

### 1. Introduction

We are committed to creating and maintaining a safe and positive environment, and we accept our responsibility to protect the welfare of all adults involved in archery, in line with the Care Act 2014.

This policy applies to everyone involved in archery.

We will encourage and support partner organisations, including clubs, counties, suppliers, and sponsors, to help them adopt, and show commitment to, the principles of equality set out in this policy.

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**PART 1 - Background and Legal Framework****2. Principles**

**2.1** Archery GB is committed to creating and maintaining a safe and positive environment, accepting our responsibility to safeguard the welfare of adults involved in the sport of Archery in accordance with:

- The Care Act 2014 in England
- The Social Services & Well-being (Wales) Act 2014 in Wales
- The Adult Support and Protection (Scotland) Act 2007 in Scotland
- The Adult Safeguarding Policy for Northern Ireland 2015 in Northern Ireland

The guidance given in this policy is based on the following six principles, as set out in the Care Act 2014, which form the basis for protecting adults. Although the principles set out here are contained in the Care Act, which is the legislative framework within England, Archery GB considers that the principles to be a sound basis for this policy. Variations in the legal framework in each of the Home Nations will be taken into account as required.

**Empowerment** – People being supported and encouraged to make their own decisions and to give informed consent (permission).

“I am asked what I want the outcomes from the safeguarding process to be and these directly inform what happens.”

**Prevention** – It is better to take action before harm takes place.

“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to get help.”

**Proportionality** – The least intrusive response which is appropriate to the risk presented.

“I am sure that the professionals will work in my interest and they will only get involved as much as needed.”

**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 I want.”

**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 confidentially, 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.”

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

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

### 3. Guidance and law

This policy is based on the principles of UK law and government guidance. The relevant acts are shown below.

- Care Act 2014
- Protection of Freedoms Act 2012
- Domestic Violence, Crime and Victims (Amendment) Act 2012
- Equality Act 2010
- The Safeguarding Vulnerable Groups Act 2006
- Mental Capacity Act 2005
- Sexual Offences Act 2003
- Human Rights Act 1998
- Data Protection Act 1998
- Data Protection Act 2018

Further guidance in relation to each of the Home Nations can be found as follows (see further information in Appendices 2 and 4):

- **England:** Legislation Relating to Safeguarding Adults Overview for Social Care SCIE.
- **Wales:** Working Together to Safeguard People [www.gov.wales](http://www.gov.wales); Safeguarding Wales.
- **Scotland:** Adult Support and Protection Social Care [www.gov.scot](http://www.gov.scot); Adult Support and Protection (Scotland) Act 2007.
- **Northern Ireland:** Adult Safeguarding Policy for Northern Ireland Department of Health [www.ni.gov](http://www.ni.gov); The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 [www.legislation.gov.uk](http://www.legislation.gov.uk).

### 4. Definitions

To help you understand this policy, we have added a number of important definitions.

- a Adult at risk** is a person aged 18 or over who:
- Has care and support needs (whether or not those needs are being met), and because of those needs, cannot protect themselves against abuse or neglect. (In recent years there has been a definite shift away from using the term ‘vulnerable’ to describe adults potentially at risk from harm or abuse.)
- NB: in Scotland, a person becomes an adult at 16 for some legislation, and therefore whether a young person aged 16 or 17 in Scotland is an adult will depend upon the specific circumstances.

- b Abuse** is where a person or people break or do not respect a person's human and civil rights by. See section 5 for further explanations.
- c Adult** is anyone aged 18 or over. NB: in Scotland, a person becomes an adult at 16 for some legislation, and therefore whether a young person aged 16 or 17 in Scotland is an adult will depend upon the specific circumstances.
- d Adult safeguarding** is protecting a person's right to live in safety, free from abuse and neglect. An adult at risk who is experiencing or is at risk of experiencing abuse or neglect should receive safeguarding response.
- e Capacity** refers to a person's ability to make a decision at a particular time (for example, when under considerable stress). Under the Mental Capacity Act 2005, we must always assume that a person has the capacity to make a decision, unless it can be shown that they lack capacity.

## **Part 2 – What is Abuse and Neglect**

### **5. Types of abuse and neglect – Definitions from the Care Act 2014**

- 5.1** This is not a full list, it is only a guide to the sort of behaviour or issue which could give rise to a safeguarding concern.
- a Self-neglect** – this covers a wide range of behaviour such as a person not taking care of their personal hygiene (for example, not regularly showering or bathing), health or surroundings. It includes behaviour such as hoarding. In archery, this could be a player whose appearance becomes untidy or scruffy, who does not wear suitable sports kit, and who has poor hygiene.
  - b Modern slavery** – this includes slavery, human trafficking, forced labour and domestic servitude (forcing domestic staff to work against their will). Traffickers and slave masters use whatever means they have to force and deceive people into a life of abuse, slavery and inhumane treatment. In archery you may notice that someone in a team has been missing from practice sessions and is not responding to reminders from team members or coaches.
  - c Domestic abuse** – this includes psychological, physical, sexual, financial and emotional abuse. It also includes so called 'honour-based' violence. You may notice a power imbalance between someone taking part in archery and a family member. For example, someone with Down's syndrome may be looking quiet and withdrawn when their brother comes to collect them from sessions, in contrast to when they greet their personal assistant with a smile.
  - d Discriminatory abuse** – discriminatory abuse is abuse which centres on a difference or a perceived difference, particularly in terms of race, sex or disability or any of the other protected characteristics of the Equality Act (in other words, age, gender reassignment, marriage and civil partnership, pregnancy and

- maternity, religion or belief and sexual orientation). This could be harassing a club member because they are, or are thought to be, transgender.
- e **Organisational abuse** – this includes neglect and poor care within an institution or care setting, such as a hospital or care home, or in a person's own home. This may range from one-off incidents to continual ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation. In archery, this could be a person training without a necessary break.
  - f **Physical abuse** – this includes hitting, slapping, pushing, kicking, drugging, restraining or inappropriate punishments. This could be a coach deliberately hitting an athlete.
  - g **Sexual abuse** – this includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, being made to watch or look at pornography, sexual assault, or being forced or pressured into doing or watching sexual acts. This could be a fellow athlete who sends unwanted sexually explicit text messages to an adult they are training alongside who has learning disabilities.
  - h **Financial or material abuse** – including theft, fraud, internet-scamming, influencing an adult's decisions about their financial affairs or arrangements, including in connection with wills, property or inheritance, or misusing or taking property, possessions, money or benefits. This could be someone taking equipment from an athlete who has dementia.
  - i **Neglect** – this includes ignoring a person's medical or physical-care needs, not providing access to appropriate health or social care or educational services, and not providing the necessities of life such as medication, adequate nutrition and heating. This could be a coach not making sure that athletes have access to water.
  - j **Emotional or psychological abuse** – this includes threats to harm or abandon someone, depriving someone of contact, humiliating, blaming, controlling, intimidating, harassing or verbally abusing someone, or isolating someone from services or supportive networks. This could be an athlete threatening another athlete with physical harm and persistently blaming them for poor performance.

## 5.2 Things not covered by the Care Act 2014 but also relevant.

- a **Cyberbullying** – cyberbullying happens 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 aim of harming, damaging, humiliating or isolating them. It can be used to carry out many different types of bullying (such as racist bullying, homophobic bullying, or bullying related to special educational needs and disabilities). However, instead of the person carrying out the bullying face-to-face, they use technology as a way to do it.
- b **Forced marriage** – forced marriage is a term used to describe a marriage in which one or both of the people are married without their permission or against their will. A forced marriage is different from an arranged marriage, in which both people agree to someone else finding them a partner. The Anti-Social

Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry.

- c **Mate crime** – a ‘mate crime’ as defined by the Safety Net Project as ‘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 learning disabilities who were murdered or seriously harmed by people who pretended to be their friend.
- d **Radicalisation** – this is when someone with extreme views aims to attract people to their reasoning, inspire new recruits and persuade vulnerable people that their cause is legitimate. This may be direct, through a relationship, or through social media.

### 5.3 Elite Athletes

- a Over recent years there have been a number of reports, allegations and convictions of abuse, bullying, harassment and misconduct in the elite sporting world.
- b Many adults involved in elite sport or on a performance pathway may not necessarily meet the definition of “adult at risk” in many contexts, but being involved in elite sport or on a performance pathway can involve factors which contribute to the vulnerability of elite athletes to abuse and harm.
- c Archery GB has regard to guidance published by the Ann Craft Trust on the vulnerability of adult elite athletes: [Elite-Athlete-Vulnerability-Guidance.pdf](#)

### 5.4 Threshold Test

For some of the kinds of abuse and neglect noted above, Archery GB will apply a threshold test to determine whether a matter or concern is one that should receive a safeguarding response, or whether the matter should be dealt with using some other process. An example of this could be where an adult member has been accused of verbally abusing another adult member. Depending on the context, a single instance of shouting is unlikely to give rise to a safeguarding response. Repeated instances may, however, give rise to a safeguarding response where Archery GB would judge there to be a risk of harm, and that the adult member is unable to protect themselves from that harm.

## 6. Signs of abuse and neglect

Abuse can take place anywhere and be carried out by all sorts of people. Abuse may be inflicted by anyone in the club who an athlete comes into contact with. Or club members, workers, volunteers or coaches may suspect that an athlete is being abused or neglected outside the club. There are many signs that may suggest someone is being abused or neglected. We have listed some of these below.

- a** Unexplained bruises or injuries, or lack of medical attention for an injury.
- b** Someone having belongings or money going missing.
- c** Someone not coming to, or no longer enjoying, their sessions.
- d** Someone losing or gaining weight or an untidy or unclean appearance.
- e** A change in a person's behaviour or confidence.
- f** Someone self-harming.
- g** Someone afraid of a particular group or person.
- h** Someone telling you or another person that they are being abused (referred to as a disclosure).

## **7. Good practice, poor practice and abuse**

It can be difficult to tell the difference between poor practice and abuse, whether deliberate or accidental.

It is not the responsibility of any one person involved in Archery GB to decide whether or not abuse is taking place. However, all our staff have a responsibility for recognising and identifying poor practice and potential abuse, and for acting on this if they have concerns.

Everyone should make sure they carry out an appropriate risk assessment before carrying out any activity.

### **a Good practice**

We expect that coaches of adult athletes:

- follow our coaches codes of conduct; and
- complete a course in basic awareness when working with adults at risk.

Everyone should:

- aim to make archery fun and enjoyable;
- promote fairness and 'playing by the rules';
- not accept the use of prohibited or illegal substances; and
- treat all adults equally and with dignity. This includes giving members of the group with different levels of talent similar attention, time and respect.

Coaches and those working directly with adults at risk should do the following.

- Respect the developmental stage of each athlete and not risk sacrificing their welfare for team or personal achievement.
- Make sure that the level of training is appropriate to the physical, social and emotional stage of development of the athlete.
- Work with adults at risk (and, where appropriate, any carer or medical professional they are working with) to develop realistic training and competition schedules which are suited to the needs and lifestyle of the



athlete, 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 progress and decision-making.
- Always be publicly open when working with adults at risk and avoid coaching sessions or meetings where a coach and an individual athlete are completely unobserved.
- Avoid unnecessary physical contact with people. Physical contact (touching) can be appropriate as long as:
  - it is neither intrusive nor disturbing;
  - the athlete has openly given their permission;
  - it is delivered in an open environment; and
  - it is needed to demonstrate something during a coaching session.
- Maintain a safe and appropriate relationship with athletes and avoid forming intimate relationships with athletes as this may threaten the position of trust and respect.
- Be an excellent role model by maintaining appropriate standards of behaviour.
- Gain the adult at risk's written permission and, where appropriate, the written permission of relevant carers, to give emergency first aid or other medical treatment if necessary.
- Be aware of medical conditions, disabilities, existing injuries and medicines being taken and keep written records of any injury or accident that happens, together with details of treatments provided.
- Arrange that someone with current knowledge of emergency first aid is available at all times.
- Get written permission from the correct people, and fill in the relevant checklists and forms for travel arrangements and trips. (This person must be the adult themselves if they have the capacity to give permission.)

**b Poor practice**

We see the following as poor practice which you should avoid.

- Unnecessarily spending too much time alone with one adult.
- Taking part in rough, physical or sexually provocative games, including horseplay.
- Allowing or taking part in inappropriate touching of any form.
- Using language that might be seen as inappropriate by the adult and which may be hurtful or disrespectful.
- Making sexually suggestive comments, even if you are joking.
- Reducing an adult to tears as a form of control.
- Allowing allegations made by an adult to be ignored and not be investigated, recorded or acted on.
- Taking an adult at risk alone in a car, however short the journey is.
- 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.

**Note:** At times, it may be acceptable to do some of the above. In these cases, to protect both you and the adult at risk, get written permission from the adult at risk and, where appropriate, their carers. Also make sure that the Lead Safeguarding Officer of your organisation knows about the situation and gives their approval.

If an adult at risk under your care suffers any injury, seems distressed in any way, appears to be sexually aroused by your actions, or misunderstands or misinterprets something you have done, report this as soon as possible to another adult in the organisation and make a brief written note of it.

### **Part 3 – If you have a Concern**

#### **8. What to do if you have a concern or someone tells you they have a concern**

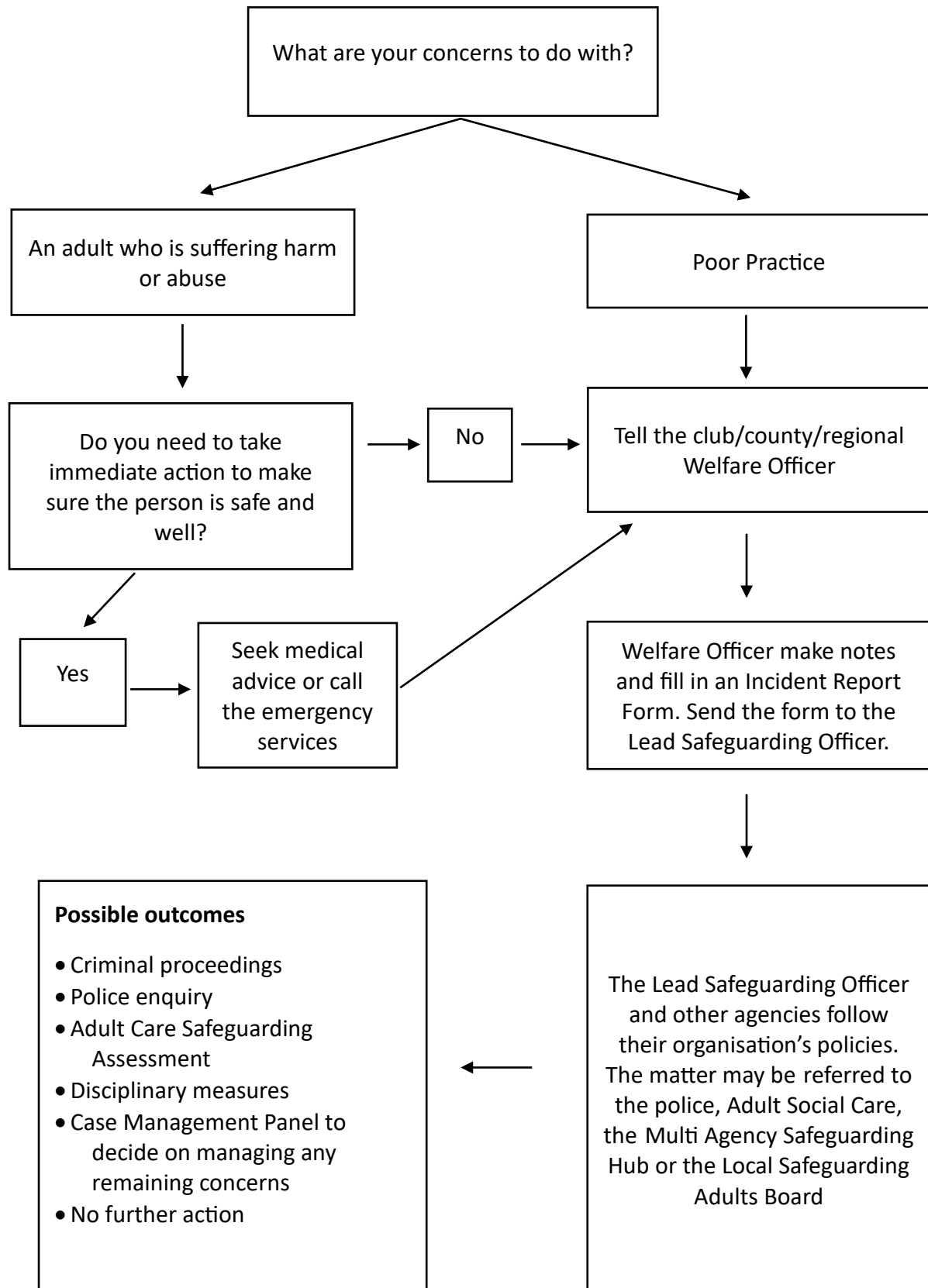
- a You may become aware that abuse or poor practice is taking place, suspect abuse or poor practice is taking place, or be told about something that may be abuse or poor practice. You must report this to our Lead Safeguarding Officer or, if the Lead Safeguarding Officer may be involved, our Chief Executive.
- b If you are at an international event and have a concern, speak to the coach or a team official.
- c If you are concerned someone is in immediate danger, contact the police straight away.
- d When considering your concern, it is important that you also consider the needs and wishes of the person at risk. You need to take account of the nature of the suspected abuse or neglect. We give you more information on this in Appendix 2, 'The legal framework'.

#### **9. How to record a disclosure**

- a Make a note of what the person has said, using his or her own words, as soon as possible. Fill in an incident form and send it to our Lead Safeguarding Officer.
- b As long as it does not increase the risk to the person, explain to them that it is your duty to share your concern with your Lead Safeguarding Officer.
- c Describe the circumstances the disclosure came about in.
- d Take care to tell the difference between fact, observation, allegation and opinion. It is important that the information you have is accurate.

- e Remember you need to keep the matter confidential at all times. You can only share this information with your Lead Safeguarding Officer and others who need to know about it.
- f If the matter is urgent and relates to the immediate safety of an adult at risk, contact the police immediately.

## 10. Safeguarding Adults flowchart – dealing with concerns, suspicions or disclosures



**Remember to involve the adult at risk throughout the process wherever possible and get their permission for any referrals to social care (if the person has the capacity to give permission).**

**Part 4 – What you can expect from Archery GB****11. General Principles**

- 11.1** All adults, no matter what their age, ability or disability, sex or gender, race, religion, ethnic background, sexuality and marital status, have the right to be protected from abuse and poor practice, and to train and compete in an enjoyable and safe environment.
- 11.2** We will do our best to make sure that our sport is open to everyone and will make reasonable adjustments for any disability. We will also be committed to continuous development, monitoring and review.
- 11.3** We will always respect the rights, dignity and worth of all adults.
- 11.4** We recognise that ability and disability can change over time, and some adults may be more vulnerable to abuse (for example, those who depend on others or have different communication needs).
- 11.5** We recognise that a disabled adult may or may not consider themselves to be, or be recognised as, an adult 'at risk'.
- 11.6** We recognise that we are all responsible for protecting the safety and well-being of all adults within our sport. We will act appropriately and report concerns whether, these concerns arise within archery (for example, inappropriate behaviour of a coach), or in the wider community.
- 11.7** We recognise the statutory agencies' roles in, and responsibilities for, protecting adults, and we are committed to following the procedures of the Local Safeguarding Adults Boards.
- 11.8** If a concern is reported to us, Archery GB will take all allegations seriously and respond quickly in line with this policy.
- 11.9** Where a concern is reported to us, we will assess the information available to using our triage process to determine whether or not the matter is an adult safeguarding concern.

**12. Roles and responsibilities of those within Archery GB**

We are committed to having the following in place.

- a** A Lead Safeguarding Officer to produce and pass on guidance and resources to support this policy and our procedures.
- b** A clear line of responsibility within the organisation for work on promoting the well-being of all adults.
- c** Procedures for dealing with allegations against members of staff and volunteers.
- d** The Case Management Panel, which will deal with issues, manage concerns and refer matters to a disciplinary panel where necessary (in other words, where concerns arise about the behaviour of someone within Archery GB).

- e A disciplinary panel for a given incident.
- f Arrangements to work effectively with other organisations to protect and promote the well-being of adults, including arrangements for sharing information.
- g Appropriate whistle-blowing procedures and an open culture that allows us to deal with safeguarding, equality and diversity issues.

**13. Relevant policies**

You should also read our policies on:

- whistle-blowing;
- social media;
- complaints;
- disciplinary action;
- equality and diversity policy ;
- safeguarding and protecting children and young people.

**14. More information**

Policies, procedures and supporting information are available on our website at [www.archerygb.org](http://www.archerygb.org).

### Appendix 1 - Incident Report Form

For convenience this is published separately.

**Appendix 2 – The Legislation and Government Guidance****Sexual Offences Act 2003 (and amendments)**

The Sexual Offences Act ([Sexual Offences Act 2003](#)) introduced a number of new offences concerning vulnerable adults and children (including Position of Trust 2022 revisions [Positions of trust – FAQs about the changes | CPSU](#))

**Safeguarding Vulnerable Groups Act 2006**

[Safeguarding Vulnerable Groups Act 2006](#) Introduced the new Vetting and Barring Service 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.

**Disclosure & Barring Service 2013**

Guidance for employers – how employers or organisations can request criminal records checks on potential employees from the Disclosure and Barring Service (DBS). [About us - Disclosure and Barring Service - GOV.UK](#)

**Making Safeguarding Personal Guide 2014**

This guide is intended to support councils and their partners to develop outcomes – focused person centred safeguarding practice. [Making Safeguarding Personal | Local Government Association](#)

**Mental Capacity Act 2005**

The general principle contained in the Act 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.

- [Mental Capacity Act 2005 at a glance - SCIE](#)
- [Mental Capacity \(Amendment\) Act 2019](#)

**Deprivation of Liberty Safeguards (replaced by LPS Mental Health Capacity Act)**

This was introduced in the Mental Capacity Act 2005 and came into force in 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. [Mental Capacity \(Amendment\) Act 2019](#)

**The Care Act 2014**

The Care Act introduced 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' guidance and puts adult safeguarding on a statutory footing.

- [Care and support statutory guidance - GOV.UK](#)
- [Legislation relating to safeguarding adults - SCIE](#)



### Domestic Abuse Act 2021

Statutory guidance supporting the understanding of the definitions of 'domestic abuse' and 'personally connected' as set out in the Domestic Abuse Act 2021. [Domestic Abuse Act 2021](#)

### Home Nation equivalents:

#### Scotland

- [The Adult Support and Protection \(Scotland\) Act 2007: A short introduction to Part 1 of the Act – gov.scot](#)

#### Wales:

- [Working together to safeguard people: code of safeguarding practice | GOV.WALES](#)
- [Safeguarding Wales](#)

#### Northern Ireland

- [Social Care Policy | Department of Health](#)
- [Safeguarding children, young people and adults at risk of harm from abuse, exploitation and neglect | Department of Health](#)

### Appendix 3 – Useful contacts

#### Archery GB Safeguarding Reporting

Emily Green                      Acting National Lead Safeguarding Officer

Karen Hodgkiss                Safeguarding and Governance Officer

Alex Owens                      Welfare and Safeguarding Officer

Tel: 01952 677888 option 2

Email: [safeguarding@archerygb.org](mailto:safeguarding@archerygb.org)

Website: [www.archerygb.org/about/safeguarding](http://www.archerygb.org/about/safeguarding)

#### Archery GB DBS Enquiries

Andrea Holmes                DBS Officer

Tel: 01952 677888 option 4

Email: [dbs@archerygb.org](mailto:dbs@archerygb.org)

#### Local Authority Safeguarding Lead (if this policy is adopted by an archery club)

Name:

Email:

Phone:

#### Police contact

Name:

Email:

Phone:

#### Ann Craft Trust – Safeguarding Adults in Sport and Activity

Website: [www.anncrafttrust.org](http://www.anncrafttrust.org)

Email: [Ann-Craft-Trust@nottingham.ac.uk](mailto:Ann-Craft-Trust@nottingham.ac.uk)

Phone: 0115 951 5400

**Appendix 4 – Four Nations Legislative Framework****PART 1 - ENGLAND****The Care Act 2014**

The Care Act 2014 places a general duty of care on local authorities to promote the wellbeing of individuals, and includes adults, when carrying out care and support functions.

The definition of wellbeing includes:

- Personal dignity including treating individuals with respect;
- Physical and mental health and emotional wellbeing;
- Protection from abuse and neglect;
- Control by the individual over day to day life;
- Participation in work education, training or recreation;
- Social and economic wellbeing;
- Domestic, family and personal relationships;
- Suitability of living accommodation;
- The individual's contribution to society.

**Sexual Offences Act 2003**

In the past there have been difficulties in bringing prosecutions against individuals who committed sexual offences against people with mental disorders. The Sexual Offences Act (SOA) 2003 modernised the law by prohibiting any sexual activity between a care worker and a person with a mental disorder while the relationship of care continues. A 'relationship of care' exists where one person has a medical disorder and another person provides care. It applies to people working both on a paid and an unpaid basis and includes:

- Doctors and nurses;
- Care workers in homes;
- Workers providing services in clinics or hospitals;
- Volunteers;

The offences in the SOA relating to care workers apply whether or not the victim appears to consent, and whether or not they have the legal capacity to consent. This does not prevent care workers from providing intimate personal care so long as the behaviour is not intended to be sexual. The SOA is not intended to interfere with the right of people with a mental disorder who have the capacity to consent to engage in sexual activity with anyone who is not in a caring relationship with them.

The SOA also attempts to make the prosecution of rape easier by clarifying the meaning of consent. Section 74 of the SOA provides that someone consents to a sexual act if, and only if, he or she agrees by choice and has the freedom and capacity to make that choice.

**Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012**

The Safeguarding Vulnerable Groups Act (SVGA) 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work. The Independent Safeguarding Authority was established as a result of the SVGA. On 1 December 2012 the Criminal Records Bureau and Independent Safeguarding Authority merged to become the Disclosure and Barring Service. Organisations with responsibility for providing services or personnel to vulnerable groups have a legal obligation to refer relevant information to the service.

The Protection of Freedoms Act 2012 (Chapter 1 of Part 5) amends the SVGA 2006, retaining the national barring function whilst abolishing registration and monitoring requirements. For further information see: [Protection of Freedoms Act 2012](#).

**Ill Treatment or wilful neglect**

It is an offence under the Criminal Justice and Courts Act 2015 for an individual who has the care of another individual by virtue of being a care worker to ill treat or wilfully neglect that individual. Under Section 44 of the Mental Capacity Act, ill treatment and wilful neglect is a criminal offence for anyone, including those with powers of attorney and court appointed deputies, who has care of a person who lacks capacity. Ill treatment and wilful neglect are different.

**Ill treatment:** Must be deliberate and is an offence irrespective of whether it causes harm and involves an appreciation by the perpetrator that they were inexcusably ill treating the person. Ill treatment includes acts such as hitting, administering sedatives to keep people quiet, pulling hair, rough treatment, verbal abuse or humiliation.

**Wilful neglect:** A failure to act rather than a deliberate act to commit harm. Managers with responsibility for ensuring good care can be held accountable but currently there is no offence of corporate neglect.

**Public Interest Disclosure Act 1998**

An important part of providing care is ensuring a working environment that encourages people to challenge practices in their own workplace. The law offers some protection from victimisation to people who blow the whistle under the Public Interest Disclosure Act (PIDA) 1998. The parameters of 'protected disclosure' are set out in the Employment Rights Act (ERA) 1996. The person making the disclosure should not commit an offence in doing so (eg: breach the Official Secrets Act 1989) and must reasonably believe that one or more of the following has occurred:

- A criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;

- That the health and safety of an individual has been, is likely to be endangered;
- Or that the environment has been, is being or likely to be damaged and that information tending to show any matter falling within one of the preceding paragraphs has been, is likely to be deliberately concealed (ERA 1996);

UK GDPR and Data Protection Act

- [Data protection: The UK's data protection legislation - GOV.UK](#)

Human Rights Act 1998

- [Human Rights Act 1998](#)

## **PART 2 - SCOTLAND**

### **Adult Support and Protection**

All adults at risk of harm have the right to be safe and protected. The Adult Support and Protection Act (Scotland) 2007 is designed to protect those adults who are unable to safeguard their own interests and are at risk of harm (includes self harming and neglect) because they are affected by:

- Disability;
- Mental disorder
- Illness
- Physical or mental infirmity.

The Act requires councils and a range of public bodies to work together to support adults who are unable to safeguard themselves, their property and their rights:

- To enable and support those with responsibilities under the Act to carry out their duties effectively; and
- To do this by ensuring adult support and protection legislation, policy and practice is improved and effective.

More information on strengthening support for adult support and protection in the following sections of the Act:

- Improvement Plan;
- Adult Protection Committees;
- Inspection Programme;
- Learning Reviews;
- Adult Support and Protection Code of Practice and Guidance for General Practice;
- National Implementation Group;
- National Strategic Forum;
- Scottish Mental Health Law Review;
- More Information.

**Improvement Plan:** Publication of the Adult Support and Protection Plan 2019-2022 in October 2019. This Plan covers:

- Existing improvement activity;
- Assurance;
- Governance;
- Data and information legislation;
- Policy and guidance;
- Practice improvement;
- Prevention.

**Adult Protection Committee:** The Act set up multi-agency Adult Protection Committees (APCs) in every council area. The APCs monitor and review what is happening locally to safeguard adults. They are made up of senior staff from many of the agencies involved in protecting adults who may be at risk. These include staff from the Council, NHS and Police Scotland. APCs are chaired by independent convenors who cannot be members or officers of the council. APCs have a central role to play in taking an overview of adult protection activity in each council area and making recommendations to ensure that adult protection activity is effective. APCs have a range of duties, which include:

- Reviewing adult protection practices;
- Improving coordination;
- Improving skills and knowledge;
- Providing information and advice;
- Promoting good communication.

APCs are required to submit a report to Scottish Ministers every two years. The published guidance for Adults Protection Committees in July 2022.

**Inspection Programme:** A multi agency inspection programme commenced in 2020. The inspection programme provides a level of scrutiny to increase assurance that adults at risk are being protected from all types of harm and also identifies further improvement action. As of April 2023 inspection reports and an Interim Overview Report have been published on the Care Inspectorate website [careinspectorate.com](https://www.careinspectorate.com)

**Learning Reviews:** Multi agency reviews relating to the protection of adults at risk of harm, helping to facilitate learning through consideration of the circumstances where an adult at risk has died or been significantly harmed. Worked with partners to develop the learning review guidance which was published in May 2022.

**Adult Support and Protection Code of Practice and Guidance for General Practice:** Published an updated Code of Practice in July 2022 ensuring that any changes involving adults at risk of harm in the discussions, planning and decision making regarding their care, treatment and support. The Guidance for General Practice was also updated and published in July 2022.

**National Implementation Group:** This was formed to support both national and local implementation of the revisions of the Code of Practice. Membership comprises a wide range of stakeholder organisations who will work together between 2022 and 2024.

**National Strategic Forum:** This was formed in November 2018 and is to provide advice on the development of the improvement plan and meets twice a year.

**Scottish Mental Health Law Review:** There has been a review of the adult support and protection legislation alongside mental health and adults with incapacity law. The aim of the review was to consider whether the adult support and protection legislation is compatible with the United Nations Convention on the Rights of Persons with Disabilities and the European Court of Human Rights. The review also considers what is needed to address any incompatibilities so that Scotland continues to meet its international commitments in terms of human rights. The final report was published in September 2022 and a summary report is available on the Scottish Mental Health Law Review website.

**More Information:** The Act Against Harm website provides a number of resources and information on who to contact if you know or believe someone may be at risk of harm.

### **PART 3 - WALES**

#### **The Wales Safeguarding Procedures for Children and Adults at Risk of Abuse and Neglect**

The National Wales Safeguarding Procedures detail the essential roles and responsibilities for practitioners to ensure that they safeguard children and adults who are at risk of abuse and neglect. The Procedures are updated regularly.

**What they are for:** The Procedures help practitioners apply the legislation Social and Wellbeing (Wales) Act 2014 and statutory safeguarding guidance Working Together to Safeguard People. Throughout the Procedures you will find 'pointers for practice'. Whilst the Procedures tell you what to do, the pointers for practice provide information on how to complete the task and draw on the latest research and practice developments.

**Who they are for:** The Procedures are intended to guide safeguarding practice for all those employed in the statutory, third (voluntary) and private sector in health, social care, education, police, justice and other services. They are applicable for all practitioners and managers working in Wales, whether employed by a devolved or non-devolved agency.

**Why we need them:** The Procedures are designed to standardise practice across all of Wales and between agencies. The development of the Procedures was a seven stage process. Every agency had the opportunity to be involved and contribute their practice experience and research expertise. Over the last twenty years however there has been a growing awareness amongst practitioners, managers and policy makers of the common systems and processes required to protect both children and adults at risk of abuse and neglect. This awareness is reflected in the Social Services and Wellbeing (Wales) Act 2014 and accompanying safeguarding guidance Working Together to Safeguard People. Whether



safeguarding an adult at risk from abuse or neglect or protecting children from abuse, neglect and harm, the Procedures are based on the same principles underpinning the Social Services and Wellbeing (Wales) Act 2014.

**How to use the Procedures:** Whilst recognising commonalities in process between safeguarding children and protecting adults at risk from abuse and neglect, there are some differences in legislation. Therefore the Procedures are separated into those relating to safeguarding children and those for adults at risk of abuse and neglect. The procedures have been further divided into sections. Each section details the roles and responsibilities of practitioners relating to an aspect of the safeguarding process, as it relates to adults at risk of abuse and neglect or safeguarding children. Each section also includes relevant pointers for practice.

**The glossary:** Effective safeguarding practice requires a shared understanding of terms frequently used when identify, assessing and intervening whether a child or adult is at risk of abuse or neglect. We've included a glossary to ensure that every practitioner is using the same term in the same way irrespective of discipline or agency. Each term used in the Procedures has a quick link the full explanation.

**Development of the Procedures:** A project team led by Cardiff and the Vale of Glamorgan Regional Safeguarding Board together with Emeritus Professor Jan Horwath have developed these Procedures. The purpose was to ensure the Procedures reflect the Social Services and Wellbeing (Wales) Act 2014 and the accompanying Working Together to Safeguard People guidance. There was representation from each of the Regional Safeguarding Board on the Project Board. Practitioners from Regional Safeguarding Board contributed to developing the Procedures as members of the Development Groups.

**The aims:** The Procedures seek to:

- Ensure that practitioners understand their role and responsibilities and know which organisation, team or practitioner has lead responsibility for safeguarding as well as the precise roles of everyone involved;
- Provide guidance to practitioners in contact with adults at risk of abuse and neglect enabling them to identify and address the adult's care, support and protection needs;
- Ensure practice is in accordance with the legislative requirements and expectations of the Social Services and Wellbeing (Wales) Act 2014 and the accompanying Working Together to Safeguard People guidance;
- Recognise the importance of engaging with the adult at risk, their family and carers throughout the safeguarding process provided this does not place the adult at further risk or ham;
- Promote positive outcomes by improving the daily lived experience of the adult at risk of abuse or neglect;
- Secure effective partnership working to meet the care, support and protection needs of the adult at risk of abuse or neglect;

- Facilitate assessments, plans and interventions that are person centred and completed within the timescales set out in regulations and guidance;
- Enable managers and supervisors to guide and support staff to ensure adults at risk are protected from abuse and neglect;
- Draw on research and best practice to inform decision making;
- Offer a framework enabling Regional Safeguarding Boards an agency managers to ensure a practice in accordance with statutory roles and responsibilities and legislative requirements and expectations;
- Enable Regional Safeguarding Boards and agency managers to evaluate the quality of local safeguarding practice and provide a vehicle to facilitate local coordination and challenge.

**Guiding principles:** Due regard should be given to factors that need to be considered throughout each and every section.

**Mental Capacity Act 2005:** Ensuring that the spirit of the Act is embedded within practice for all adults at risk. Individuals must feel that they are an equal partner in their relationship with professionals.

**Code of Practice under Part 10 of the Social Services and Wellbeing (Wales) Act 2014:** [Codes of Practice for the Social Services and... | Social Care Wales](#) This sets out the functions in relation to how local authorities in partnership with the individual must reach a judgement on how advocacy could support individuals to meet their personal outcomes.

**European Commission for Human Rights:** [European Convention on Human Rights](#) Pay particular attention to Articles 2,3,5,6 and 8.

**The United Nations Principles of Older Persons** [United Nations Principles for Older Persons | OHCHR](#)

**The United Nations Convention on the Rights of the Child** [UN Convention on Rights of a Child \(UNCRC\) - UNICEF UK](#)

**Welsh Language Standards and the "More Than Just Words" Framework** [More than just words | Care Inspectorate Wales](#)

## **Legislation and Guidance**

**The Social Services and Wellbeing (Wales) Act 2014** came into force on 6 April 2016. The Act provides the legal framework for improving the wellbeing of people who need care and support. The Act is made up of 11 Parts with Part 7 relating to safeguarding specifically. It is this legislation that provides the framework for the Wales Safeguarding Procedures. Accompanying the Act, the Welsh Government has published statutory safeguarding guidance Working Together to Safeguard People.

- [Overview of the Social services and well-being... | Social Care Wales](#)
- [Working together to safeguard people: code of safeguarding practice | GOV.WALES](#)

The Wales Safeguarding Procedures have been designed to enable frontline practitioners and their managers apply the legislative requirements and expectations of The Social Services and Wellbeing (Wales) Act 2014. The aim is to improve person centred outcomes for adults at risk of abuse and neglect and children at risk. The procedures also recognise other relevant legislation, guidance and protocols. For example the Domestic Abuse (Violence Against Women, Domestic Abuse and Sexual Violence) Wales Act 2025 ( see [Violence against women and domestic abuse | Sub-topic | GOV.WALES](#)).

### **PART 4 - NORTHERN IRELAND**

Adult Safeguarding Policy for Northern Ireland was published on 10 July 2015 and includes the following:

- Social Services;
- Safeguarding children and young people and adults at risk of harm from abuse, exploitation and neglect.

The Department of Health, Social Services and Public Safety (DHSSPS) and the Department of Justice (DoJ) have published the Adult Safeguarding Policy for Northern Ireland 'Adult Safeguarding: Prevention and

Protection in Partnership'. The intention of the policy is to improve safeguarding outcomes for all adults who are at risk of harm through abuse, exploitation or neglect.

The Policy was jointly developed by the Justice Minister David Ford who highlighted the importance of facilitating access to justice for those adults at risk who have suffered harm through abuse, exploitation or neglect.

**The Adult Safeguarding Policy Adult Safeguarding: Prevention and Protection in Partnership**, is a key component of an Executive Programme for Government commitment to improve safeguards for adults at risk. The Policy is relevant to organisations across the statutory, voluntary, community, independent and faith sectors which provide services to or work with adults at risk:

1. The development and publication of the Adult Safeguarding Policy for Northern Ireland fulfils a key element of Programme of Government Commitment 61, which committed the Department to the introduction of a package of measures aimed at improving safeguarding outcomes for children and adults at risk across Northern Ireland. It has been jointly developed with the DoJ;
2. The Adult Safeguarding Policy identifies the need for safer communities and safer organisations across all sectors and sets out clear and proportionate safeguarding expectations across the full range of relevant organisations.

### Safe Recruitment Checks

DBS and Home Nations Equivalent organisations

ENGLAND & WALES - [Disclosure and Barring Service - GOV.UK](#)

SCOTLAND - [Disclosure Scotland - mygov.scot](#)

NORTHERN IRELAND- [AccessNI criminal record checks | nidirect](#)



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