

CCPR Guidance Note

October 2010

Safeguarding Vulnerable Adults in Sport

This guidance note is created by the 'Steering Group for Safeguarding Vulnerable Adults in Sport' to give you an idea of what it means to safeguard vulnerable adults in sport. It provides useful advice on what you need to do and where you should look for further help with safeguarding vulnerable adults in your sport. Relevant links are provided at the end of the guidance. Please note the guidance offered is an interpretation on current legislation and is designed to be thought-provoking and challenging rather than provide all the answers.

Why you need a separate Safeguarding Vulnerable Adults Policy?

Safeguarding vulnerable adults involves different issues and areas of expertise to safeguarding children and therefore a separate policy is required. If safeguarding vulnerable adult issues are not addressed appropriately sport could risk:

- abusers reaching vulnerable adults and causing them harm;
- abusers being attracted to organisations that do not have sufficient procedures in place;
- inclusion itself being damaged;
- damage to reputation; and
- prosecution.

There are some very clear differences between safeguarding children and safeguarding vulnerable adults which indicate the need for two very separate and distinct policies. Some of the key differences are outlined below:

Areas of Difference	Children	Vulnerable Adult
Definition	Clear definition offered.	Less clear definition offered. Sport needs to identify and define where adults are vulnerable.
Legislation	Clear legislation to date. Likely to be affected by the Vetting and Barring Scheme.	Less defined responsibilities and a possible sunset clause in the Vetting and Barring Scheme.
Statutory Agencies	Police and statutory agencies can take decisive action if a child is at risk.	The vulnerable adult should be involved in any process as appropriate and should be informed about the outcome.
Abuse	Five main forms of abuse identified.	Definition of abuse is wider.
Awareness	Awareness relatively strong.	Less awareness for adult victims.
Reporting and Decision Making	Reporting structures are defined and decisions made without necessarily involving the child.	Reporting structures differ and the vulnerable adult needs to be informed and involved in decisions.
Relationships	Sports organisation will have contact mainly through parents.	Adults with capacity make their own decisions and the sports organisation has to respect their decisions i.e. not to involve family members.

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To combine safeguarding vulnerable adults into one document with safeguarding children would risk not only a very lengthy document being produced but would also overlook the differences outlined above. Adults have rights which are too often ignored and by not creating a separate safeguarding vulnerable adults' policy you could risk being patronising in your approach.

The challenge for sport is to take the experience of safeguarding children and use it to inform and help develop an appropriate safeguarding process for vulnerable adults. This guidance note details:

1. Defining Vulnerable Adults
2. Safeguarding Vulnerable Adults
3. Meeting your legal obligations

The CCPR Toolkit offers further information on creating a separate and distinct Safeguarding Vulnerable Adults Policy.

Who are 'Vulnerable Adults' in Sport?

One of the biggest challenges when trying to safeguard vulnerable adults is actually defining who 'vulnerable adults' are in your sport or the services you provide. At present there are two conflicting definitions:

1. The definition offered by 'No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse'; and
2. The definition of a 'vulnerable adult' offered by the Safeguarding Vulnerable Groups Act (and therefore the definition used for the Vetting and Barring Scheme).

No Secrets: Definition of a Vulnerable Adult

The definition of a vulnerable adult offered by 'No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse' is an individual who is aged 18 years or over:

- "Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

Note: this definition focuses on the individual

The Steering Group for 'Safeguarding Vulnerable Adults in Sport' have taken the 'No Secrets' definition of a vulnerable adult and offer some examples of how this could translate to a sporting context:

- a deaf ice hockey player participating in a women's premier league club;
- a person with a learning disability attending a swimming club;
- an individual with mental health illness playing as part of a men's rugby club;
- a person with a brain injury playing for a local volleyball team;
- a person with autism watching a cricket match from a general admission spectator zone;

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- a woman with cerebral palsy attending a riding club.

Safeguarding Vulnerable Groups Act: Definition of a Vulnerable Adult

The definition of a vulnerable adult offered by the Safeguarding Vulnerable Groups Act is an individual who is aged 18 years or over:

- "Who is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability";
- "Is living in residential accommodation, such as a care home";
- "is living in sheltered housing";
- "Is receiving domiciliary care in their own home";
- "Is receiving any form of healthcare";
- "Is detained in lawful custody";
- "Is under the supervision of the probation services";
- "Is receiving a specified welfare service";
- "Is receiving direct payments from a local authority in lieu of social care services";
- "Requires assistance in the conduct of their own affairs";
- "Is an expectant mother".

Note: this definition focuses on the activity, place of activity and responsibilities of the worker.

The 'Steering Group for Safeguarding Vulnerable Adults in Sport' have taken the Safeguarding Vulnerable Groups Act definition and offers some examples of how this could translate to a sporting context:

- a visually impaired athlete competing in the 400m at the Paralympics;
- a wheelchair user in a designated disabled spectator zone in a sports stadium;
- a person with a learning disability attending a disabled riding club;
- a drug dependent member of a mental health football team;
- a person with a brain injury playing in a pan-disability basketball team;
- a person with Autistic Spectrum Disorder attending a Martial Arts Club specifically for people with disabilities.

The noticeable difference in the definitions is that the 'Safeguarding Vulnerable Groups Act' definition applies in a narrow sense: the vulnerable adult must be participating in an activity **specifically aimed** at them because of their vulnerable characteristic. "People with a physical or mental health condition are not vulnerable adults just because of their condition. They will be defined as vulnerable adults when they receive health, social care or other services, or activities specifically for people with those health conditions".

From a broad safeguarding perspective it may be best to recognise a vulnerable adult under the wider definition offered by 'No Secrets' to ensure that anyone wanting to enjoy your sport (whether in mainstream activity or specialist/targeted activity) is safeguarded appropriately. The difference in definitions is important in terms of your legal responsibilities (explained in the legal requirements section below). It is also worth noting that "No Secrets" is currently being reviewed and a new version is expected before the end of 2010. CCPR will make you aware of the new publication.

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Safeguarding vulnerable adults in sport can be divided into three levels:

1. Positive engagement;
2. Reducing risk;
3. Dealing with situations of harm or abuse appropriately (see CCPR Toolkit for Reporting and Referrals Process).

The following ten steps should help you to develop a culture of safeguarding of vulnerable adults across your sport:

1. Increase the awareness of what safeguarding vulnerable adults' means to people in your sport or activity and encourage people to take ownership of safeguarding vulnerable adults in their environment. This should also include increasing awareness of 'vulnerable users' within your sport or activity;
2. Prevention – introduce measures to minimize the possibility of vulnerable adults being abused. This could involve; raising awareness of the need to safeguard vulnerable adults in your sport or activity, communication on the process of reporting or raising concerns, and clear operating standards for different types of activities, for example guidance on changing rooms where a vulnerable adult might need supervision and how this should be handled;
3. Policy – write/update your safeguarding vulnerable adults in sport policy (*Contact [CCPR Compliance Officer](#) for example policies and see CCPR Toolkit*);
4. Communicate and embed your policy across your clubs, membership or activity. You may want to make your policy available online or produce a leaflet to direct people to the policy for more information.
5. Procedures and systems – provide clear step-by-step guidance on what to do in different circumstances to safeguard vulnerable adults. For example, who can report harm; who it should be reported to; where help can be sought; how to involve the statutory agencies; or how to deal with a suspicion (See CCPR Toolkit and *contact [CCPR Compliance Officer](#) for example flowcharts*);
6. Equality – strive to ensure your safeguarding vulnerable adults policy works in conjunction with your equality policy;
7. Education and Training – provide appropriate training and development opportunities for staff and volunteers who will need to safeguard vulnerable adults. Establish standards of training for different roles across your membership; (Please note: The Steering Group for Safeguarding Vulnerable Adults are working to create appropriate training courses for sport with various providers. If you are interested in these courses or training solutions please contact [CCPR Compliance Officer](#) for more information and an update on when the courses will be held).
8. Access to advice and support – make sure those responsible for safeguarding vulnerable adults are aware where they can access support, advice and knowledge. It may be worth recommending clubs to make contact with their

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Local Authority lead officer for protecting vulnerable adults or recommending they contact their Local Adult Social Services to establish good links;

9. Implementation and monitoring – ensure policies and procedures are regularly reviewed. (Ensure following an announcement on the remodelling of the Vetting and Barring Scheme that your policy is updated accordingly);
10. Communicate to members and clubs their legal responsibilities relating to safeguarding vulnerable adults. This is likely to include appropriate referral processes for people to raise concerns.

What does the law require you to do in order to safeguard Vulnerable Adults?**The Mental Capacity Act (2005)**

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.

You need to involve the vulnerable adult in any discussions and the decision making process about their welfare. A definition of 'capacity' is offered and in particular an explanation of how to determine if a vulnerable adult has capacity to make a decision or if they are dependent on a carer or a responsible adult to make a decision for them. You should make yourself aware of the Act and ensure your procedures allow vulnerable adults or their carers where appropriate to be involved in decision making.

Safeguarding Vulnerable Groups Act (2006)

The Safeguarding Vulnerable Groups Act introduces the new Vetting and Barring Scheme and integrates List 99 (for people banned from working as teachers), and the Protection of Children Act list which cover those working in childcare settings. It has also established a new list of people barred from working with vulnerable adults to replace the Protection of Vulnerable Adults list and this is managed by the Independent Safeguarding Authority (ISA).

- (A) If you remove a person from a position of 'regulated activity' with a vulnerable adult because they have either caused harm or because they pose a risk of harm to vulnerable adults then you MUST refer this information to the Independent Safeguarding Authority (ISA). (See Appendix)

The challenges are:

1. Understanding if an individual is defined as a vulnerable adult in the context of the Safeguarding Vulnerable Groups Act. (See Appendix)
2. Understanding when an individual is classified as in 'regulated activity'. (See Appendix)
3. Having in place a system for referring the information to ISA.
(You may want a club to remove the individual and refer this to ISA or you may want to assist the club by taking the decision to remove the individual and then taking on the responsibility to refer to ISA following a decision made by the statutory agencies).
4. Knowing when you MUST refer to ISA. (See Appendix).

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- (B) You MUST NOT knowingly employ a person in 'regulated activity' who is ISA Barred.

The challenges are:

1. Understanding when an individual is classified as in 'regulated activity'.
(See Appendix)
2. Not putting someone in a role which is categorised as 'regulated activity' if you know they are barred.

The legal requirements of the Vetting and Barring Scheme should therefore be understood as a minimum safeguarding standard rather than the comprehensive safeguarding approach outlined in "No Secrets".

Please note there is also a current legal responsibility on an individual not to take on a position of 'regulated activity' if they have been barred from working with vulnerable adults.

The registration requirements of the Vetting and Barring Scheme are being reviewed at present and therefore the legal responsibilities you currently have are listed above. Please refer to [CCPR Vetting and Barring Scheme Guidance](#) for further updates on legal responsibilities.

(See Appendix for further key legislation and initiatives to help shape your policy).

Further Information

If you require further guidance on safeguarding vulnerable adults please contact the [CCPR Compliance Officer](#) or refer to one of the organisations listed below.

Ann Craft Trust is dedicated to protecting people with learning disabilities from abuse. They provide information, training and resources on abuse and safeguarding issues.

Telephone 0115 951 5400. www.anncrafttrust.org

Care Quality Commission is the new health and social care regulator for England. They look at the joined up picture of health and social care. www.cqc.org.uk

Interactive Disability Equality in Sport are the lead strategic development agency for sport and physical activity for disabled people in London.

Telephone 0207 717 1699. www.interactive.uk.net

They have produced a [Club Resource Pack](#) to guide clubs through key areas to embed an inclusive ethos and encourage disabled people to become members.

Public Concern at Work is an independent organisation which provides guidance and training to employers on whistleblowing and also offers free confidential advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

Telephone 020 7404 6609. www.pcaw.co.uk

Freedom to Care was set up in 1992 as a whistleblowers' support group. It promotes the expression of social conscience in the workplace, public accountability, ethics at work and supporting whistleblowers.

Telephone 01978 750583. www.freedomtocare.org

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

Telephone 0207 3830700. www.respond.org.uk

Action on Elder Abuse works to protect and prevent the abuse of vulnerable older adults. www.elderabuse.org.uk

Further Reading

No Secrets Guidance from 2000. Many national governing bodies use the definitions provided here for the basis of their safeguarding vulnerable adults in sport policy and the 'Steering Group for Safeguarding Vulnerable Adults in Sport' would consider this a positive move.

Click [here](#) for the guidance.

Report on the consultation on the review of 'No Secrets'. The issues of empowerment and positive action are present alongside some strong sentiment that child protection is not the same as adult safeguarding and importantly that service users don't wish for the two to be seen as one system.

Click [here](#) for the report.

Summary of the Mental Capacity Act 2005. This link explains the Mental Capacity Act 2005 and what it intends to do, it is a good read and a summary of the Act can be downloaded at the end of the page.

Click [here](#) for the summary.

Safeguarding Adults National Framework of Standards 2005. The standards show the areas that need to be considered for vulnerable adults in sport.

Click [here](#) for the standards.

CCPR would like to thank:

The Ann Craft Trust



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