion of the investigation the Safeguarding Officer will report the matter to the trustees, including their advice on whether the trustees should apply an ongoing suspension or suspensions to the person(s) involved, based on the outcome of the investigation and the assessment of ongoing risk. The recommendation may be for a temporary suspension of acting in a WCF role and/or



involvement in WCF events, or to permanently revoke their appointment(s) to specified WCF role(s) and/or permanent exclusion from other WCF activities:

- *A temporary suspension* would be to allow the volunteer/employee time to undergo remedial training or other actions. This would be guided by input from the Safeguarding team and senior teachers. Once this remediation or other actions have been completed, and the Safeguarding Team have become satisfied that the person no longer presents a risk, then the volunteer/employee would be permitted to resume activities under the supervision of the Safeguarding Team and with the support of an appointed mentor, until the Safeguarding Team consider it appropriate to cease their supervision.
- *Permanent cancellation of appointment(s) to WCF role(s) and/or permanent exclusion from other WCF activities.* For example this would be recommended in the event of the incident(s) being serious and in the opinion of the Safeguarding Team the person seems likely to continue to present an unacceptable risk even if remediation were attempted.

Before the trustees confirm a post-investigation cancellation of appointment to a role and/or exclusion from other WCF activities on the recommendation of the Safeguarding Team the person(s) concerned would be advised of the recommendation and invited to make a written and/or oral submission to the trustees (by a specified date) if they wished to challenge the recommendation.

## Mental Health Issues

If the person is attending a WCF event and is deteriorating due to mental health issues it is sometimes necessary to ask the person to leave the event, and to help them to make this possible.

Where we believe a person may be at risk of suicide or self-harm on a WCF event the event leader, in collaboration, and after discussion with the person concerned and any significant others they wish to involve, will encourage them to accept referral or refer themselves to local mental health services.

If there is a significant risk to the person and/or to others it may be necessary, where appropriate with the knowledge of the person involved, to contact local mental health and/or Police services. For more information, refer to the **Mental Health on Retreat Policy**.

## Learning from Experience

WCF wishes to learn from any incidents reported to it, learning how better to prevent and respond to any future events. As a minimum the Safeguarding Team will review their experiences for any learning points at least annually and will report to the trustees, In the event of any major incident or prolonged investigation the Safeguarding Team will review the learning points at least once every three months or more often depending on circumstances.



**Adopted by Western Chan Fellowship Trustees - 2024.04.09**



## Appendix

This Policy is designed to protect all staff and people attending WCF events. There are legal requirements to protect adults at risk or with care or support needs. However this Policy recognises that all adults can be vulnerable at times, particularly when in intensive retreat situations or during meditation sessions at a local group and therefore this Policy extends to cover everyone.

### Who is an 'adult at risk or with care and support needs'?

An "adult at risk or with care and support needs" is a person aged 18 years or over 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 exploitation.

This adult may be a person who:

- Has a physical or sensory disability
- Is physically frail or has a chronic illness
- Has a mental health difficulties or dementia
- Has a learning disability
- Misuses drugs and/or alcohol
- Has social / emotional problems
- Exhibits challenging behaviour

Whether or not a person is 'at risk' will vary according to circumstances. Additionally, a person who does not fit any of the above categories may from time to time find themselves vulnerable or at risk in certain situations. Each case must be judged on its own merits.

### What is 'abuse'?

Abuse is the harming of a person usually by someone who is in a position of power, trust or authority over them, or who may be perceived by that person to be in a position of power, trust or authority over them. The harm may be physical, psychological or emotional, or it may exploit the vulnerability of the victim in more subtle ways.

### Types of abuse

#### *Physical abuse*

Intentional bodily injury including slapping, pinching, chocking, shoving or the inappropriate use of drugs or restraint.

#### *Domestic violence or abuse.*

A pattern of abusive behaviour towards an intimate partner in a dating or family relationship where the abuser exerts power and control over the victim.





### *Sexual abuse.*

Any behaviour thought to be of a sexual nature which is unwanted and takes place without consent. It includes online behaviour.

### *Psychological or emotional abuse.*

Regular and deliberate use of a range of words and actions (gestures, expressions), designed to manipulate, hurt, weaken, or frighten a person mentally and emotionally.

### *Financial or material abuse.*

Having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

### *Modern slavery.*

This includes forced labour, debt bondage, forced marriage, slavery and slavery like practices and human trafficking.

### *Discriminatory abuse.*

The unequal treatment of an individual based on age, disability, gender and gender reassignment, marriage and civil partnership, pregnancy, maternity, race, religion and belief, sex or sexual orientation.

### *Organisational or institutional abuse.*

Mistreatment of people usually in their place of work, but also in their religious institution, brought about by poor or inadequate care or support or systemic poor practice that affects the whole care setting.

## Understanding Mental Capacity

The conceptual and legal framework of "Mental Capacity" may bear on management of safeguarding concerns. Where a person lacks "capacity" (as defined in law) it may be appropriate to take actions on their behalf without their consent or even against their expressed wishes, for example involving the police or contacting a relative or friend.

What is capacity? Capacity means the ability to use and understand information to make a decision, and communicate any decision made. A person may lack capacity if their mind is impaired or disturbed in some way which means they're unable to make a decision at that time.

The MCA (Mental Capacity Act 2005) sets out a 2-stage test of capacity:

- 1) Does the person have an impairment of their mind or brain, whether as a result of an illness, or external factors such as alcohol or drug use?



- 2) Does the impairment mean the person is unable to make a specific decision when they need to?

Anyone can assess capacity under the Act, and it is the responsibility of any person who is considering whether they should act on behalf of another person in the absence of consent to do so.

## Five key principles

The Act is underpinned by five key principles (Section 1, MCA).

### *Principle 1: A presumption of capacity*

Every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise. This means that you cannot assume that someone cannot make a decision for themselves just because they have a particular medical condition or disability.

### *Principle 2: Individuals being supported to make their own decisions*

A person must be given all practicable help before anyone treats them as not being able to make their own decisions. This means you should make every effort to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important that you involve the person as far as possible in making decisions.

### *Principle 3: Unwise decisions*

People have the right not to be treated as lacking capacity merely because they make a decision that others deem 'unwise'. Everyone has their own values, beliefs and preferences which may not be the same as those of other people.

### *Principle 4: Best interests*

Anything done for or on behalf of a person who lacks mental capacity must be done in their best interest.

### *Principle 5: Less restrictive option*

Someone making a decision or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the person's rights and freedoms of action, or whether there is a need to decide or act at all. Any intervention should be weighed up in the particular circumstances of the case.

Ref; <https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance>