

# Safeguarding adults Policy



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# Contents

<b>Section 1.....</b>	<b>3</b>
<b>Safeguarding adults: Policy.....</b>	<b>3</b>
Introduction.....	4
Policy statement.....	5
Purpose.....	6
Scope .....	6
Commitments .....	6
Implementation.....	8
<b>Section 2.....</b>	<b>9</b>
<b>Supporting information.....</b>	<b>9</b>
Key points.....	10
Safeguarding adults legislation .....	10
Definition of an adult at risk.....	11
Abuse and neglect.....	12
Signs and indicators of abuse and neglect.....	14
Wellbeing principle.....	15
Person centred safeguarding/ making safeguarding personal .....	16
Mental capacity and decision making .....	17
Recording and sharing informaiton .....	20
Multi-agency working.....	22

## Section 1

# Safeguarding adults: Policy

## Introduction

We are Active Gloucestershire and we want everyone living in Gloucestershire to live happy and healthy lives by being physically active. We believe that physical activity can have a transformative impact on the lives of people and their communities. It is the single biggest thing that can be done to improve a person's health. Whether that's walking, wheeling, running, cycling or taking part in organised sport, anyway that you like to be active, can make a real difference to your health and wellbeing.

We are part of a national network of Active Partnerships operating across England. At our essence we are about driving positive change. As a trusted organisation, Active Gloucestershire coordinates Gloucestershire's social movement – **we can move**. Our role is to inspire people to unite behind a common vision to increase physical activity, connect individuals and organisations and help build strong collaborative partnerships and enable the growth and impact of we can move, through the provision of a range of resources, training and support.

We work with lots of organisations, sports and activity clubs, community groups and individuals to help them support others to get active.

**Active Gloucestershire** is committed to safeguarding adults in line with national legislation and relevant national and local guidelines.

We will safeguard adults by ensuring that our activities are delivered in a way which keeps all adults safe.

Active Gloucestershire is committed to creating a culture of zero-tolerance of harm to adults which necessitates: the recognition of adults who may be at risk and the circumstances which may increase risk; knowing how adult abuse, exploitation or neglect manifests itself; and being willing to report safeguarding concerns. This extends to recognising and reporting harm experienced anywhere, including within our activities, within other organised community or voluntary activities, in the community, in the person's own home and in any care setting.

Active Gloucestershire is committed to best safeguarding practice and to uphold the rights of all adults to live a life free from harm, abuse, exploitation and neglect.

## Policy statement

Active Gloucestershire believes everyone has the right to live free from abuse or neglect regardless of age, ability or disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status. All children and adults are entitled to protection from harm and have the right to take part in sport and physical activity in a safe, positive and enjoyable environment.

Active Gloucestershire is committed to creating and maintaining a safe and positive environment and an open, listening culture where people feel able to share concerns without fear of retribution. We acknowledge that safeguarding is everybody's responsibility and we are committed to preventing abuse and neglect through safeguarding the welfare of all adults involved.

Active Gloucestershire recognises that health, wellbeing, ability, disability and need for care and support can affect a person's resilience. We recognise that some people experience barriers, for example, to communication in raising concerns or seeking help. We recognise that these factors can vary at different points throughout people's lives.

Active Gloucestershire recognises that there is a legal framework within which sports need to work to:

- safeguard adults who have care needs and require support
- protect those who are unable to take action to protect themselves
- act in accordance with the relevant safeguarding adult legislation and with local statutory safeguarding procedures.

Actions taken by Active Gloucestershire will be consistent with the principles of adult safeguarding ensuring that any action taken is prompt, proportionate and includes and respects the voice of the adult concerned. We are committed to working in partnership with organisations delivering sport and physical activity within the county, to promote and deliver best practice when working with children, young people and adults.

## Purpose

The purpose of this policy is to demonstrate the commitment of Active Gloucestershire to safeguarding adults and to ensure that everyone involved in Active Gloucestershire is aware of:

- the legislation, policy and procedures for safeguarding adults
- their role and responsibility for safeguarding adults
- what to do or who to speak to if they have a concern relating to the welfare or wellbeing of an adult within the organisation.

## Scope

This safeguarding adult policy and associated procedures apply to all individuals involved in Active Gloucestershire including Board members, staff, coaches, volunteers and partners, and to all concerns about the safety of adults whilst taking part in our organisational activity, partner activities (where employed or deployed by Active Gloucestershire) and in the wider community.

We expect our partner organisations, including for example, affiliated clubs, suppliers and sponsors, to adopt and demonstrate their commitment to the principles and practice as set out in this safeguarding adults policy and associated procedures.

## Commitments

In order to implement this policy Active Gloucestershire will ensure that:

- everyone involved with Active Gloucestershire is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the welfare or wellbeing of an adult
- any concern that an adult is not safe is taken seriously, responded to promptly, and followed up in line with Active Gloucestershire's safeguarding adults policy and procedures
- the wellbeing of those at risk of harm will be put first and the adult actively supported to communicate their views and the outcomes they want to achieve and that these views and wishes will be respected and supported unless there are overriding reasons not to (see the safeguarding adults procedures)
- any actions taken will respect the rights and dignity of all those involved and be proportionate to the risk of harm

- confidential, detailed and accurate records of all safeguarding concerns are maintained and securely stored in line with our data protection policy and procedures
- we act in accordance with best practice advice, for example, from UK Sport, Sport England, national governing bodies, NSPCC and Ann Craft Trust
- we cooperate with the police and any other relevant local authorities in taking action to safeguard an adult
- All Board members, staff, partners and volunteers understand their role and responsibility for safeguarding adults and have completed and are up to date with safeguarding adult training and learning opportunities appropriate for their role
- will use safe recruitment practices and continually assesses the suitability of volunteers and staff to prevent the employment/deployment of unsuitable individuals in this organisation and within the sporting community
- will share information about anyone found to be a risk to adults with the appropriate bodies such as, the Disclosure and Barring Service, police and local authority/social services
- when planning activities and events, we will include an assessment of the risk posed to the safety of all adults from abuse and neglect and designate a person who will be in attendance as a safeguarding lead for that event
- actions taken under this policy are reviewed by the Board and senior leadership team on an annual basis
- this policy, related policies (see below) and the safeguarding adults procedures are reviewed no less than on a two yearly basis and whenever there are changes in relevant legislation and/or government guidance as required by the local safeguarding board, UK Sport, Sport England and/or national governing bodies (NGBs) or as a result of any other significant change or event.

## Implementation

Active Gloucestershire is committed to developing and maintaining its capability to implement its safeguarding adults policy and procedures.

In order to do so the following will be in place:

- a clear line of accountability within the organisation for the safety and welfare of all adults
- access to relevant legal and professional advice
- regular management reports to the Board detailing how risks to adult safeguarding are being addressed and how any reports have been addressed
- a safeguarding adults procedure that deal effectively with any concerns of abuse or neglect, including those caused through poor practice
- a designated safeguarding lead
- arrangements to work effectively with other relevant organisations to safeguard and promote the welfare of adults, including arrangements for sharing information
- codes of conduct for Board members, staff, partners, volunteers and other relevant individuals that specify zero tolerance of abuse in any form
- risk assessments that specifically include safeguarding of adults
- policies and procedures that address the following areas and which are consistent with this safeguarding adults policy.

Safeguarding children and young people	Complaints
Harassment and bullying	Whistleblowing
Equality, diversity and inclusion	Safe recruitment
Code of conducts	Information governance



## Section 2

# Supporting information

## Key points

- There is a **legal duty on local authorities** to provide support to 'adults at risk'.
- **Adults at risk** are defined in legislation and the criteria applied differs between each home nation (see definitions for each home nation on page 12).
- The safeguarding legislation applies **to all forms of abuse** that harm a person's wellbeing.
- The law provides a framework for good practice in safeguarding that makes the overall **wellbeing** of the adult at risk a priority of any intervention.
- The law in all four home nations emphasises the importance of **person-centred safeguarding**, (referred to as '**making safeguarding personal**' in England).
- The law provides a framework for making decisions on behalf of adults who can't make decisions for themselves (**mental capacity**).
- The law provides a framework for sports organisations to **share concerns** they have about adults at risk, with the local authority.
- The law provides a framework for all organisations to **share information and cooperate** to protect adults at risk.

## Safeguarding adults legislation

Safeguarding adults in all home nations is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018.

The practices and procedures within this policy are based on the relevant legislation and government guidance.

England – The Care Act 2014

Many other pieces of UK and home nation legislation also affect adult safeguarding. These include legislation about different forms of abuse and those that govern information sharing. For example, legislation dealing with:

- murder/attempted murder
- physical assault
- sexual offences
- domestic abuse/coercive control
- forced marriage
- female genital mutilation
- theft and fraud
- modern slavery and human exploitation
- hate crime
- harassment
- listing and barring of those unsuitable to work with adults with care and support needs.

Each home nation also has legislation about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves:

- England and Wales – Mental Capacity Act 2005.

## Definition of an adult at risk

The safeguarding adults legislation creates specific responsibilities on local authorities, health services, and the police to provide additional protection from abuse and neglect to adults at risk.

When a local authority has reason to believe there is an adult at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult. In Scotland and Wales, the local authority can gain access to an adult to find out if they are at risk of harm, for example, if that access is being blocked by another person.

The actions that need to be taken might be by the local authority (usually social services) and/or by other agencies, for example the police and health services. A sports or physical activity organisation may need to take action as part of safeguarding an adult, for example, they may need to use their disciplinary procedures in relation to a member of staff or member who has been reported for harming a participant. The local authority role includes invoking multi-

agency procedures to coordinate the actions taken by different organisations.

Under the England (Care Act 2014), an **adult at risk** is an individual aged 18 years and over who has needs for care and support (whether or not the local authority is meeting any of those needs) AND;

- a) is experiencing, or at risk of, abuse or neglect, AND;
- b) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

## Abuse and neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all of the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

Safeguarding legislation in each home nation lists categories of abuse differently however, they all include the following types of abuse:

- physical
- sexual
- psychological
- neglect
- financial.

Abuse can take place in any relationship and there are many contexts in which abuse might take place, e.g. institutional abuse, domestic abuse, forced marriage, human trafficking, modern slavery, sexual exploitation, county lines, radicalisation, hate crime, mate crime, cyberbullying, scams. Some of these are named specifically within the legislation of home nations.

Abuse can take place within a sporting context and the person causing harm might be any other person. For example: a member of staff, a coach, a volunteer or a participant

Some examples of abuse within sport and physical activity include:

- harassment of a participant because of their (perceived) disability or other protected characteristics
- not meeting the needs of the participant e.g. training without a necessary break
- a coach or volunteer intentionally striking an athlete
- one elite participant controlling another athlete with threats of withdrawal from their partnership
- an official sending unwanted sexually explicit text messages to a participant with learning disabilities
- a participant threatening another participant with physical harm and persistently blaming them for poor performance.

Abuse or neglect outside sport and physical activity could be carried out by:

- a spouse, partner or family member
- neighbours or residents
- friends, acquaintances or strangers
- people who deliberately exploit adults they perceive as vulnerable
- paid staff, professionals or volunteers providing care and support.

Often the perpetrator is known to the adult and may be in a position of trust and/or power.

The safeguarding adults legislation in each home country defines categories of adult abuse and harm as follows:

### **England (Care Act 2014)**

- physical
- sexual
- emotional/psychological/mental
- neglect and acts of omission
- financial or material abuse
- discriminatory
- organisational / institutional
- self-neglect
- domestic abuse (including coercive control)
- modern slavery.

## **Signs and indicators of abuse and neglect**

An adult may confide to a member of staff, coach, volunteer or another participant that they are experiencing abuse inside or outside of the organisation's setting. Similarly, others may suspect that this is the case.

There are many signs and indicators that may suggest someone is being abused or neglected. There may be other explanations, but they should not be ignored. The signs and symptoms include but are not limited to:

- unexplained bruises or injuries – or lack of medical attention when an injury is present
- a person's belongings or money going missing
- a person not attending / no longer enjoying their sessions (you may notice that a participant in a team has been missing from practice sessions and is not responding to reminders from team members or coaches)
- someone losing or gaining weight / an unkempt appearance (this could be a player whose appearance becomes unkempt, does not wear suitable sports kit and there is a deterioration in hygiene)

- a change in the behaviour or confidence of a person (for example, a participant may look quiet and withdrawn when their brother comes to collect them from sessions, in contrast to their personal assistant whom they greet with a smile)
- self-harm
- a fear of a particular group of people or individual
- a parent/carer always speaking for the person and not allowing them to make their own choices
- a disclosure i.e. someone telling you / another person they are being abused.

## Wellbeing principle

*The success of sport, in terms of helping people achieve their potential, making the most of existing talent, and attracting new people to sport relies on putting people – their safety, wellbeing and welfare – at the centre of what sport does.* Duty of Care in Sport Independent Report to Government, Baroness Tanni Grey-Thompson DBE, DL.

The concept of 'wellbeing' is threaded throughout UK legislation and is part of the law about how health and social care is provided. Our wellbeing includes our mental and physical health, our relationships, our connection with our communities and our contribution to society.

Being able to live free from abuse and neglect is a key element of wellbeing.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For example, removing an adult at risk from their own home when there were other ways of preventing harm. In the words of Justice Mumby '*What good is it making someone safe when we merely make them miserable?*' What Price Dignity? (2010)

For that reason, any actions taken to safeguard an adult must take their whole wellbeing into account and be proportionate to the risk of harm.

## Person centred safeguarding/ making safeguarding personal

The legislation also recognises that adults make choices that may mean that one part of our wellbeing suffers at the expense of another – for example we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety, we need to understand what matters to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of 'Person Centred Safeguarding'/'Making Safeguarding Personal' means engaging the person in a conversation about how best to respond to their situation in a way that enhances their involvement, choice and control, as well as improving their quality of life, wellbeing and safety. Organisations work to support adults to achieve the outcomes they want for themselves. The adult's views, wishes, feelings and beliefs must be taken into account when decisions are made about how to support them to be safe. There may be many different ways to prevent further harm. Working with the person will mean that actions taken help them to find the solution that is right for them. Treating people with respect, enhancing their dignity and supporting their ability to make decisions also helps promote people's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).



Table 1 The principles of adult safeguarding in England

England (Care Act 2014)
<p><b><u>The Act's principles</u></b></p> <ul style="list-style-type: none"> <li>• <b>Empowerment</b> – people being supported and encouraged to make their own decisions and informed consent.</li> <li>• <b>Prevention</b> – it is better to take action before harm occurs.</li> <li>• <b>Proportionality</b> – the least intrusive response appropriate to the risk presented.</li> <li>• <b>Protection</b> – support and representation for those in greatest need.</li> <li>• <b>Partnership</b> – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse</li> <li>• <b>Accountability</b> – accountability and transparency in delivering safeguarding.</li> </ul>

## Mental capacity and decision making

We make many decisions every day, often without realising. UK law assumes that all people over the age of 16 have the ability to make their own decisions unless it has been proved that they can't. It also gives us the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider them to be unwise.

We make so many decisions that it is easy to take this ability for granted. The law says that to make a decision we need to:

- understand information
- remember it for long enough
- think about the information
- communicate our decision.

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Most adults have the ability to make their own decisions given the right support.

However, some adults with care and support needs require the experience of other people to make decisions about them and for them.

Some people can only make simple decisions like, which colour T-shirt to wear or can only make decisions if a lot of time is spent supporting them to understand the options. If someone has a disability that means they need support to understand or make a decision, this must be provided. A small number of people cannot make any decisions. Being unable to make a decision is called "lacking mental capacity".

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity can change. If it is safe/possible to wait until they are able to be involved in decision making or to make the decision themselves.

### Examples

- A person with epilepsy may not be able to make a decision following a seizure.
- Someone who is anxious may not be able to make a decision at that point.
- A person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

Mental capacity is important in safeguarding for several reasons.

Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their parent, who is their carer, won't allow them to and will not provide the support they would need to participate in the activity. Conversely, the adult may not seem to be benefiting from an activity other people are insisting they do.

Another situation is where an adult is being abused and they are scared of the consequences of going against the views of the person abusing them. This is recognised in the law as coercion and a person can be seen not to have mental capacity because they cannot make 'free and informed decisions'.

Mental capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened. However, in some situations

the adult may not have the mental capacity to understand the choice or to tell you their views.

Each home nation has legislation that describes when and how we can make decisions for people who are unable to make decisions for themselves. The principles are the same.

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If the decision can wait, we must make sure we take time to help the person make the decision or allow enough time for them to make it themselves.
- If we have to make a decision for someone else then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes.
- If the action we are taking to keep people safe will restrict them, then we must think of the way to do this, which restricts their freedom and rights as little as possible.

Many potential difficulties with making decisions can be overcome with preparation. A person needing support to help them make decisions whilst taking part in a sports organisation will ordinarily be accompanied by someone e.g. a family member or formal carer whose role includes supporting them to make decisions.

It is good practice to get as much information about the person as possible. Some people with care and support needs will have a one page profile or a 'This is me' document that describes important things about them. Some of those things will be about how to support the person, their routines, food and drink choices etc. but will also include things they like and don't like doing. It's also important to have an agreement with the person who has enrolled the adult in the sports activity about how different types of decisions will be made on a day-to-day basis.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected, you will need to refer the situation to the local authority, and this should result in health or social care professionals making an assessment about mental capacity and/or getting the person the support they need to make decisions.

There may be times when a sporting organisation needs to make decisions on behalf of an individual in an emergency. Decisions taken to safeguard an adult who cannot make the decision for themselves, could include:

- sharing information about safeguarding concerns with people that can help protect them
- stopping them being in contact with the person causing harm.

## Recording and sharing information

All sports organisations must comply with the Data Protection Act (DPA) and the General Data Protection Regulation (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record-keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information with the right people is central to good practice in safeguarding adults. However, information sharing must only ever be with those with a 'need to know'. This does **NOT** automatically include the persons spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult, or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

The purpose of data protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- anyone who has a concern about harm can make a report to an appropriate person within the same organisation

- case management meetings can take place to agree to co-ordinate actions by the organisation.

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are overriding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk
- you believe they or someone else is at risk, including children
- you believe the adult is being coerced or is under duress
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed
- the adult does not have mental capacity to consent to information being shared about them
- the person causing harm has care and support needs
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the local authority).

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information seek advice e.g. seek legal advice and/or contact the local authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with the reasons to share or not share information.

## Multi-agency working

Legislation relating to safeguarding adults, gives the lead role for adult safeguarding to the local authority. However, it is recognised that safeguarding can involve a wide range of organisations.

Sports bodies may need to cooperate with the local authority and the police including to:

- provide more information about the concern raised
- provide a safe venue for the adult to meet with other professionals e.g. police/social workers/advocates
- attend safeguarding meetings
- coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies
- share information about the outcomes of internal investigations
- provide a safe environment for the adult to continue their sporting activity/ their role in the organisation.