

Adults at Risk Safeguarding Policy



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To assist working through and understanding this policy a number of key definitions have been defined below: -

- **Adult at Risk** is a person aged 18 or over who is in need of care and support regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect. In recent years there has been a marked shift away from using the term 'vulnerable' to describe adults potentially at risk from harm or abuse.
- **Vulnerable** is believed to be a disempowering term.
- **Abuse** is a violation of an individual's human and civil rights by another person or persons.
- **Adult** is anyone aged 18 or over.
- **Adult safeguarding** is protecting a person's right to live in safety, free from abuse and neglect.
- **Capacity** refers to the ability to make a decision at a particular time, for example when under considerable stress. The starting assumption must always be that a person has the capacity to make a decision unless it can be established that they lack capacity (Mental Capacity Act 2005).

This Policy has been developed with the support of Cumbria Safeguarding Adults Board and the Anne Craft Trust. The Policy also includes a number of links, which provide the reader with additional information and resources, which can only be accessed when viewing the Policy electronically.

Foreword

Active Cumbria, the Sport and physical partnership for Cumbria is one of the 43 active partnerships across England and is part of Cumberland Council's Public Health Team.

Our mission: *'Improving lives through physical activity'*

Our vision: *'Everyone in Cumbria is enjoying an active lifestyle'*

We work in partnership with many other organisations including local authorities, third sector organisations, sport and leisure providers, education, health, equality and diversity agencies and other organisations committed to the development of sport and physical activity in Cumbria. The core team is led by an Advisory Board, which provides direction and leadership, advocacy, advice and support to help enable strategic aims to be achieved.

We believe that the welfare and safety of adults at risk is of paramount importance and that all adults have the right to protection from abuse and should be able to take part in sport without the risk of harm.

As an organisation, we have promoted the values of ensuring adults enjoy physical activity and sport in a safe and welcoming environment. This Policy attempts to achieve a balance between identifying arrangements to ensure that Active Cumbria fulfils its duty of care, while being practical and applicable in the context in which we operate. It includes the mandatory requirements but also links to other useful sources of information which provide further information and guidance.



Lorraine Smyth
Chair, Active Cumbria Advisory Board



Richard Johnston
Senior Manager (Operations), Active Cumbria

1. Policy Statement

Active Cumbria is committed to safeguarding the welfare of adults at risk involved in sport and physical activity in Cumbria. All 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.

This policy has been developed in conjunction with our Equality and Diversity Policy, embedding the core values of equality and diversity in all safeguarding adults at risk work.

We acknowledge that abuse can be a very emotive and difficult subject. It is important to understand the feelings involved but not to allow them to interfere with judgement about the action to be taken.

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about working together to support people to make decisions about the risks they face in their own lives, and protecting those who lack the mental capacity to make these decisions.

As a key piece of legislation, the Care Act 2014 aims to:

- Promote people's wellbeing.
- Enable people to prevent and postpone the need for care and support.
- Put people in control of their lives so they can pursue opportunities to realise their potential.

The Act introduces the first statutory framework for protecting adults from abuse and neglect which includes:

- A requirement for Counties to establish a Safeguarding Adults Board (SAB) to bring together local partners including Local Authority, NHS and the Police (these agencies are now statutory partners) to coordinate activity to protect adults from abuse and neglect.
- A new duty for a local authority to carry out enquiries (or cause others to) where it suspects an adult is at risk of abuse or neglect. Whilst the Care Act places specific responsibility on the Local Authority to carry out enquiries (or cause others to) where it suspects an adult is at risk of abuse or neglect, it also requires statutory partners to coordinate activity to protect adults from abuse and neglect.

Whilst it is the responsibility of the safeguarding experts to determine whether or not abuse has taken place, it is everyone's responsibility to support the care and protection of adults at risk.

2. Policy Aims

Active Cumbria has identified a number of aims it will undertake to ensure the safety and protection of adults at risk, these being:

- To ensure core team members know what to do should they be contacted or need to raise a concern regarding a safeguarding issue.
- To ensure that any events directly organised by Active Cumbria have an adequate safeguarding plan, processes and procedures.
- Provide advice, guidance and support to partners regarding safeguarding best practices, policy and procedures,
- Ensure any commissioned organisations delivering activity on behalf of Active Cumbria have appropriate safeguarding policies, procedures and processes in place.

3. Compliance with Relevant Legislation & Guidance

We will ensure that this Policy and our procedures follow the guidance provided in relevant Government legislation and documents, and will ensure our procedures are in line with those identified by the Cumbria Safeguarding Adults Board, these include: -

- The Care Act 2014
- The Data Protection Act 1994, 1998, and 2018
- The Human Rights Act 1998
- The Safeguarding Vulnerable Groups Act 2006
- The Equality Act 2010
- The Protection of Freedoms Act 2012
- Sexual Offences Act 2003
- Mental Capacity Act 2005
- Domestic Violence, Crime and Victims (Amendment) Act 2012

Furthermore, the guidance given in this Policy is based on the following principles and complies with the requirements of the Care Act 2014: -

Empowerment - People being supported and encouraged to make their own decisions and informed consent.

“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”

Prevention – It is better to take action before harm occurs.

“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”

Proportionality – The least intrusive response appropriate to the risk presented.

“I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed.”

Protection – Support and representation for those in greatest need.

“I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”

Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”

Accountability – Accountability and transparency in delivering safeguarding.

“I understand the role of everyone involved in my life and so do they.”

4. Recruitment and Selection

Active Cumbria ensures the safe recruitment, selection, and induction of staff and volunteers through the utilisation of Cumberland Council’s recruitment, appointment and induction policy, procedures and guidance as follows: -

- CC recruitment, appointment and induction procedures will be applied when dealing with new vacancies and appointments.
- CC guidance and templates provided will be employed with regards required background information and factors will be taken into account when recruiting and making appointment decisions.
- CC procedure and guidance will be used in conjunction with the recruitment, appointment and induction policy along with the process map.

In addition, Active Cumbria’s induction process includes requesting individuals to sign and say they agree to abide by the **‘Code of Conduct’** and this Policy and associated procedures. Advisory Board members will also sign a **‘Fit and Proper Person’** disclosure.

With regard to identified roles, Active Cumbria, through Cumberland Council may request a criminal records check through the **Disclosure and Barring Service (DBS)** as part of its safer recruitment process. For certain roles the check will also include information held on the DBS children and adults’ barred lists, together with any information held by police forces that is reasonably considered to be relevant to the applied for post.

These checks are to assist employers in making safer recruitment and licensing decisions. However a DBS check should be seen as just one part of robust recruitment practice. Please see the following website for more information:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

We recognise that when using volunteers to assist with events on a one-off basis, it is not always appropriate to undertake all of the pre-employment checks as we would with an employee. As a minimum, all such volunteers are expected to sign a self-disclosure form or statement, and their duties will be restricted to accompanying access to adults at risk, under the supervision of another individual who has already undergone appropriate screening. Information provided as part of a self-disclosure will only be disclosed to those who are involved in the risk-assessment of the information. The information will only be used for the specific reason for which it is collected, and not to be passed on to any other organisation or individual.

5. Training and Development

All Active Cumbria employees will undertake online training in recognising and understanding possible signs of abuse and know what steps need to be taken to provide protection and report concerns. We will also offer opportunities to the wider sports workforce across Cumbria to access a range of professional development opportunities. This will include the provision of subsidised access to: -

- Sport specific safeguarding training opportunities.
- A range of courses, e-learning opportunities, and webinars will be promoted to the sports workforce as appropriate.
- Additional training will be mandatory for Active Cumbria's Lead and Deputy Welfare Officers, and these will be cascaded to other members of the core team as appropriate.

6. Low-Level Concerns Policy Statement

What we mean by Low-Level Concern?

A low-level concern is any concern that an adult has behaved in a way that:

- is inconsistent with the staff code of conduct. This includes inappropriate conduct outside of work.
- does not meet the threshold of harm or is not considered serious enough to refer to the local authority.

Low-Level Concerns are part of a spectrum of behaviour, this includes:

- Inadvertent or thoughtless behaviour
- Behaviour that might be inappropriate depending on the circumstances
- Behaviour which is intended to enable abuse

The key is that the behaviour is inappropriate and not as set out in our Code of Conduct, which if allowed to continue, develop or go unaddressed, could lead to a breach the Safeguarding Standards for the organisation. It may take place face-to-face, in writing or digitally such as in online meetings, via social media or email.

The term low-level concern does not mean that it is insignificant, it means that the adult's behaviour towards a child or adult at risk does not meet the harm threshold (links included within this policy at the bottom of the flow chart in Section 9).

Why respond to Low-Level Concerns?

Having clear procedures for responding to low-level concerns is part of creating a culture of openness and trust. It helps ensure that all staff model the organisational values and helps keep everyone safe. It will also protect staff from potential false allegations and misunderstanding.

It is recognised that low-level concerns cover a broad spectrum of actions and can include both intentional and unintentional or inadvertent behaviour or consequences. It is therefore important the response is proportionate and appropriate. The purpose of this policy statement is to ensure that everyone knows and understands the importance of reporting any concern about themselves or colleagues, no matter how small, and how to report them. By doing so, we can:

- Better safeguard children and adults at risk

- Support staff and volunteers regarding the expectations of the overarching policies
- Avoid unnecessary escalations and reduce risks

This policy statement is embedded into both the Active Cumbria Safeguarding CYP and Adults at Risk Policies to ensure that it is a process that effectively safeguards all. Reporting and identifying low-level concerns at the earliest stage allows the individual to be supported but also prevents the behaviour escalating and developing into a safeguarding concern. Case reviews have illustrated the importance of sharing, recording and handling low-level concerns, so that potential patterns of inappropriate, problematic or concerning behaviour can be identified as soon as possible, and appropriate action can be taken swiftly in response.

Reporting Low Level Concerns

It is critical that all low-level concerns are received by Senior Manager – Richard Johnston (Richard.johnston@cumberland.gov.uk) or Designated Safeguarding Lead – Cameron Wilson. If either are unavailable, you should contact Deputy Designated Safeguarding Lead – Michelle Young and if the concern is about the Senior Manager or Designated Safeguarding Lead you should contact the Advisory Board Welfare Champion – Caroline Taylor Beswick. All contact details can be found within the flow charts in Section 9 of this policy.

7. Promoting Good Practice

All personnel involved in the delivery of sport and physical activity should be required to demonstrate exemplary behaviour in order to promote the welfare of adults at risk and reduce the likelihood of allegations being made.

Active Cumbria is keen to promote good practice, and provide a wide range of relevant links to additional information and resources via the Ann Craft Trust:

<http://www.anncrafttrust.org/safeguarding-adults-sport-activity/>.

Further useful resources and information can also be found via Cumbria Safeguarding Adults Board: <https://www.cumbriasab.org.uk/>

Active Cumbria regularly communicates and promotes safeguarding messages and information using the following means of communication:

- Active Cumbria website via a dedicated Safe in Sport Section
- Regular e-Newsletters
- Regular Twitter Feeds using #safeinsport
- Regular Facebook posts
- At network / forum meetings
- Directly to other organisations commissioned or funded by Active Cumbria who provide activities for adults at risk on our behalf.

8. Understanding and Recognising Different Types of Abuse and Neglect

Abuse and neglect can take many forms; somebody may abuse or neglect an adult at risk by inflicting harm, or by failing to act to prevent harm. They may be abused in a family or in an institutional or community setting; by those known to them, or more rarely, a stranger.

Further details of the different types of abuse and neglect can be found via the Cumbria Safeguarding Adults Board website

<https://www.cumbriasab.org.uk/>

Additional information regarding recognising the signs of abuse and neglect can be found at the Ann Craft Trust website <http://www.anncrafttrust.org/safeguarding-adults-sport-activity/>.

REMEMBER: It is not our role to determine whether an adult at risk is being abused or neglected but to record and report our concerns as outlined in this Policy.

However, it is useful to note some of the potential signs that abuse or neglect may be taking place, which include: -

- Unexplained bruises or injuries, or lack of medical attention when an injury is present.
- Person has belongings or money going missing
- Person is not attending / no longer enjoying their sports sessions
- Someone losing or gaining weight / an unkempt appearance
- A change in the behaviour or confidence of a person.
- They may self-harm.
- They may have a fear of a particular group or individual
- They may tell you / another person they are being abused – i.e. a disclosure.

9. Reporting a Protection Concern Regarding an Adult at Risk

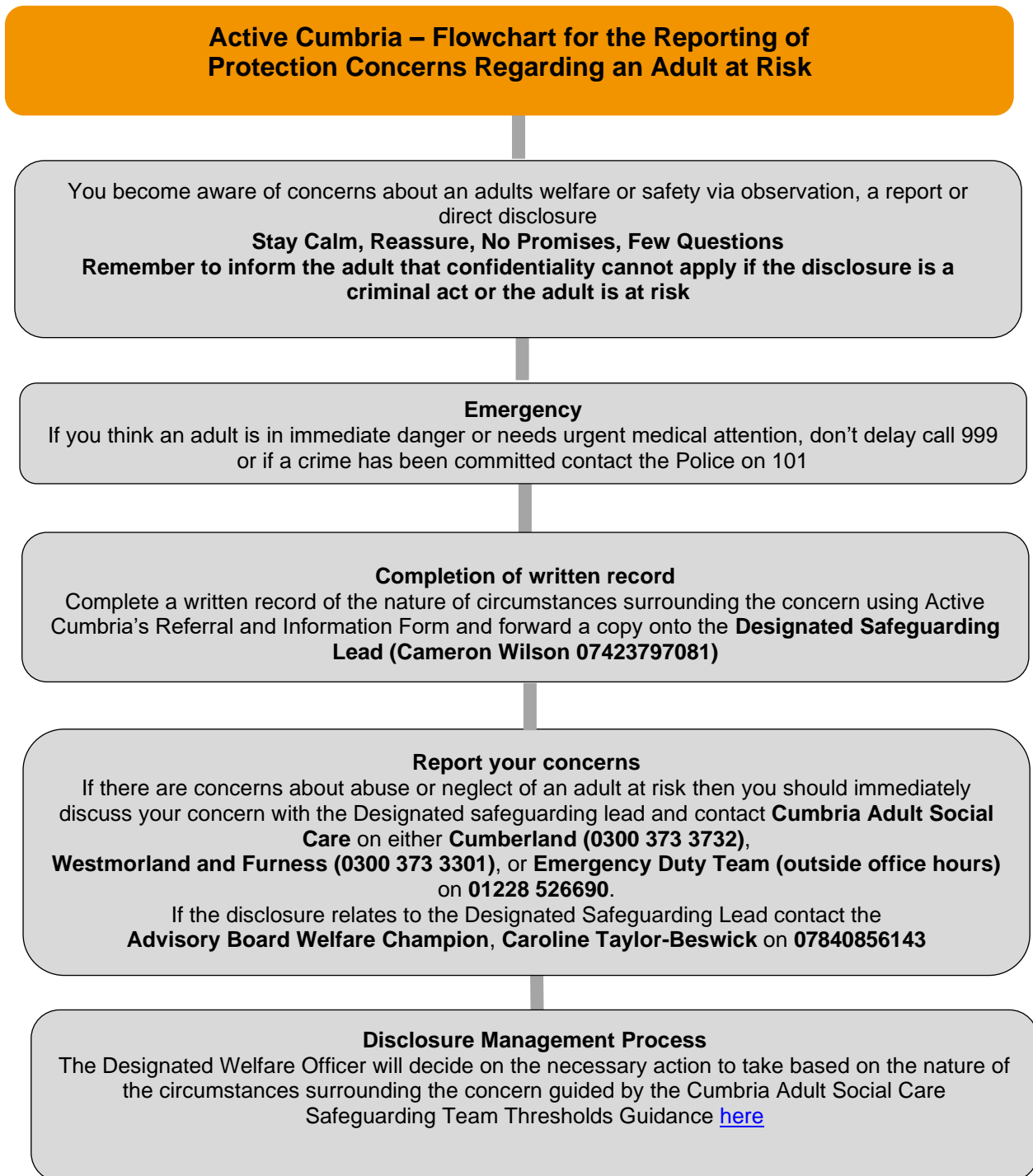
All Active Cumbria employees and volunteers should be aware of the signs of abuse and neglect. Similarly, they will familiarise themselves with the steps to take should they have a concern, or if a concern is reported to them.

As long as it does not increase the risk to the individual, it will be explained that they have a duty to share concerns raised with Active Cumbria's Lead Welfare Officer, who will then seek additional support and advice.

It is important that the circumstances in which the disclosure came about are recorded. Staff and volunteers will take care to distinguish between fact, observation, allegation and opinion, and ensure the information collected is accurate. The issues of confidentiality, information sharing, and capacity will also need careful consideration, and further details are provided later in this document.

Active Cumbria's reporting templates can be downloaded [here](#).

The following flowchart should be used where there is a protection concern, which has either been raised by them, or reported to them.



10. Allegations of Abuse or Poor Practice Made Against Those who Work With Adults at Risk

If an employee or volunteer receives an allegation or has a concern about the behaviour of a member of staff working or volunteering with adults that could amount to: -

- Behaving in a way that has harmed or may harm an adult at risk.
- Possibly committed a criminal offence against or related to an adult at risk.
- Behaving in a way that indicates they may pose a risk of harm to an adult at risk.

There is a duty of care on all Active Cumbria employees and volunteers to record and report all concerns, no matter how small, relating to the welfare of adults. They should be reported according to the procedures outlined below.

It is important that the circumstances in which the disclosure came about are recorded. Staff and volunteers will take care to distinguish between fact, observation, allegation and opinion, and ensure the information collected is accurate. The issues of confidentiality, information sharing, and capacity will also need careful consideration, and further details are provided later in this document. A link to Active Cumbria's reporting templates is [here](#).

Active Cumbria – Flowchart for concerns about a member of staff or volunteer working with adults at risk

Summary of Allegations Management Procedures

Concern about a member of staff or a volunteer working with adults at risk

If an individual receives an allegation or has a concern about the behaviour of a member of staff working or volunteering with adults and that concern could amount to:

1. A member of staff or volunteer has behaved in a way that has harmed an adult or may have harmed an adult.
 2. Possibly committed a criminal offence against or related to an adult; or
 3. Behaved towards an adult in a way that indicates s/he is unsuitable to work with adults at risk.
- Then that professional should:

Report their concerns

Immediately report your concerns to the most senior person not implicated in the allegation.

This will generally be the **Active Cumbria Designated Safeguarding Lead, Cameron Wilson 07423797081** or if they are not available contact the **Active Cumbria Deputy Safeguarding Lead, Michelle Young on 01228 226885**. If the disclosure is about the AC Designated Safeguarding Lead contact the **Advisory Board Welfare Champion, Caroline Taylor Beswick on 07840856143**

Completion of written record

Complete a written record of the nature of circumstances surrounding the concern, including any previous concerns. Include where the concern came from and brief details only.

Seek advice before proceeding – initial discussions

The senior person will always contact the Safeguarding Adults Team for advice prior to investigating the allegation. If a crime has been committed, then this should also be reported to the Police on 101. This is because it might meet the criminal threshold and so any investigation could interfere with the Police or safeguarding proceedings. If the concern meets the threshold for safeguarding adults, the Local Safeguarding Team will chair the investigation meetings.

**Cumbria Adult Social Care on either Cumberland (0300 373 3732),
Westmorland and Furness (0300 373 3301),
or Emergency Duty Team (outside office hours) on 01228 526690.**

Allegations Management Process

If, after discussion with the Adult Social Care Safeguarding Team, it is agreed that the allegation meets the thresholds for adult safeguarding, the safeguarding process will support further enquiries and will determine which agency will lead the enquiry.

This might result in criminal investigation and/or an investigation to inform whether disciplinary action is required.

In case of emergency outside normal office hours please contact the **Emergency Duty Team on 01228 526690**.

Further Action

Further meetings may be required, and these will be convened by Adult Social Care, with your input at all times. Further information on the Allegations Management Procedure can be found on the Cumbria Safeguarding Adults Board website: <https://www.cumbriasab.org.uk/>

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11. Confidentiality

Active Cumbria understands that the protection of adults at risk raises issues of confidentiality which must be clearly understood by all. Staff and volunteers will use the following guidelines when concerns regarding adult protection issues arise to ensure that the referral procedure complies with the Data Protection Act (1998) and the Freedom of Information Act (2004).

- All personal information regarding adults at risk will be kept confidential. All written records will be kept in a secure location for a specific time as identified in data protection guidelines.
- 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 in question before sharing personal information with third parties. However, in certain circumstances obtaining consent may be neither possible nor desirable were the safety and welfare of the adult at risk is the priority.
- Staff will ensure the adult in question is kept informed of any action to be taken and why. The adult's involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account in line with the Make Safeguarding Personal principles.

12. Information Sharing

Active Cumbria staff and volunteers will always share safeguarding concerns in line with this policy and procedures; this will be with the Lead Welfare Officer in the first instance, except in emergency situations. As long as it does not increase the risk to the individual, it will be explained that it is their duty to share their concern with their lead safeguarding or welfare officer.

The Lead Welfare Officer will consider the situation and plan the actions that need to be taken, in conjunction with the adult at risk, and in line with this policy and procedures, which will be in line with those of the Cumbria Safeguarding Adults Board policy and procedures.

A conversation will be held with the safeguarding adults' team without disclosing the identity of the person in the first instance. If it is thought that an alert needs to be made to the safeguarding adults' team, consent should be sought from the adult at risk.

Individuals may not give their consent to the sharing of safeguarding information with the safeguarding adult's team for a number of reasons. Reassurance, appropriate support and revisiting the issues at another time may help to change their view on whether it is best to share information.

If they still do not consent, then their wishes should usually be respected. However there are circumstances where information can be shared without consent, such as when the adult does not have the capacity to consent, or if it is in the public interest because it may affect other people or a serious crime has been committed. This should always be discussed with the safeguarding adults' team.

If someone does not want you to share information or you do not have consent to share the information, there are six golden rules that should always be followed.

- **Seek advice if in any doubt** - Without disclosing the identity of the person where possible, consult with the safeguarding adults team.
- **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.
- **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.
- **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.
- **Keep a record** - Record your decision and reasons to share or not share information.
- **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.

13. Person Centred Safeguarding

Active Cumbria understands that adults make choices that may mean that one part of their well-being suffers at the expense of another.

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 action's agencies 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, well-being 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, friend of their choice or a professional advocate (usually from a third sector organisation).

14. Assessing Capacity

Active Cumbria staff and volunteers understand the importance of the issue of capacity or decision making in safeguarding adults. The following guidelines will be used.

Adults are assumed to be competent to give consent in decision making, unless otherwise demonstrated by their capacity being affected by things such as; medication, substances, or an untreated mental health issue. If a person's capacity is in question then they must be assessed at the point at which a decision is needed by an expert, taking into account relevant and immediate circumstances as well as possible long-term issues.

One cannot assume lack of capacity just because an individual makes an unwise decision, 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 these decisions. All practical steps to assist decision making of an adult must be employed and where one is deemed not to have capacity, any person aiding someone with lack of capacity to make decisions must act in the person's best interests and their powers must be restrictive and agreed.

Active Cumbria staff and volunteers will be aware of the following key messages contained within the Mental Capacity Act, if they are concerned that individuals are unable to make a decision due to lack of capacity: -

- Assume that people are able to make decisions, unless it is shown that they are not; concerns about a person's level of understanding should be raised with them, and if applicable people supporting them.
- Give people as much support as they need to make decisions; you may be involved in this, think about the way to communicate or provide information.
- The right to make unwise decisions as long as they understand the implications; for example, an individual may wish to participate in a particular activity even though they are unsteady on their feet. If they understand the implications, and how risks can be minimised, then they can choose to do this.
- Best Interests; if an individual is not able to make a decision, then the people helping them must only make decisions in their 'best interests'. This means that the decision must be what is best for the individual, not for anyone else.
- Find the least restrictive way of doing what needs to be done; when a decision is made for an individual, it must give them as much freedom as possible.



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Active Cumbria
Cumberland Council
Cumbria House
107-117 Botchergate
Carlisle CA1 1RD

01228 226885
feedback@activecumbria.org
www.activecumbria.org

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