

Tonbridge Athletic Club

ADULT SAFEGUARDING POLICY

Last reviewed: April 2023

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SECTION 1: ADULT SAFEGUARDING POLICY

POLICY OBJECTIVES

In this document, any reference to UK Athletics means UK Athletics and England Athletics.

For the purpose of this document Tonbridge Athletic Club will be referred to in its abbreviated form as 'TAC'.

Most adults are able to live their lives safely and free from harm. However, for some, there may be times when, for a variety of reasons, their ability to keep themselves safe and protect their wellbeing and rights is compromised.

TAC and UKA are committed to safeguarding adults in line with relevant 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.

We will develop 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
- being willing to report safeguarding concerns

This extends to recognising and reporting harm experienced anywhere, including within our activities, within other organised activities, in the community, in the person's own home and in any care setting.

TAC and UKA are committed to best safeguarding practice and to uphold the rights of all adults to live a life free from harm and abuse, exploitation and neglect.

The purpose of this policy is to demonstrate the commitment of TAC to safeguard adults and to ensure that everyone involved in our sport 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

POLICY STATEMENT

TAC and UKA believe everyone has the right to live free from abuse or neglect, regardless of age, ability, disability, sex, race, religion, ethnic origin, sexual orientation, marital or gender status.

We are 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 collectively acknowledge that safeguarding is everybody's responsibility and we are committed to the prevention of abuse and neglect through safeguarding the welfare of all adults involved in our sport.

TAC and UKA recognise 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 in people's lives.

We recognise that there is a legal framework within which sports need to work to safeguard adults who have needs for care and support, and for protecting those who are unable to take action to protect themselves. We will act in accordance with the relevant safeguarding adult legislation and with local statutory safeguarding procedures.

Actions taken by TAC and UKA will be consistent with the principles of adult safeguarding, ensuring that any action taken is prompt, proportionate and that it includes and respects the voice of the adult concerned.

APPLICATION

This Adult Safeguarding Policy and associated procedures apply to all individuals involved in UK Athletics, EA and therefore, TAC, and to all concerns about the safety of adults whilst involved in our respective organisations.

For the avoidance of doubt this includes board members, staff, coaches, officials, volunteers, members, affiliated clubs, senior managers, participants in events operating under a UKA or EA licence, individuals or organisations contracted to, or whose services are engaged to deliver programmes and courses on behalf of UKA or EA, and anyone working within the sport (in a paid or voluntary capacity), whether as an employee or on a self-employed basis.

It is expected that any partner organisations, including suppliers and sponsors, will adopt and demonstrate their commitment to the principles and practice as set out in this Adult Safeguarding Policy and associated procedures.

COMMITMENTS

To implement this policy, TAC and UKA will ensure:

- everyone involved in athletics is aware of the safeguarding adult procedures and knows what to do and who to contact if they have a concern relating to the safety 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 this policy and associated 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. Those views and wishes will be respected and supported unless there are overriding reasons not to (see the Adult Safeguarding 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
- accordance with best practice advice; for example, from UK Sport, Sport England, National Governing Bodies, NSPCC, Ann Craft Trust and Children 1st
- cooperation with the Police and the relevant Local Authorities in taking action to safeguard an adult

- all board members, staff, coaches, officials 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
- the use of safe recruitment practices and continual assessment of the suitability of volunteers and staff in order to prevent the employment/deployment of unsuitable individuals in our organisation and within the athletics community
- a sharing of information with the appropriate bodies about anyone found to be a risk to adults; for example: Disclosure and Barring Service
- the inclusion of a risk assessment when planning activities and events as to the safety of all adults from abuse, exploitation and neglect

IMPLEMENTATION

UK Athletics are committed to developing and maintaining a capability to implement this policy and its procedures. In order to do so, the following will be in place:

- A Lead Safeguarding Officer at EA and UKA
- A Safeguarding Case Management Group incorporating UKA and EA, with an appointed Chair and clear Terms of Reference
- A clear line of accountability within the relevant governing body for the safety and wellbeing of all adults
- Access to relevant legal and professional advice
- Regular management reports from the Safeguarding Case Management Group to the relevant governing body Board, detailing how risks to adult safeguarding are being addressed and how any reports have been addressed

TAC and UKA will have the following in place:

- Aligned adult safeguarding procedures that deal effectively with any concerns of abuse or neglect, including those caused through poor practice
- 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 all relevant roles and 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 Adult Safeguarding Policy:
 - Child Safeguarding Policy and Procedures
 - Bullying
 - Social Media
 - Equality, diversity and inclusion
 - Codes of conduct
 - Discipline and grievance
 - Concerns and complaints
 - Whistleblowing

- Safe recruitment and selection of staff and volunteers
- Information policy, data protection and information sharing
- Adult Safeguarding Procedures (Responding to and managing a concern about an adult).

EQUALITY

TAC and UKA endorse the principle of equality and will strive to ensure that everyone who wishes to be involved in athletics (in all its disciplines and forms):

- has a genuine and equal opportunity to participate to the full extent of their own ambitions and abilities, without regard to their age, sex, gender identity, disability, marital or civil partnership status, pregnancy or maternity, religion, race, socio-economic status or sexual orientation
- can be assured of an environment in which their rights, dignity and individual worth are respected and, in particular, that they are able to enjoy their sport without the threat of intimidation, victimisation, harassment or abuse

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.
- 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 emphasises the importance of **person-centred safeguarding**.
- 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.

ADULT SAFEGUARDING LEGISLATION

Safeguarding adults in England 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:

- The Care Act 2014
- Care and Support Statutory Guidance 2014

Many other pieces of UK and English 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
- Sexual offences
- Forced marriage
- Theft and fraud
- Hate crime
- Physical assault
- Domestic abuse/Coercive control
- Female genital mutilation
- Modern slavery and human exploitation

- Harassment
- Listing and barring of those unsuitable to work with adults with care and support needs

England 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:

- Mental Capacity Act 2005

There are specific offences applying to the mistreatment of, and sexual offences against, adults who do not have the mental capacity, and specific offences where mistreatment is carried out by a person who is employed as a carer (e.g. wilful neglect and wilful mistreatment).

DEFINITION OF AN ADULT AT RISK

Adult safeguarding legislation creates specific responsibilities for Local Authorities, Health Authorities and the Police to provide additional protection to adults at risk from abuse and neglect.

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.

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 Authorities. In athletics, we may need to act as part of safeguarding an adult; for example, to use the disciplinary procedures in relation to a member of staff or volunteer who has been reported to be harming a participant in our sport. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

In England, The Care Act 2014 states that 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**
- is experiencing, or at risk of, abuse or neglect **and**
- 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.

The Care Act 2014 includes the following types of abuse:

- Physical
- Emotional/psychological/mental

- Financial or material abuse
- Organisational/institutional
- Domestic abuse (including coercive control)
- Sexual
- Neglect and acts of omission
- Discriminatory
- Self-neglect
- Modern slavery

Abuse can take place in any relationship and there are many contexts in which abuse might take place. For example, institutional abuse, domestic abuse, forced marriage, human trafficking, modern slavery, sexual exploitation, county lines, radicalisation, hate crime, mate crime, cyberbullying and scams.

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, a participant or a fan.

Some examples of abuse within sport 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 intentionally striking an athlete
- an official or coach who sends unwanted sexually explicit text messages to a participant with learning disabilities
- a participant who threatens another participant with physical harm and persistently blames them for poor performance

Abuse or neglect outside sport 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.

WELLBEING PRINCIPLES

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 (2017)

The concept of 'wellbeing' is threaded throughout UK legislation and is part of the law about how health and social care are 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 any actions taken to safeguard an adult must take their whole wellbeing into account and be proportionate to the risk of harm.

MAKING SAFEGUARDING PERSONAL

The legislation also recognises that adults make choices that may mean that one part of their wellbeing suffers at the expense of another. For example, moving 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 we or an agency may take to help them to protect themselves.

The concept of 'person-centred safeguarding' 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. 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 or reduce the risk of 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).

THE PRINCIPLES OF ADULT SAFEGUARDING

The principles of The Care Act (2014) are:

- **empowerment** - people being supported and encouraged to make their own decisions and informed consent
- **prevention** - it is better to take action before harm occurs
- **proportionality** - the least intrusive response appropriate to the risk presented
- **protection** - support and representation for those in greatest need
- **partnership** - local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse
- **accountability** - accountability and transparency in delivering safeguarding

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 proven 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. Law states 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 have the experience of other people making 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 when a decision is needed. A person's mental capacity can change. If it is safe/possible, wait until they are able to be involved in decision making or to make the decision themselves.

For example:

- 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 for 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. 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. It 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.

England has legislation that describes when and how we can make decisions for people who are unable to make decisions for themselves. The principles are:

- 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, then wait - for example, to get help to help the person make their decision or until they can 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 it 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 of mental capacity and/or getting the person the support they need to make decisions (see the Adult Safeguarding Procedures for guidance).

There may be times when we need 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 INFORMATION SHARING

UK Athletics, EA and TAC must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information gathered when responding to concerns of abuse will include 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 person's 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/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 coordinate actions by the organisation.

There are situations in which it is perfectly legal to share information about adult safeguarding concerns outside of athletics. 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

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 from the UK Athletics Safeguarding Team and/or contact the relevant 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 to share information.

MULTI-AGENCY WORKING

Adult safeguarding legislation gives the lead role for adult safeguarding to the Local Authority. However, it is recognised that safeguarding can involve a wide range of organisations.

In athletics, we may need to cooperate with the Local Authority and the Police to:

- provide more information about the concern you have 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.

More detail on multi-agency working is provided within the Adult Safeguarding Procedures.

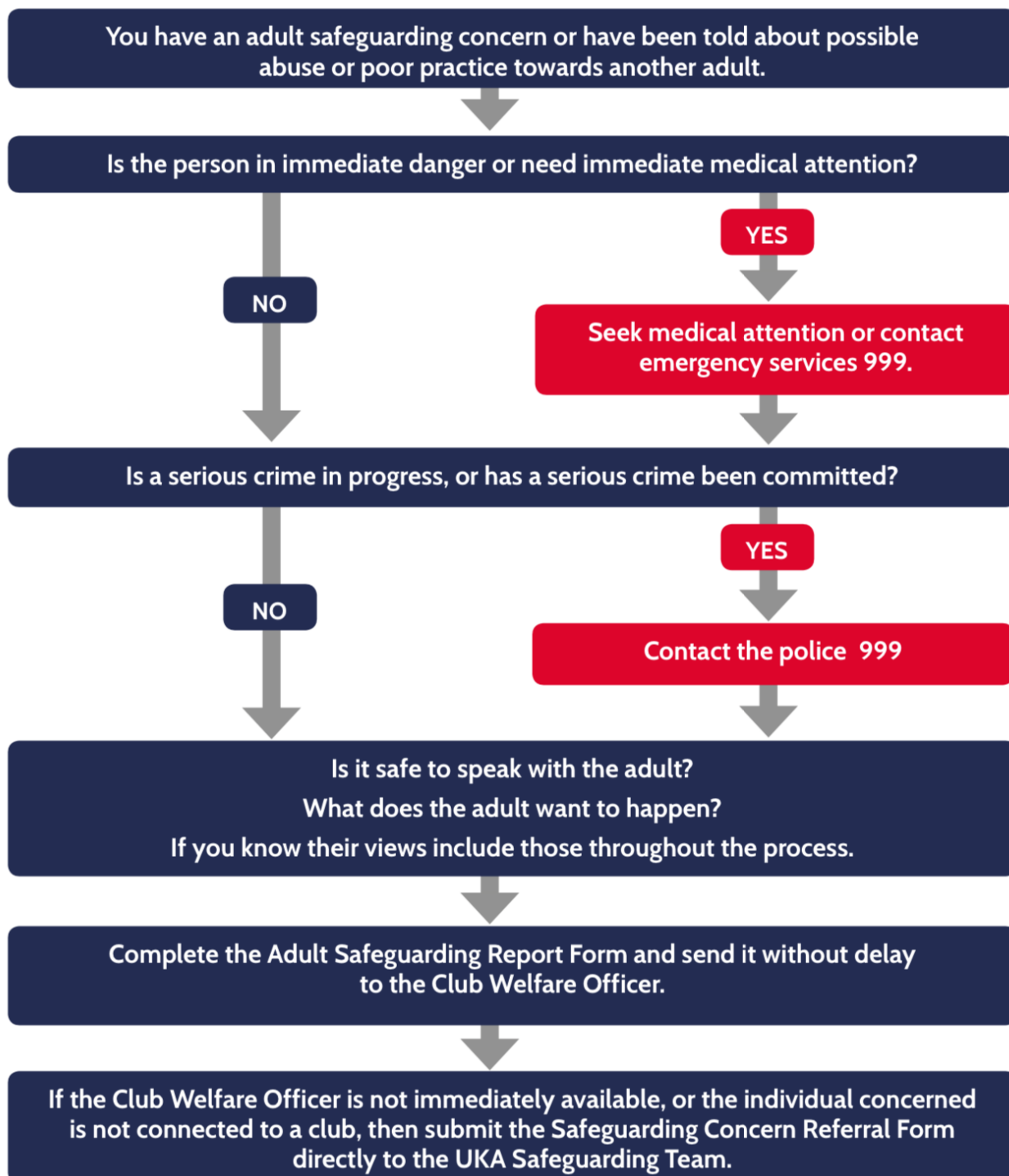
ASSOCIATED DOCUMENTS

This policy should be read in conjunction with the following documents, policies and procedures:

- Codes of Conduct
- Adult Safeguarding Procedures (Responding to and Managing a Concern About an Adult)
- Child Safeguarding Policy
- Child Safeguarding Procedures (Responding to and Managing a Concern About a Child)

SECTION 3: APPENDICES

APPENDIX 1: PROCESS MAP - REPORTING A CONCERN ABOUT AN ADULT



APPENDIX 2: SOURCES OF INFORMATION AND SUPPORT

Respond

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

Tel: 020 7383 0700 or 0808 808 0700

E-mail: services@respond.org.uk

www.respond.org.uk

Stop Hate UK

Works to challenge all forms of hate crime and discrimination, based on any aspect of an individual's identity. Stop Hate UK provides independent, confidential and accessible reporting and support for victims, witnesses and third parties.

24-hour service:

Tel: 0800 138 1625

Web Chat: www.stophateuk.org/talk-to-us

Email: talk@stophateuk.org

Text: 07717 989 025

Text relay: 18001 0800 138 1625

Post: PO Box 851, Leeds LS1 9QS

Suzy Lamplugh Trust

The Trust is a leading authority on personal safety. Its role is to minimise the damage caused to individuals and to society by aggression in all its forms - physical, verbal and psychological.

Tel: 020 8392 1839

Fax: 020 8392 1830

Email: info@suzylamplugh.org

www.suzylamplugh.org

Victim Support

Provides practical advice and help, emotional support and reassurance to those who have suffered the effects of a crime.

Tel: 0808 168 9111

www.victimsupport.com

Women's Aid Federation

Women's Aid is a national domestic violence charity. It also runs a domestic violence help service.

www.womensaid.org.uk/information-support

The TAC Safeguarding Officers are:

Chris Hogwood chrishogwood.coach@tonbridgeac.org.uk

Cate Silvester catesilvester.welfare@tonbridgeac.org.uk

ACKNOWLEDGEMENTS

Tonbridge Athletics Club acknowledge the assistance of UK Athletics and England Athletics in the preparation of this document.