

questionnaire

SAFEGUARDING CHILDREN AND
VULNERABLE ADULTS AGAINST ABUSE



Public liability insurance risk management questionnaire

Safeguarding children and vulnerable adults against abuse

In respect of this questionnaire:

- (a) 'Abuse' (which includes assault or molestation) refers to any physical, sexual, psychological or other harmful wilful and deliberate behaviour/omission likely to cause bodily injury or illness.
- (b) Vulnerable adult refers to someone who:
is or may be in need of care by reason of mental or other disability, age or illness and
is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation"

The term is taken from the Dept. of Health publication "No Secrets – Guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse"

Against a background of greater public awareness concerning 'abuse', the potential long-term consequences for victims, increasing recourse to litigation, possible wrongful accusations, and retrospective legal changes we keep under review risk management procedures and our underwriting approach for specific cases.

Put simply, an incident today may give rise to a claim in perhaps 20 or more years time.

With this situation, there are complex long-term 'abuse' exposure issues for policyholders and insurers alike. Good risk management is seen as a major underwriting factor in the prevention of abuse and the damaging consequences of possible wrongful accusations.

Depending upon the nature of an organisation there are now a number of statutory provisions relating to pre-trading registration, employment screening and

notification requirements concerning individuals who are unsuitable to work with children, young people and vulnerable adults.

Compliance with these provisions will help reduce risk, however a key element to minimise the 'abuse' risk is the ongoing adherence by policyholders and their personnel to good risk management procedures.

Such procedures should be contained in a regularly reviewed, written protection policy for safeguarding the welfare of children, young people and vulnerable adults receiving care as well as those working or coming into contact with them.

Crucial features of a safeguarding policy are:

- That its provisions are embedded in the culture and day-to-day operation of the organisation at all levels with relevant formal training and refresher courses held at least annually
- An ongoing review of the policy (again at least annually) so as to maintain current 'best practice' in safeguarding procedures and observe any changes in legislation
- The secure retention of all personnel employment and training records, inspection reports, liability insurance policies and other relevant incident related correspondence. Such documents should be retained for no less than 50 years. The requirements of the Data Protection Act should be observed in respect of documents containing personal data

Such action

- Protects those in your care
- Maintains the integrity of the organisation
- Avoids damaging allegations and possible litigation that can have a profound effect upon those involved
- Assists in the maintenance of a risk management programme, thus fulfilling the obligation of 'reasonable care' and/or other specific conditions in accordance with the terms of your public liability insurance

The following Questionnaire draws attention to salient features in protection risk management. The completed form will help enable underwriters assess your ongoing approach and provide appropriate insurance terms.

We will provide full details of such terms upon completion and return of the Questionnaire.

The following questions should be completed in respect of organisations engaged in the care of, or activities involving, children and young people under the age of 18 years or vulnerable adults.

Important

Answers to the following questions and information given assist the Company in the assessment of the risk. All material facts must be disclosed. Failure to do so may result in the insurance cover being inoperative. Material facts are those that would be likely to influence an insurer's consideration of the risk. If you are in any doubt as to whether a fact is material it should be disclosed. You should keep a record (including copies of correspondence) of all information supplied to the Company in connection with this insurance.

Unless we specifically request, we do not require sight of your written safeguarding policy. You may be currently developing or updating your policy. Guidance upon protection issues specific to the nature of your organisation should be sought from relevant authorities, central bodies or associations.

1 Name of applicant/insured

2 Address(es)

(please show all your locations)

3 Policy number

4 Renewal date

5 Health & Safety protection

(a) Is responsibility for health, safety and safeguarding issues designated to a senior manager/leader?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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(b) Do you have a written

(i) Health & Safety policy?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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(ii) anti-bullying policy?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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(c) Do you have a written safeguarding policy to guard against abuse of your service users by any person?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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6 Your safeguarding policy

(a) When was the policy first implemented?

(b) When was the policy last reviewed and updated?

(c) When is the policy scheduled for its next review/update?
(Such review/update should take place at least annually)

(d) Are all your personnel (your employees/volunteers/service providers) aware of the policy and do they have access to it?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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(e) Do you provide or facilitate formal training on safeguarding, including formal refresher/procedure update training based upon current 'best practice', for all your personnel?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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(Formal training may be provided by senior, experienced personnel who have themselves received training from a suitably qualified/accredited source)

(f) How regularly are such formal training sessions held?
(Sessions should be held at least annually)

(g) Do new appointees receive formal induction safeguarding training prior to engagement in their duties and are they supervised during their probationary period?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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- (k) Do you undertake activities away from your premises involving those in your care? Yes No
- If 'Yes' do you have written guidelines for use by those providing supervision? Yes No
- (l) Are you part of any group or financially associated with any residential care provider(s) that may involve the interchange, transfer or secondment of your personnel or the relocation of your service users? Yes No

If 'Yes' please give details

7 Record keeping

Special note relating to record keeping

Incidents of abuse may only come to light after a long period of time, in some cases many years.

The long term security of relevant documents and related correspondence including those mentioned above is of crucial importance should allegations of abuse arise. All such documents must be securely retained for a minimum of 50 years.

Documents containing personal data (as defined on the Data Protection Act 1998) should be securely retained 'for as long as necessary' (certainly from an insurance viewpoint for no less than 50 years) to ensure that the documents are available in the event of an allegation of abuse arising. In accordance with the current Data Protection Act interpretation, such documents should be reviewed periodically to ensure that the information is still necessary as claims may be a possibility.

The individuals mentioned in the documents should be notified that information about them may be held for a long period of time as part of a safeguarding risk management programme. This may best be handled by use of a general statement in employment contracts and your published service user/member information literature.

In addition storage provisions for all such documents must be arranged in the event the organisation ceases operation/trading. Generally acceptable methods of storage in these circumstances would be at the office of a solicitor, accountant or at a professional secure storage company.

- (a) Do you securely keep (for a minimum of 50 years)
- (i) employment/engagement application forms, references, declarations and identity verification for all your personnel? Yes No
 - (ii) records of Criminal Record Bureau Disclosure reference numbers/ applicant names and dates for all relevant personnel? Yes No

(The actual 'Disclosure' should be dealt with in accordance with instructions from the relevant agency/ies concerned but a record that a CRB Disclosure has been made, evidenced by the reference number, for whom, and the date, should be retained for as long as necessary as set out in the special note relating to record keeping above)

- (iii) A copy of your Safeguarding Policy and revisions thereof together with records of safeguarding training delivered to your personnel?
- (iv) Records of abuse allegations or incidents including notification to the appropriate authorities?
- (v) Copies of relevant information and accompanying correspondence relating to abuse, of or by **your** service users whilst in **your** care, contained in their assessment, treatment and care plans?
- (vi) A record of your historical public liability insurance policies?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(b) Describe your contingency arrangements for the retention of records mentioned above should you cease to operate/trade (see special note)

If you have answered 'No' to any of the above questions about record keeping and wish to add any comments or expand upon record keeping issues please do so here

8 Claims and / or incidents of abuse

In respect of any of your activities, have there been any claims made, or are you aware of any circumstances which might be reasonably expected give rise to a claim for abuse?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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If 'Yes' please give full details and relevant dates

9 Declaration

I/We declare that as far as I am/we are aware the statements made by me/us or on my/our behalf in connection with this insurance are true and complete.

I/We agree that if any answer has been written by any other person he/she shall be regarded as my/our agent and not the agent of the Company.

I/We agree to accept a policy and endorsement relevant to the issues addressed by this Questionnaire in the Company's usual form for this class of business.

Name

Signature

Position

Date

Name

Signature

Position

Date



Beaufort House, Brunswick Road,
Gloucester GL1 1JZ