



GUERNSEY
SAILING
TRUST

**Safeguarding Adults
Policy and
Guidelines**



Introduction

Who could be regarded as an 'adult at risk' or 'vulnerable adult'?

Revised Jan 2019

In recent years there has been a shift away from using the term 'vulnerable', which can be perceived as a disempowering term, to describe adults who are potentially at risk of harm or abuse (for more information on types of abuse, see Appendices).

The term 'Adult at Risk' as defined by the Care Act 2014¹ applies to people aged 18 or over who are in need of care or support, regardless of whether they are receiving them, and because of those needs are unable to protect themselves against abuse or neglect.

There are also adults 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. Adults at risk may include individuals who are vulnerable as a consequence of their role as a carer.

All of us could be regarded as being at risk or vulnerable at certain times in our lives, for example when undergoing medical treatment or experiencing a period of mental ill-health. Equally, not all people with a disability would identify themselves as being vulnerable or at risk at all times.

In a sailing and boating context, clubs and centres 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 sail independently but need some assistance getting afloat, 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 the site and when getting on board, and sail with sighted crew
- 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 (see Mental Capacity below) to make independent decisions or to assess risk
- people who are on the autism/Asperger spectrum
- people who are experiencing mental illness

Mental capacity and consent

Revised April 2017

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 they have the capacity to make a decision and have the right to do so. If there is an allegation or concern about an adult who has capacity, **their consent must be obtained** before any referral is made, unless others are at risk of harm. No information should be given to the adult's family or carers without their consent.

¹The Care Act 2014 only applies to local authorities in England. Social Care in Scotland, Wales and Northern Ireland is a devolved matter. However the principles of good practice set out in this document apply throughout the UK.

If the adult does not have capacity and is unable to give consent, a referral may be made and their family or carers informed, provided that they are involved in the individual's life and are not implicated in the allegation.

Mental capacity refers to the ability to make a decision at a particular time. The term 'lacks capacity' means that a person is unable to make a particular decision or take a particular action for themselves at a particular point in time – although they may still be able to express an opinion or preference or take a less complex decision.

Under the Mental Capacity Act 2005² a person lacks capacity to make a decision if they have an 'impairment of or disturbance in the function of their mind or brain' (either temporary or permanent), and as a result they cannot do **one or more** of the following:

- Understand the information relating to this particular decision (including its benefits and risks)
- Retain the information for long enough to make this decision
- Weigh up the information involved in making this decision
- Communicate their decision in any way.

The Act also says that:

- A person is not to be treated as unable to make a decision unless all practical steps to help him/her to do so have been taken without success
- A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision
- An act carried out or decision made, for or on behalf of a person who lacks capacity must be undertaken, or made, in their best interests
- Before the act is carried out, or the decision is made, regard must be paid to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action

² England and Wales only. In Scotland the relevant legislation is the Adults with Incapacity (Scotland) Act 2000 and in Northern Ireland the Mental Capacity Act Northern Ireland 2016.

POLICY STATEMENTS

Guernsey Sailing Trust Safeguarding Adults Policy Statement

The Guernsey Sailing Trust is committed to safeguarding adults at risk taking part in its activities from physical, sexual, psychological, financial or discriminatory abuse or neglect. We recognise that everyone, irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity, marriage or civil partnership or social status, has a right to protection from discrimination and abuse.

The Guernsey Sailing Trust takes all reasonable steps to ensure that, through safe recruitment, appropriate operating procedures and training, it offers a safe environment to adults at risk participating in its activities. All participants will be treated with dignity and respect.

All staff and volunteers should be aware of the policy.

Welfare Officers

The GST Welfare Officers are:

Sarah Creasey: sarah@sailingtrust.org.gg; 07781 421003

Chris Taylor: chris@sailingtrust.org.gg; 07781 465008

Mike Higgins: mike.higgins@cwgsy.net; 01481 235409

Staff and Volunteers

All adult members of staff that take part in regulated activities with adults (in accordance with the DBS) will be required to provide an enhanced Criminal Records Disclosure, with Barred List check, if appropriate, and if the work undertaken meets the requirements of the DBS.

All Dinghy Instructors are required to complete and pass the RYA Safe and Fun (Safeguarding) course. Instructors not known to the Trust will also be asked to provide references.

Concerns

Anyone who is concerned about the welfare of an adult, either outside the sport or within the GST, should inform one of the Welfare Officers immediately, in strict confidence. The Welfare Officer will follow the attached procedures (*see Flowcharts 1 and 2*). Anyone failing to comply with the Safeguarding Adults policy and any relevant Codes of Conduct may be subject to disciplinary action.

Good Practice

The GST aims to develop a culture within our organisation where both children and adults feel able to raise concerns, knowing that they will be taken seriously, treated confidentially and will not make the situation worse for themselves or others.

These common sense guidelines should be followed by everyone within the GST:

- Always communicate clearly in whatever way best suits the individual and check their understanding and expectations
- Always try to work in an open environment in view of others
- Avoid spending any significant time working with children or vulnerable adults in isolation
- Do not take a child or vulnerable person alone in a car, however short the journey, unless you are certain that the individual has the capacity to decide to accept a lift or permission by a parent/guardian has been granted
- Do not take a child or vulnerable person to your home as part of your organisation's activity
- *Where any of these are unavoidable, ensure that it only occurs with the full knowledge and consent of someone in charge of the organisation or the person's carers*
- Design training programmes that are within the ability of the individual
- If you need to help someone with a wetsuit or buoyancy aid or provide physical assistance or support, make sure you are in full view of others
- Take great care with communications via mobile phone, e-mail or social media that might be misunderstood or shared inappropriately. In general, only send group communications about organisational matters using these methods. If it's essential to send an individual message to a person who has a learning disability or other impairment that might affect their understanding, copy it to their carer. For more information see E-safety code of conduct in further information section.

You should never:

- engage in rough, physical or sexually provocative games or activities
- allow or engage in inappropriate touching of any form
- use inappropriate language
- make sexually suggestive comments, even in fun
- fail to respond to an allegation made by a vulnerable person; always act
- do things of a personal nature that the person can do for themselves.

It may sometimes be necessary to do things of a personal nature to help someone with a physical or learning disability. These tasks should only be carried out with the full understanding and consent of both the individual (where possible) and their carers. In an emergency situation which requires this type of help, if the individual lacks the capacity to give consent, carers should be fully informed. In such situations it is important to ensure that anyone present is sensitive to the individual and undertakes personal care tasks with the utmost discretion.

Changing rooms and showers

If it is essential, in an emergency situation, for a male to enter a female changing area or vice versa, it is advised that they are accompanied by another adult of the opposite sex.

First aid and medical treatment

First aid, provided by an appropriately trained and qualified person, is part of an organisation's normal duty of care. If the individual lacks the capacity to give consent, and medication or medical treatment may be required in the absence of their carer, obtain prior consent from the carer.

PROCEDURES

Designated Person

All concerns should be passed over to one of the GST Welfare Officers.

Sarah Creasey: sarah@sailingtrust.org.gg; 07781 421003

Chris Taylor: chris@sailingtrust.org.gg; 07781 465008

Mike Higgins: mike.higgins@cwgsy.net; 01481 235409

The GST Welfare Officers are responsible for:

- Maintaining up-to-date policy and procedures, compatible with the RYA's
- Ensuring that relevant staff and/or volunteers are aware of and follow the procedures, including implementing safe recruitment procedures
- Advising the management committee on safeguarding and protection issues

If there is a concern, the Welfare Officers would:

- Be the first point of contact for any concerns or allegations, from children or adults, ensuring that confidentiality is maintained in all cases
- Decide on the appropriate action to be taken, in line with the organisation's procedures and in conjunction with the person in charge (Principal, General Manager etc.)
- Keep the RYA informed as necessary (see Flowcharts 1 and 2)
- Record the appropriate information in the referral form (see form 1)

RYA designated person

The RYA's Safeguarding and Equality Manager can be contacted on 023 8060 4104 or E-mail safeguarding@rya.org.uk

Useful Contacts

Royal Yachting Association

Safeguarding and Equality Manager

RYA House, Ensign Way

Hamble

Southampton

SO31 4YA

Tel: 023 8060 4104

E-mail: safeguarding@rya.org.uk

Website: www.rya.org.uk/go/safeguarding

Guernsey

Guernsey Police: Multi-Agency Support Hub (MASH): 01481

723182 Health and Social Services Guernsey: 01481 725241

Out of hours emergency duty social worker:

Joint Emergency Services Control Centre

Tel: 01481 725111

Guernsey MIND – mental health charity

Tel: 01481 722959

Website: www.guernseymind.org.gg

SportsCoach UK

Provide training on coaching people with disabilities Website:

www.sportscoachuk.org/workshops/workshop-search

APPENDICES

What is abuse?

Revised April 2018

(Based on the statutory guidance supporting the implementation of the Care Act 2014)

Abuse is a violation of an individual's human and civil rights by another person or persons.

Adults at risk may be abused by a wide range of people including family members, professional staff, care workers, volunteers, other service users, neighbours, friends, and individuals who deliberately exploit vulnerable people. Abuse may occur when an adult at risk lives alone or with a relative, within nursing, residential or day care settings, hospitals and other places assumed to be safe, or in public places.

The following is not intended to be an exhaustive list of types of abuse or exploitation but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern:

Physical abuse - including assault, hitting, slapping, pushing, misuse of medication, restraint, or inappropriate physical sanctions.

Domestic violence – including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence. This won't happen at a club/centre, but there could be concerns about a participant's home situation.

Sexual abuse - including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjections 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.

Psychological abuse - including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or unreasonable and unjustified withdrawal from services or supportive networks. In a club context this might include excluding a member from social activities.

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. People with learning disabilities or dementia are particularly vulnerable to this type of abuse. An example might be encouraging someone to book and pay for training courses that are inappropriate for their level of ability, or to purchase sailing clothing or equipment they don't need.

Discriminatory abuse - including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.

Neglect and acts of omission - including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating; or in a watersports context, failing to ensure that the person is adequately protected from the cold or sun or properly hydrated while on the water.

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. Self-neglect might indicate that the person is not receiving adequate support or care, or could be an indication of a mental health issue such as depression.

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.

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.

Not included in the Care Act 2014 but also relevant:

Bullying (including 'cyber bullying' by text, e-mail, social media etc) - may be seen as deliberately hurtful behaviour, usually repeated or sustained over a period of time, where it is difficult for those being bullied to defend themselves. The bully may be another vulnerable person. Although anyone can be the target of bullying, victims are typically shy, sensitive and perhaps anxious or insecure. Sometimes they are singled out for physical reasons – being overweight, physically small, having a disability - or for belonging to a different race, faith or culture.

Mate Crime – a 'mate crime' as defined by the Safety Net Project is 'when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. It may not be an illegal act but still has a negative effect on the individual'. Mate Crime is carried out by someone the adult knows. There have been a number of serious cases relating to people with a learning disability who were seriously harmed by people who purported to be their friends.

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

Recognising abuse

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Patterns of abuse vary and include:

- Serial abusing in which the perpetrator seeks out and 'grooms' individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse
- Long-term abuse in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse; or
- Opportunistic abuse such as theft occurring because money or valuable items have been left lying around

Signs and indicators that may suggest someone is being abused or neglected include:

- Unexplained bruises or injuries – or lack of medical attention when an injury has occurred
- Someone losing or gaining weight, or an unkempt appearance
- A change in behaviour or confidence
- Self-harming
- A person's belongings or money go missing
- The person is not attending, or no longer enjoying, their sessions
- A person has a fear of a particular group or individual
- A disclosure – someone tells you or another person that they are being abused

If you are concerned

Revised Feb 2020

If there are concerns about abuse taking place in the person's home, talking to their carers might put them at greater risk. If you cannot talk to the carers, consult your organisation's designated Welfare Officer or the person in charge. It is this person's responsibility to make the decision to contact Adult Social Care Services. It is NOT their responsibility to decide if abuse is taking place, BUT it is their responsibility to act on your concerns.

Social care professionals involved in taking decisions about adults at risk must take all of the circumstances into account and act in the individual's best interests. You are not expected to be able to take such decisions. The following six principles inform the way in which professionals and other staff in care and support services and other public services in England and Wales work with adults:

- **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

Local authorities in England act in accordance with the principles set out in the guide 'Making Safeguarding Personal' 2014. Adult safeguarding should be person led and outcome focussed. The person 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.

Some instances of abuse will constitute a criminal offence, for example assault, sexual assault and rape, fraud or other forms of financial exploitation and certain forms of discrimination. This type of abuse should be reported to the Police.

RYA Instructor Code of Conduct Revised Feb 2014

RYA Instructor Code of Conduct for RYA Instructors, Coach Assessors, Trainers and Examiners

This document outlines the code of conduct under which all holders of RYA instructor qualifications and RYA training appointments (hereafter referred to as instructors) are required to comply. The code of conduct is intended to make clear to all participants, instructors and RYA appointment holders the high standards to which all are expected to conform. Instructors must:

- If working with people under the age of 18, read and understand the Child Protection Policy as detailed on the RYA website at www.rya.org.uk
- Respect the rights, dignity and worth of every person and treat everyone equally within the context of their sport.
- Place the wellbeing and safety of the student above the development of performance or delivery of training.
- They should follow all guidelines laid down by the RYA with regards specific training or coaching programmes.
- Hold appropriate insurance cover either individually or through the training centre in which they are working.
- Not develop inappropriate working relationships with students (especially children). Relationships must be based on mutual trust and respect and not exert undue influence to obtain personal benefit or reward.
- Encourage and guide students to accept responsibility for their own behaviour and performance.
- Hold relevant up to date governing body qualifications as approved by the RYA. · Ensure that the activities they direct or advocate are appropriate for the age, maturity, experience and ability of the individual.
- At the outset, clarify with students (and where appropriate their parents) exactly what is expected of them and what they are entitled to expect.
- Always promote the positive aspects of the sport (eg courtesy to other water users).
- Consistently display high standards of behaviour and appearance.
- Not do or neglect to do anything which may bring the RYA into disrepute.
- Act with integrity in all customer and business to business dealings pertaining to RYA training. · Not teach or purport to provide RYA courses or RYA certification outside of the framework of an RYA recognised training centre
- Notify the RYA immediately of any court imposed sanction that precludes the instructor from contact with specific user groups (for example children and vulnerable adults).
- Not carry out RYA training, examining or coaching activities whilst under the influence of alcohol or drugs.

Failure to adhere to the RYA Instructor Code of Conduct may result in the suspension or withdrawal of RYA qualifications or appointments.

RYA Coach Code of Ethics and Conduct Revised Dec 2018

Sports Coaching helps the development of individuals through improving their performance. This is achieved by:

1. Identifying and meeting the needs of individuals.
2. Improving performance through a progressive programme of safe, guided practice, measured performance and/or competition.
3. Creating an environment in which individuals are motivated to maintain participation and improve performance.

Coaches should comply with the principles of good ethical practice listed below.

1. All RYA Coaches working with sailors under the age of 18 must have read and understood the RYA Child Protection Policy as detailed on the RYA website at www.rya.org.uk/go/safeguarding. If you are unable to access the website please contact coachingdevelopment@rya.org.uk
2. Coaches must respect the rights, dignity and worth of every person and treat everyone equally within the context of their sport.
3. Coaches must place the well-being and safety of the sailor above the development of performance. They should follow all guidelines laid down by the RYA, follow Operating Procedures and hold appropriate insurance cover.
4. Coaches must develop an appropriate working relationship with sailors based on mutual trust and respect. Coaches must not exert undue influence to obtain personal benefit or reward. In particular they must not abuse their position of trust to establish or pursue a sexual relationship with a sailor aged under 18, or an inappropriate relationship with any sailor.
5. Coaches must encourage and guide sailors to accept responsibility for their own behaviour and performance.
6. Coaches must hold up to date and nationally recognised governing body coaching qualifications.
7. Coaches must ensure that the activities they direct or advocate are appropriate for the age, maturity, experience and ability of the individual.
8. Coaches must, at the outset, clarify with sailors (and where appropriate their parents) exactly what is expected of them and what sailors are entitled to expect from their coach. A contract may sometimes be appropriate.
9. Coaches must co-operate fully with other specialists (eg. other coaches, officials, sports scientists, doctors, physiotherapists) in the best interests of the sailor.
10. Coaches must always promote the positive aspects of their sport (eg. fair play) and never condone rule violations or the use of prohibited substances.
11. Coaches must consistently display high standards of behaviour and appearance.
12. Coaches must notify the RYA immediately of any court imposed sanction that precludes the coach from contact with a specific user group (eg. children and vulnerable adults).
13. Coaches must not carry out coaching activities whilst under the influence of alcohol or drugs, or when they have received medical advice not to continue activities that are connected with their coaching (eg. driving).
14. Coaches must not behave in a way which brings the sport into disrepute.

Failure to adhere to the RYA Coach Code of Conduct may result in the suspension or withdrawal of RYA qualifications or appointments and will be dealt with in line with the RYA Coaches' Performance Guidelines. To access these Guidelines please contact coachingdevelopment@rya.org.uk