



Safeguarding Adults at Risk Policy

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Reviewed by	C&I	Review date	July 2018

Policy statement and objectives

England Netball is committed to ensuring netball is an inclusive sport to be enjoyed by all. We accept our responsibility to take appropriate steps to safeguard Adults at Risk who are involved in the Sport, in whatever capacity that may be.

In accordance with our Equalities Policy we are committed to ensuring equality of access to our Sport and through our recruitment, engagement and retention practices for staff and volunteers. Our Codes of Conduct enshrine expectations of respect and inclusion for Members and Connected Participants, as do our contracts of employment for staff.

England Netball considers it everyone's responsibility to safeguard Adults at Risk in our sport therefore England Netball will:

- Provide resources, training and guidance to all Members, Connected Participants and staff (including casual or zero based hours contracts) to assist them in understanding the meaning of Adults at Risk; how to ensure appropriate arrangements are made to cater to any identified needs; how to provide a safe environment which is enjoyable and supportive for all and to be able to identify and report any issues of concern relating to an Adult at Risk.
- Ensure that every club affiliating with England Netball will have a Club Safeguarding Officer who will be able to provide support and advice within the club environment.
- Where appropriate, work in partnership with parents and/or carers to support the Adult at Risk to achieve the best outcome for the Adult at Risk.
- Act on allegations of poor practice or abuse made against any person aged 18 or over who is, or may be, in the need of community care services by reason of mental health, disability, age or illness and who is or may be unable to take care of themselves or protect themselves against significant harm or exploitation and respond swiftly and appropriately to them in accordance with current procedures
- Monitor all suspicions and allegations of poor practice or abuse to gain a greater insight into the experiences of Adults at Risk in netball and continuously improve the support and guidance we develop.

Definition

The Care Act 2014 defines adult safeguarding as “working with adults with care and support needs to keep them safe from abuse or neglect. “ It is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. They are or may be eligible for community care services by reason of mental health, disability, age or illness and who are or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

No Secrets defines abuse as “a violation of an individual's human and civil rights by another person or persons. Abuse can consist of single or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of the person subjected to it. “

England Netball defines an Adult at Risk as: “any person aged 18 years or over who is, or may be, in need of community care services by reasons of mental health, disability, age or illness and who are or may be unable to take care of themselves or protect themselves against significant harm or exploitation.”

Legislation

The following legislation has been considered while developing this policy:

- Working Together 2015
- Care Act 2014
- Equalities Act 2010
- Protection of Freedoms Act 2012
- Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Domestic Violence Crime and Victims Act 2004
- Sexual Offences Act 2003
- Care Standards Act 2000
- No Secrets 2000
- Youth Justice and Criminal Evidence Act 1999
- Public Interest Disclosure Act 1998

- Human Rights Act 1998
- Data Protection Act 1998
- Children Act 1989

Types of abuse of Adults at Risk

The most common forms of abuse can be categorised as:-

Neglect

The failure of any person who has responsibility for the charge, care or custody of an adult at risk, to provide the amount and type of care that a reasonable person would be expected to provide. This may include ignoring medical or physical needs, failing to allow access to appropriate health, social care and educational services and withholding the necessities of life, such as medication, adequate nutrition, hydration or heating.

Neglect may be intentional or unintentional and may be a wilful failure to provide care, preventing the adult at risk getting access to care or being reckless about the consequences for the person if access to the needed care is denied.

Physical Abuse

The use of force which results in pain or injury or a change in a person's natural physical state. It can include hitting, slapping, pushing, kicking, shaking, misusing medication, inappropriate or unnecessary physical restraint, exposure to extreme temperatures or withholding food and drink.

Sexual Abuse

Unwanted sexual contact or communications, including rape, sexual assault, sexual harassment and exposure to sexual imagery.

Consent may be withheld or be absent due to the fact that the adult at risk lacks the capacity to be able to consent.

Any sexual relationship between a service user and a care worker is a criminal offence under the Sexual Offences Acts 2003 and should be reported to the police.

Financial Abuse

The use of a person's property, assets, income, funds or other resources, without their informed consent and authorisation. It can include theft, fraud, exploitation, pressure to use resources in connection with wills, property, inheritance or other financial transactions, misuse of an enduring or lasting power of attorney.

Emotional/Psychological abuse

This includes emotional abuse, threats, deprivation of contact, humiliation, intimidation, coercion, verbal abuse, isolation or withdrawal of services.

Institutional Abuse

The mistreatment, abuse or neglect of an adult at risk by a regime or individuals within which/by whom the person is living or using services. The environment, operations or routines of the institution violate the person's dignity and potentially their Human Rights.

Discrimination

This form of abuse may occur alone or with any other form and is characterised by a focus on any protected characteristic [link to Inclusion page where listed].

It is important to remember that the perpetrators of abuse are often those closest to the person eg carers or family members. For those adults at risk who depend on others for their personal care, this can increase their vulnerability to abuse.

Recognising Signs of Potential Abuse

There may be obvious signs of potential abuse or you may be told directly by the person or a third party. Some common signs of potential abuse include:-

- Unexplained and/or untreated bruises or injuries
- Loss of or increase in weight, marked changes in appearance or manners
- Unexplained absence from or enjoyment of netball and other activities
- Fear of an individual, group or situation
- Anxiety and/or depression
- Self harm
- Missing belongings; lack of finances.

Where there is an immediate need to protect someone or evidence of criminal activity, you should contact the police. Don't attempt to make any enquiries beyond contact details and information necessary to make your report to the police. They will carry out further investigation.

Where there is a need for urgent medical attention, call an ambulance and detail the concerns to the paramedics. Where practicable, you should gain the consent of the individual before you take any action.

The Lead Protection Officer (LPO) should be notified of any action you have taken, and the contact details of the police or health authority contacted, by use of the Reporting a Concern Form

Reporting Concerns

Everyone in netball has a responsibility to respond to concerns about the welfare of an adult at risk. Recognising potential signs of abuse, feeling uneasy about a situation, needs to be acted on, by referring the concern on to the appropriate person, with as much relevant information as you have. This will help with any further referrals which may need to be made, eg to statutory services.

The first point of contact for any concern arising in or related to a netball activity should be the Club Safeguarding Officer, unless that person is not available or is a person who is implicated in the concern, in which case the Lead Protection Officer of England Netball should be contacted first. The LPO should be notified of all concerns by using the Reporting a Concern Form

Consent and Capacity

The assumption is that an adult is able and entitled to make decisions about their lives, even if the consequence of those decisions may appear not to be in the best interests of the person, to a reasonable person. The principles of No Secrets include actively empowering and supporting the rights of an Adult at Risk and this includes their right to choose not to act to protect themselves. Only in extreme cases will the law intervene. The fundamental right to self-determination means that it is important to inform and consult with the person on decisions which may impact on them. Acting on the assumption that a person has capacity to make decisions, it is necessary to seek the consent of that person before passing on any personal data to anyone, unless there is a potential or actual crime which you are aware of.

Where consent is not given, the nature of the concern can be passed on, using the Reporting a Concern process, but care must be taken to anonymise information which could identify the person who has not consented to their information being shared. Although there cannot then be an investigation, this information will allow England Netball to identify the most frequent issues and develop guidance and resources which will improve the experience of all in netball.

Some Adults at Risk may lack the mental capacity to make decisions in respect of their personal care and finance. This may only be at times of stress, or it may be for a limited time, eg due to illness or an accident. An adult is assumed to have capacity, unless it can be established that they do not. The issue of capacity may relate to a particular decision at a particular time, even though the person is able to make other decisions at that time or any other.

The Mental Capacity Act states that a person lacks capacity to make a decision if they have an "impairment of or disturbance in the function of their mind or brain" and as a result they cannot do one or more of the following:-

- Understand the information relating to the particular decision, including its benefits and risks;
- Retain the information for long enough to make the decision;
- Weigh up the information involved in making the decision;
- Communicate the decision in any way.
- Where a person does lack capacity, anyone can make a decision in the best interests of that person. The issue of capacity needs to be considered by whoever wants a particular decision to be taken, at the time the decision needs to be taken. For routine decisions, this assessment will often be made by a carer or family member. The following principles must be applied when considering a person's capacity:-
 - Assume that the person's has full capacity, unless there is clear evidence that they do not;
 - Take all practicable, reasonable steps to help the person make their own decision before you conclude that they lack capacity;
 - An unwise decision is not, in itself, a reason to conclude the person does not have capacity;
 - Any actions or decisions taken on behalf of the person, must be in that person's best interests;
 - Consider whether you can achieve the same result in a less restrictive way.

Assessing capacity must be done at the time at which a decision is to be made as an individual's capacity may vary. The decision must consider current, relevant factors as well as long-term issues. It may be that a citizen advocate needs to be engaged to communicate with and for the Adult at Risk.

Best interests are not defined in law, but the Mental Capacity Act 2005 lists the following factors to be taken into account when deciding what is in a person's best interests:-

- Can the decision wait until the person has regained capacity?
- Involve the incapacitated person in the decision-making so far as is reasonably practicable;
- Consider what the person has wanted in the past; what their beliefs and cultural values are;
- What to their friends and family say about the decision to be taken?

Roles and Responsibilities

England Netball considers it everyone's responsibility to safeguard Adults at Risk in the Sport of netball. The Board approves this Safeguarding Adults at Risk Policy and delegates responsibility for the implementation and monitoring of the Policy to the Case Management Group (CMG). CMG is responsible for supervision of the Safeguarding Adults at Risk case management process.

The Lead Protection Officer is the Compliance and Inclusion Manager who can be contacted on 01462 428319 or by e-mailing besafe@englandnetball.co.uk.

Advice and guidance on the application of this Policy can be found on the Safeguarding Adults at Risk page at: www.englandnetball.co.uk/make-the-game/ENjoy ENSure ENtrust/ENjoy, or from the Compliance and Inclusion Team.

All Members, Connected Participants and Staff have responsibility for the implementation of this Policy and are required to familiarise themselves with its content.

Club Safeguarding Officers have the lead responsibility in their environment for ensuring Adults at Risk are safe and have an enjoyable experience in their club. England Netball provides training to help Club Safeguarding Officers identify relevant issues and take appropriate action in relation to any Adults at Risk in their club.

Whilst all Members, Connected Participants and Staff are responsible for being alert to potential signs of abuse, they are not responsible for establishing whether that abuse is occurring, or for acting on it, beyond raising your concerns in accordance with this Policy.

Some Adults at Risk may have a Parent/carer(s) who assists them with daily tasks. Where the Adult at Risk has a need for assistance with their care and daily activity, or they lack capacity, the parent/carer may be the first point of contact. However, the issue of consent must be considered first, as the Adult at Risk has a right to confidentiality and autonomy.

Recruiting people to work with Adults at Risk

In creating a safe and supportive environment for any Adult at Risk it is important to recruit the right people.

Using a clearly defined role description and an interview process are the main tools to use to ensure you have the best people in your organisation. Asking for references will help you make an informed decision and carry out a risk assessment relevant to the role.

The definition of those in regulated activity with adults is around providing health care, personal care, social work and assistance with a person's personal affairs, eg household, financial or driving. Consequently there is no eligibility for DBS Enhanced with Barred List checks for Coaches and other roles in a Club. Clubs can consider asking for Enhanced checks, to assist with their recruitment decisions.