

# Wales Golf Safeguarding Adults Policy and Procedures

## Contents

	<b>Page</b>
<b>Safeguarding Policy Statement</b>	2
<b>Procedures:</b>	
<b>1.</b> Complaints, concerns and allegations	5
<b>2.</b> Responding to a Disclosure of Abuse	6
<b>3.</b> Signs and Indicators of Abuse and Neglect	7
<b>4.</b> Consent	7 – 9
<b>5.</b> Useful Contacts	10
<b>Supporting Documents</b>	
1. Safeguarding Adults Flowchart	11
2. Capacity – Guidance on Making Decisions	12 & 13
3. Incident Report Form	14 & 15
4. Guidance on Types of Harm	16 - 18
5. Consent and Information Sharing Guidance	19 & 20
6. Legislation & Government Initiatives	21 - 23

## **SAFEGUARDING ADULTS POLICY**

### **INTRODUCTION**

Wales Golf is committed to creating and maintaining a safe and positive environment for all individuals involved in golf.

Although there are many similarities with safeguarding adults and children there are also some distinct differences. For this reason, Wales Golf has created a separate Safeguarding Adults Policy.

An "adult at risk"\* is an individual aged 18 years and over who:

- is experiencing or is at risk of abuse or neglect,
- has needs for care and support (whether or not the authority is meeting any of those needs) and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

(\*Section 126 of the Social Services and Well-being Act 2014)

The use of the term 'at risk' means that actual abuse or neglect does not need to have occurred, rather early interventions to protect an adult at risk of abuse should be considered to prevent actual abuse and neglect.

Wales Golf will encourage and support partner organisations and clubs to adopt and demonstrate their commitment to the principles and practice set out in this safeguarding adults policy and procedures.

### **PRINCIPLES IN RELATION TO ADULTS AT RISK**

The Social Services and Well-Being (Wales) Act 2014 (hereafter referred to as SS&WB Act), which came into force in April 2016, embeds the following principles:

- Pay attention to what people want.
- Remember people's dignity.
- Think about each person. Think about their culture, beliefs and language.
- Support people to be part of decisions about their life.
- Expect adults to know what is best for themselves.
- Support adults to be as independent as possible.

The concept of **well-being** is a constant thread in both English and Welsh legislation and is a key principle in safeguarding. It is related to maintaining the personal dignity, support and inclusion of all.

Whilst the Care Act 2014 is the primary legislation for the protection of adults in England and has many similarities with the SS&WB Act, it is important to note that the Wales Safeguarding Procedures (2019) provide guidance for all Welsh organisations and bodies to ensure that they meet their responsibilities under the SS&WB Act. The procedures make it clear that all organisations have an ethical obligation to take action where there are concerns about an adult who may be at risk and that this duty includes sharing the concerns with the relevant local

authority (police or adult social care) regardless of the views of the adult at risk. The aim of this statutory guidance is to ensure that no adult experiences significant harm as a result of delays in information sharing or failures to seek the support and assessment of the local social services or the police

In practice this means that any publicly funded Golf Club or activity supported through funding through Wales Golf (e.g. elite squads and performance pathways) MUST report any concerns relating to an Adult at Risk. Whilst this legal obligation does not extend to privately owned clubs and facilities, any failure to report or decision to not share concerns which result in significant harm would need to be defensible. Wales Golf advises that advice be sought at the earliest opportunity should concerns arise.

**Making safeguarding personal** is the concept that adult safeguarding should be person led and outcome focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control. As well as improving quality of life, well-being and safety.

Wherever possible discuss safeguarding concerns with the adult to get their view of what they would like to happen and keep them involved in the safeguarding process, seeking their consent to share information outside of the organisation where necessary.

**Capacity** refers to the ability to make a decision at a particular time, for example when under considerable stress. It should always be assumed that a person has capacity to make a decision unless it can be established that they lack capacity. It is critically important that people are provided with information in a way or format that they understand in order to ensure informed decision making.

The principles of the Mental Capacity Act 2005 (MCA) state that every individual has the right to make their own decisions and provides the framework for this to happen. The Wales Safeguarding Procedures, like the Care and Support Guidance, make it clear that the adult who is perceived to be at risk must remain central to and involved in any decisions about how they are supported to address any safeguarding concerns, to the extent that they are able (capacity and consent considerations).

Where concerns arise that capacity and consent are compromised (due to illness, disability, coercion and control for example), the Mental Capacity Act also provides a framework for situations where there is a risk of immediate or significant harm which supports intervention and advocacy in order to safeguard and protect the most vulnerable.

In addition, Wales Golf recognises the following principles which underpin our work with all groups and individuals who may have additional needs for support and protection:

- It is every adult's right to be protected from abuse irrespective of their age, gender identity, faith or religion, culture, ethnicity, sexual orientation, background, economic position, marital status, disability or level of ability.
- All staff and volunteers share the responsibility for the protection of adults at risk and will show respect and understanding for their rights, safety and welfare.
- The additional vulnerability of disabled adults (including those with invisible disabilities, learning and communication differences) is recognised.
- Allegations of abuse or concerns about the welfare of any adult will be treated seriously and will be responded to swiftly and appropriately.
- Wales Golf recognises the role and responsibilities of the statutory agencies for safeguarding adults and is committed to complying with the Wales Safeguarding Procedures and the procedures of the relevant Safeguarding Adults Boards.

- Confidentiality will be maintained appropriately at all times. The adult's safety and welfare must be the overriding consideration when making decisions on whether or not to share information about them.
- Legislation across the UK strongly supports information sharing in the interests of safeguarding as failures to share information and to work in partnership with the statutory agencies have consistently been shown to result in poor outcomes for the most vulnerable. Wales Golf is committed to robustly upholding any decision to share information with statutory agencies where safeguarding is the primary consideration. See the Welsh Government's guidance for information sharing to safeguard children and adults at:
  - <https://gov.wales/sites/default/files/publications/2019-09/information-sharing-to-safeguard-children-and-adults.pdf>
- Wales Golf will support everyone involved in our work and activities to understand their roles and responsibilities in relation to safeguarding and protecting adults at risk, including the responsibility to report all concerns in line with Wales Golf safeguarding adults policy and procedures.
- All participants involved in golfing activities have the right to be listened to with respect and to be heard.

## **LEGISLATION AND STATUTORY GUIDANCE**

The practices and procedures within this policy are based on the principles contained within the UK and legislation and Government Guidance and have been developed to complement the Safeguarding Adults Boards policy and procedures, and take the following into consideration:

### **Legislation**

- Wales - Social Services and Well-Being Act 2014
- England - Care Act 2014
- Protection of Freedoms Act 2012
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
- Serious Crime Act 2015 (sections 67 and 76)
- Equality Act 2010
- Safeguarding Vulnerable Groups Act 2006
- England and Wales - Mental Capacity Act 2005
- Sexual Offences Act 2003
- Human Rights Act 1998
- Data Protection Act 1998
- General Data Protection Regulations 2016
- Counter-Terrorism and Security Act 2015
- Modern Slavery Act 2017

### **Statutory Guidance**

- The Wales Safeguarding Procedures (2019)
- England and Wales - The Care and Support Statutory Guidance (updated July 2018)

An expanded description of the legal framework supporting this policy can be found on pages 22 to 25.

## **RESPONSIBILITIES AND IMPLEMENTATION**

Abuse and neglect can have a significant impact on adults at risk. Wales Golf recognises its responsibility for promoting positive practices and responding to concerns in a way that ensures that early help/intervention is supported which can:

- prevent and protect adults from becoming adults at risk who experience abuse, and/or neglect;
- avoid problems escalating;
- reduce the need for safeguarding enquiries and interventions;
- have long-term benefits for the adult's health and well-being.

Wales Golf and partner organisations\* will seek to promote the principles of safeguarding by:

- Reviewing policy and procedures annually or whenever there is a major change in legislation or guidance.
- Providing guidance about appropriate recruitment procedures to assess the suitability of volunteers and staff working with vulnerable groups.
- Following procedures to report welfare concerns and allegations about the behaviour of adults.
- Actively promoting communications, resources and learning opportunities in order to ensure that all staff, volunteers, parents and participants of all ages are aware of these safeguarding procedures.
- Directing club staff, volunteers & coaches to appropriate safeguarding training and learning opportunities, where this is appropriate to their role.

Wales Golf seeks to help affiliated organisations and individual members to understand their safeguarding responsibilities through the provision of clear guidance and support.

\*Wales Golf is a member of the SafeGolf Strategy Group which consists of members from the golfing bodies across Great Britain and has been set up to help golf respond to the issue of safeguarding in sport and to develop an informed, positive, proactive safeguarding framework which is consistent across the UK Home Nations.

### **1. COMPLAINTS, CONCERNS AND ALLEGATIONS**

**1.1** As a player, parent, carer, member of staff or volunteer you may be concerned about the welfare of an adult, observe behaviours or attitudes which appear to be having a negative impact, become aware that abuse or poor practice is taking place, suspect abuse or poor practice may be occurring or be told about something that may be abuse or poor practice. These concerns should be brought to the attention of the Wales Golf Lead Safeguarding Officer without delay (see contact details on page 11). The person reporting the concern is not required to decide whether abuse has occurred, but simply has a duty to pass on their concerns and any relevant information. In the event of an emergency please call the police 999.

**1.2** All concerns will be treated in confidence. Details should only be shared on a 'need to know' basis with those who can help with the management of the concern. If you speak to a member of Wales Golf's safeguarding team you can share information fully as they are Designated Safeguarding staff which makes this information sharing appropriate and essential if informed support is to be provided.

**1.3** Concerns should be recorded on an Incident Report Form and sent to Wales Golf Lead Safeguarding Officer and retained confidentially.

*The Lead Safeguarding Officer will assist with completion of this form if required, (see contact details on page 11.)*

- 1.4** Wales Golf will work with clubs and other external agencies to take appropriate action where concerns relate to potential abuse or serious poor practice. Wales Golf disciplinary procedures will be applied and followed where possible.
- 1.5** Safeguarding adults at risk requires everyone to be committed to the highest possible standards of openness, integrity and accountability. Wales Golf supports an environment where staff, volunteers, parents/carers and the public are encouraged to raise safeguarding concerns. Anyone who reports a legitimate concern to the organisation (even if their concerns subsequently appear to be unfounded) will be supported. All concerns will be taken seriously.
- 1.6** It is important when considering your concern that you also consider the needs and wishes of the person at risk and, where possible, clarify with them what they would like to happen in terms of support and interventions.
- 1.7** If any person has knowledge, concerns or suspicions that a child or adult is suffering, has suffered or is likely to be at risk of abuse, it is their responsibility to ensure that the concerns are referred to social services or the police who have statutory duties and powers to make enquiries and intervene when necessary. The Wales Safeguarding Procedures make it clear that **THIS IS NOT A MATTER OF PERSONAL CHOICE.**

## **2. RESPONDING TO DISCLOSURE OF ABUSE**

**2.1** If an adult indicates that they are being abused the person receiving the information should:

- Stay Calm
- Listen carefully to what is said, allowing the adult to continue at their own pace, and take it seriously.
- Explain that it is likely the information will have to be shared with others- do not promise to keep secrets.
- Keep questions to a minimum, only ask questions if you need to identify/ clarify what the person is telling you. Take care to distinguish between fact, observation, allegation and opinion. It is important that the information you have is accurate.
- Reassure the person that they have done the right thing in sharing the information.
- Ask them what they think might help and what they would like to happen next.
- Explain what you would like to do next and ask if they are happy for you to share the information in order for you to help them. As long as it does not increase the risk to the individual, you should explain to them that it is your duty to share your concern with your Lead Safeguarding Officer.
- Record in writing what was said, using the adult's own words as soon as possible

**2.2** DO NOT:

- Dismiss the concern.
- Panic or allow shock or distaste to show.
- Probe for more information than is offered.
- Make promises that cannot be kept.
- Conduct an investigation of the case.
- Make negative comments about the alleged perpetrator.

**2.3** If the matter is urgent and relates to the immediate safety of an adult at risk then contact the police immediately. Complete an Incident Form and copy it to the Wales Golf Safeguarding Lead Officer within 24 hours.

**2.4** Seek Support from Wales Golf's Safeguarding Lead Officer without delay. The incident form provides useful guidance to ensure that all critical information which might be required in order to take action is recorded.

### **3. SIGNS AND INDICATORS OF ABUSE AND NEGLECT**

**3.1** Abuse can take place in any context. Abuse may be inflicted by anyone. Players, members, staff, volunteers or coaches may suspect that an adult is being abused or neglected outside of the club setting. There are many signs and indicators that may suggest someone is being abused or neglected, these include but are not limited to:

- Unexplained bruises or injuries, inconsistency with the account of what happened 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 sessions. You may notice that a participant has been missing from practice sessions and is not responding to reminders or communications from team members or coaches.
- Someone losing or gaining weight / an unkempt appearance. This could be a player whose appearance becomes unkempt, does not wear suitable sports clothing and there is a deterioration in hygiene.
- A change in the behaviour or confidence of a person. For example, a participant may be looking quiet and withdrawn when their brother comes to collect them from sessions in contrast to their personal assistant whom they greet with a smile.
- Avoidance of eye contact.
- Changes in posture and movement.
- They may self-harm.
- They may have a fear of a particular group of people or individual.
- They may tell you / another person they are frightened of someone or that someone is abusing them (a disclosure).
- Harassment of a participant because they have or are perceived to have protected characteristics.
- Not meeting the needs of the participant e.g. training without sufficient breaks or hydration.
- A coach intentionally striking a player or threatening to do so verbally or through gestures.
- A participant who sends unwanted sexually explicit text messages to an adult with learning disabilities they are training alongside.
- A participant threatening another participant with physical harm and persistently blaming them for poor performance.

### **4. CONSENT**

*(see expanded guidance on pages 20 - 21)*

**4.1** The Social Services and Wellbeing (Wales) Act 2014 statutory guidance advises that the first priority in safeguarding should always be to ensure the safety and well-being of the adult.

**4.2** Adults have a general right to independence, choice and self-determination including control over information about themselves. The new Wales Safeguarding Procedures state clearly that, irrespective of the adult at risk's views, the advice and support of the local authority (social services) must be sought through referral or the police must be informed if it is felt that there is an immediate risk of harm. Contact Wales Golf's Safeguarding Team for support and advice. Follow these procedures and don't wait until you are certain. It is essential that you do not let subjective factors prevent you from taking action, including:

- fear of actual or perceived threats from the family and or community;
- concern that the referral is a breach of trust;
- wish to retain control and manage the situation locally;
- over identification with those who may be negatively impacting the adult at risk and making excuses and/or justifying potentially abusive behaviours;
- concerns that the report will not be taken seriously;
- worries that the report will result in considerable distress for the adult at risk and others, but no meaningful help and support will be provided because of lack of resources;
- making excuses for behaviour;
- normalising a particular form of abuse or neglect because of the commonality of a particular situation.
- a belief that the behaviour may be acceptable in a particular culture or religion.
- over-optimism about a situation: seeing it as a one-off or accident;
- reluctance to accept professionals or those in higher socio-economic groups can perpetrate abuse or neglect;
- being re-assured by an abuser they have/will change and/or engaged with services.

**4.3** Wales Golf does not expect staff, coaches or volunteers to support an adult who is felt to be vulnerable or at risk through their decision making process but expects them to inform Wales Golf without delay so that they can clearly define the various options to help support the adult at risk to make a decision about their safety. As long as it does not increase the risk to the individual, it should be explained to them that it is their duty to share their concern with the Safeguarding Lead Officer. Consent is not required to seek guidance or share information within the organisation and support from the Designated Safeguarding Lead Officer should be sought without delay.

**4.4** Adults may not give their consent to the sharing of safeguarding information outside of the organisation for a number of reasons. For example, they may be unduly influenced, coerced or intimidated by another person, they may be frightened of reprisals, they may fear losing control, they may not trust social services or other partners or they may fear that their relationship with the abuser will be damaged. Reassurance and appropriate support may help to change their view on whether it is best to share information.

**4.5** Those seeking to support the adult should consider the following:

- Explore the reasons for the adult's objections – what are they worried about?
- Explain the concern and why you think it is important to share the information
- Tell the adult with whom you will be sharing the information with and why in line with Wales Golf and national safeguarding procedures
- Seek to provide reassurance. Explain the benefits, to them or others, of sharing information – could they access better help and support?
- Discuss the consequences of not sharing the information – could someone come to harm?
- Reassure them that the information will not be shared with anyone who does not need to know
- Reassure them that they are not alone and that support is available to them.

- 4.6** You should always advise the adult at risk that you will be seeking the support and advice of the Wales Golf Safeguarding Lead Officer, unless to do so might increase immediate risk to the adult (through their own actions, suicidal actions for example) or because possible disclosure to and action by the alleged abuser.
- 4.7** It should be noted that there have always been circumstances where those seeking to support the adult must make a referral to the statutory agencies without their consent, including but not limited to:
- It appears that the adult lacks the mental capacity to make that decision (this must be properly explored and further guidance should be sought from the Wales Golf Safeguarding Lead Officer)
  - Emergency or life-threatening situations may warrant the sharing of relevant information with the emergency services without consent
  - Other people are, or may be, at risk, including children
  - A serious crime has been committed / may be prevented
  - Individuals in a Position of Trust are implicated
- 4.7.1** It is important to keep a careful record of the decision making process and guidance should be sought from the Wales Golf Safeguarding Lead Officer. Legal advice will be sought where appropriate. If a decision is to take action without the adult's consent, then unless it is unsafe to do so, the adult should be informed that this is being done and of the reasons why.

## 5. Useful Contacts

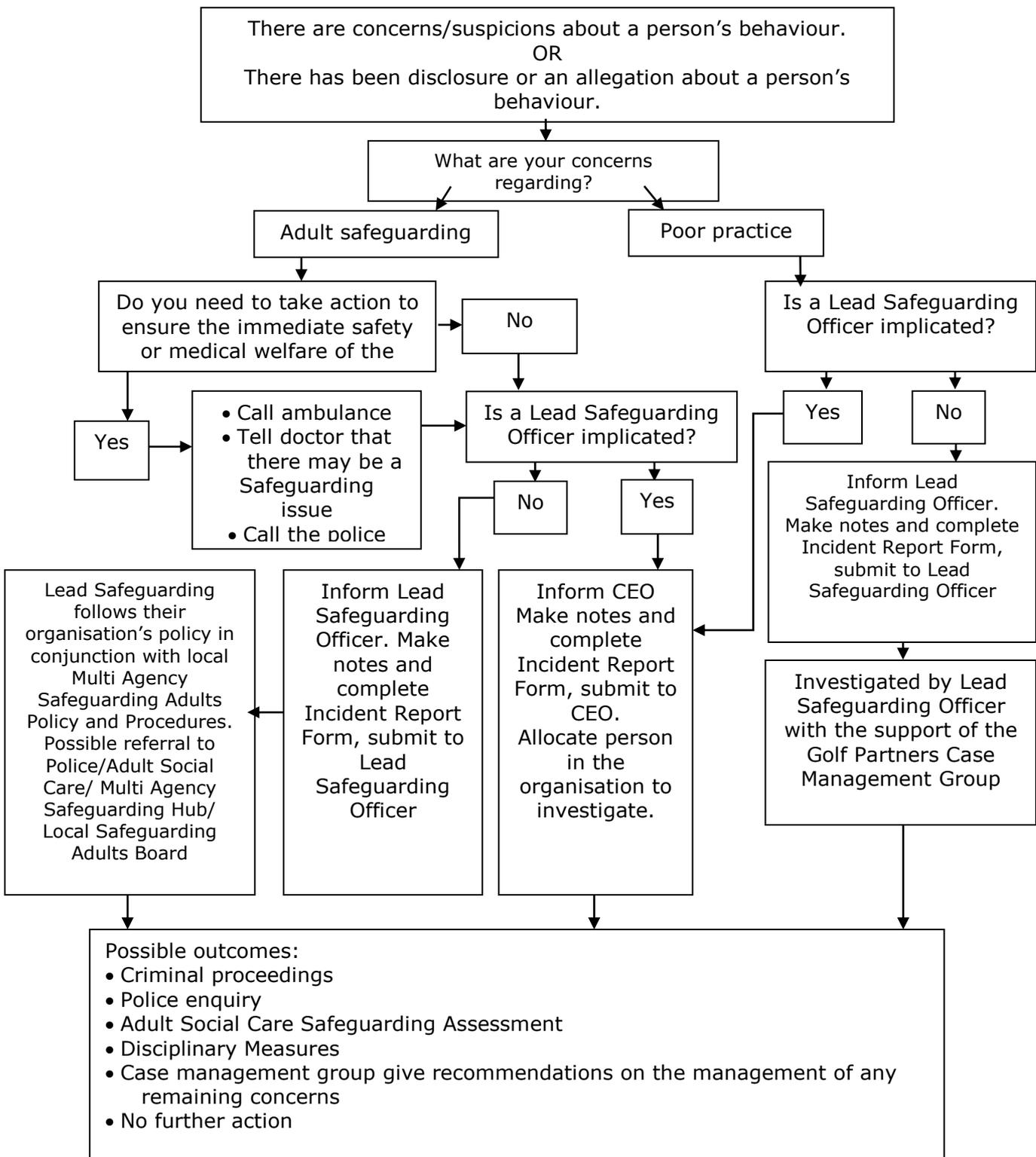
<b>Wales Golf Contacts</b>		
<b>Name</b>	<b>Address</b>	<b>Contact Details</b>
<b>Lead Safeguarding Officer</b>	<b>Siân Simmons Wales Golf Catsash Newport NP18 1JQ</b>	01633 436040  Sian.simmons@walesgolf.org
<b>Deputy Safeguarding Officer</b>	<b>Linda Stokoe Wales Golf</b>	01633 436044 Linda.stokoe@walesgolf.org

<b>Local Contacts</b>		
Newport County Council – Safeguarding Adults		01633 656656  Firstcontact.adults@newport.gov.uk
Newport County Council – Safeguarding Adults		Emergency Out of Hours (after 5pm)  0800 3284432

<b>National Contacts</b>		
<b>Ann Craft Trust - Safeguarding Adults in Sport and Activity</b>	Website: <a href="http://www.anncrafttrust.org">www.anncrafttrust.org</a>	Email: <a href="mailto:Ann-Craft_Trust@nottingham.ac.uk">Ann-Craft_Trust@nottingham.ac.uk</a>  Telephone: 0115 951 5400
<b>Samaritans</b>		08457 90 90

<b>Wales Safeguarding Hub</b>		
<b>Safeguarding Adults in Sport Manager, Ann Craft Trust</b>	Ruth Ingram	Email: <a href="mailto:Ruth.Ingram@nottingham.ac.uk">Ruth.Ingram@nottingham.ac.uk</a> Telephone: 02920 334975 Mobile: 07703057621 / 0115 951 5400
<b>NSPCC Child Protection in Sport Unit</b>	Laura Whapham	Telephone: 02920 334975 Email: <a href="mailto:laura.whapham@nspcc.org.uk">laura.whapham@nspcc.org.uk</a> Mobile: 07766 802832
	Cerri Dando	Email: <a href="mailto:cerri.dando@nspcc.org.uk">cerri.dando@nspcc.org.uk</a>

## What to do if you have a concern about an adult?



**Remember to involve the adult at risk throughout the process wherever possible**



## **CAPACITY – GUIDANCE ON MAKING DECISIONS**

The issue of capacity or decision making is a key one in safeguarding adults. It is useful for organisations to have an overview of the concept of capacity.

We make many decisions every day, often without realising. We make so many decisions that it's easy to take this ability for granted.

But some people are only able to make some decisions, and a small number of people cannot make any decisions. Being unable to make a decision is called "lacking capacity".

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 like learning disability, dementia, mental health needs, acquired brain injury, and physical ill health.

The Mental Capacity Act 2005 (MCA) states that every individual has the right to make their own decisions and provides the framework for this to happen.

The MCA is about making sure that people over the age of 16 have the support they need to make as many decisions as possible.

The MCA also protects people who need family, friends, or paid support staff to make decisions for them because they lack capacity to make specific decisions.

Our ability to make decisions can change over the course of a day.

Here are some examples that demonstrate how the timing of a question can affect the response:

- 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.

In each of these examples, it may appear as though the person cannot make a decision. But later in the day, presented with the same decision, they may be able to at least be involved.

The MCA recognises that capacity is decision-specific, so no one will be labelled as entirely lacking capacity. The MCA also recognises that decisions can be about big life-changing events, such as where to live, but equally about small events, such as what to wear on a cold day. To help you to understand the MCA, consider the following five points:

1. Assume that people are able to make decisions, unless it is shown that they are not. If you have concerns about a person's level of understanding, you should check this with them, and if applicable, with the people supporting them.
2. Give people as much support as they need to make decisions. You may be involved in this – you might need to think about the way you communicate or provide information, and you may be asked your opinion.

3. People have the right to make unwise decisions. The important thing is that they understand the implications. If they understand the implications, consider how risks might be minimised.
4. If someone is not able to make a decision, then the person helping them must only make decisions in their "best interests". This means that the decision must be what is best for the person, not for anyone else. If someone was making a decision on your behalf, you would want it to reflect the decision you would make if you were able to.
5. Find the least restrictive way of doing what needs to be done.

Remember:

- If any person has knowledge, concerns or suspicions that an adult is suffering, has suffered or is likely to be at risk of abuse, it is their responsibility to ensure that the concerns are referred to social services or the police who have statutory duties and powers to make enquiries and intervene when necessary. The Wales Safeguarding Procedures make it clear that this is not a personal choice and the Wales Golf Safeguarding Lead can support you to do this.
- The obligation to take this action does not preclude working respectfully and in partnership with the person and enabling them to feel that they have some control and influence over decisions affecting them.
- You should not discriminate or make assumptions about someone's ability to make decisions, and you should not pre-empt a best-interest's decision merely on the basis of a person's age, appearance, condition, or behaviour.
- When it comes to decision-making, you could be involved in a minor way, or asked to provide more detail. The way you provide information might influence a person's ultimate decision. A person may be receiving support that is not in-line with the MCA, so you must be prepared to address this.

### **Relevant Policies**

This policy should be read in conjunction with the following Wales Golf policies

- Whistle Blowing
- Social media
- Complaints
- Disciplinary
- Equality, diversity and inclusion



**WALES GOLF  
INCIDENT REPORT FORM**

Recorder's Name:	
Address:	
Post Code:	Telephone No:

Name of Identified Adult:	
D.O.B:	
Address:	
Post Code:	Telephone No:

Person making the referral:	
Role:	
Address:	
Post Code:	Telephone No:
Email:	

Details of the concerns/allegations: [include: date; time; location; and nature of the incident.]
---

<p>Club/Event:</p> <p>Safeguarding Lead Name and Contact details:</p>
<p>Additional information: [include: witnesses; corroborative statements; carer information where appropriate etc.]</p>
<p>Have you discussed your concerns with the adult? What are their views?</p> <p>If you haven't spoken to the adult, please explain why.</p>
<p>Wales Golf notified (01633 436040)</p> <p>Case Number (if allocated):</p> <p>Name of person spoken to:</p> <p>Date: <span style="float: right;">Time:</span></p>
<p>Action taken:</p> <p>Date: <span style="float: right;">Time:</span></p>
<p>Signature of Recorder:</p> <p>Signature of Referrer:</p>
<p><b>Data protection:</b></p> <p>Wales Golf may use the information in this form (together with other information they obtain as a result of any investigation) to investigate the alleged incident and to take whatever action is deemed appropriate, in accordance with their Safeguarding Adults Policy and Procedures.</p> <p>Strict confidentiality will be maintained and information will only be shared on a "need to know" basis in the interests of safeguarding. This may involve disclosing certain information to a number of organisations and individuals including relevant clubs and County bodies, individuals that are the subject of an investigation and/or Statutory agencies such as the Police and Adult Social Care.</p>



## GUIDANCE ON TYPES OF HARM

**The Social Services and Well-Being (Wales) Act 2014 recognises 5 categories of abuse that may be experienced by adults. These are:**

**Physical**

**Sexual**

**Psychological**

**Neglect**

**Financial**

These are expanded below but the descriptions are not intended to be exhaustive and it does not matter whether you are unsure that a concern meets a threshold for abuse or, if so, which category. Action should be taken at the point when concerns arise as waiting until you are certain that harm has occurred leads to very poor outcomes in many cases.

**Physical**

Including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

**Sexual**

Including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

**Emotional or Psychological**

This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

**Neglect and acts of omission**

Including ignoring medical or physical care needs, failure to provide access to appropriate health social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

**Financial or Material**

Including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

**The Care Act 2014 and wider UK legislation identify a range of categories of abuse not included in Social Services and Wellbeing (Wales) Act 2014. These expand upon the above definitions of abuse where they take place in differing contexts. They are also relevant to safeguarding adults in sport and physical activity and include:**

**Self-neglect**

This covers a wide range of behaviour: neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

### **Modern Slavery / Human Trafficking**

Encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

### **Domestic Abuse and coercive control**

Including psychological, physical, sexual, financial and emotional abuse. It also includes so called 'honour' based violence. It can occur between any family members.

### **Discriminatory**

Discrimination is abuse which centres on a difference or perceived difference particularly with respect to race, gender or disability or any of the protected characteristics of the Equality Act.

### **Organisational / Institutional**

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

### **Exploitation**

Is the deliberate maltreatment, manipulation or abuse of power and control over another person; to take advantage of another person or situation usually, but not always, for personal gain from using them as a commodity. It may manifest itself in many forms including slavery, servitude, forced or compulsory labour, domestic violence and abuse, sexual violence and abuse, or human trafficking.

### **Hate crime**

Is any incident which constitutes a criminal offence perceived by the victim or any other person as being motivated by prejudice, discrimination or hate towards a person's actual or perceived race, religious belief, sexual orientation, disability, political opinion or gender identity.

There are additional definitions which, whilst not included in legislation, interface with adult safeguarding:

### **Cyber Bullying**

Cyber bullying occurs when someone repeatedly makes fun of another person online or repeatedly picks on another person through emails or text messages, or uses online forums with the intention of harming, damaging, humiliating or isolating another person. It can be used to carry out many different types of bullying (such as racist bullying, homophobic bullying, or bullying related to special educational needs and disabilities) but instead of the perpetrator carrying out the bullying face-to-face, they use technology as a means to do it.

### **Forced Marriage**

Forced marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of a third party in identifying a spouse. The Anti-social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. The forced marriage of adults with learning disabilities occurs when the adult does not have the capacity to consent to the marriage.

### **Mate Crime**

A 'mate crime' as defined by the Safety Net Project is 'when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act but still has a negative effect on the individual. Mate Crime is carried out by someone the adult knows and often happens in private. In recent years there have been a number of Serious Case Reviews relating to people with a learning disability who were murdered or seriously harmed by people who purported to be their friend.

**Radicalisation**

The aim of radicalisation is to attract people to their reasoning, inspire new recruits and embed their extreme views and persuade vulnerable individuals of the legitimacy of their cause. This may be direct through a relationship or through social media.



## CONSENT AND INFORMATION SHARING

Although we want to make safeguarding personal, there are some circumstances when we may need to take action without an adult's consent. Sometimes an adult at risk may not want you to act on your concerns or their disclosure. This may be because they are scared or fearful of the repercussions from you taking action. It may also be because they are not aware abuse is taking place, or they have not got the mental capacity to make an informed decision and understand that remaining in their current situation is unsafe. Sharing information with the right people is central to good practice in safeguarding adults.

You must not keep safeguarding concerns about adults at risk to yourself. The Wales Safeguarding Procedures state clearly that if any person has knowledge, concerns or suspicions that an adult is suffering, has suffered or is likely to be at risk of abuse, it is their responsibility to ensure that the concerns are referred to social services or the police who have statutory duties and powers to make enquiries and intervene when necessary. Whilst this differs from the procedures within the other UK Home Nations, the Wales Safeguarding Procedures make it clear that **this is not a matter of personal choice**. Wales Golf's Safeguarding Lead Officer will support you and your club to take appropriate action when concerns arise.

Explain to the adult that you must pass the concern on to your Safeguarding Lead, as you have a duty of care. You should reassure the adult that they will be fully included on what happens.

It is appropriate to report concerns without an adult's consent when:

- You have reason to believe the adult's health and or wellbeing will be adversely affected by ongoing harm.
- Other people are, or may be, at risk from the person causing harm, including children.
- It is necessary to prevent a crime, or a serious crime has been committed.
- Sharing the information could prevent a crime and help to stop abuse.
- The adult may be under duress or being coerced.
- The alleged abuser has care and support needs and may also be at risk.

Workers and volunteers within sports and physical activity organisations should always share safeguarding concerns in line with their organisation's policy, usually with their safeguarding lead or welfare officer in the first instance, except in emergency situations. If it does not increase the risk to the individual, the worker or volunteer should explain to them that it is their duty to share their concern with their safeguarding lead or welfare officer.

The safeguarding lead or welfare officer will then consider the situation and plan the actions that need to be taken, in conjunction with the adult at risk and in line with the organisation's policy and procedures and relevant safeguarding adults board policy and procedures.

To make an adult safeguarding referral you need to call the local safeguarding adults team within social services. This may be part of a MASH (Multi-Agency Safeguarding Hub). A conversation can be had with the safeguarding adult's team without disclosing the identity of the person in the first instance. If it is thought that a referral needs to be made to the safeguarding adults team, consent should be sought where possible 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. For example, when the adult does not have the capacity to consent, 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 your safeguarding lead and the local authority safeguarding adults team.

When sharing information there are seven Golden Rules that should always be followed:

- Seek advice if in any doubt.
- 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 who 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 must still share safeguarding concerns and information without consent in Wales.
- 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.



**LEGISLATION AND GOVERNMENT INITIATIVES ARE DOCUMENTED HERE. LINKS ARE ALSO PROVIDED FOR FURTHER INFORMATION AND EASE OF ACCESS.**

#### **Wales - Social Services and Well Being Act 2014**

[http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

Reforms and integrates social services' law making provisions for improving well-being outcomes for people who need care and support. Requiring coordination and partnership by public authorities to improve well-being. It replaces No Secrets and puts adult safeguarding on a statutory footing.

#### **England - Care Act 2014 – statutory guidance**

<http://www.legislation.gov.uk/ukpga/2014/23/introduction/enacted>

The Care Act introduces new responsibilities for local authorities. It also has major implications for adult care and support providers, people who use services, carers and advocates. It replaces No Secrets and puts adult safeguarding on a statutory footing.

#### **Protection of Freedoms Act 2012**

<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

Brought about a wide range of measures, regarding numerous areas of law. Notably changes to the vetting and barring system to create the Disclosure and Barring Service.

#### **Domestic Violence, Crime and Victims (Amendment) Act 2012**

<http://www.legislation.gov.uk/ukpga/2012/4/contents/enacted>

Creates an offence of causing or allowing the death or serious harm of a child or adult at risk for those within the household.

#### **Serious Crime Act 2015**

<https://www.gov.uk/government/collections/serious-crime-bill>

This Act addresses increasing safeguarding and criminal concerns about sexual communications with children and young people (Section 67) and coercion and control (section 76). It creates an offence in relation to controlling and coercive behaviour in an intimate or family relationships and this can be a critical issue in undermining an individual's ability/capacity to give or withhold informed consent and/or to recognise themselves as being at risk or abused.

#### **Equality Act 2010**

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

The Act protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It identified nine protected personal characteristics which increase the risk of individuals being at increased risk of abuse, disadvantage or discrimination. Safeguarding concerns may arise where it is indicated that the following personal characteristics have been a factor:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Gender
- Sexual orientation

### **Children and Families Act 2014**

<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

This Act seeks to improve services for vulnerable children and young people and to reform the systems for adoption, looked-after children, family justice and special educational needs. It is relevant to adult protection because it extends the support, resources and protection available to those who are transitioning into adulthood e.g. care leavers, those with a recognised disability. As a result of this legislation, 'Staying Put' arrangements extend the rights of those aged over 18 to remain in supported households with their former foster carers until their 21<sup>st</sup> birthday and for those with special educational needs or disability to access additional protection and support up to the age of 25 years.

### **England & Wales - Mental Capacity Act 2005**

<http://www.legislation.gov.uk/ukpga/2005/9/introduction>

Its general principle is that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, that anything done for or on behalf of people without capacity must be in their best interests and there should be least restrictive intervention. [www.dca.gov.uk](http://www.dca.gov.uk)

### **Sexual Offences Act 1956**

<https://www.legislation.gov.uk/ukpga/Eliz2/4-5/69/contents>

This Act consolidated the law relating to sexual offences committed between 1957 and 2004. It was mostly repealed by the Sexual Offences Act of 2003 below, but sections 33 to 37 are still active.

### **Sexual Offences Act 2003**

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

The Sexual Offences Act introduced a number of new offences concerning adults at risk and children. [www.opsi.gov.uk](http://www.opsi.gov.uk)

'Position of Trust' is a legal term referring to roles and settings where an adult has direct and regular contact with and responsibility for a child or individual who may be additionally vulnerable. These positions create power imbalances and potential dependency (for example, teachers, nurses, care workers, social workers). Whilst positions of trust are not yet legally covered within the sport sector, all of the recognised sports governing bodies and the NSPCC continue to campaign to have this loophole closed. Under current safeguarding policies and procedures Wales Golf will always seek support and advice in relation to concerns arising about staff, volunteers or coaches who hold a position of responsibility in relation to vulnerable groups from the statutory agencies in the first instance.

### **Human Rights Act 1998**

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

Designed to incorporate into UK law the rights contained in the European Convention on Human Rights. The Act makes a remedy for breach of a Convention right available in UK courts, without the need to go to the European Court. In particular, the Act makes it unlawful for any public body to act in a way which is incompatible with the Convention, unless the wording of any other primary legislation provides no other choice.

### **Data Protection Act 2018 (including General Data Protection Regulations 2016) 2018 Act** - <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

**GDPR** - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

The original 1998 DPA was superseded in May 2018. The new Act supplements the General Data Protection Regulation (GDPR), which came into effect later the same month. The Act is designed to protect personal data stored on computers or on paper, regulating collection, storage, and use. The Act provides individuals with the legal rights to control information about themselves. No current UK legislation including GDPR, precludes the sharing of information where there are safeguarding concerns as the prevention of harm and

safeguarding of the most vulnerable in society (children and adults at risk) is actively recognised and supported as the primary consideration in all cases.

### **Safeguarding Vulnerable Groups Act 2006**

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Introduced the new Vetting and Barring Scheme and the role of the Independent Safeguarding Authority. The Act places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance. [www.opsi.gov.uk](http://www.opsi.gov.uk)

### **Modern Slavery Act 2015 (updated 2017)**

<https://www.gov.uk/government/collections/modern-slavery>

<https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

This Act sought to address increasing concerns around criminal exploitation, human trafficking and slavery, servitude and forced/compulsory labour in the UK. This is an increasing issue and it is important to note that this can look very varied in terms of how an individual may be harmed or exploited (e.g. agricultural work, domestic work, nail bars etc.). The consent of a person (whether an adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the person to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude, or required to perform forced or compulsory labour.

### **Counter-Terrorism and Security Act 2015**

[https://www.gov.uk/government/collections/counter-terrorism-and-security-](https://www.gov.uk/government/collections/counter-terrorism-and-security-bill#:~:text=The%20Counter%2DTerrorism%20and%20Security%20Act%20contains%20powers%20to%20help,then%20return%20to%20the%20UK)

[bill#:~:text=The%20Counter%2DTerrorism%20and%20Security%20Act%20contains%20powers%20to%20help,then%20return%20to%20the%20UK](https://www.gov.uk/government/collections/counter-terrorism-and-security-bill#:~:text=The%20Counter%2DTerrorism%20and%20Security%20Act%20contains%20powers%20to%20help,then%20return%20to%20the%20UK)

This act contains powers to enable the UK to respond to extremism, radicalisation and terrorism. The 'Prevent' strategy and anti-radicalisation statutory responsibilities sit under this legislation. It is increasingly apparent that many of those who have become radicalised have been identified as vulnerable (isolated, Autistic spectrum, communication differences, socially and educationally disadvantaged) and then targeted and groomed. Concerns should be responded to as a safeguarding issue at the earliest possible opportunity to ensure that an adult at risk is supported, protected and prevented from becoming radicalised and criminalised. Any immediate risk of significant harm to the individual or others however must be immediately reported to the police.

### **Deprivation of Liberty Safeguards (DoLS)**

<https://www.gov.uk/government/collections/dh-mental-capacity-act-2005-deprivation-of-liberty-safeguards>

Introduced into the Mental Capacity Act 2005 and came into force in April 2009. Designed to provide appropriate safeguards for vulnerable people who have a mental disorder and lack the capacity to consent to the arrangements made for their care or treatment, and who may be deprived of their liberty in their best interests in order to protect them from harm.

### **Disclosure & Barring Service 2013**

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

Criminal record checks: guidance for employers - How employers or organisations can request criminal records checks on potential employees from the Disclosure and Barring Service (DBS). [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

### **Making Safeguarding Personal Guide 2014**

<http://www.local.gov.uk/documents/10180/5852661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>

This guide is intended to support councils and their partners to develop outcomes-focused, person-centred safeguarding practice.