



GUERNSEY
SAILING
TRUST

Safeguarding Adults Policy and Guidelines



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Introduction

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

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).

In the Bailiwick of Guernsey safeguarding practice is informed by the principles of the Capacity (Bailiwick of Guernsey) Law, 2020. For the purposes of this policy, an 'Adult at Risk' refers to a person aged 18 or over who may have needs relating to disability, illness, mental health, age or other circumstances and who may require support to protect themselves from abuse, neglect or exploitation.

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, 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

Adults may also be at increased risk because of specific circumstances such as domestic abuse, coercion, exploitation or their role as a carer.

Mental capacity and consent

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. This principle is set out in the Capacity (Bailiwick of Guernsey) Law, 2020.

If there is an allegation or concern about an adult who has capacity, their consent should normally be obtained before any safeguarding referral or information sharing takes place, unless there is a risk of harm to others, a criminal offence may have occurred, or there is a clear public protection reason to share information.

If there are reasonable grounds to believe that an adult lacks capacity to make a specific decision, actions may be taken in their best interests in accordance with the Capacity (Bailiwick of Guernsey) Law, 2020. In these circumstances a safeguarding referral may be made and relevant professionals, family members or carers informed, provided they are not implicated in the concern.

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 Capacity (Bailiwick of Guernsey) Law, 2020, a person may lack capacity to make a specific decision if, because of an impairment or disturbance in the functioning of the mind or brain (whether temporary or permanent), they are unable to:

- 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 Capacity (Bailiwick of Guernsey) Law, 2020 is based on the following principles:

- All practicable steps must be taken to support a person to make their own decision before concluding they lack capacity
- 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

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 safer 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; 01481 710877 / 07781 421003

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

Staff and Volunteers

The GST will follow the Guernsey Sailing Trust Safer Recruitment Policy.

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.

All 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.

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

Handling concerns, reports or allegations

A complaint, concern or allegation may come from a number of sources: the adult at risk, their carers, someone else within your organisation. It may involve the behaviour of a volunteer or employee, or something that has happened to the person outside the sport. Vulnerable people may confide in someone they trust, in a place where they feel at ease.

An allegation may range from mild verbal bullying to physical or sexual abuse. It can be difficult to distinguish poor practice, whether intentional or accidental, from abuse. If you are concerned that an adult at risk may be being abused, it is NOT your responsibility to decide whether it is poor practice or abuse, or to investigate further, BUT it is your responsibility to act on your concerns. For guidance on recognising abuse, see Appendices.

If there is an allegation or concern about an adult at risk who has capacity (see Introduction), **their consent must be obtained** before any referral is made, unless others are also at risk of harm. No information should be given to the adult's family or carers without their consent.

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.

Handling an allegation from an adult at risk

Always:

- stay calm – ensure that the person is safe and feels safe
- show and tell the person that you are taking what he/she says seriously
- reassure the person and stress that he/she is not to blame
- be careful about physical contact, it may not be what the person wants
- be honest, explain that you will have to tell someone else to help stop the alleged abuse make a record of what the person has said as soon as possible after the event, using their own words
- follow your organisation's safeguarding procedures

Never:

- rush into actions that may be inappropriate
- make promises you cannot keep (eg. you won't tell anyone)
- ask leading questions (see 'Recording and handling information' below)
- take sole responsibility – consult someone else (ideally the designated Welfare Officer or the person in charge or someone you can trust) so that you can begin to protect the adult at risk and gain support for yourself

You may be upset about what the person has said or you may worry about the consequences of your actions. However, one thing is certain – you cannot ignore it. 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 make such decisions.

Recording and handling information

If you suspect that an adult at risk may have been the subject of any form of physical, emotional or sexual abuse or neglect, the allegation must be referred as soon as possible to the GST Welfare Officer, who will speak to Adult Social Care who have trained experts to handle such cases. Do not start asking leading questions which may jeopardise any formal investigation.

A leading question is where you suggest an answer or provide options that only need a 'yes' or 'no' answer, instead of allowing the person to explain things in their own words. An example would be asking 'did X hit you?' instead of 'how did you get that bruise?'. Use open questions such as 'what happened next?'. Only ask questions to confirm that you need to refer the matter to someone else. If the person has difficulty communicating, ask them if they would like someone there to assist or interpret, but do not assume that they want their regular carer present.

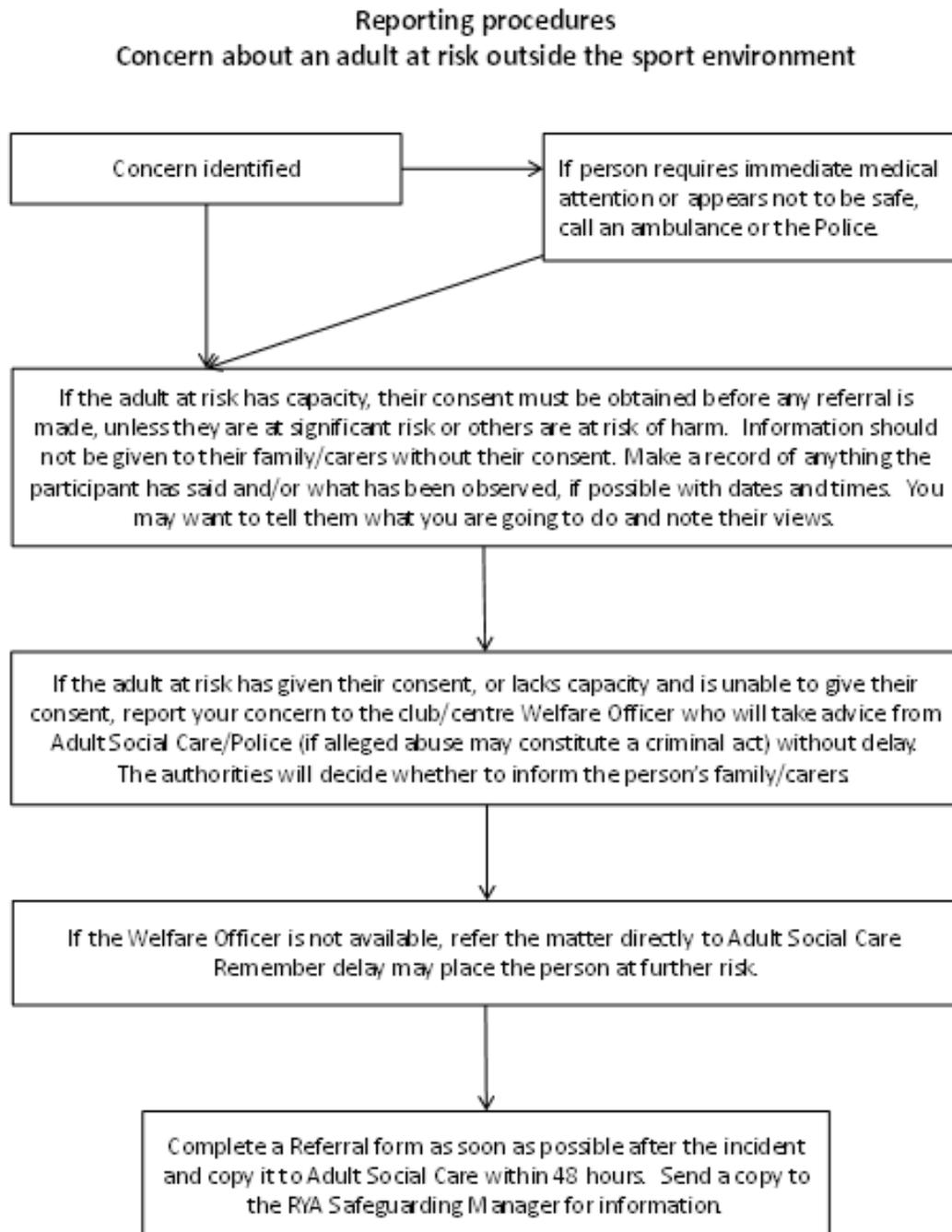
Listen to and keep a record of anything the person tells you or that you have observed and, with their consent where possible, pass the information on to the statutory authorities (see Referral Form below). Take care to distinguish between fact, observation, allegation and opinion. It is important that the information is accurate.

All information must be treated as confidential and only shared with those who need to know. If the allegation or suspicion concerns someone within the GST, only the person's carers, the GST Welfare Officers, the person in charge of the GST (unless any of them are the subject of the allegation), the relevant authorities and the RYA Safeguarding Manager should be informed. If the alleged abuse took place outside the sport, Adult Social Care will decide who else needs to be informed. It should not be discussed by anyone within the organisation other than those who received or initiated the allegation and, if different, the person in charge.

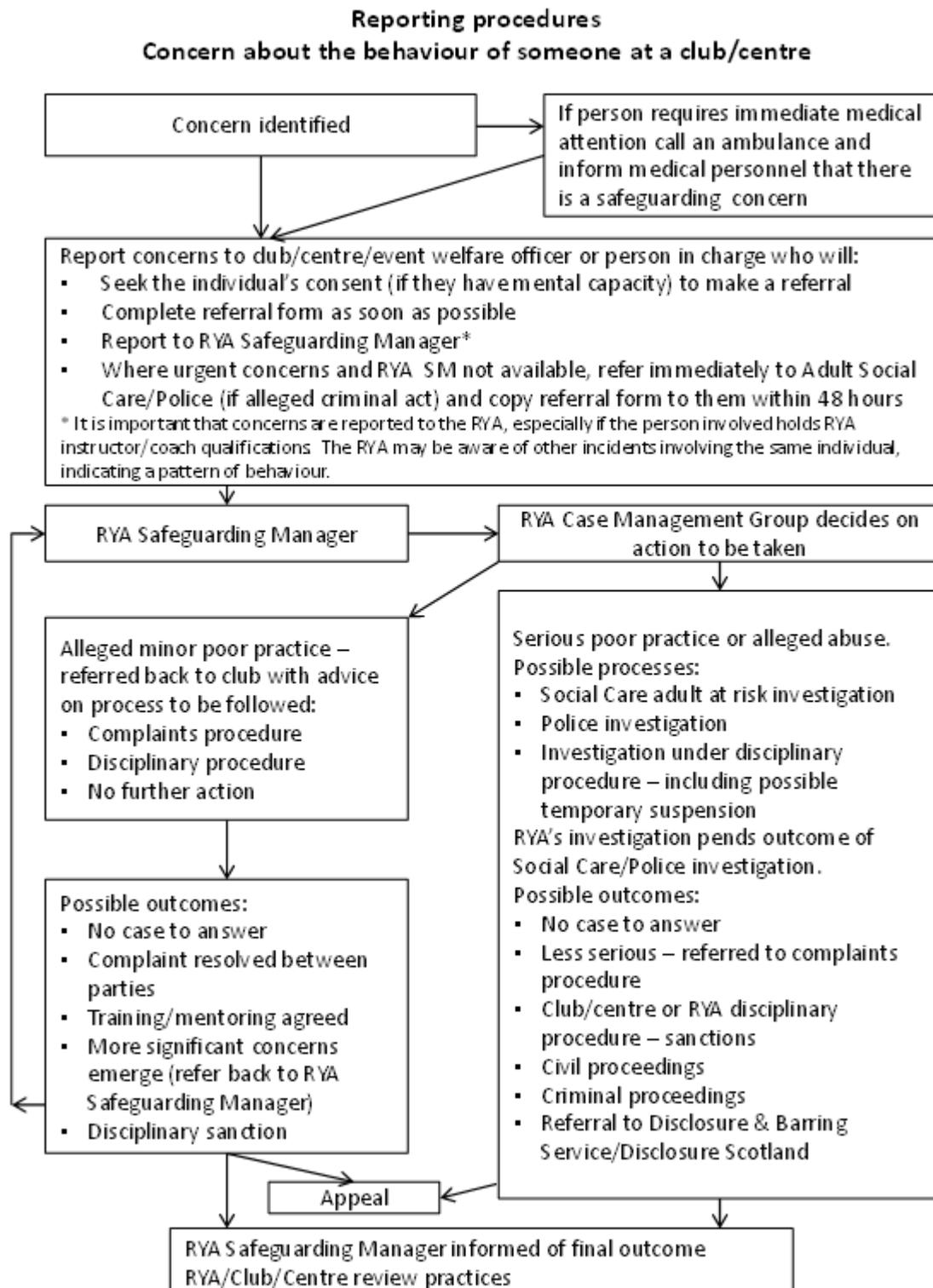
Handling the media

If there is an incident at your premises which attracts media interest, or if you are contacted by the media with an allegation concerning one of your members or employees, do not give any response. All media enquiries should be passed onto one of the Welfare Officers.

Flowchart 1: Concern about an adult at risk outside the sport environment



Flowchart 2: Concern about the behaviour of someone at a club/centre



Safeguarding referral form

| | |
|---|--|
| Date and time of incident | |
| Name and position of person about whom report, complaint or allegation is made | |
| Name and age (if known) of adult at risk involved | |
| Name of club or organisation | |
| Nature of incident, complaint or allegation (continue on separate page if necessary) | |
| Action taken by organisation (continue on separate page if necessary) | |
| If Adult Social Care or Police contacted, name, position and telephone number of person handling case | |
| Name, organisation and position of person completing form | |
| Contact telephone number and e-mail address | |
| Signature of person completing form | |
| Date and time form completed | |
| Name and position of organisation's welfare officer or person in charge (if different from above) | |
| Contact telephone number and e-mail address | |

This form should be copied, marked 'Private and Confidential', to the RYA Safeguarding and Equality Manager, Jackie Reid, RYA House, Ensign Way, Hamble, Southampton, SO31 4YA, e-mail safeguarding@rya.org.uk and to the statutory authorities (if they have been informed of the incident) within 48 hours of the incident.

APPENDICES

What is abuse?

(This section reflects recognised safeguarding practice and guidance within the Bailiwick of Guernsey and is consistent with the principles of the Capacity (Bailiwick of Guernsey) Law, 2020.)

Abuse is a violation of an individual's human and civil rights by another person or persons. It may involve a single act or repeated acts and can occur in any relationship or setting.

Adults at risk may be abused by a wide range of people including family members, partners, professional staff, care workers, volunteers, other service users, neighbours, friends, or individuals who deliberately seek to exploit others. Abuse may occur in many different settings including a person's home, residential or nursing care settings, hospitals, community environments, workplaces, leisure organisations such as clubs or training centres, or online.

The following list provides examples of types of abuse or exploitation that may give rise to a safeguarding concern. The list is not exhaustive.

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

Domestic violence – including psychological, physical, sexual, financial or emotional abuse, as well as 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, sexual assault, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, being subjected to pornography or witnessing sexual acts, or sexual acts to which the adult has not consented or has been pressured into consenting.

Psychological abuse - including threats of harm or abandonment, humiliation, blaming, controlling behaviour, intimidation, coercion, harassment, verbal abuse, isolation, or the unjustified withdrawal of services or supportive networks. In a club context this might include deliberately excluding a member from 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 harassment, slurs or unfair treatment based on race, gender, gender identity, age, disability, sexual orientation, religion or belief.

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 – a wide range of behaviours in which a person neglects to care for their personal hygiene, health or surroundings, including behaviours 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 or poor care practices within an institution or care setting, or in services provided in someone’s home. This may range from one-off incidents to ongoing ill-treatment and may arise from poor organisational practices, policies or culture.

Modern slavery – including slavery, human trafficking, forced labour and domestic servitude. Individuals may be coerced, deceived or forced into exploitation and inhumane treatment.

Additional behaviours that may give rise to safeguarding concerns include:

Bullying (including ‘cyber bullying’ by text, e-mail, social media etc) - behaviour that is deliberately hurtful, usually repeated over time, where it is difficult for the victim 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 – when a person befriends an individual in order to exploit, manipulate or 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 process by which individuals may be encouraged or influenced to adopt extreme views or ideologies, potentially leading to harmful or illegal activity. This may occur through personal relationships or online platforms.

Recognising abuse

Patterns of abuse vary and include:

- Serial abuse 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 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 the designated Welfare Officers. It is the responsibility of the Welfare Officer (or person in charge) to decide whether the concern should be referred onwards. Staff and volunteers should not attempt to investigate the concern themselves.

Professionals responsible for safeguarding adults will consider all relevant circumstances and act in the individual’s best interests. Staff and volunteers are not expected to make these decisions themselves.

The following principles inform good safeguarding practice when working with adults at risk:

- **Empowerment:** supporting individuals to make their own decisions and give informed consent wherever possible
- **Prevention:** taking action to reduce the likelihood of abuse or neglect occurring.
- **Proportionality:** responding in a way that is appropriate and proportionate to the level of risk
- **Protection:** providing support and representation for those who may be unable to protect themselves
- **Partnership:** working with relevant organisations, services and communities to prevent and respond to abuse
- **Accountability:** being transparent and responsible in safeguarding practice and decision-making

Safeguarding responses should be person-centred wherever possible. The adult should be involved in discussions about how best to respond to their situation, taking account of their wishes, feelings and desired outcomes, while ensuring their safety and wellbeing.

Some forms of abuse may constitute a criminal offence, for example assault, sexual assault, rape, fraud or other forms of financial exploitation. In such cases the matter should be reported to the police.

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

The RYA values and respects the very talented people that make up our training network, and views them as important ambassadors of the RYA's brand and values. This document outlines the code of conduct to 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:

1. Behave in a manner that is consistent with the values of the RYA, particularly with regards equality, diversity, inclusivity and sustainability.
2. Respect the rights, dignity and worth of every person and treat everyone equally within the context of their boating activity.
3. Place the wellbeing and safety of the student above the development of performance or delivery of training.
4. Encourage and guide students to accept responsibility for their own behaviour and performance.
5. Only develop relationships with students that are appropriate and legal, (especially those under 18) whether face to face or in a digital context. Relationships must be consensual, based on mutual trust and respect and must not exert undue influence to obtain personal benefit or reward.
6. Ensure the activities they direct or advocate are student focused, and appropriate for the age, maturity, experience and ability of the individual. Always clarify with students (and where appropriate their parents or carers) exactly what is expected of them and what they are entitled to expect.
7. Behave appropriately to ensure the safety of instructors, students and others under your direction.
8. Treat all RYA instructors, appointment holders, staff and other stakeholders with respect.
9. Act with integrity in all customer and business to business dealings pertaining to RYA training.
10. Read, understand, and comply with the Safeguarding Children and Safeguarding Adults policies and guidelines as detailed on the RYA website at www.rya.org.uk/safeguarding.
11. Comply with the laws and regulations of the jurisdiction in which they are operating.
12. Follow all RYA guidance and standards with regards specific training or coaching programmes.
13. Not do or neglect to do anything which may bring the RYA into disrepute, including through the use of social media.
14. Hold relevant, up to date governing body qualifications as approved by the RYA.
15. Only teach or provide RYA courses or RYA certification within the framework of an RYA recognised training centre.
16. Notify the RYA immediately of any court-imposed sanction that precludes the instructor from contact with specific user groups (for example children or adults at risk) and be aware that certain sanctions may result in the automatic withdrawal of your qualification.
17. Notify RYA Training in the event of any health issues that may affect their ability to carry out their responsibilities, including the use of medication which may impact their role.
18. 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.