

WEST OF ENGLAND SPORT TRUST

SAFEGUARDING VULNERABLE ADULTS IN SPORT

Policy and Procedures- January 2016

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## **Scope**

The policy and procedures outlined in this document are designed to cover all aspects of Wesport's work with Vulnerable Adults, and relates to all staff and volunteers employed or deployed by Wesport for the programmes over which it has supervision and control.

Wesport also has a strategic responsibility to ensure that partners with whom it works, have adequate safeguarding measures in place.

It is recognised that the sphere of influence is limited to specific partners, but efforts will be made to encourage other local sports organisations and agencies to use this document as a model upon which to develop their own policies and procedures.

## **Terminology/definitions**

### Abuse and Neglect

'Abuse and neglect' are forms of maltreatment to an individual. These terms refer to a violation of an individual's human and civil rights by any other person(s) and include serious physical and sexual assaults as well as cases where the standard of care does not adequately support the individual's health or development. Abuse to Vulnerable Adults may consist of a single act or repeated acts and may be an act of neglect, or omission it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not consented or cannot consent. Vulnerable adults may be abused or neglected through the infliction of harm, or through the failure to act to prevent harm. Abuse can occur in any relationship or in an institution or community setting and may result in significant harm to or exploitation of the individual. Abuse can also take place using electronic communication. Abuse can occur within all social groups regardless of religion, culture, social class or financial position. Vulnerable adults may be abused by those known to them or, more rarely, by a stranger. They may be abused by adults, children, peers, paid or voluntary workers, health or social care workers. Often people do not realise they are abusing and sometimes the stress of caring can cause a carer to act out of character.

For information on types of abuse see: Capacity (page [17])

Although it is not for individuals to make a decision about whether an adult lacks capacity, it is important that you have an understanding of the 'notion' of capacity when safeguarding Vulnerable Adults.

Capacity refers to an individual's ability to make a decision or take a particular action for themselves at a particular time, even if they are able to make other decisions. For example, they may be able to make small decisions about everyday matters such as what to wear for a sports activity, or what a healthy sports diet would be, but they lack capacity to make more complex decisions about financial matters.

### Parent

The term 'Parents' also refers to carers or guardians of Vulnerable Adults, or people with parental responsibilities for Vulnerable Adults.

### Poor Practice

Poor practice includes any behaviour that contravenes the organisation's Code of Conduct which is based around:

- Rights of the player, the parent, the coach, the official
- Responsibilities for the welfare of the players, the sport, the profession of coaching, and their own development

- Respect for other players, officials and their decisions, coaches, the rules

### Safeguarding

The process of protecting children and Vulnerable Adults from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables them to have optimum life chances.

### Vulnerable Adult

A person aged 18 or over who is or may be in need of community care services because of mental or other disability, age or illness and is or may be unable to take care of him or herself or take steps to protect themselves from significant harm or exploitation. This could include people with learning disabilities, sensory impairments, mental health needs, older people and people with a physical disability or impairment. The term vulnerable adult may include any individuals who may be vulnerable as a consequence of their role as a carer in relation to any of the above.

Vulnerable adults may also include victims of domestic abuse, anti-social abuse behaviour, hate crime, forced marriage and sexual or commercial exploitation (this is not an exhaustive list).

The level of vulnerability may increase or decrease depending on circumstances at the time.

## **Policy**

### Policy Statement

The West of England Sport Trust (Wesport) is committed to working in partnership with organisations delivering sport within the area, to promote and deliver best practice when working with all individuals (including children, young people and Vulnerable Adults). All children and Vulnerable Adults are entitled to protection from harm and have the right to take part in sport in a safe, positive and enjoyable environment. Wesport and its partners have a duty of care to safeguard all children and Vulnerable Adults involved in sport from harm. All children, Vulnerable Adults and others who may be particularly vulnerable must be taken into account.

Wesport recognises that it is not appropriate to operate combined policies regarding the safeguarding of children and of Vulnerable Adults, due to the vast differences in legal and statutory requirements. Therefore, the information in this document only applies to the safeguarding of Vulnerable Adults.

For information regarding Wesport's policies and procedures regarding its work with children, please refer to the Wesport Safeguarding and Protecting Children Policy and Procedures, or contact the Safeguarding Officer (see Appendix A for Contacts).

This policy aims to ensure that safeguards are put in place to keep adults at risk safe and to prevent harm from occurring when participating in sport and physical activity. Safeguarding Vulnerable Adults is an important responsibility for Wesport and its partner organisations and if done effectively will create wider participation in sport and physical activity and will ensure safe access for everyone.

The policy and procedures will take effect from January 2016 and will be formally reviewed every three years, or in light of significant organisational change or legislation, or in the event of a serious incident as required. This work will be led by the Designated Safeguarding Officers and appointed Trust Board representative.

## **Principles**

- The welfare and safety of Vulnerable Adults is of primary concern
- Everyone has the right to be treated as an individual
- All Vulnerable Adults have a right to be safe and to be treated with dignity and respect, with a right to privacy
- All Vulnerable Adults, whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse
- All incidents of suspected poor practice and allegations of abuse will be taken seriously and responded to swiftly and appropriately
- Confidentiality should be upheld in line with the Data Protection Act (1998), and the Freedom of Information Act (2000)
- This policy will be promoted to all staff and volunteers, partners and customers, and will be available on the Wesport website and in additional formats if required.
- All Wesport staff, volunteers and partnering organisations have a role to play in ensuring that the responsibilities/commitments to safeguarding set out in this policy are upheld and at the forefront of everything they do

## **Responsibilities**

There are two main areas of responsibility that need to be outlined when looking at safeguarding Vulnerable Adults. Depending on the situation/programme concerned different levels of responsibility may occur.

These are:

- Operational – this is in relation to Wesport employed staff and Wesport delivered projects and is where Wesport is directly responsible for the safety of Vulnerable Adults in our care.
- Strategic – involves work with partners particularly on funded projects/programmes where Wesport cannot take overall responsibility but has a commitment to safeguarding and plays a pivotal role in advising and supporting its partners.

### Operational Responsibilities

Wesport will:

- Take a constructive approach to safeguarding Vulnerable Adults and accept the moral and legal responsibility to provide a duty of care to protect and safeguard the wellbeing of Vulnerable Adults engaged in any activity over which it has supervision and control
- Emphasise that everyone in sport has a shared responsibility to ensure the safety of Vulnerable Adults
- Promote an organisational culture openness that ensures that all Vulnerable Adults, employees, service users and carers are listened to and respected as individuals and feel they can raise their concerns and know that they will be listened to, without worrying that something bad will happen as a result
- Undertake recruitment procedures that take account of the need to protect Vulnerable Adults and include arrangements for appropriate checks on new staff and volunteers, in accordance with Wesport recruitment policies and procedures
- Train and supervise its employees and volunteers to adopt best practice to safeguard and protect Vulnerable Adults from abuse, and reduce the likelihood of allegations of abuse against themselves
- Require all staff and volunteers to adopt and abide by this Policy and Implementation Procedures, and the Code of Ethics and Conduct (available from the Designated Safeguarding Officers)
- Seek to ensure that sport is inclusive and provides a positive experience for all

- Ensure that Parents, Vulnerable Adults, staff and volunteers are provided with information about this policy, what it does, and what they can expect from Wesport
- Ensure that Parents, Vulnerable Adults, staff and volunteers are provided with clear procedures to voice their concerns or lodge complaints if they feel unsure or unhappy about anything
- Maintain confidentiality and ensure information is shared as appropriate with other agencies in all cases involving safeguarding, in line with current legislation
- Respond to any allegations and concerns appropriately and implement the appropriate disciplinary and appeals procedures, in accordance with Wesport disciplinary procedures
- Continually seek ways to improve the safety and wellbeing of all Vulnerable Adults who play sport
- Commit to and lead on the continuous development, monitoring and review of this policy and the procedures outlined within it

#### Strategic Responsibilities

Wesport is committed to increasing awareness around the importance of safeguarding Vulnerable Adults in sport and will promote this policy to its partners to ensure best practice is adopted throughout the West of England. Partners of Wesport can be defined as:

- Organisations who make partnership funding contributions
- Organisations who are awarded funding from Wesport
- Organisations with whom Wesport has a Service Level Agreement or other partnership agreement
- Organisations whom Wesport commissions to provide a service
- Organisations to whom Wesport award Clubmark or other accreditation
- Any other organisations Wesport is associated with.

Partners could include, but are not limited to: Unitary Authorities, sports clubs, Governing Bodies of Sport, leisure/activity providers education, Community Sports Networks, media agencies, event management companies, training providers, youth service, sports facilities.

As part of its commitment to safeguarding Vulnerable Adults Wesport will:

- Ensure partner organisations have adequate policies and procedures in respect of safeguarding
- Expect partners to respond to any allegations appropriately and implement their own procedures
- Ensure that the inclusion of adequate safeguarding arrangements is a key element of all commissioning, funding and partnership agreements
- Encourage, support and assist organisations to develop and implement safeguarding policy and procedures.

## **Abuse and how it can be recognised**

All staff and volunteers should have an understanding of abuse and neglect and know how and when to take action. Wesport with its partners will put in place training and support programmes to ensure that all personnel are able to effectively deal with any suspicions of poor practice, abuse or neglect.

### Types of abuse

The following categories of abuse are not mutually exclusive and a vulnerable adult may be subjected to more than one type of abuse at the same time, whatever the setting. It is important to recognise that some Vulnerable Adults may reveal abuse themselves by talking about or drawing attention to physical signs or displaying certain actions/gestures. This may be their only means of communication and it is therefore important for carers to be alert to these signs and to consider what they might mean.

#### Physical

- Hitting, slapping, scratching
- Pushing or rough handling
- Assault and battery
- Restraining without justifiable reasons
- Inappropriate and unauthorised use of medication
- Using medication as a chemical form of restraint
- Inappropriate sanctions including deprivation of food, clothing, warmth and health care needs
- A coach disregarding the individual requirements of each vulnerable person's needs when setting a training programme e.g. allowing those who are limited by a physical impairment to undertake long, continuous ergo training

In a sport situation indicators could include:

- Any unwanted physical contact
- A coach disregarding the individual requirements of each vulnerable person's needs when setting a training programme e.g. allowing those who are limited by a physical impairment to undertake long, continuous ergo training

#### Sexual

- Sexual activity which an adult cannot or has not consented to or has been pressured into
- Sexual activity which takes place when the adult client is unaware of the consequences or risks involved
- Rape or attempted rape
- Sexual assault and harassment
- Non-contact abuse e.g. voyeurism, pornography

In a sport situation indicators could include:

- Either direct or indirect involvement in sexual activity or a relationship whereby consent has not occurred, there is a lack of capacity to give consent or that someone has been coerced into a relationship due to another person's position of trust
- A coach engaging in unnecessary and inappropriate physical contact
- A coach making suggestive comments to their participants
- An individual spending an unnecessary amount of time in the changing area where vulnerable individuals are present

#### Psychological/Mental/Emotional

- Emotional abuse
- Verbal abuse
- Humiliation and ridicule
- Threats of punishment, abandonment, intimidation or exclusion from services
- Isolation or withdrawal from services or supportive networks
- Deliberate denial of religious or cultural needs
- Failure to provide access to appropriate social skills and educational development training

In sport, emotional abuse can include: threats, humiliation, intimidation, blame, control, coercion, bullying and cyber-bullying. It is often where a person's emotional health and development is harmed and results in distress, denial of self-expression, privacy or dignity, isolation or over dependence. Emotional and psychological harm rarely occur in isolation and is usually present with each other type of abuse.

In a sport situation indicators could include:

- A carer or coach subjecting a vulnerable adult to constant criticism, shouting, name-calling, sarcasm, bullying or discriminatory behaviours or prejudicial attitudes
- A carer or coach putting a vulnerable adult under unrealistic pressure in order to perform to high expectations

#### Financial

- Misuse or theft of money
- Fraud and/or extortion of material assets
- Misuse or misappropriation of property, possessions or benefits
- Exploitation, pressure in connection with wills, property or inheritance

In a sport situation indicators could include:

- Blackmailing a vulnerable adult by requiring financial or material payment in return for certain benefits such as sports awards or complements
- Charging vulnerable individuals more than the standard fee for participation in sports activities
- Neglect and acts of omission
- Ignoring medical or physical care needs
- Failure to access care or equipment for functional independence
- Failure to give prescribed medication
- Failure to provide access to appropriate health, social care or educational services
- Neglect of accommodation, heating, lighting etc.
- Failure to give privacy and dignity

In a sport situation indicators could include:

- A coach not keeping a vulnerable individual safe by exposing them to undue cold, heat or the unnecessary risk of injury
- A parent, guardian or carer consistently leaving a vulnerable individual without adequate provisions e.g. food, water, clothing, sun block where they are unable to provide themselves with these provisions
- Coaches not taking a players injury seriously and asking them to continue playing
- Situations where medication is given to ease the pain from injury so play can continue when rest would actually be more appropriate

#### Discriminator

- Discrimination demonstrated on any grounds including sex, race, colour, language,
- Culture, religion, politics or sexual orientation.
- Discrimination that is based on a person's disability or age.
- Harassment and slurs which are degrading.
- Hate crime (see policy section 4.13)

In a sport situation indicators could include:

- A referee refusing to umpire female events
- Females not being give 'prime court or facility time'
- Using sexist or discriminatory language towards others for example male players using language such as 'you hit like a girl', or other saying 'that was gay'

Institutional - Neglect and poor standards of care in hospitals, day centres and care homes.

Domestic – Vulnerable adults may be the victims of domestic abuse themselves or be affected by it occurring in their household. Domestic abuse is likely to have a serious effect on a vulnerable adult's

physical and mental wellbeing.

#### Who may be an abuser?

- A family member, parent, child, spouse other relative
- Friend or neighbour
- Paid or volunteer carer
- Visitor
- Professional member of staff, health worker, social carer or other worker
- Visitor of contact
- Another vulnerable adult

#### Recognising abuse

Factors described below are frequently found in cases of abuse and/or neglect. Their presence is not proof abuse has occurred, but must be regarded as indicators of possible significant harm. Such indications justify the need for careful assessment and discussion with the designated officer, and may require consultation with and/or referral to Local Adult Services.

Indications that a vulnerable adult may be experiencing abuse include the following:

- The vulnerable adult appears frightened of the Parents/peers/adults
- The vulnerable adult acts in a way that is inappropriate to her/his age
- 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
- An injury for which the explanation seems inconsistent
- Unexplained changes in behaviour
- Inappropriate sexual awareness
- Engaging in sexually explicit behaviour
- Distrust of adults, particularly those with whom a close relationship would normally be expected
- Has difficulty in making friends
- Is prevented from socialising with other adults/young people
- Displays variations in eating patterns including overeating or loss of appetite
- Loses weight for no apparent reason
- Becomes increasingly dirty or unkempt

Abuse can also occur through social media and this is often harder to detect. It is important to remember that the type of abuse that can occur through social media always includes emotional and psychological abuse and can include sexual and financial abuse. Social media includes (but is not limited to): networking sites such as Facebook, Twitter and LinkedIn, email, text messages, Skype and instant messaging services.

Some examples of abuse that can occur through social media include:

- Unwanted sexual text messages (sexual abuse)
- Unwanted communication or stalking/harassment (emotional abuse)
- Inappropriate messaging; with kisses attached (emotional and sexual abuse)
- Requests for money (financial abuse)
- Intimidation (emotional abuse)
- Sexual coercion (sexual abuse)
- Cyber-bullying (emotional abuse)

It is not the responsibility of those working in sport to decide that abuse to a vulnerable adult is occurring but it is their responsibility to act on any concerns.

### **Reporting and referrals procedure**

As soon as any form of abuse becomes apparent it should be reported to the Designated Safeguarding Officers or, in an emergency the Police or social services direct.

Through observation or a third party, you become suspicious of a member of staff, volunteer or adult/young person	A vulnerable adult tells you they are being abused	You are concerned
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**Stay Calm**

- Reassure the vulnerable adult they are not to blame
- Reassure the vulnerable adult/third party they did right to tell you
- Listen
- Do not bombard the vulnerable adult with questions
- Question only to clarify
- Ensure the immediate safety and welfare of the adult at risk and any other adults or children



Is urgent medical attention required? Call 999	Is urgent police attention/presence required? Call 999
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If you believe a crime has been committed report your concerns to the Police by dialling 101. Please be aware of the need to preserve any forensic evidence



If you work in a service discuss your concerns with your line manager.

If you believe that your line manager/service may be implicated in the suspected abuse you may consult the Police, the Social Services Agency or Regulatory Authorities and discuss your concerns with them.



Decide on whether to raise an adult protection alert by gathering only essential information necessary to report your concerns to  
 ..... or you may wish to consult with them initially by phoning.....



If the person does not consent to the referral, are there justifiable reasons to act contrary to their best wishes?

Risks to other Vulnerable Adults or children?

The allegation relates to the conduct of an employee or volunteer within an organisation providing services to a vulnerable adult?

The mental capacity of the person to decide?

Inability to consent due to undue influence or intimidation? The serious harm occurring?



The Social Services Agency will acknowledge receipt of form AP1 and will assess the information and decide upon the most appropriate response to the concerns.

The Social Services Agency will advise the referrer how their concerns will be addressed.

The referrer must advise the Social Services Agency of any changes to the service user's situation.



Whenever possible the Social Service Agency will work in partnership with all agencies and services to address allegations of adult abuse. This will include where appropriate informing the regulatory body and the relevant commissioning department(s) if the referrer has not already done so.

If you believe a crime has been committed report your concerns to the Police by dialling 101. Please be aware of the need to preserve any forensic evidence.

If the person does not consent to the referral, are there justifiable reasons to act contrary to their best wishes?

You also need to consider:

- Risks to other Vulnerable Adults or children?
- The allegation relates to the conduct of an employee or volunteer within an organisation providing services to a vulnerable adult?
- The mental capacity of the person to decide?
- Inability to consent due to undue influence or intimidation?
- The serious harm occurring?

### **Assessing capacity**

A person's capacity must be assessed at the point at which a decision is needed, taking into account relevant and immediate circumstances as well as possible long-term issues.

Adults are assumed to be competent to give consent in making decisions, unless otherwise demonstrated by their capacity being affected by things such as; medication, substances and some untreated mental health issues. For adults, this means that they have the capacity to choose how they live and make decisions about their safety, even if we do not agree with certain decisions. If you are unsure or concerned that the person may not have the mental capacity to make an informed choice about their safety or evaluate the risk of abuse with their situation, you can report this to the Wesport Designated Safeguarding Officer(s).

### **Confidentiality**

Protection of Vulnerable Adults raises issues of confidentiality which must be clearly understood by all. The following guidelines should be adopted when concerns around adult protection arise to ensure that the referral procedure complies with the Data Protection Act (1998) and the Freedom of Information Act (2000).

- Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of Vulnerable Adults with other professionals, particularly investigative agencies and adult social services
- Clear boundaries of confidentiality will be communicated to all
- All personal information regarding a vulnerable adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form
- If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies
- Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it
- Where possible, consent must be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the vulnerable adult is the priority
- Where a disclosure has been made, staff must let the adult know the position regarding their role and what action they will have to take as a result
- Staff must assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account

## **Information Sharing**

If someone does not want you to share information or you do not have consent to share the information, please ask yourself the following questions:

1. Is the adult placing themselves at further risk of harm?
2. Is someone else likely to get hurt?
3. Has a criminal offence occurred? This includes: theft or burglary of items, physical abuse, sexual abuse, forced to give extra money for lessons (financial abuse) or harassment.
4. Is there suspicion that a crime has occurred?

If the answer to any of the questions above is 'yes' - then Wesport Designated Safeguarding officers can share without consent and need to share the information with the NGB Safeguarding team, and Police or Adult Social Care.

## Golden Rules

When sharing information there are 7 Golden Rules that should always be followed.

1. Seek advice if in any doubt- Without disclosing the identity of the person where possible, consult with your Designated Safeguarding Officer or, NGB Safeguarding team.
2. Be transparent- The Data Protection Act (DPA) is not a barrier to sharing information but to ensure that personal information is shared appropriately; except in circumstances where by doing so places the person at significant risk of harm.
3. Consider the public interest- Base all decisions to share information on the safety and well-being of that person or others that may be affected by their actions.
4. Share with consent where appropriate - Where possible, respond to the wishes of those who do not consent to share confidential information. You may still share information without consent, if this is in the public interest.
5. Keep a record - Record your decision and reasons to share or not share information.
6. Accurate, necessary, proportionate, relevant and secure - Ensure all information shared is accurate, up-to-date; necessary and share with only those who need to have it.
7. Remember the purpose of the Data Protection Act (DPA) - The DPA is to ensure personal information is shared appropriately, except in circumstances where by doing so may place the person or others at significant harm.

## **Appendix A- Contacts**

Wesport Designated Safeguarding Officers :

Melonie Gregory	tel 07919211719
Jackie Hilleard	tel 07919211749
Steve Nelson	tel 07919211724

Bath and North East Somerset	Emergency Duty team - 01454 615165
South Gloucestershire Council	Emergency Duty Team -01454 615 165
North Somerset Council	Emergency Duty Team – 01454 615 165
Bristol	Emergency Duty Team - 0117 922 2700
Ann Craft Trust	0115 9515400