



Badminton England

**Safeguarding Adults at Risk
Policy**

Document History and Change Control

Date policy change approved by the Board of Directors	Change occurrence	Date last reviewed	Date for next review	File stored
December 2020	General update and clarification of terminology	September 2017	December 2022	

SAFEGUARDING ADULTS AT RISK POLICY

1. Introduction

- 1.1. Badminton England is committed to creating and maintaining a safe and positive environment and we accept our responsibility to safeguard the welfare of all adults involved in badminton in England in accordance with the Care Act 2014.
- 1.2. Badminton England Safeguarding Adults policy and procedures apply to all individuals involved in badminton.
- 1.3. Badminton England will encourage and support partner organisations, suppliers and sponsors to adopt and demonstrate their commitment to the principles and practice of equality as set out in this safeguarding adults policy and procedures.
- 1.4. Badminton England will work with County Badminton Associations and clubs to help them meet their obligations under this policy, detailed roles and responsibilities are noted in section 10.

2. Principles

- 2.1 The guidance given in the policy and procedures is based on the following 'Six Principles of Adult Safeguarding' which are set out in the Care Act.
 - 2.1.1 **Empowerment** - People being supported and encouraged to make their own decisions and informed consent.

"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."
 - 2.1.2 **Prevention** – It is better to take action before harm occurs.

"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."
 - 2.1.3 **Proportionality** – The least intrusive response appropriate to the risk presented.

"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."
 - 2.1.4 **Protection** – Support and representation for those in greatest need.

"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."
 - 2.1.5 **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse

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

2.1.6 **Accountability** – Accountability and transparency in delivering safeguarding.

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

- 2.2 All adults, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation, marital or transgender status¹ have the right to be protected from abuse and poor practice and to participate in an enjoyable and safe environment.
- 2.3 Badminton England will seek to ensure that our sport is inclusive and will make reasonable adjustments for any ability, disability or impairment, we will also commit to continuous development, monitoring and review.
- 2.4 The rights, dignity and worth of all adults will always be respected.
- 2.5 We recognise that ability and disability can change over time, such that some adults may be additionally vulnerable to abuse, for example those who have a dependency on others or have different communication needs.
- 2.6 We recognise that a disabled adult may or may not identify themselves or be identified as an adult ‘at risk’.
- 2.7 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 badminton, for example inappropriate behaviour of a coach, or in the wider community.
- 2.8 All allegations will be taken seriously and responded to quickly in line with Badminton England’s Safeguarding Adults Policy and Procedures.
- 2.9 Badminton England recognises the role and responsibilities of the statutory agencies in safeguarding adults and is committed to complying with the procedures of the Local Safeguarding Adults Boards.²

3. **Guidance and Legislation**

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

- The Care Act 2014
- The Protection of Freedoms Act 2012
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- The Equality Act 2010

¹ Broadly, these make up the Protected Characteristics of the Equality Act 2010. Pregnancy / maternity is also a Protected Characteristic.

² The Local Safeguarding Adults Board (LSAB) brings together local statutory and independent sector agencies working with vulnerable adults at risk of abuse. The LSAB is responsible for ensuring the Multi-Agency Safeguarding Adults Policy and Procedures are effective and prevent adults from experiencing significant harm.

- The Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Sexual Offences Act 2003
- The Human Rights Act 1998
- The Data Protection Act 1994 and 1998

4. Definitions

- 4.1 To assist working through and understanding this policy a number of key definitions need to be explained:
- 4.1.1 **Adult at Risk** is a person aged 18 or over who is in need of care and support regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect. In recent years there has been a marked shift away from using the term 'vulnerable' to describe adults potentially at risk from harm or abuse.
- 4.1.2 **Abuse** is a violation of an individual's human and civil rights by another person or persons. See section 5 for further explanations.
- 4.1.3 **Adult** is anyone aged 18 or over.
- 4.1.4 **Adult safeguarding** is protecting a person's right to live in safety, free from abuse and neglect.
- 4.1.5 **Capacity** refers to the ability to make a decision at a particular time, for example when under considerable stress. The starting assumption must always be that a person has the capacity to make a decision unless it can be established that they lack capacity (Mental Capacity Act 2005).

5. Types of Abuse and Neglect - Definitions from the Care Act 2014

- 5.1 This is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour or issue which could give rise to a safeguarding concern:
- 5.1.1 **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. In badminton this could be a player whose appearance becomes unkempt, does not wear suitable sports kit or there is a deterioration in personal hygiene.
- 5.1.2 **Modern Slavery** – 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. In badminton you may notice that a participant in a team has been missing from practice sessions and is not responding to reminders from team members or coaches and this could be an indicator of a concern.
- 5.1.3 **Domestic Abuse** – including psychological, physical, sexual, financial and emotional abuse. It also includes so called 'honour' based violence. In a badminton environment you may notice a power imbalance between a participant and a family member. For example, a participant with Down's syndrome 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.

- 5.1.4 **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. This could be the harassing of a badminton club member because they are or are perceived to be transgender³
- 5.1.5 **Organisational Abuse** – 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. You may not see an example of this within a badminton setting but it may be reported to you in your role.
- 5.1.6 **Physical Abuse** – includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions. In badminton this could be an individual intentionally striking a player.
- 5.1.7 **Sexual Abuse** – 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. This could be a fellow badminton player who sends unwanted sexually explicit text messages to a learning-disabled player they are training alongside.
- 5.1.8 **Financial or Material Abuse** – 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.
This could be someone taking money or goods from a badminton player with dementia.
- 5.1.9 **Neglect** – 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.
This could be a coach regularly depriving players of water during training.
- 5.1.10 **Emotional or Psychological Abuse** – 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.
This could be a player or coach threatening another player with physical harm and persistently blaming them for poor performance.

5.2 Not included in the Care Act 2014 but also relevant:

- 5.2.1 **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

³ Badminton England has a separate Policy and Procedure for people who are transgender and wish to play competitively. See www.badmintonengland.co.uk/equality

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.

- 5.2.2 **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 make it a criminal offence to force someone to marry.
- 5.2.3 **Mate Crime** - a 'mate crime' as defined by the Safety Net Project⁴ 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.
- 5.2.4 **Radicalisation** - the aim of radicalisation is to attract people to someone else's or a group's 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.

6. Signs and indicators of abuse and neglect

- 6.1 Abuse can take place in any context and by all manner of perpetrator. Abuse may be inflicted by anyone in the club who a player or participant comes into contact with. Club members, officials, volunteers or coaches may suspect that a player 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:
 - 6.1.1 Unexplained bruises or injuries – or lack of medical attention when an injury is present.
 - 6.1.2 Person has belongings or money going missing.
 - 6.1.3 Person is not attending / no longer enjoying their sessions.
 - 6.1.4 Someone losing or gaining weight / an unkempt appearance.
 - 6.1.5 A change in the behaviour or confidence of a person.
 - 6.1.6 The person may self-harm.
 - 6.1.7 The person may have a fear of a particular group or individual.
 - 6.1.8 They may tell you / another person they are being abused – i.e. a disclosure.

⁴ The Safety Net Project was launched in 2009 to prevent the exploitation of people with learning disabilities, more from: <http://arcuk.org.uk/safetynet/>

7. What to do if you have a concern or someone raises concerns with you.

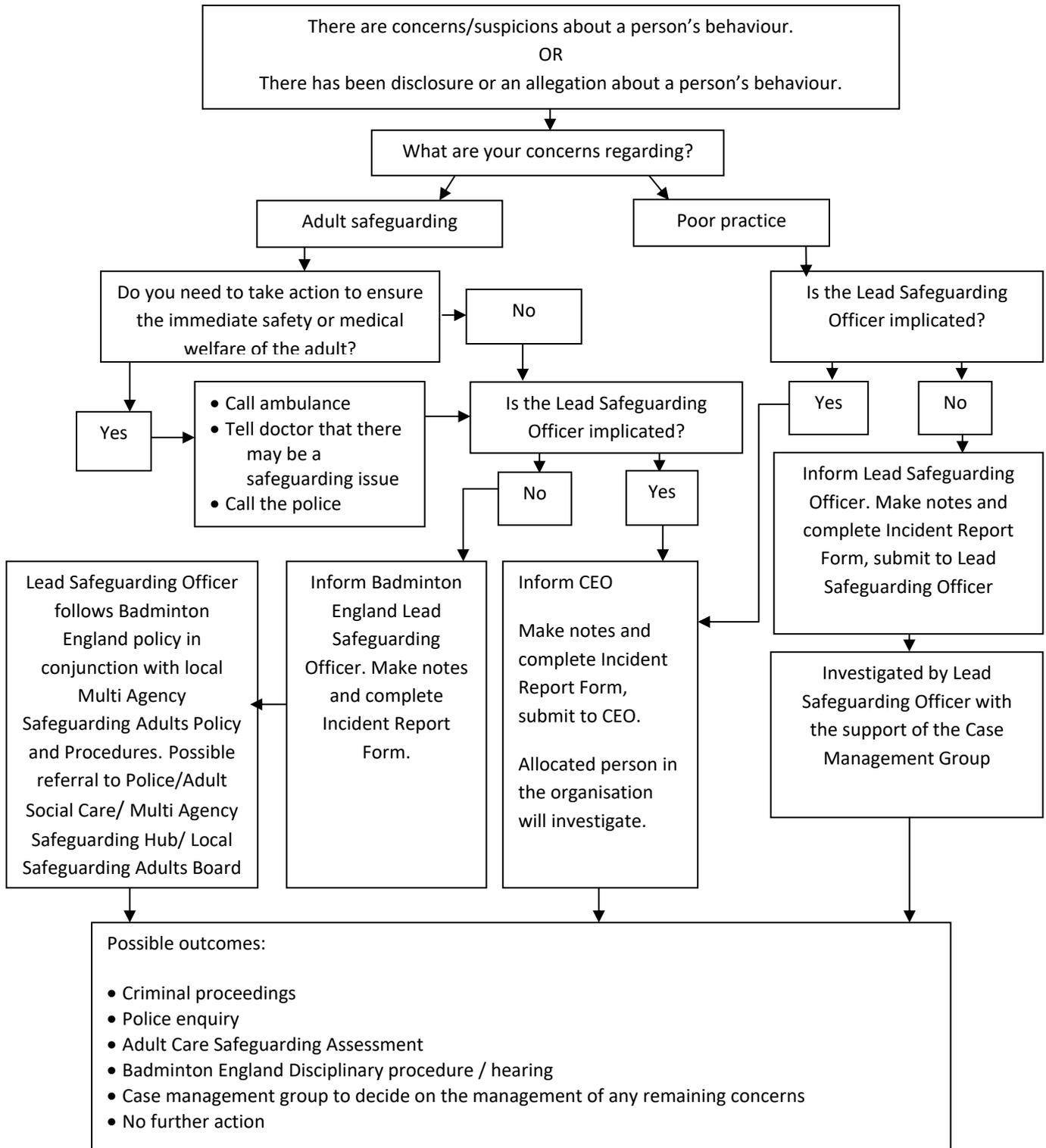
- 7.1 You may become aware that abuse or poor practice is taking place, suspect abuse or poor practice may be occurring or be told about something that may be abuse or poor practice and you must report this to the Badminton England Lead Safeguarding Officer, or, if the Lead Safeguarding Officer is implicated then report to the Badminton England CEO.
- 7.2 If you are at an international event and have a concern then speak to the coach or a team official and then report to Badminton England.
- 7.3 If you are concerned someone is in immediate danger, contact the police straight away.
- 7.4 It is important when considering your concern that you also consider the needs and wishes of the person at risk, taking into account the nature of the alert, more information on this is given in Appendix 3 'The Legislative Framework'.

8. How to Record a Disclosure

- 8.1 Make a note of what the person has said using his or her own words as soon as practicable. Complete an incident form and submit to the Badminton England Lead Safeguarding Officer, email safeguarding@badmintonengland.co.uk
- 8.2 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.
- 8.3 Describe the circumstances in which the disclosure came about.
- 8.4 Take care to distinguish between fact, observation, allegation and opinion. It is important that the information you have is accurate.
- 8.5 Be mindful of the need to be confidential at all times, this information must only be shared with the Lead Safeguarding Officer and others on a need to know basis.
- 8.6 If the matter is urgent and relates to the immediate safety of an adult at risk then contact the police immediately and inform Badminton England afterwards.

9. Safeguarding Adults Flowchart

Dealing with Concerns, Suspicions or Disclosure



Remember to involve the adult at risk throughout the process wherever possible and gain consent for any referrals to social care if the person has capacity

10. Roles and responsibilities of those within Badminton England

10.1 Badminton England is committed to having the following in place:

10.1.1 A Lead Safeguarding Officer to produce and disseminate guidance and resources to support the policy and procedures.

10.1.2 A clear line of accountability within the organisation for work on promoting the welfare of all adults.

10.1.3 Procedures for dealing with allegations of abuse or poor practice against members of staff and volunteers.

10.1.4 A Case Management Group that effectively deals with issues, manages concerns and refers to a disciplinary panel where necessary (i.e. where concerns arise about the behaviour of someone within badminton).

10.1.5 A Disciplinary Panel will be formed as required in accordance with the General Disciplinary Regulations for Badminton England.

10.1.6 Arrangements to work effectively with other organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.

10.1.7 Appropriate whistle blowing procedures and an open and inclusive culture that enables safeguarding and equality and diversity issues to be addressed.

10.2 Badminton England County Badminton Associations will be supported to:

10.2.1 Appoint a named person for safeguarding adults, using the role description provided by Badminton England and referenced at Appendix 3.

10.2.2 Adopt and understand the Badminton England Safeguarding Adults at Risk Policy.

10.2.3 Ensure that all committee members and county coaches are aware of their responsibility for safeguarding adults at risk in badminton.

10.2.4 Adhere to the Badminton England Codes of Conduct and the Badminton England Equality & Diversity Policy.

10.2.5 Ensure that all staff/coaches/volunteers working with adults are recruited according to the Badminton England recruitment guidelines this includes using coaches who are Coach Members of Badminton England. See section 11.

10.2.6 Ensure that all concerns and reported cases are managed in line with Badminton England Policy and procedures, this includes effective reporting to national level when appropriate.

10.3 Badminton England Clubs will be supported to:

10.3.1 Appoint a named person for Safeguarding Adults, using the role description provided by Badminton England and referenced at Appendix 3.

- 10.3.2 Adopt and understand the Badminton England Safeguarding Adults Policy.
- 10.3.3 Ensure that all committee members and coaches are aware of their responsibility for safeguarding adults in badminton.
- 10.3.4 Adhere to the Badminton England Codes of Conduct and the Badminton England Equality & Diversity Policy.
- 10.3.5 Ensure that all staff/ coaches/volunteers working with adults 'at risk' are recruited according to the Badminton England Recruitment Guidelines, this includes using coaches who are Coach Members of Badminton England. See section 11.
- 10.3.6 Ensure that all concerns and reported cases are managed in line with Badminton England Policy and Procedures.

11. Safer Recruitment of those working with adults at risk

- 11.1 The law relating to DBS disclosures for those working with adults and young people is different. In general coaches working with adults will not be eligible for a DBS check as they are not in Regulated Activity⁵. It is important therefore that the following is considered when delivering badminton for people who may be considered vulnerable or at risk.
- 11.2 Always use coaches that are Coach Members of Badminton England. Ask to see their coach membership card or check with coaching@badmintonengland.co.uk that they are qualified and are holding insurance to coach. Coach members will also have been DBS checked to work with children.
- 11.3 For further recruitment guidance view the information on the Badminton England website: www.badmintonengland.co.uk

12. Whistleblowing

- 12.1 All suspicions and allegations of abuse and poor practice must be taken seriously and appropriately reported. It is recognised that strong emotions can be aroused particularly where any form of abuse or poor practice is suspected or where there is loyalty, sometimes misplaced, to a colleague or someone who is known to you.
- 12.2 Individuals may be reluctant to express concerns because they fear harassment or victimisation. In these circumstances it is important to understand these feelings but not to allow them to interfere with the need to ensure that concerns are reported appropriately. Individuals reporting concerns will be supported by Badminton England.
- 12.3 Badminton England is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment, all members are encouraged to come forward and voice any concerns. It is recognised that certain cases will have to proceed on a confidential basis.

⁵ Regulated Activity with adults includes: providing healthcare, personal care, social work and assistance with people's personal affairs, whether household or financial, and driving.

- 12.4 If there is a concern about the welfare of an adult at risk or with regard to the behaviour of a person towards another, it is important that you share your concerns with the Badminton England Lead Safeguarding Officer.
- 12.5 All information will be treated in confidence and only shared on a 'need to know' basis with those individuals who will be able to manage and resolve the situation. On occasion it may be necessary to seek advice or inform the statutory agencies e.g. The Police or Local Authority Adult Services.
- 12.6 All concerns will be taken seriously and managed accordingly within the Safeguarding Adults in Badminton Policy, and / or the Badminton England Equality & Diversity Policy and / or the Badminton England Disciplinary Regulations.
- 12.7 Where an individual feels unable to report concerns internally they should contact the police, adult social care or any of the additional contacts given at the end of this document.

13. Good practice, poor practice and abuse

13.1 Introduction

It can be difficult to distinguish poor practice from abuse, whether intentional or accidental. It is not the responsibility of any individual involved in badminton to make judgements regarding whether or not abuse is taking place, however, all Badminton England personnel have the responsibility to recognise and identify poor practice and potential abuse, and act on this if they have concerns.

13.2 Good practice

13.2.1 Everyone should:

- Aim to make the experience of badminton fun and enjoyable.
- Promote fairness and playing by the rules.
- Not tolerate the use of prohibited or illegal substances.
- Treat all adults equally and preserve their dignity; this includes giving more and less talented members of a group similar attention, time and respect.

13.2.2 Badminton England expects that coaches of adult players:

- Adopt and endorse the Badminton England Coaches Codes of Conduct.
- Have completed a course in basic awareness in working with Adults at Risk.
- Are Coach Members of Badminton England.

13.2.3 Coaches and those working directly with adults at risk should:

- Respect the developmental stage of each player and not risk sacrificing their welfare in a desire for team or personal achievement.
- Ensure that the training intensity is appropriate to the physical, social and emotional stage of the development of the player.
- Work with adults at risk, medical advisers and their carers (where appropriate) to develop realistic training and competition schedules which are suited to the needs and lifestyle of the players, not the ambitions of others such as coaches, team members, parents or carers.
- Build relationships based on mutual trust and respect, encouraging adults at risk to take responsibility for their own development and decision-making.

- Always be publicly open when working with adults at risk:
 - Avoid coaching sessions or meetings where a coach and an individual player are completely unobserved.
- Avoid unnecessary physical contact with people. Physical contact (touching) can be appropriate so long as:
 - It is neither intrusive nor disturbing.
 - The player's permission has been openly given.
 - It is delivered in an open environment.
 - It is needed to demonstrate during a coaching session.
- Maintain a safe and appropriate relationship with players and must not form intimate relationships with players you are working with
- Be an excellent role model by maintaining appropriate standards of behaviour.
- Gain the adult at risk consent and, where appropriate, the consent of relevant carers, in writing, to administer emergency first aid or other medical treatment if the need arises.
- Be aware of medical conditions, disabilities, existing injuries and medicines being taken and keep written records of any injury or accident that occurs, together with details of treatments provided.
- Ensure that someone with current knowledge of emergency first aid is available at all times.
- Gain written consent from the correct people and fill out relevant checklists and information forms for travel arrangements and trips. This must be the adult themselves if they have capacity to do so.

13.3 Poor practice

13.3.1 The following are regarded as poor practice and should be avoided:

- Unnecessarily spending excessive amounts of time alone with an individual person.
- Engaging in rough, physical or sexually provocative games, including horseplay.
- Allowing or engaging in inappropriate touching of any form.
- Using language that might be regarded as inappropriate by the adult and which may be hurtful or disrespectful.
- Making sexually suggestive comments, even in jest.
- Reducing a player to tears as a form of control.
- Letting allegations go unrecorded, or not acted upon.
- Taking an adult at risk alone in a car on journeys, however short.
- Inviting or taking an adult at risk to your home or office where they will be alone with you.
- Sharing a room with an adult at risk.
- Doing things of a personal nature that adults at risk can do for themselves.

If, during your care, an adult at risk suffers any injury, seems distressed in any manner, appears to be sexually aroused by your actions, or misunderstands/misinterprets something you have done, report these incidents as soon as possible to another adult in the badminton network and make a brief written note of it.

14. Relevant Policies.

This policy should be read in conjunction with the following Badminton England policies:

- Badminton England Codes of Conduct & Ethics
- Badminton England Disciplinary Regulations
- Equality & Diversity Policy

Available from the Badminton England website: www.badmintonengland.co.uk

15. Further Supporting Information

Ann Craft Trust - Safeguarding Adults in Sport and Activity:

Website: www.anncrafttrust.org

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

Telephone: 0115 951 5400

Section 4 - Abuse type(s) – please tick as many as you feel may apply		
Physical	Psychological	Financial
Sexual	Discriminatory	Organisational (formerly institutional)
Neglect	Hate incident/crime	Mate Crime
Internet abuse	Modern slavery	Female genital Mutilation (FGM)
Forced Marriage	Domestic abuse	Radicalisation
Self-Neglect		
Section 5 - Have you discussed your concerns with the adult? What are their views, what outcomes have they stated they want (if any)?		
Section 5A – Reasons for not discussing with the adult		
Adult lacks capacity		
Adult unable to communicate their views		
Discussion would increase the risk		
State why the risks would increase		
Section 5B - Have you discussed your concerns with anyone else? E.g. carer/ parent. What are their views?		

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Section 6 – What action have you taken /agreed with the adult to reduce the risks?	
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Information passed to Safeguarding Officer, confirm details:	Referral to Social Care Confirm details:
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Contact with the police Confirm details:	Referral to other agency – please confirm details:
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Other – please state what

No action agreed – state why

Section 7 – Risk to others

Are any other adults at risk Yes/No – delete as appropriate
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If yes state why and what actions have been taken to address these?

Are any children at risk Yes/No Delete as appropriate
--

If yes state why and what actions have been taken to address these?

Signed:

Date:

OFFICE USE ONLY

Section 8 – sharing the concerns (To be completed by Lead Safeguarding Officer)

Details of your contact with the adult at risk. Have they consented to information being shared outside of badminton?

Details of contact with the Social Care Team where the adult at risk lives – advice can be still sought without giving personal details if you do not have consent for a referral

Details of any other agencies contacted

Details of the outcome of this concern

Appendix 2

Further information and guidance

Making Safeguarding Personal

There has been a cultural shift towards Making Safeguarding Personal within the safeguarding process. This is a move from prioritising outcomes demanded by bureaucratic systems. The safeguarding process used to involve gathering a detailed account of what happened and determining who did what to whom. Now the outcomes are defined by the person at the centre of the safeguarding process.

The safeguarding process places a stronger emphasis on achieving satisfactory outcomes that take into account the individual choices and requirements of everyone involved.

“What good is it making someone safer if it merely makes them miserable?” – Lord Justice Mundy, “What Price Dignity?” (2010)

What this means in practice is that adults should be more involved in the safeguarding process. Their views, wishes, feelings and beliefs must be taken into account when decisions are made.

The Care Act 2014 builds on the concept, stating that “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.”

However, the Act is also clear that there are key issues that should be taken into account when abuse or neglect are suspected, and that there should be clear guidelines regarding this.

<https://www.local.gov.uk/topics/social-care-health-and-integration/adult-social-care/making-safeguarding-personal>

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:

- You should not discriminate or make assumptions about someone's ability to make decisions, and you should not pre-empt a best-interests 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.

Consent and Information Sharing

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. As long as 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 local safeguarding adults board policy and procedures.

To make an adult safeguarding referral you need to call the local safeguarding adults team. This may be part of a MASH (*Multi-Agency Safeguarding Hub*). A conversation can be had with the safeguarding adults 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 adults team for a number of reasons. Reassurance, appropriate support and revisiting the issues at another time may help to change their view on whether it is best to share information.

If they still do not consent, then their wishes should usually be respected. However, there are circumstances where information can be shared without consent such as when the adult does not have the capacity to consent, 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.

If someone does not want you to share information outside of the organisation or you do not have consent to share the information, ask yourself the following questions:

- Is the adult placing themselves at further risk of harm?
- Is someone else likely to get hurt?
- Has a criminal offence occurred? This includes: theft or burglary of items, physical abuse, sexual abuse, forced to give extra money for lessons (financial abuse) or harassment.
- Is there suspicion that a crime has occurred?

If the answer to any of the questions above is 'yes' - then you can share without consent and need to share the information.

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

1. Seek advice if in any doubt
2. 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.
3. Consider the public interest - Base all decisions to share information on the safety and well-being of that person or others that may be affected by their actions.
4. Share with consent where appropriate - Where possible, respond to the wishes of those who do not consent to share confidential information. You may still share information without consent, if this is in the public interest.
5. Keep a record - Record your decision and reasons to share or not share information.

6. Accurate, necessary, proportionate, relevant and secure - Ensure all information shared is accurate, up-to-date and necessary, and share with only those who need to have it.
7. Remember the purpose of the Data Protection Act (DPA) is to ensure personal information is shared appropriately, except in circumstances where by doing so may place the person or others at significant harm.

Appendix 3

Legislation and Government Initiatives underpinning safeguarding adults

Sexual Offences Act 2003

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

The Sexual Offences Act introduced a number of new offences concerning vulnerable adults and children. www.opsi.gov.uk

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

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/dbs-update-service

The 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.

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.

Appendix 4

Role Description, Safeguarding Adults Welfare Officer (Club / county)

Purpose of the Role

- To ensure the adoption and implementation of Badminton England's Safeguarding Adults Policy and Procedures at county / club level.
- To act as the main point of contact for anyone with an adult safeguarding concern within badminton in your county / club.
- To refer all issues regarding cases of lower level concerns, poor practice and abuse to the Badminton England Lead Officer for Safeguarding Adults

Reports to: Badminton England Ethics & Compliance Manager

Main tasks

- Act as local / county point of contact for internal and external individuals / agencies with respect to safeguarding adults.
- To implement Badminton England's Safeguarding Adults plan in the county / club with the support of the Badminton England lead officer.
- Keep up to date with own knowledge and skills and receive appropriate training as directed by the Badminton England lead officer.

Core Knowledge and Skills

Knowledge

- Key legislation, government guidance and the national framework for adult safeguarding
- Role and responsibilities of statutory agencies and Local Safeguarding Adult Boards
- Behaviour that is harmful to adults 'at risk' – thresholds from lower level concerns to poor practice and abusive behaviour
- Badminton England's policy and procedures relating to safeguarding adults
- Core values / principles of work with adults at risk
- Equality and Diversity and how this impacts on adults at risk, independence and inclusive work practices.

Skills

- Administration and systems (records) management
- Communication skills