

England Netball Safeguarding Adults at Risk Policy

Revised date	Dec 2019	Adopted by Board	Jan 2020
Reviewed by	Compliance Manager	Review date	September 2021

Introduction

England Netball is committed to creating and maintaining a safe and positive environment and ensuring Netball is an inclusive sport to be enjoyed by all.

This policy applies to all staff and Board members of England Netball. This policy also applies to all players, coaches, volunteers, members, contacted participants and individuals involved in any other role within Netball. This policy is expected to be followed by all; whether at a England Netball organised competition, internationally or a locally organised competition in a region or county; whether part of the National Squad, an academy or playing at a local club.

England Netball considers it everyone's responsibility to safeguard Adults at Risk in our sport, and so this Safeguarding Adults at Risk Policy, together with the accompanying and Procedures, apply to all individuals involved in Netball.

England Netball will encourage and support partner organisations, including clubs, suppliers, and sponsors to adopt and demonstrate their commitment to the principles and practice of equality as set out in this Policy and in the Procedures.

Policy Statement

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted.

England Netball seeks to:

- Ensure all adults, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation, marital or gender status have the right to be protected from abuse and poor practice and to participate in an enjoyable and safe environment.
- Ensure the rights, dignity and worth of all adults will always be respected.
- Recognise that ability and disability can change over time, such that some adults may be additionally vulnerable to abuse, in particular those adults with care and support needs.
- Create a safe and welcoming environment at events, where participants can have fun and develop their skills and confidence.
- Support and encourage netball events, affiliated clubs and netball teams to implement similar policies.
- Promote safeguarding adults as everyone's responsibility. We all have a shared responsibility to ensure the safety and well-being of all adults and will act appropriately and report concerns whether these concerns arise within netball or in the wider community.
- Ensure that England Netball organised training and events are run to the highest possible safety standards.
- Be prepared to review its ways of working to incorporate good practice.
- Ensure the principles of safeguarding adults are applied and embedded across the sport and organisation
- Provide resources, training and guidance to all members, connected participants and staff to assist them in understanding the meaning of Adults at Risk.
- Where appropriate, work in partnership with parents and/or carers to support the Adult at Risk to achieve the best outcome for them.

England Netball will:

- Appoint and train a designated Safeguarding Lead responsible for safeguarding adults in netball
- Carefully recruit and select all employees, contractors and volunteers, applying safe recruitment procedures.
- Treat all participants with respect and celebrate their achievements.
- Make safeguarding personal to the adult involved and take into account the adults views, wishes, beliefs and wants as part of the safeguarding process.

- Respond swiftly and appropriately to all complaints and concerns about poor practice or suspected or actual abuse, and monitor all complaints and concerns about poor practice or suspected or actual abuse to gain a greater insight into the experiences of Adults at Risk in netball and continuously improve the support and guidance we develop.
- Recognise the role and responsibilities of the statutory agencies in safeguarding adults and is committed to complying with local safeguarding procedures
- Provide resources and guidance to all clubs and staff to assist them in understanding the meaning of Adults at Risk.
- Ensure that every club affiliating with England Netball will have a Club Safeguarding/Welfare Officer who will be able to provide support and advice within the club environment, and ensure safeguarding duties are carried out when an adult meets the at risk definition.
- Work within the principles of the England and Wales - Mental Capacity Act 2005 & Scotland - Adults with Incapacity Act 2000 and support all adults to make informed decisions

Legislation

The practices and procedures within the England Netball Safeguarding Adults Policy, Procedures and Guidance Documents are based on the principles contained within the UK legislation and Government Guidance.

(see appendix A for more information on each piece of legislation)

- England - The Care Act 2014
- The Protection of Freedoms Act 2012
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- The Equality Act 2010
- The Safeguarding Vulnerable Groups Act 2006
- England and Wales - Mental Capacity Act 2005
- Sexual Offences Act 1956 & 2003
- The Human Rights Act 1998
- The Data Protection Act 1998
- The General Data Protection Regulation 2016

Adult at risk definition

Safeguarding legislation has moved away from the term 'vulnerable adult', instead using the term 'adult at risk'. This term illustrates that it is the circumstances that people with care and support needs are in that causes them to be at risk of abuse or neglect. The definitions are slightly different under the separate legislation in England, Wales and Scotland (details are contained in Appendix A) but broadly an "adult at risk" is an individual aged 18 years or over who:

- (a) has needs for care and support, or is more vulnerable due to an infirmity or disorder than adults who are not so affected;
- (b) is at risk of harm, abuse or neglect; and
- (c) is unable to safeguard or protect themselves from those risks

In a sporting context, clubs and event organisers may work with:

- People who have a physical disability, whether from birth or acquired through injury, illness or advancing age, ranging from those who can train and compete independently but need some assistance in transition, to those who depend on others for physical care and support
- People who are blind or visually impaired, who may need to be guided around a course or at training
- People who are deaf or hearing impaired, whose needs are largely connected to communication and inclusion

- People who have learning disabilities or who for some other reason (eg. brain injury, dementia) may not have the capacity to make independent decisions or to assess risk.
- People who are at risk due to a specific circumstance they may find themselves in, for example: domestic abuse, forced marriage, sexual or commercial or financial exploitation.

Although many of the good practice guidelines and principles to be followed when safeguarding children also apply to adults, there is a key difference. In the case of a child, there is a clear duty to act if we suspect that the child has been harmed or is at risk of harm. In the case of an adult, the starting assumption must always be that an adult has the capacity to make a decision and has the right to do so unless it can be established that they lack capacity.

The Principles of Adult Safeguarding

There are separate pieces of legislation for the UK with separate principles around how adults should be safeguarded (see Appendix A for details). Each piece of legislation recognises that it is the circumstances that adults find themselves in that makes them more vulnerable to abuse, expects adults to be central to the decision-making process and makes the adult's welfare and wellbeing the primary consideration in any decision making.

In particular, England Netball is committed to 'making safeguarding personal', recognising that adult safeguarding should be person led and outcome focused. We all have different preferences, histories, circumstances and lifestyles so it is unhelpful to prescribe a process that must be followed whenever a concern is raised. Instead, individuals should be engaged 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 safeguarding concerns will be discussed with the adult to get their view of what they would like to happen, and they should be involved in the safeguarding process, giving their consent to share information outside of the organisation where necessary.

The practices and procedures within the England Netball Safeguarding Adults Policy, Procedures and Guidance Documents are based on the principles contained within the UK legislation and Government Guidance. See appendix A for more information.

The England Netball Safeguarding Adult policy relates to all employees, contractors and volunteers who work with adults at risk in the course of their England Netball role. It will be kept under periodic review. All relevant concerns, allegations, complaints and their outcome should be notified to the England Netball Lead Safeguarding Officer; email: besafe@englandnetball.co.uk; 07384 214 726.

Appendix A

Legislation and Government Initiatives are documented here, links provided for ease of access.

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.

Adult at risk definition

An "adult at risk" is defined as an individual aged 18 years and over who:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs)
- (b) is experiencing, or at risk of, abuse or neglect
- (c) 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.

The Act's principles 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.

Wales - Social Services and Well Being Act 2014

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.

Adult at risk definition

An "adult at risk" is defined as an individual aged 18 years and over who:

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

The Act's principles are:

- 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.

Scotland - Adult Support and Protection Act 2007

<https://www.legislation.gov.uk/asp/2007/10/contents>

Introduced new measures to identify and protect individuals by defining adults at risk. Placing a duty on Local Authorities to identify and prevent harm whilst requiring partnership working. It replaces No Secrets and puts adult safeguarding on a statutory footing.

Adult at risk definition

An "Adult at risk" is defined as an individual aged 16 years and over who:

- (a) is unable to safeguard their own well-being, property, rights or other interests,
- (b) is at risk of harm, and
- (c) because they are affected by disability, mental disorder, illness or physical or mental infirmity, is more vulnerable to being harmed than adults who are not so affected.

The Act's principles are:

The overarching principle underlying Part 1 of the Act is that any intervention in an individual's affairs should provide benefit to the individual, and should be the least restrictive option of those that are available which will meet the purpose of the intervention. This is supported by a set of guiding principles which, together with the overarching principle, must be taken account of when performing functions under Part 1 of the Act. These are:

- The wishes and feelings of the adult at risk (past and present);
- The views of other significant individuals, such as the adult's nearest relative; their primary carer, guardian, or attorney; or any other person with an interest in the adult's well-being or property;
- The importance of the adult taking an active part in the performance of the function under the Act;
- Providing the adult with the relevant information and support to enable them to participate as fully as possible;
- The importance of ensuring that the adult is not treated less favourably than another adult in a comparable situation; and
- The adult's abilities, background and characteristics (including their age, sex, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

Northern Ireland - Adult Safeguarding Prevention and Protection in Partnership 2015

<https://www.eani.org.uk/sites/default/files/2018-11/Adult%20Safeguarding%20-%20Prevention%20and%20Protection%20in%20Partnership.%20DHSSPS%202015.pdf>

Implemented to improve safeguarding arrangements for adults who are at risk of harm from abuse, exploitation or neglect. The framework is to provide support and effective protective interventions, placing significant emphasis on prevention and early intervention. It also seeks to ensure that access to justice is available to adults that have been harmed. 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.

Equality Act 2010

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

The Act legally 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.

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

Scotland - Adults with Incapacity Act 2000

<http://www.legislation.gov.uk/asp/2000/4/contents>

Provides ways to help safeguard the welfare and finances of people who lack capacity.

Northern Ireland - Mental Capacity 2016

<http://www.legislation.gov.uk/nia/2016/18/contents/enacted>

Combines mental health and capacity within one piece of legislation. Considers the individuals capacity to independently make decisions about their health, welfare or finances, and the safeguards that must be put in place if they lack the capacity to do so.

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 still survive.

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

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)

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.

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

Deprivation of Liberty Safeguards

<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/db-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.