



Adult Safeguarding – Supporting Information

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Purpose

To explain the following key points:

- The term ‘Adults at Risk’ is tightly defined in legislation (Care Act 2014).
- There is a legal duty on Local Authorities to provide support to ‘adults at risk’.
- The safeguarding legislation applies to all forms of abuse that harm a person’s well-being.
- The law provides a framework for good practice in safeguarding that makes the overall well-being of the adult at risk a priority of any intervention.
- The law emphasises the importance of person-centred safeguarding, referred to as ‘Making Safeguarding Personal’.
- The law provides a framework for making decisions on behalf of adults who cannot make decisions for themselves (Mental Capacity).
- The law provides a framework for sports organisations to share concerns they have about adults at risk with the local authority.
- The law provides a framework for all organisations to share information and cooperate to protect adults at risk.

Safeguarding Adults Legislation

Safeguarding Adults legislation is compliant with United Nations directives on the rights of disabled people and commitments to the rights of older people. It is covered by:

- The Human Rights Act 1998
- The Data Protection Act 2018
- General Data Protection Regulations 2018

The practices and procedures within this policy are based on the relevant legislation and government guidance.

- The Care Act 2014
- Care and Support Statutory Guidance (especially chapter 14) 2014

Many other pieces of UK legislation also affect adult safeguarding. These include legislation about different forms of abuse and those that govern information sharing. For example, legislation dealing with murder or attempted murder, theft, fraud and listing and barring of those unsuitable to work with adults with care and support needs.

The England and Wales - Mental Capacity Act 2005 also legislates about the circumstances in which decisions can be made on behalf of an adult who is unable to make decisions for themselves. There are also specific offences applying to the mistreatment of and sexual offences against adults who do not have Mental Capacity and specific offences where mistreatment is carried out by a person who is employed as a carer such as wilful neglect and wilful mistreatment.

Definition of an Adult at Risk of Harm

An Adult at Risk is defined by the Care Act 2014 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)
AND
- b) is experiencing, or at risk of, abuse or neglect,
AND
- 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 Safeguarding Adults legislation creates specific responsibilities on Local Authorities, Health Services, and the Police to provide additional protection from abuse and neglect to Adults at Risk.

When a Local Authority has reason to believe there is an adult who is at risk, they have a responsibility to find out more about the situation and decide what actions need to be taken to support the adult.

The actions that need to be taken might be by the Local Authority (usually social services) and/or by other agencies, for example the Police, Mental Health Services etc. A sporting organisation may need to take action as part of safeguarding an adult, for example, to use the disciplinary procedures in relation to a member of staff or member who has been reported to be causing harm to a participant. The Local Authority role includes having multi-agency procedures which coordinate the actions taken by different organisations.

Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it. Any or all of the following types of abuse may be perpetrated as the result of deliberate intent, negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place.

English safeguarding legislation defines the following 10 categories of abuse in the Care Act (2014):

- Physical
- Sexual
- Emotional/ Psychological/ Mental
- Neglect or acts of omission
- Financial or material abuse
- Discriminatory
- Organisational or institutional
- Self-neglect
- Domestic including coercive control
- Modern Slavery

Abuse can take place in any relationship and there are many contexts in which abuse might take place e.g. Domestic Abuse, Forced Marriage, Human Trafficking, County Lines, Cuckooing, Female Genital Mutilation, Radicalisation, Hate Crime, Mate Crime, Cyber bullying, Scams.

Abuse can take place within a sporting context and the person causing harm might be any other person. For example: a member of staff, a coach, a volunteer, a participant or a spectator. Some examples of abuse within sport include:

- Harassment of a participant because of their real or perceived disability or other protected characteristics.
- Not meeting the needs of the participant e.g. training without a necessary break, excessive demands to perform well.
- A coach intentionally striking a player.
- An official who sends unwanted sexually explicit text messages to a participant.
- A participant threatens another participant with physical harm and persistently blames them for poor performance.

Abuse or neglect outside sport could be carried out by:

- A spouse, partner or family member.
- Neighbours or residents.
- Friends, acquaintances or strangers.
- People who deliberately exploit adults they perceive as vulnerable.
- Paid staff, professionals or volunteers providing care and support.

Often the perpetrator is known to the adult and may be in a position of trust and/or power.

Signs and Indicators of Abuse and Neglect

An adult may confide to a friend, coach, volunteer, an official or another club member that they are experiencing abuse inside or outside of the organisation's setting. Similarly, others may suspect that this is the case.

There are many signs and indicators that may suggest someone is being abused or neglected. There may be other explanations, but they should not be ignored. The signs and symptoms include but are not limited to:

- 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 or no longer enjoying their sessions. You may notice that a player is missing from sessions they usually attend and is not responding to reminders from other club members.
- Someone losing or gaining weight or having an unusually unkempt appearance. This may be accompanied by a deterioration in personal hygiene.
- A change in the behaviour or confidence of a person or a noticeable difference in their attitude to a particular person compared with others.
- Self-harm.
- A fear of a particular group of people or an individual.
- A parent, carer, partner or other family members always speaks for the person and doesn't allow them to make their own choices.
- Sudden outbursts of emotion, that could include anger, irritability, crying, or becoming uncharacteristically withdrawn.
- They may tell you or another person that they are being abused. This is known as a disclosure.

Wellbeing Principle

The success of our sport, in terms of enjoyment, helping people achieve their potential, and attracting new people to croquet, relies on putting the safety, wellbeing and welfare of everyone at the centre of everything croquet does. In 'Duty of Care in Sport Independent Report to Government' Baroness Tanni Grey-Thompson DBE, DL wrote:

"The concept of 'well-being' is threaded throughout UK legislation and is part of the Law about how

health and social care is provided. Our well-being includes our mental and physical health, our relationships, our connection with our communities and our contribution to society.”

Being able to live free from abuse and neglect is a key element of well-being.

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For example, removing an adult at risk from their own home when there were other ways of preventing harm. In the words of Justice Mumby ‘What good is it making someone safe when we merely make them miserable?’ *What Price Dignity?* (2010).

For that reason, any actions taken to safeguard an adult must take their whole well-being into account and be proportionate to the risk of harm.

The Principles of Adult Safeguarding

England (Care Act 2014)
The Act’s principles are: <ul style="list-style-type: none">● 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.

Making Safeguarding Personal

The legislation also recognises that adults make choices that may mean that one part of our well-being suffers at the expense of another – for example we move away from friends and family to take a better job. Similarly, adults can choose to risk their personal safety; for example, to provide care to a partner with dementia who becomes abusive when they are disorientated and anxious.

None of us can make these choices for another adult. If we are supporting someone to make choices about their own safety we need to understand what matters to them and what outcomes they want to achieve from any actions agencies take to help them to protect themselves.

The concept of ‘Making Safeguarding Personal’ 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. 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. Treating people with respect,

enhancing their dignity and supporting their ability to make decisions also helps promote a person's sense of self-worth and supports recovery from abuse.

If someone has difficulty making their views and wishes known, then they can be supported or represented by an advocate. This might be a safe family member or friend of their choice or a professional advocate (usually from a third sector organisation).

Mental Capacity and Decision Making

UK Law assumes that all people over the age of 16 have the ability to make their own decisions, unless it has been proved that they can't. It also gives us the right to make any decision that we need to make and gives us the right to make our own decisions even if others consider those decisions to be unwise.

We make so many decisions that it is easy to take this ability for granted. The Law says that to make a decision we need to:

- Understand information.
- Remember it for long enough.
- Think about the information.
- Communicate our decision.

A person's ability to do this may be affected by things such as learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Some people can only make simple decisions like which colour T-shirt to wear or can only make decisions if a lot of time is spent supporting them to understand the options. If someone has a disability that means they need support to understand or make a decision this must be provided. A small number of people cannot make any decisions. Being unable to make a decision is called "lacking mental capacity".

Mental capacity refers to the ability to make a decision at the time that decision is needed. A person's mental capacity can change. If it is safe or possible to wait until they are able to be involved in decision making or to make the decision themselves that should be done.

For example:

- A person with epilepsy may not be able to make a decision shortly after a seizure but would probably be able to do so later.
- Someone who is very anxious, frightened or in shock 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 or confusion.

Mental Capacity is important for safeguarding for several reasons.

Not being allowed to make decisions one is capable of making is abuse. For example, a disabled adult may want to take part in an activity but their carer won't allow them to and will not provide

the support they would need. Conversely the adult may not seem to be benefiting from or enjoying an activity other people are insisting they do.

Mental Capacity must also be considered when we believe abuse or neglect might be taking place. It is important to make sure an 'adult at risk' has choices in the actions taken to safeguard them, including whether or not they want other people informed about what has happened. In some situations, however, the adult may not have the mental capacity to understand the choices or to tell you their views.

Legislation describes when and how we can make decisions for people who are unable to make decisions for themselves:

- We can only make decisions for other people if they cannot do that for themselves at the time the decision is needed.
- If the decision can wait, then wait.
- If we have to make a decision for someone else, then we must make the decision in their best interests (for their benefit) and take into account what we know about their preferences and wishes.
- If the action we are taking to keep a person safe will restrict them then we must think of the way to do that which restricts their freedom and rights as little as possible.

If a person who has a lot of difficulty making their own decisions is thought to be being abused or neglected, you will need to refer the situation to the National Safeguarding Officer or Local Authority. This should result in health or social care professionals making an assessment of mental capacity and/or getting the person the support they need to make decisions.

There may be times when a croquet club or coach needs to make decisions on behalf of an individual in an emergency. Decisions taken in order to safeguard an adult who cannot make the decision for themselves could include:

- Sharing information about safeguarding concerns with people that can help protect them.
- Stopping them being in contact with the person causing harm.
- Avoiding injury or getting emergency treatment.

Recording and Information Sharing

All sports organisations must comply with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

Information about concerns of abuse includes personal data. It is therefore important to be clear as to the grounds for processing and sharing information about concerns of abuse.

Processing information includes record keeping. Records relating to safeguarding concerns must be accurate and relevant. They must be stored confidentially with access only to those with a need to know.

Sharing information, with the right people, is central to good practice in safeguarding adults, but

information sharing must only ever be with those with a 'need to know'. This does **NOT** automatically include the persons spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

The purpose of Data Protection legislation is not to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation. For example:

- Anyone who has a concern about harm can make a report to an appropriate person within the same organisation.
- Case management meetings can take place to agree to co-ordinate actions by the organisation.

There are also many situations in which it is perfectly legal to share information about adult safeguarding concerns outside the organisation. Importantly personal information can be shared with the consent of the adult concerned. However, the adult may not always want information to be shared. This may be because they fear repercussions from the person causing harm or are scared that they will lose control of their situation to statutory bodies or because they feel stupid or embarrassed. Their wishes should be respected unless there are over-riding reasons for sharing information.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e. it might put them or the person making contact at further risk.
- you believe they or someone else is at risk of harm, including children.
- you believe the adult is being coerced or is under duress.
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- the adult does not have mental capacity to consent to information being shared about them.
- the person causing harm has care and support needs themselves.
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the Local Authority).

When information is shared without the consent of the adult this must be explained to them, when it is safe to do so, and any further actions should still fully include them.

If you are in doubt as to whether to share information seek advice e.g. seek advice from the National Safeguarding Officer, the Ann Craft Trust and/or contact the Local Authority and explain the situation without giving personal details about the person at risk or the person causing harm.

Any decision to share or not to share information with an external person or organisation must be recorded together with your reasons to share or not share information.

Multi-Agency Working

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

Croquet England, through the National or Federation Safeguarding Officers may need to cooperate with the Local Authority and the Police including to:

- Provide more information about the concern you have raised.
- Provide a safe venue for the adult to meet with other professionals e.g. Police/Social Workers/Advocates.
- Attend safeguarding meetings.
- Coordinate internal investigations (e.g. complaints, disciplinary) with investigations by the police or other agencies.
- Share information about the outcomes of internal investigations.
- Provide a safe environment for the adult to continue their sporting activity/ their role in the organisation.

Sources of Further Information and Support

Action on Elder Abuse

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research and collecting and disseminating information.

Tel: 020 8765 7000

Email: enquiries@elderabuse.org.uk

www.elderabuse.org.uk

Ann Craft Trust (ACT)

A national organisation providing information and advice about adult safeguarding. ACT has a specialist Safeguarding Adults in Sport and Activity team to support the sector.

Tel: 0115 951 5400

Email: Ann-Craft-Trust@nottingham.ac.uk

www.anncrafttrust.org

Men's Advice Line

For male domestic abuse survivors

Tel: 0808 801 0327

National LGBT+ Domestic Abuse Helpline

Tel: 0800 999 5428

National 24Hour Freephone Domestic Abuse Helplines

Tel: 0808 2000 247

www.nationaldahelpline.org.uk/Contact-us

Rape Crisis Federation of England and Wales

Rape Crisis was launched in 1996 and exists to provide a range of facilities and resources to enable the continuance and development of Rape Crisis Groups throughout Wales and England.

Email: info@rapecrisis.co.uk

www.rapecrisis.co.uk

Respond

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

Tel: 020 7383 0700 or 0808 808 0700 (Helpline)

Email: services@respond.org.uk

www.respond.org.uk

Stop Hate Crime

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

24 hours service:

Telephone: 0800 138 1625

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

E mail: talk@stophateuk.org

Suzy Lamplugh Trust

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

Tel: 020 83921839

Email: info@suzylamplugh.org

www.suzylamplugh.org

Victim Support

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

Tel: 0808 168 9111

www.victimsupport.com

Women's Aid Federation of England and Wales

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

www.womensaid.org.uk/information-support

References

[Adult Safeguarding Policy](#)

[Adult Safeguarding-Responding, Recording and Reporting Procedures](#)

[Adult Safeguarding-Adult Incident Report Form](#)

[Adult Safeguarding – Adult at Risk care and support needs for safe play](#)

[Safeguarding Roles and Responsibilities](#)

[Safeguarding requirement for DBS Enhanced Certificate](#)

[Safer Recruitment Procedures](#)

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