

## Safeguarding Policy and Procedure

### 1. Our policy

Active Luton recognises that safeguarding children, families, adults and its workforce is a shared responsibility and is committed to creating an open and inclusive culture which actively promotes the wellbeing of all. We are committed to:

- protecting people, ensuring that appropriate action is taken in a timely manner to safeguard and promote the welfare of children, adults, our team members and customers
- minimising the risks of any harm or abuse by ensuring that all employees and volunteers are appropriately trained in recognising and reporting safeguarding issues or concerns
- ensuring everyone has confidence that their concerns will be dealt with appropriately
- ensuring that everyone understands their role and statutory responsibilities with respect to safeguarding.

Active Luton has a statutory duty to safeguard and promote the welfare of children and young people, to protect adults at risk of abuse, and to support the Home Office Counter Terrorism strategy CONTEST, which includes a specific focus on PREVENT (see Appendix 3 for detailed information). Throughout this document, the phrase 'children, young people, and adults includes those vulnerable to violent extremism and radicalisation.

### 2. Purpose of the policy

This policy sets out the key principles that all employees, casual workers, volunteers, and trustees of Active Luton should comply with in relation to safeguarding to ensure that all customers, including children, young people and adults, team members, volunteers and contractors are protected from potential neglect, exploitation, or harm.

It outlines the procedure, based on the 4 R's of Recognise, Respond, Report and Record, that team members must follow if they are concerned about the safety and welfare of an individual.

### 3. Scope

This policy applies to all employees (including sessional workers), volunteers, students, and trustees of Active Luton. It also applies to anyone working on behalf of the organisation such as contractors.

### 4. Objectives

- 4.1 Protection for all children and adults who use Active Luton's services, facilities, and venues or who participate in sessions delivered by Active Luton employees or volunteers.
- 4.2 Preventing harm and reducing the risk of abuse and exploitation for all children and adults
- 4.3 Promoting and supporting employee wellbeing.
- 4.4 Guidance for all employees and volunteers on procedures they should adopt if they suspect a child, adult or team member may be experiencing or be at risk of harm.
- 4.5 Guidance on PREVENT and the procedures to adopt if there is a risk of radicalisation or extremism.

### 5. Roles and Responsibilities

Safeguarding is **everyone's** responsibility. Although Active Luton recognises and acknowledge that children and adults with care and support needs are most at risk, as an organisation we also

recognise that it is our responsibility to keep everyone safe and protected from harm. This policy applies to all employees (including sessional workers), casual workers, volunteers, students, and trustees of Active Luton. It also applies to anyone working on behalf of the organisation such as contractors.

## **5.1 All Employees and Casual Workers**

- 5.1.1 All employees and casual workers must be aware of our **responding, reporting, and recording** systems which support safeguarding, including this policy, the employee code of conduct, the role and identity of their Designated Safeguarding Lead (DSL) and the role and identity of their Deputy Designated Safeguarding Lead (DDSL).
- 5.1.2 Everyone should know and understand the **responding, reporting, and recording** process to follow if a child, adult, team member or customer makes a disclosure to them or if they are concerned about an individual's safety and welfare. Appendices 2 and 3 of this policy provide support for employees to do this.
- 5.1.3 Everyone should know what to do if they **recognise** and identify or suspect a safeguarding issue.
- 5.1.4 Everyone should be able to **recognise** the signs of different types of abuse and neglect, as well as specific safeguarding issues, such as child sexual exploitation (CSE), indicators of being at risk from or involved with serious crime, female genital mutilation (FGM) and radicalisation. Appendix 1 of this policy provides support for employees to do this.
- 5.1.5 Everyone should know and understand what support is available to them if they are adversely affected by a safeguarding incident or disclosure and how to access this.

## **5.2 The Active Luton Board of Trustees**

- 5.2.1 The Board of Trustees are ultimately responsible for ensuring that reasonable steps are taken to protect from harm people who come into contact with Active Luton and will be held to account by the Charity Commission should things go wrong.
- 5.2.2 The trustees are responsible for promoting an open and positive culture and ensuring that all involved feel able to report concerns, confident that they will be heard and responded to.
- 5.2.3 In fulfilling their duty, the Active Luton Board of Trustees has a nominated Safeguarding champion who is responsible for providing regular updates to the Board of Trustees on all matters relating to Safeguarding.

## **5.3 The Chief Executive Officer (CEO)**

- 5.3.1 The CEO is responsible for providing overall assurance to the trustees on the effectiveness and quality of the safeguarding arrangements to ensure that Active Luton complies with its statutory duties and that best practice is observed throughout the organisation.

## **5.4 The Designated Safeguarding Leads (DSL)**

- 5.4.1 The DSLs take lead responsibility for safeguarding across their directorate and are a member of the Active Luton Director Leadership Team.
- 5.4.2 They should ensure that robust processes are in place for the appropriate sharing of information related to safeguarding incidents across the organisation so that lessons can be learnt, and policies/procedures reviewed and refined accordingly.
- 5.4.3 The DSLs are responsible for managing or assigning Case Owners for all safeguarding concerns, incidents or allegations that are logged on MyConcern and providing advice and guidance to their Deputy Designated safeguarding Leads (DDSLs) as required.

## **5.5 The Deputy Designated Safeguarding Leads (DDSL)**

- 5.5.1 The DDSLs support the Designated Safeguarding Leads to embed safeguarding within their directorate.

- 5.5.2 The DDSLs are operational team members and, in the first instance, will deal with any safeguarding issues that occur and those to which they are assigned the Case Owner.
- 5.5.3 Upon receipt of a safeguarding concern, the DDSL/Case owner should follow the procedure laid out in Section 8.5 of this policy.

## 5.6 The Sport Welfare Officer (SWO)

- 5.6.1 The SWO is responsible for:
- Linking with National Governing Bodies and the affiliated sports club network to promote good practice and safe sport at a local level.
  - Direct engagement with club welfare officers to create a safer culture within their club.
  - Raise safeguarding awareness for parents/carers and participants.
  - Create network events to enable volunteers and staff within clubs to feel better connected and informed of good safeguarding standards and practice.
  - Recognise, share and develop best practice.
  - Raise safeguarding awareness and curiosity for parents/carers and participants.
- 5.6.2 It is **not** the Sport Welfare Officer's role to:
- Advise on or manage concerns – all concerns must be referred without delay in accordance with this policy or if club related in line with the National Governing Body guidance and /or the Club's own Safeguarding Policy.

## 5.7 Partners and Third Parties

- 5.7.1 All partners of Active Luton and those regularly hiring spaces from Active Luton who work with children and adults are expected to have their own safeguarding guidelines in place, with a sufficient infrastructure to discharge the policy arrangements as set out in Active Luton's Conditions of Hire.
- 5.7.2 Commissioned services and contractors who work with children and adults at risk are expected to have in place their own safeguarding guidelines and to behave in line with this policy, a copy of which must be held by Active Luton.

## 5.8 Volunteers

- 5.8.1 It is the responsibility of line managers to ensure that all volunteers acting on behalf of Active Luton are made aware of their responsibilities for safeguarding and promoting the welfare of children, families, adults and other team members.
- 5.8.2 All volunteers should be inducted into the Safeguarding Policy and Procedure prior to any volunteering they undertake with the organisation and advised of the process to follow should they have any safeguarding concerns and to whom to report these to.

## 5.9 Active Luton Safeguarding Statements

- 5.9.1 For the purposes of our safeguarding policy, 'children and young people' refers to anyone under the age of 18. As such, a relationship with any 'child' and an older employee, or someone in a position of authority/trust is actively discouraged.
- 5.9.2 An adult at risk is any person who is aged 18 years or over and at risk of abuse or neglect. The Care Act 2014 makes it clear that abuse of adults links to circumstances rather than the characteristics of the people experiencing the harm. An adult at risk may therefore be an adult who:
- Has needs for care and support and;
  - Is experiencing, or is at risk of, abuse or neglect; and;
  - As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

## 6.0 Professional Boundaries and Positions of Trust

- 6.1 As an organisation we expect all our team members to:
- Keep clear boundaries between their professional and personal life. They must not give any child or young person in their care, their personal contact details (mobile number, email or postal address) or have contact with them via a personal social media account.
  - Maintain professional boundaries, both physical and emotional, at all times adhering to our code of conduct. Physical boundaries include avoiding unnecessary physical contact; emotional boundaries means avoiding becoming the exclusive emotional support for an individual.
  - Understand the responsibilities they have, and the trust inherently involved in the positions they hold and how they may possibly be in a position of influence or power over the people they work with.
  - Ensure that whenever possible, there is more than one adult present during activities with children, young people or adults at risk. If a situation arises where a team member is required to be alone with a child, young person or adult at risk, they must ensure that they are within sight or can be heard by other adults.
- 6.2 All team members, especially those in a position of authority or trust must understand that children, young people and adults can develop an infatuation with an adult who works with them and that they must deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned.
- 6.3 Should team members become aware of such a situation; they must **respond** by **reporting** and **recording** their concern on MyConcern at the earliest opportunity.
- 6.4 All team members need to be aware that it is illegal for those in a position of trust in sports organisations, such as a coach, as it is for those with Qualified Teacher Status<sup>1</sup> to have a relationship with someone in their care who is under 18 years of age.
- 6.5 A person in a position of trust with adults is someone who works with adults with care and support needs. This work may be paid or unpaid.

## 7. Training

- 7.1 Active Luton is committed to ensuring that all employees are effectively trained in safeguarding. To that effect safeguarding training is an integral part of our corporate induction programme and all employees and volunteers undergo online safeguarding training annually. In addition, a range of free e-learning courses are available to team members to access via the Local Safeguarding Children Board (LSCB) website (<https://www.safeguardingbedfordshiretraining.co.uk>).
- 7.2 Higher levels of training will be determined by role functions and the responsibilities set out in job descriptions and identified on the organisational mandatory training matrix.
- 7.3 Following any substantive revisions to legislation, policy or procedures, employees will receive updated training.
- 7.4 Additional training with updated and refresher training is available as required for Designated and Deputy Designated Safeguarding Leads to ensure they have a full understanding of their role and can offer advice to team members.
- 7.5 Safer recruitment training is undertaken by line managers where appropriate in line with our *Recruitment policy*.

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<sup>1</sup> Qualified teacher status (QTS or QTLS) is required in England and Wales to work as a teacher of children in state schools under local authority control, and in special education schools.

## 7. Lower Level concerns

- 7.1.1 A lower level concern is any concern where an adult or child has acted in a way that:
- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work.
  - doesn't meet the threshold of harm or is not considered serious enough for the incident to be referred to the LADO (local Authority Designated Officer), Adult Safeguarding board or MASH (Multi Agency Safeguarding Hub).
- 7.1.2 Lower level concerns are part of a spectrum of behaviour. This includes:
- inadvertent or thoughtless behaviour, including verbal abuse.
  - behaviour that might be considered inappropriate depending on the circumstances
  - behaviour which is intended to enable abuse.

### 7.2 Responding to low level concerns

- 7.2.1 If a team member is concerned about the behaviour of a colleague and believes there to have been a breach of the code of conduct they must **report** and **record** this immediately on MyConcern and send it to the Designated Safeguarding Leads Notification group.
- 7.2.2 If a team member is concerned about the behaviour of an adult or child and believes this to constitute a lower level concern then this must be **reported** and **recorded** on MyConcern at their earliest convenience.
- 7.2.3 If team members are unsure whether or not something they have observed is a lower level concern or not they should **report** and **record** it on MyConcern for the attention of their Safeguarding team who will decide what action, if any is required.

## 8. Managing Safeguarding concerns – Recognise, Respond, Report and Record

### 8.1 Responding to safeguarding suspicions and concerns

- 8.1.1 Employees should **report** and **record** their concerns immediately on MyConcern and send the concern to the Safeguarding team responsible for managing their safeguarding concerns. This will notify their Designated Safeguarding team that a concern has been raised and a decision on how to proceed will be made by them.
- 8.1.2 Employees should ensure that when they are reporting and recording their concern they include as much detail as possible.
- 8.1.3 The employee must include the name of the individual the concern relates to if this is known to them.
- 8.1.3 ***Employees should phone the police on 999 if someone is in immediate danger or if a criminal offence has been committed.***

### 8.2 What to do if someone discloses

- 8.2.1 If someone tells you about harm or abuse that they are suffering, or have suffered, you should listen carefully and let the individual tell you what has happened at their own pace, only asking questions for clarification.
- 8.2.2 Remain calm and caring and avoid interrupting information.
- 8.2.3 Do not try to conduct an inquiry into what has happened.
- 8.2.4 Avoid cross-questioning or leading questions.
- 8.2.5 Establish very basic facts.
- 8.2.6 Do not promise to keep it a secret but tell the individual that there is a need to share this information with others making it clear that only people who need to know and who can help will be told.

- 8.2.7 If the disclosure is from an adult, ask them what they want to happen next, establish if they are happy for the information to be passed onto statutory authorities, let them know that you will have to **report** and **record** it on My Concern although you will not refer it onto the statutory authorities unless they have given you permission to do so, and that, if they have, they will be involved in the safeguarding process.
- 8.2.8 Reassure the individual that they did the right thing in telling you.
- 8.2.9 **Report** and **record** the disclosure on MyConcern as soon as possible, certainly within the same working day sending it to the Safeguarding team responsible for managing your safeguarding concerns.
- 8.2.10 Record what was said using the individual's own words in the 'Details of Concern' box as soon as possible after the disclosing conversation.

### **8.3 What to do if an allegation relates to an employee**

- 8.3.1 All allegations of abuse or maltreatment of children or an adult at risk by an employee, volunteer, or trustee of Active Luton, must be taken seriously.
- 8.3.2 In all cases in which it is alleged an employee, volunteer or board members has:
  - behaved in a way that has, or may have harmed, a child or an adult at risk
  - possibly committed an offence against or related to a child or adult at risk
  - behaved towards a child/children or adult at risk in a way that indicates they may pose a risk of harm to them

the Deputy Designated Safeguarding Lead (DDSL) or the Designated Safeguarding Lead or one of the other Directorates Designated Safeguarding Leads must be contacted on the same day or immediately in urgent cases.
- 8.3.3 The allegation must be **reported** and **recorded** on MyConcern and sent to the Designated Safeguarding Leads Notification group unless the allegation relates directly to a DSL in which case it must be reported immediately to the Chief Executive or, in the case it relates to the Chief Executive it must be referred immediately via email to the Chair of the Trustees.
- 8.3.4 It is essential that the incident or allegation is not discussed with anyone other than those with a Designated Safeguarding responsibility.
- 8.3.5 If the allegation (or concern) meets any of the criteria above, the employer should report it to the Local Authority Designated Officer for Allegations (LADO) within one working day or immediately in urgent cases.
- 8.3.6 Advice will be sought from the LADO, including when to inform the person about whom the allegation has been made.
- 8.3.7 If you are the recipient of an allegation, you must report it immediately to your Designated Safeguarding Lead.
- 8.3.8 Failure to report allegations in accordance with this procedure is a potential disciplinary matter. Please refer to the *Disciplinary policy* for further information.

### **8.4 Actions for Safeguarding leads when receiving a concern**

- 8.4.1 On receiving an email notification from MyConcern that an incident has been **reported** and **recorded** a DSL or member of the associated safeguarding team must review the concern summary and decide if it is a priority concern or not. If it is, it must be marked as such and dealt with immediately.
- 8.4.2 A case owner must be assigned to manage and **respond** to the concern; this may be a DSL or it may be delegated to the relevant DDSL or team member depending upon the nature of the concern.
- 8.4.3 If not already included, details regarding who the concern is about must be obtained and added to the form.
- 8.4.4 The nature of the concern (categories of concern) must be added along with the location of where the concern originated.

## **8.5 Actions for Case Owners when receiving a Safeguarding concern/making referrals**

- 8.5.1 On receiving the email notification, log into MyConcern, open the concern and review the details of it.
- 8.5.2 If required contact and take advice from the following:
- The Police in an emergency.
  - Their Designated Safeguarding Lead (DSL).
- 8.5.3 Depending upon the nature of the incident and the advice given from the police/DSL, additional advice may then be sought from the following:
- Protecting Vulnerable People Unit Support Team – Bedfordshire Police.
  - The Multi Agency Safeguarding Hub (MASH) if the matter relates to a child or children.
  - The Adults Safeguarding Team if the concern relates to an adult at risk.
  - The Local Authority Designated Officer (LADO) if the concern involves an employee or a person in a position of trust.
- 8.5.4 Following advice, decide as to how to proceed.
- 8.4.5 Ensure that telephone referrals are followed up in writing within 24 hours. This should be acknowledged within another 24 hours and if this does not happen the Deputy Designated Lead must, within three days, check that the information has been received. Update the relevant case on MyConcern, attaching any relevant documents.
- 8.5.6 Ensure procedures on making referrals and confidentiality are followed.
- 8.5.7 File the case when satisfied that no further action is required.

## **8.6 Raising a concern**

- 8.6.1 If team members or volunteers do not believe that a safeguarding concern or allegation that they have raised has been taken seriously or dealt with appropriately they should refer the matter initially to another Designated Safeguarding Lead.
- 8.6.2 If the individual is still not satisfied that the matter has been suitably dealt with, they should refer to the Whistleblowing Policy for further guidance.

## **9. Confidentiality**

- 9.1 It is important that all safeguarding incidents are treated confidentially so that personal data is not shared, however fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children and adults.
- 9.1.2 Timely information sharing is essential to effective safeguarding.
- 9.1.3 The following are regarded as the 'seven golden rules' of information sharing:
- The GDPR regulations and the Data Protection Act 2018 should not be regarded as a barrier to sharing information.
  - A record should be kept of what has been shared, with whom and for what purpose, and of every decision made and the reasoning behind it.
  - It is important to be open and honest with the individual concerned (and their family, where appropriate) from the outset, about why, what, how and with whom information will, or could, be shared, and to seek their agreement, unless it is unsafe or inappropriate to do so.
  - If in doubt, and if possible, an employee should seek advice, without disclosing the identity of the individual concerned.
  - Information sharing should be by consent where appropriate, and, wherever possible, respect the wishes of those who have not consented to share confidential information. Information may be shared without consent if it is believed, based on the facts of the case, that lack of consent can be overridden in the public interest.
  - It is important to consider the safety and wellbeing of the individual concerned, as well as others who may be affected by their actions.

- Information sharing should always be necessary, proportionate, relevant, accurate, timely and secure.

## **9.2 Sharing information and involving parents/carers and children/adults appropriately**

- 9.2.1 The Deputy Designated Safeguarding Lead and all other employees involved must seek advice when in doubt. This is particularly important on matters such as whether parental consent should be sought for a referral or whether parents should be told that a referral has been made.
- 9.2.2 Where an incident involves an adult, they must be at the centre of the process.
- 9.2.3 Explain to the individual what and how information will be shared unless this could put them at increased risk or undermine the detection of a serious crime.
- 9.2.4 **Always put the welfare of the individual as the overriding consideration.**
- 9.2.5 Whenever possible respect the wishes of the individual, however, share information where there is sufficient need to override these.
- 9.2.6 Ensure that information shared is accurate and only shared with people who need to see it.
- 9.2.7 Always record the reason for decisions on the relevant concern on MyConcern.

## **10. Recognising and Responding**

### **10.1 Unaccompanied Children**

- 10.1.1 Active Luton employees do not assume the responsibility of a parent or carer, but have a responsibility to provide for the care, control and safety of children visiting Active Luton sites (and Active Luton organised activities).
- 10.1.2 Children under eight must be accompanied by an adult at all Active Luton events, activities and in all Active Luton operated sites unless otherwise specified.
- 10.1.3 If an employee becomes aware that a child under the age of eight is unaccompanied, they should in the first instance contact the parent/carers. If they are unable to contact them immediately then the police should be called, using the local number. The child should not be asked or allowed to leave the site/activity.
- 10.1.4 Children left alone at closing time should remain in the building with two colleagues (one male and one female whenever possible). If the parents cannot be contacted immediately call the police on their local number.
- 10.1.5 Parents are responsible for accompanying their children to the public toilets. In the case of an unaccompanied child, they should be shown where the toilets are (and if necessary, the staff toilets) but not accompanied into the cubicle.
- 10.1.6 If a building must be evacuated any unaccompanied children should be taken to the staff assembly point: if an activity was taking place, the register must be checked.
- 10.1.7 In all incidences where a child under eight is unaccompanied this should be reported as a concern on MyConcern by a relevant team member.

### **10.2. Adults in children's areas**

- 10.2.1 There are many legitimate reasons for an adult to be in an area designated for children. However, if an adult is not with a child, nor using the facility or undertaking an activity they should, in the first instance, be offered assistance by an employee and then, if appropriate, asked to move to a different area.
- 10.2.2 If there are any concerns about the behaviour of an adult in an area designated for children, they should be asked to leave the area immediately and advice sought from the DDSL.

### **10.3. Supervised children's activities**

- 10.3.1 Consent forms must be obtained for all events where children will be left unaccompanied.

- 10.3.2 These must be signed by a parent/carer and include the following information:
- Name and DOB of Child.
  - Name of Parent / carer.
  - Emergency contact details for the duration of the event.
  - Any health/medical needs e.g., allergies etc.
  - Who will be collecting the child and, if different, their contact details.
- 10.3.3 There should be a formal handover of the child to an agreed parent/carer at the end of the activity.

#### **10.4. Taking images**

- 10.4.1 Individuals have the right to privacy and to be safeguarded from the inappropriate use of images.
- 10.4.2 Use of photography is not permitted in any Active Luton led session without prior consent being obtained.
- 10.4.3 As an organisation, Active Luton will not take photographs of children without the prior written consent of a parent or guardian.
- 10.4.4 Active Luton will always advise customers if any promotional photography or imagery is being taken within the facility.

#### **10.5. E-Safety**

- 10.5.1 Where Active Luton facilities provide members of the public with wi-fi access, an Acceptable Use policy must be agreed to.
- 10.5.2 Active Luton, through Luton libraries also provides the public with access to networked computers. Filtering is applied to the network and use monitored.
- 10.5.3 To use the Public PCs which have a wired connection, members of the public must have a valid library card and know their pin.
- 10.5.4 Parental consent must be given before any child under sixteen is issued with a pin number.
- 10.5.5 Parents/Carers always retain responsibility for the safe and appropriate use of the internet/computers. If inappropriate material is accessed the computer session will be terminated remotely by the team member on duty and the parent/carer advised as to the reason for the session being terminated.
- 10.5.6 Reference should be made to the E-Safety policy for additional information if required.

### **11. Monitoring**

- 11.1 Active Luton is committed to checking the Safeguarding Policy and Procedure to reflect changes in legislation or guidance and undertaking a formal review annually.

**Appendix 1: Managing Allegations Process Flowchart – Children**

**Appendix 2: Managing Allegations Process Flowchart - Adults**

**Appendix 3: Definitions of 'at risk', harm and relevant conduct**

**Appendix 4: Legislative Framework**

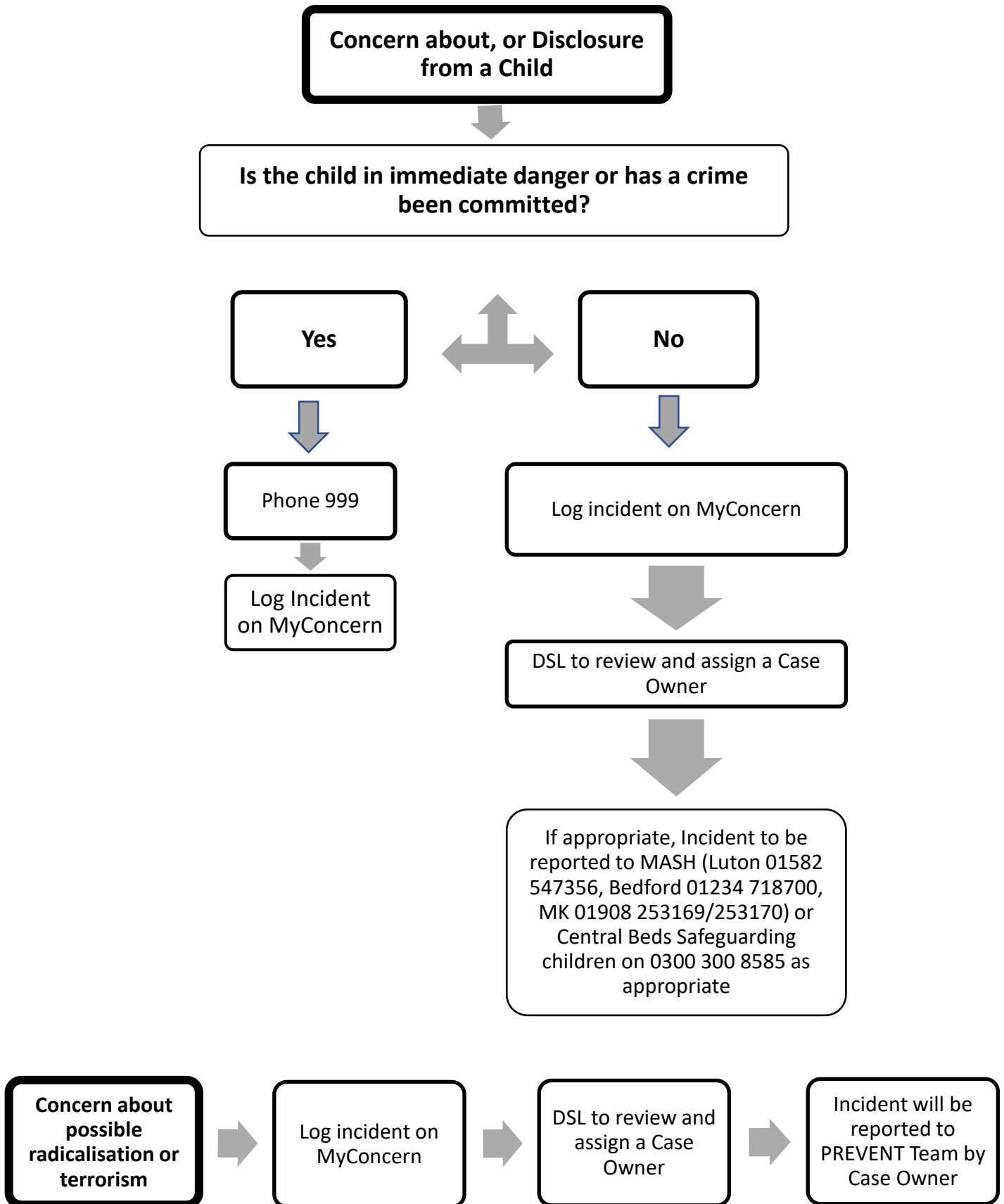
**Appendix 5: Code of Conduct for working with Children and Young People**

**Appendix 6: Example of Reporting Form from MyConcern**

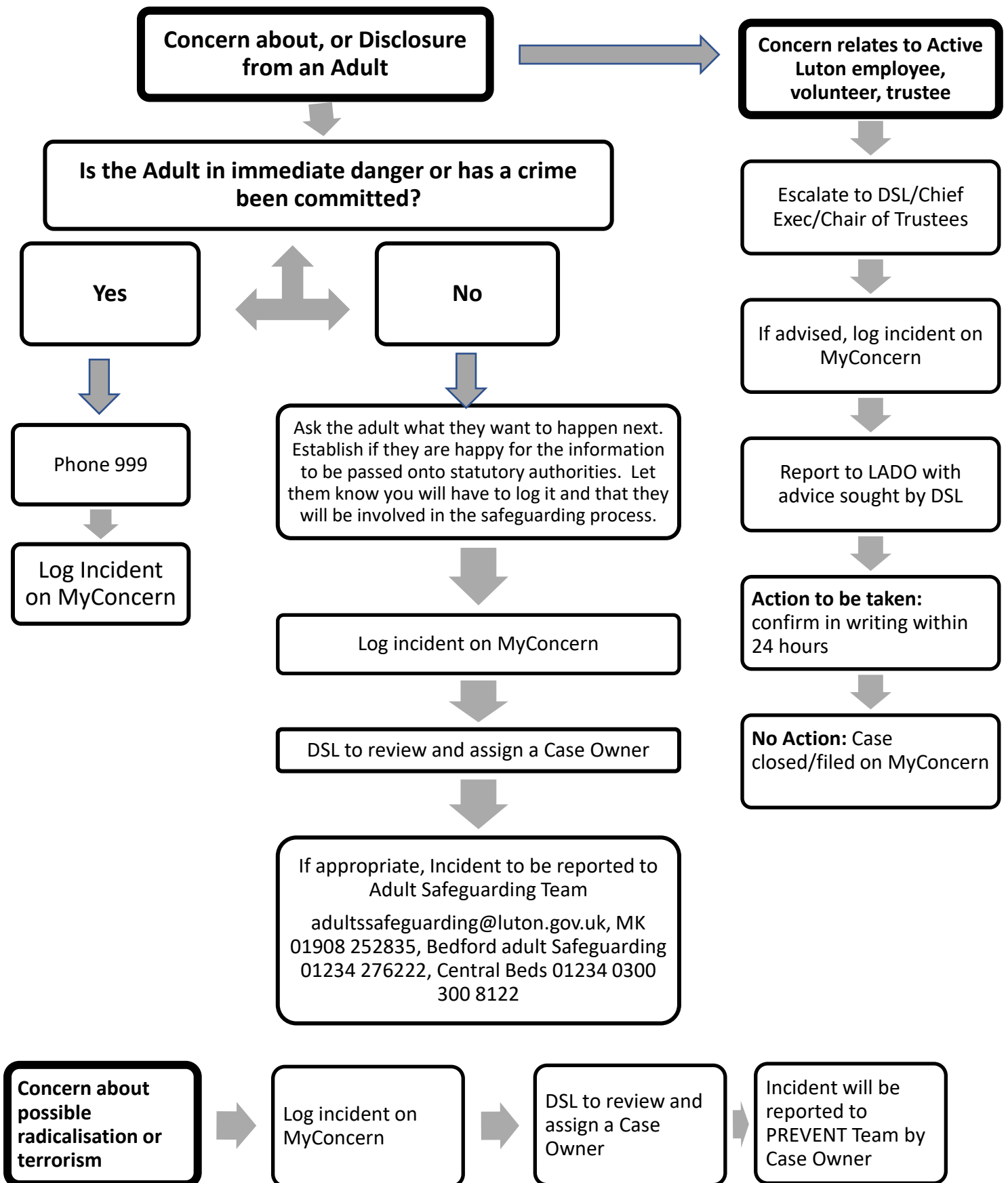
**Appendix 7: Safeguarding Organigram**

**Appendix 8: Contacts**

## Appendix 1: Managing Allegations Process Flowchart - Children



## Appendix 2: Managing Allegations Process Flowchart - Adults



## **Appendix 3: Definitions of ‘at risk’, ‘harm’ and ‘relevant conduct’**

### **Definition of people at risk**

Safeguarding means protecting a person’s right to live in safety, free from abuse and neglect. All employees within Active Luton have a responsibility to safeguard people in their care, but extra care must be taken to protect those who are least able to protect themselves. Children and young people, and adults at risk, can be at particular risk of abuse or neglect.

A child is a person aged under 18 years; young people aged 16 or 17 who are living independently are still defined as ‘children’.

An adult at risk is someone who may need care because of a physical, learning or other disability, or because of their age or an illness. This definition also applies to an adult who is unable to take care of him or herself properly, or who is unable to protect him or herself from significant harm or exploitation.

An adult at risk is any person who is aged 18 years or over and at risk of abuse or neglect. The Care Act 2014 makes it clear that abuse of adults links to circumstances rather than the characteristics of the people experiencing the harm.

Some groups of people are particularly vulnerable to harm and exploitation, and it is important that their needs are carefully considered:

- those with disabilities
- those living away from home
- asylum seekers
- children and young people in hospital
- children in contact with the youth justice system
- victims of domestic abuse
- those who may be singled out due to their religion or ethnicity
- those who may be exposed to violent extremism.

### **Definitions of harm: Children**

#### **Physical harm**

Physical harm is defined as physical contact that results in discomfort, pain or injury. It may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm.

Supplying drugs to children, or the use of inappropriate or unauthorised methods of restraint, also fall under this definition.

Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces or causes, illness in a child (fabricated induced illness).

#### **Emotional and psychological harm**

Emotional harm is defined as action or inaction by others that causes mental anguish. It involves the persistent emotional maltreatment of a child, which causes severe and persistent adverse effects on the child’s emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

Such harm may feature age or developmentally inappropriate expectations being imposed on a child. These can include interactions that are beyond the child’s development capability, as well as

overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction.

Emotional harm may also involve witnessing aggressive, violent or harmful behaviour towards another individual (e.g. domestic violence). It may also involve serious bullying, frequently causing a child to feel frightened or in danger, exploitation or corruption.

Some level of emotional harm is involved in all types of maltreatment of a child (e.g. grooming, harassment, or inappropriate emotional involvement), though it may occur alone.

### **Sexual harm and exploitation**

Sexual harm is defined as any form of sexual activity involving a child under the age of consent. It involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether the child is aware of what is happening.

Such activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may also include non-contact activities, such as involving children in the looking at, or production of, pornographic material, causing them to watch sexual activities, or encouraging them to behave in sexually inappropriate ways.

Downloading child pornography, taking indecent photographs of children, and sexualised texting, are all forms of sexual harm.

### **Neglect and acts of omission**

Neglect is a persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in serious impairment of the child's health or development.

Neglect may occur during pregnancy because of maternal substance abuse.

Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- protect a child from physical and emotional harm or danger
- ensure adequate supervision and/or adequate caregivers
- ensure access to appropriate medical care or treatment
- It may also include neglect of, or unresponsiveness to, a child's basic emotional need.

### **Peer on peer abuse**

Peer-on-peer child abuse is a term used to describe children abusing other children.

Peer-on-peer child abuse can include:

- bullying (including online bullying and bullying because of someone's race, religion, sexuality, disability or trans status)
- abuse by your girlfriend, boyfriend or partner
- physical abuse
- sexual violence, such as rape and sexual assault
- sexual harassment
- sharing naked or semi-naked photos or videos without permission
- upskirting
- initiation/hazing type violence and rituals to harass, abuse and humiliate
- emotional abuse
- financial abuse
- coercive control

Things to look out for if you suspect a child is a victim of peer-on-peer child abuse:

- absence from school or lack of interest in school activities
- physical injuries which can't be explained
- mental or emotional health issues
- becoming withdrawn or showing a lack of self esteem
- lack of sleep
- alcohol or substance misuse
- sudden changes in behaviour
- inappropriate behaviour
- showing harmful behaviour towards others or self (self-harm, violent outbursts)

### **Female Genital Mutilation (FGM)**

Female genital mutilation (FGM) is a procedure where the female genitals are deliberately cut, injured or changed, without medical justification. It is also known as 'female circumcision' or 'cutting', and by other terms such as initiation, infibulation, sunna, gudniin, halalays, tahur, megrez and khitan.

FGM is usually carried out on young girls between infancy and the age of 15, most commonly before puberty starts. It is very painful and can seriously harm the health of women and girls. It can also cause long-term problems with sex, childbirth and mental health.

UK communities most at risk of FGM include Kenyan, Somalian, Sudanese, Sierra Leonean, Egyptian, Nigerian and Eritrean. Non-African countries that practise FGM include Yemen, Afghanistan, Kurdistan, Indonesia, Malaysia, Turkey, Thailand (South) and Pakistan.

FGM is a form of child abuse and is illegal in the UK.

The Home Office's Multi-Agency Statutory Guidance on Female Genital Mutilation offers comprehensive information on FGM; Mandatory Reporting of Female Genital Mutilation: procedural information gives guidance on when and how to report a case of FGM.

### **Domestic Abuse**

Part 1 of the Domestic Abuse Act. 2021 defines Domestic Abuse as;

Physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Domestic abuse is any type of controlling, bullying, threatening or violent behaviour between people in a relationship and or those who are 'personally connected' which could be a family member or carer with whom they live with. It's important to remember domestic abuse:

- can happen inside and outside the home
- can happen over the phone, on the internet and on social networking sites
- can happen in any relationship and can continue even after the relationship has ended
- both men and women can be abused or abusers.

Adult victims of domestic abuse may present with:

- Low self-esteem, or withdrawal or change in the emotional state of the person.
- Changes in appetite, or weight loss or gain.
- Insomnia.
- Tearfulness and other signs of distress, including anger in some cases.
- Fearfulness or silence when a particular person is around.

- Bruising, especially on the thighs, buttocks, upper arms and neck.
- Sleeping difficulties, self-harm, withdrawal, poor concentration, apprehension about relationships, or reluctance to be left alone with a certain person.

Children who witness domestic abuse are recognised as victims in their own right. It can seriously harm children and young people and witnessing domestic abuse is child abuse. Those carrying out the abuse can act very different when other people are around. Children and young people might also feel frightened and confused, keeping the abuse to themselves. Signs that a child has witnessed domestic abuse can include:

- aggression or bullying
- anti-social behaviour, like vandalism
- anxiety, depression or suicidal thoughts
- attention seeking
- bed-wetting, nightmares or insomnia
- constant or regular sickness, like colds, headaches and mouth ulcers
- drug or alcohol use
- eating disorders
- problems in school or trouble learning
- tantrums
- withdrawal.

### **Criminal Exploitation and gangs**

Criminal exploitation is child abuse where children and young people are manipulated and coerced into committing crimes.

The word ‘gang’ means different things in different contexts, the government in their paper ‘Safeguarding children and young people who may be affected by gang activity’ distinguishes between peer groups, street gangs and organised criminal gangs:

- Peer group  
A relatively small and transient social grouping which may or may not describe themselves as a gang depending on the context.
- Street gang  
“Groups of young people who see themselves (and are seen by others) as a discernible group for whom crime and violence is integral to the group's identity.”
- Organised criminal gangs  
“A group of individuals for whom involvement in crime is for personal gain (financial or otherwise). For most crime is their 'occupation’.”  
It's not illegal for a young person to be in a gang – there are different types of ‘gang’ and not every ‘gang’ is criminal or dangerous. However, gang membership can be linked to illegal activity, particularly organised criminal gangs involved in trafficking, drug dealing and violent crime.

County Lines is the police term for urban gangs exploiting young people into moving drugs from a hub, normally a large city, into other markets - suburban areas and market and coastal towns - using dedicated mobile phone lines or “deal lines”. Children as young as 12 years old have been exploited into carrying drugs for gangs. This can involve children being trafficked away from their home area, staying in accommodation and selling and manufacturing drugs. This can include:

- Airbnb and short term private rental properties
- budget hotels

- the home of a drug user, or other vulnerable person, that is taken over by a criminal gang- this may be referred to as cuckooing.

### **Signs of cuckooing**

Signs that cuckooing has taken place include:

- signs of drugs use
- more people coming and going from the property
- more cars or bikes outside
- litter outside
- you haven't seen the person who lives there recently or when you have, they've seemed anxious, distracted or not themselves.

### **Modern slavery**

Slavery is an umbrella term for activities involved when one person obtains or holds another person in compelled service.

Someone is in slavery if they are:

- forced to work through mental or physical threat
- owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
- dehumanised, treated as a commodity or bought and sold as 'property'
- physically constrained or have restrictions placed on his/her freedom.

### **Definition of Modern Slavery**

The following definitions are encompassed within the term 'modern slavery' for the purposes of the Modern Slavery Act 2015. These are:

- 'slavery' is where ownership is exercised over a person
- 'servitude' involves the obligation to provide services imposed by coercion
- 'forced or compulsory labour' involves work or service extracted from any person under the menace of a penalty and for which the person has not offered himself voluntarily
- 'human trafficking' concerns arranging or facilitating the travel of another with a view to exploiting them.

The Centre for Social Justice Report (2013) further states that the term 'modern slavery' includes the following definitions:

### **Human trafficking**

1. Recruitment, transportation, transfer, harbouring or receipt of persons.
2. By means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; (where a child is involved, the above means are irrelevant).
3. For the purposes of exploitation, which includes (but is not exhaustive):
  - Prostitution
  - Other sexual exploitation
  - Forced labour
  - Slavery (or similar)
  - Servitude etc.
  - Removal of organs.

### **Slavery**

The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised (129 Convention; approved in defining Art 4 ECHR: *Siladin v France* (ECHR, 2005).

### **Servitude**

An obligation to provide one's services that is imposed by the use of coercion and is to be linked with the concept of 'slavery'.

### **Forced labour**

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

### **Contextual Safeguarding**

Contextual safeguarding recognises that as young people grow and develop they are influenced by a whole range of environments and people outside of their family and may encounter risk in any of these environments. Sometimes the different contexts are inter-related and can mean that children and young people may encounter multiple risks. Contextual safeguarding looks at how we can best understand these risks, engage with children and young people and help to keep them safe.

Active Luton, of course, one of the contexts in which young people will spend their time. But not all the risks that young people face will happen within our organisation and that's where contextual safeguarding comes in. The children and young people we work with will be affected by, and may be exposed to harm in, different environments. And their experiences may also influence the way they behave and live their lives in other situations. Although every situation and context is different, irrespective of the issues and problems, contextual safeguarding and understanding what's happening in our local environment and working together with others will ensure we play an important role in safeguarding children and young people and helping to keep them safe.

### **Relevant conduct: Children**

A child is a person under 18 years of age.

Any behaviour involving a child is classed as 'relevant conduct' if it:

- endangers a child, or is likely to endanger a child
- if repeated against, or in relation to, a child, would endanger the child or be likely to endanger the child
- involves sexual material relating to children (including the possession of such material)
- involves sexually explicit images depicting violence against human beings (including the possession of such material)
- includes any behaviour of a sexual nature involving a child.

A person's conduct endangers a child if it:

- harms a child
- causes a child to be harmed
- puts a child at risk of harm
- makes an attempt to harm a child
- incites another person to harm a child.

A person's conduct satisfies the 'harm test' if they are thought likely to:

- harm a child
- cause a child to be harmed
- put a child at risk of harm

- make an attempt to harm a child
- incite another person to harm a child.

### **Additional Resources – the NSPCC**

The NSPCC is the UK's leading children's charity. Please use the link below to access additional resources and information that regarding safeguarding children and child protection

<https://learning.nspcc.org.uk/safeguarding-child-protection>

### **Definitions of harm: adults**

Safeguarding means protecting the adult's right to live in safety and free from abuse and neglect and promoting the adult's wellbeing.

Safeguarding duties apply to an adult at risk as defined in Section 42 of The Care Act 2014 who:

- A. has needs for care and support (whether the authority is meeting any of those needs)
- B. is experiencing, or at risk of abuse and neglect
- C. is because of their needs for care and support unable to protect themselves from the abuse or neglect or risk of it.

### **Six Principles of Adult Safeguarding**

The Care Act sets out the following principles that should underpin the safeguarding of adults.

- Empowerment - People are 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 - Services offer local solutions through working closely with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability - Accountability and transparency in delivering safeguarding.

The Care Act recognises 10 categories of abuse that may be experienced by adults.

### **Physical harm**

Physical harm is any physical contact that results in discomfort, pain or injury.

Examples of physical harm include:

- assault, rough handling, hitting, slapping, punching, pushing, pinching, shaking, bruising or scalding
- exposure to excessive heat or cold
- a failure to treat sores or wounds
- inappropriate use of medication (e.g., under- or overuse of medication, or the use of un-prescribed medication)
- the use of inappropriate sanctions
- the unlawful or inappropriate use of restraint or physical interventions
- the deprivation of liberty.

### **Sexual harm and exploitation**

Examples of sexual harm and exploitation can include the direct or indirect involvement of the adult at risk in sexual activity or relationships that:

- they do not want or have not consented to
- they cannot understand, and cannot consent to, since they lack the mental capacity
- they have been coerced into because the other person is in a position of trust, power or authority, e.g. a care worker.

Sexual harm can involve bruising or injury to the anal, genital or abdominal area, and the transmission of STD. It also includes inappropriate touching.

Being forced to watch sexual activity is also a form of sexual exploitation.

### **Psychological and emotional harm**

This is behaviour that causes mental distress or has a harmful effect on an individual's emotional health and development. It can include:

- mocking, coercing, bullying, verbal attacks, intimidation or harassment
- demeaning, disrespectful, humiliating, racist, sexist or sarcastic comments, shouting, swearing or name-calling
- excessive or unwanted familiarity
- the denial of basic human and civil rights such as self-expression, privacy and dignity
- negating the right of the vulnerable adult to make choices
- undermining the individual's self-esteem
- isolation and over-dependence that has a harmful effect on the person's emotional health, development or wellbeing
- the use of inflexible regimes and lack of choice.

### **Neglect**

Neglect occurs when a person's wellbeing is impaired because his or her care or social needs are not met.

Examples of neglect include:

- the failure to allow access to appropriate health, social care and educational services
- the failure to provide adequate nutrition, hydration or heating, or access to appropriate medication
- ignoring medical or physical needs, e.g., untreated weight loss, or a lack of care that results in pressure sores or uncharacteristic problems with continence
- poor hygiene, e.g., lack of general cleanliness or soiled clothes not being changed
- the failure to address the vulnerable individual's requests.

Neglect can be intentional or unintentional. Intentional neglect can include:

- wilfully failing to provide care
- wilfully preventing the adult at risk from getting the care they need
- being reckless about the consequences of the person not getting the care they need.

Unintentional neglect can include:

- a carer failing to meet the needs of the adult at risk because they do not understand their needs
- a carer lacking knowledge about the services that are available
- a carer's own needs preventing them from being able to give the care the person needs
- an individual being unaware of, or lacking an understanding of, the possible effect on the adult at risk of a lack of action.

### **Discrimination**

Discrimination exists when values, beliefs or culture result in a misuse of power, or the denial of rightful opportunities, so causing harm.

Any psychological abuse that is racist, sexist, or linked to a person's sexuality, disability, religion, ethnic origin, gender, culture, or age, is discriminatory.

### **Organisational harm**

Examples of organisational harm can include:

- an observed lack of dignity and respect in the care setting
- the enforcement of rigid routines
- processes and tasks being organised to meet the needs of employees rather than those in their care
- disrespectful language and attitudes.

### **Financial harm**

Financial harm is the use of a person's property, assets, income, funds or other resources without their informed consent or authorisation. It includes:

- theft
- fraud
- exploitation
- unauthorised withdrawals of funds from an account
- undue pressure in connection with wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits  
the misuse of an enduring power of attorney, or a lasting power of attorney, or an appointeeship.

### **Self-Neglect**

The term "self-neglect" covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings.

Examples of self-neglect include:

- A refusal or inability to cater for basic needs, including personal hygiene and appropriate clothing.
- Neglecting to seek assistance for medical issues.
- Not attending to living conditions – letting rubbish accumulate in the garden, or dirt to accumulate in the house.
- Hoarding items or animals.

Self-neglect can result from any mental or physical illness that has an effect on the person's physical abilities, energy levels, attention, organisational skills, or motivation.

There are two types of self-neglect:

- **Intentional, or Active Self-Neglect:** When a person makes a conscious choice to engage in self-neglect. For example, they may actively refuse to visit a doctor when they're feeling unwell.
- **Non-Intentional, or Passive Self-Neglect:** When health-related conditions contribute to a risk of developing self-neglect. For example, a person with a learning disability may have lapses in concentration that may make them forget to attend to their personal hygiene.

### **Modern Slavery**

Modern slavery encompasses:

- Slavery
- Human trafficking
- Forced labour and domestic servitude
- Traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

The Home Office has a document entitled ['Modern Slavery: How the UK is Leading the Fight'](#). In this document, they list a number of factors that might make a person at risk of becoming a victim of modern slavery. Factors include poverty, limited opportunities at home, lack of education, unstable social and political conditions, economic imbalances, and war.

People with learning disabilities are also at risk of getting coerced into modern slavery. They could be isolated in their communities. They may be ineligible for support services. Or they may simply get overlooked if they are not viewed as a high profile concern.

The problem is that victims of modern slavery are hard to spot. Modern slave masters go to great lengths to keep their activities secret. They also isolate their victims while restricting their movements. This makes it very difficult for them to get help.

But there are some signs you can look out for. Some of them are obvious, and some are a little more subtle:

- The person looks uneasy, unkempt, or malnourished. They may also have untreated injuries.
- The person does not speak for themselves, and someone else pays for all their travel and food.
- Have you noticed someone picked up and dropped off from work or another location at odd times?
- Is the person able to tell you their own address?

Not all of these signs indicate that the person is a victim of modern slavery. But any one sign indicates that an investigation may be in order.

Local Authorities, British Transport Police, National Crime Agency and The Children's Society are working in partnership to ask the public to 'look closer' to recognise and respond to signs of exploitation and abuse. They have produced a [guide to encourage people to Look Closer](#).

The Salvation Army has a 24/7 confidential helpline **0300 303 8151** where you can share your concerns and get help if you suspect modern slavery is happening. Alternatively if you think someone is in immediate danger, or if the individual is under 18, call the police on **999**.

### **Disability & domestic Abuse**

Women's Aid defines domestic abuse as: "An incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, in the majority of cases by a partner or ex-partner, but also by a family member or carer."

Domestic abuse can be:

- Emotional – e.g. belittling you, isolating you from friends and family, controlling where you go and who you talk to.
- Threats and Intimidation – e.g. threatening to hurt/kill you, harassing or following you.
- Physical – e.g. hitting you, shoving you, throwing things at you, choking you.
- Sexual – e.g. pressures you into having sex, touches you in a way that you don't want to be touched.
- Financial – e.g. controlling your use of money, not giving you enough money to survive.

A review by Public Health England in 2015 confirmed that people with disabilities are more vulnerable to domestic violence, experience domestic abuse for longer periods of time, and experience more severe and frequent abuse than non-disabled people.

People with disabilities also encounter differing dynamics of domestic abuse, which may include more severe coercion, control or abuse from carers.

Abuse can also happen when someone withholds, destroys or manipulates medical equipment, access to communication, medication, personal care, meals and transportation.

People with disabilities have also reported abuse through the form of intrusion and lack of privacy.

There are four additional types of harm that are not included in The Care Act, but are also relevant to safeguarding adults.

### **Cyber bullying**

Cyber bullying can be defined as the use of the internet and/or mobile technology to harass, intimidate, or cause harm to another.

Cyber bullying can be much more pervasive than traditional bullying and therefore increasingly traumatising. In addition, the public nature of it can mean that anyone can view the victim being cyber bullied; adding shame and embarrassment on top of the already painful experience.

Cyber bullying can take many forms. Often it looks like calling people names, cursing them, spreading lies about them, or any other behaviour that can be construed as trying to hurt or bully them.

There are seven typical ways a victim may be bullied online:

- Harassment– repeatedly sending offensive, rude, and insulting messages.
- Denigration – sharing information about another person that is fake, damaging and untrue with the purpose to ridicule them.
- Flaming– purposely using extreme and offensive language to cause reactions of distress in the victim.
- Impersonation– hacking into someone’s email or social networking account to use their online identity to post vicious or embarrassing material.
- Outing and Trickery– sharing personal information about another or tricking them into revealing secrets and forwarding it to others.
- Cyber Stalking – repeatedly sending messages that include threats of harm, harassment or intimidating messages. This may be illegal.
- Exclusion – intentionally leaving someone out of group messages, online apps, gaming sites and other online engagement.

Adults with learning disabilities may be more at risk of cyber bullying. This could be because they are more trusting, unaware to the fact that they are being bullied, or simply because they are seen as easy targets to torment. Although there is a risk of cyber bullying for everyone who uses the internet, those with learning disabilities are particularly vulnerable due to their social naivety and tendency to misjudge harmful behaviour. They may lack also the confidence to report the bullying which prolongs the problem.

### **Forced Marriage**

Forced Marriage is defined by the UK Government Forced Marriage Unit as a marriage without the consent of one or both parties and where duress is a factor.

In a forced marriage one or both spouses either do not, or cannot, consent to the marriage.

Forced marriage is regarded as:

- An abuse of human rights
- A form of domestic violence

- A form of violence against men and women
- Against the law

### **Disability Hate Crime**

A disability hate crime is a criminal offence motivated by hatred or prejudice towards a person because of their actual or perceived disability.

The incident can be a one-off or it can be a series of ongoing harassments.

Despite initial assumptions that it is only strangers to the victim that commit these crimes, perpetrators can also be carers, neighbours, family members or someone that was considered a friend.

People with learning disabilities are also at high risk of 'mate crime'. This is a form of disability hate crime in which the victim is abused and manipulated by someone they believed to be their friend.

Forms of disability hate crime may include:

- Verbal and physical abuse
- Threatening behaviour
- Damage to property
- Online abuse
- Stalking and harassment

### **Prevent/Radicalisation**

The Prevent Agenda is a UK-wide strategy that aims to stop people becoming terrorists or supporting terrorism.

The following factors have been identified as increasing an individual's risk of radicalisation:

- Struggling with a sense of identity.
- Questioning their place in society.
- Family issues.
- Experiencing a traumatic event.
- Experiencing discrimination.
- Difficulty in interacting socially and lacking empathy.
- Difficulty in understanding the consequences of their actions.
- Low self-esteem.

There is no single pathway towards radicalisation – it is usually a combination of behaviours that are different to each person, according to their personal vulnerabilities.

The following behaviours could be an indication that an individual is becoming radicalised:

- Ignoring or demonising viewpoints that contradict their own.
- Expressing themselves in an 'us vs. them' manner about others who have alternative beliefs,
- Increasingly secretive or unwilling to discuss views.
- Using derogatory language.
- Changing their circle of friends.
- Losing interest in activities they once enjoyed.
- Becoming socially withdrawn or spending a lot of time online.
- Belief in conspiracy theories and distrust of mainstream media.
- Justifying the use of violence or expressing a desire for revenge.
- Secretive about who they talk to online and which websites they visit.

Domestic violence and self-harm should also be considered as possible indicators of, and/or contributory factors to, harm or abuse.

### **Relevant conduct: Adults at risk**

An adult at risk is a person aged 18 years or over with care and support needs.

Any behaviour is classed as 'relevant conduct' if it:

- endangers an adult at risk or is likely to endanger an adult at risk
- if repeated against, or in relation to, an adult at risk, would endanger the adult at risk or be likely to endanger them
- involves sexual material relating to children
- involves sexually explicit images depicting violence against human beings (including possession of such images)
- is of a sexual nature involving an adult at adult.

A person's conduct endangers an adult at risk if it:

- harms an adult at risk
- causes an adult at risk to be harmed
- puts an adult at risk of harm
- tries to harm an adult at risk
- incites another person to harm an adult at risk.

A person's conduct satisfies the 'harm test' if they are thought likely to:

- harm an adult at risk
- cause an adult at risk to be harmed
- put an adult at risk of harm
- tries to harm an adult at risk
- incite another person to harm an adult at risk

### **Preventing abuse in positions of trust in sport**

Although young people aged 16 and 17 have reached the age of consent for sexual activity according to UK law, they could be vulnerable to sexual abuse and exploitation in certain situations. This includes sexual activity and manipulation by adults who hold a position of trust, responsibility, or authority in relation to them, and, as a result, have a considerable amount of power and influence on their lives.

As of 28 June 2022 the law states that those in a position of trust in sports organisations, such as a coach, cannot legally have a sexual relationship with young people they look after, under 18 years old.

Within the new policy, sport is defined as:

- a) any game in which physical skill is the predominant factor, and
- b) any form of physical recreation which is also engaged in for purposes competition or display

It is not the case that both (a) and (b) must be met to meet the definition – either one is sufficient.

Those in authority positions in sport can have a positive influence on the welfare of a young person, by providing role models or someone to turn to if they have a concern. But it is important to have clear boundaries in place for the safety of both the young people and the staff, to ensure exploitation cannot take place.

### **What is a position of trust?**

Someone in a position of trust is a person in a position of authority or responsibility over another person. Those in positions of trust have a considerable amount of power and influence on a young person's life. For example, a young person may be dependent on their coach, mentor or other adult for their sporting development, success, or position in a club, representative or national team.

### **What does the law say?**

Sexual offences legislation in the UK underlines that any sexual activity between adults and with children under 16 is illegal and constitutes abuse. Furthermore, in defined circumstances, young people aged 16 and 17, despite reaching the age of consent for sexual activity, are vulnerable to sexual abuse and exploitation.

Following an NSPCC campaign in partnership with sport's governing bodies, the law, which previously only applied to roles like teachers and social workers, has now been extended to include a wider range of roles where adults hold a position of influence or power. This includes sports coaches and those in faith organisations.

In England and Wales, the law now states that those in positions of trust within sports organisations cannot legally have a sexual relationship with young people aged 16-17 years old.

A position of trust offence is committed when an adult in a position of trust engages in sexual activity with a child in their care, even if the child is over the age of consent (aged over 16 in the UK).

The updated law now defines a wider range of roles and settings where sexual activity between 16- and 17- year-olds and those in positions of trust, responsibility, or authority, constitutes a criminal offence.

Examples of specific roles include:

- teacher
- connexions personal advisors (England only)
- foster carers
- coach
- trainer
- supervisor or instructor in sport or a religion

Examples of specific settings:

- education institutions
- residential care homes
- hospitals
- youth offender institutions
- foster care homes
- sports organisations and regular activities
- religious organisations and regular activities

### **Additional Resources – the Ann Craft Trust**

The Ann Craft trust is the leading UK authority on safeguarding adults and young people at Risk. Please use the link below to access additional resources and information that regarding best practice in safeguarding young people and adults at risk.

<https://www.anncrafttrust.org/resources/>

## Appendix 4: Legislative Framework

Responsibilities for safeguarding are enshrined in legislation. Some duties apply only to children, some apply only to adults, and some apply to both. This section deals with each in turn.

There are fundamental differences between the legislative framework for the safeguarding of children and that of adults, based on who can make decisions.

The responsibility for decision-making relating to children lies with those who have parental responsibility. As a child grows in maturity and understanding, the law gives the child a greater say in decisions. Once a child understands fully the choice to be made and its consequences, the child's view prevails, at least as regards consent. When issues about a child's care, or their money or property, are considered by a court, statute makes it clear that 'the child's welfare shall be the court's paramount consideration'.

Adults have a legal right to make their own decisions, even if they are unwise, as long as they have capacity to make those decisions and are free from coercion or undue influence.

However, if an adult 'repeatedly makes unwise decisions that put them at significant risk of harm or exploitation or makes a particular unwise decision that is obviously irrational or out of character', there might be need for further investigation.

While many key statutory provisions apply directly to a broad range of public bodies, some key legislative provisions impose duties directly on Local Authorities. However, Active Luton and other agencies are covered by these duties indirectly, because they must co-operate with Local Authorities over safeguarding.

### Children and young people

The legislation and guidance relevant to safeguarding and promoting the welfare of children includes the following:

- [The Children Act 1989](#)
- [The Children Act 2004](#)
- [The Children and Social Work Act 2017](#)
- [Promoting the Health and Wellbeing of Looked After Children - Statutory Guidance \(2015\)](#)
- [Working Together to Safeguard Children - Statutory Guidance \(2018\)](#)

Appendix B of the statutory guidance document 'Working together to safeguard children' gives details of the statutory provisions relating to children's safeguarding.

The following broad and fundamental safeguarding duties apply to the care of children:

- There is a duty on Local Authorities to 'safeguard and promote the welfare of children within their area who are in need'. The concept of 'need' is defined very broadly, covering any child whose health or development will be impaired without support, or who has a disability.
- Local authorities must also 'take reasonable steps... to prevent children within their area suffering ill-treatment or neglect'.
- All public-sector agencies providing services to children must 'make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children'.
- A child-centred approach is required. As far as reasonably possible, Local Authorities must ascertain the child's wishes and feelings, and devise their support in consideration of those wishes and feelings. However, Local Authorities are not required to provide this support themselves.

- A local authority must enquire whether it needs to take safeguarding action if it has reasonable cause to suspect a child in its area is suffering, or is at risk of, significant harm. This duty also covers any child in police protection, or under an emergency protection order.

All agencies must recognise that safeguarding is everyone's responsibility. No individual agency can assume that safeguarding issues will be picked up by others.

Local Safeguarding Partnerships are now responsible for monitoring inter-agency co-operation. CCGs and Designated Professionals and local providers should ensure they are appropriately represented on the Local Safeguarding Partnership, with the duty of co-operation to each other, specifically in relation to the establishment and operation of the Local Safeguarding Partnership objectives:

- to co-ordinate activities of board members to safeguard and promote the welfare of children
- to ensure the effectiveness of those activities
- commissioning serious case reviews where: abuse or neglect of a child is known or suspected; or the child has either died or been seriously harmed, and there is concern over how agencies and service providers have worked together.

The Children and Social Work Act 2017 replaces LSCBs with new local safeguarding arrangements, specifically the Child Safeguarding Practice Review Panels (CSPRPs) to be led by three partners (local authorities, chief officers of police, and CCGs). The Act places a duty on those partners to make arrangements for themselves, with relevant agencies as they deem appropriate, to work together to safeguard children in their area. During 2019, eleven Early Adopter and six Partners in Practice 'Pathfinder' organisations are working to these new arrangements; their experiences will help inform the wider implementation of the new system.

### **Adults at risk of harm or abuse**

The legislation and guidance relevant to safeguarding adults at risk of harm or abuse includes the following:

- Care Act 2014
- Care and Support Statutory Guidance (Chapter 14 – Safeguarding)

The following broad and fundamental safeguarding duties apply to adults at risk of harm or abuse:

- Local Authorities must promote the adult's 'wellbeing'. Within this broad concept, the authority must 'have regard to the need to protect people from abuse and neglect'.
- If a local authority has reasonable cause to suspect that an adult in its area is suffering, or is at risk of, abuse or neglect, and has needs which leave him or her unable to protect himself or herself, then it must ensure enquiries are made in order to decide what action (if any) should be taken, and by whom (the 'duty to enquire'). Enquiries should be made by the most appropriate professional; in some circumstances that will be a health professional.

Local Authorities and their 'relevant partners', must co-operate in discharging these duties.

Each Local Authority must establish a Safeguarding Adults Board (SAB) in its area. The main objective of the SAB is to help and protect adults in its area.

The Government's policy statement on adult safeguarding sets out six principles for safeguarding adults. Together, the principles are an aid to understanding actions that need to be taken to protect people and are agreed within the Care Act 2014.

- 1 Empowerment: Ensuring people are supported and confident in making their own decisions and giving informed consent. Empowerment gives individuals choice and control over decisions made.

- 2 Protection: Providing support and representation for those in greatest need. Organisations can put measures in place to help stop abuse from occurring and offer help and support to those at risk.
- 3 Prevention of harm or abuse: it is crucial to try and take action before harm occurs, preventing neglect, harm or abuse is the primary objective. Prevention is the act of organisations working to stop abuse before it happens. Raising awareness, training employees and making information easily accessible are all ways that they can demonstrate prevention measures and encourage individuals to ask for help.
- 4 Proportionality: We must take a proportionate and least intrusive response to the issue presented. Proportionality ensures that services take each person into account when dealing with abuse. They will respect each individual and assess any risks presented.
- 5 Partnerships: Forming partnerships with local communities can create solutions as they can assist in preventing and detecting abuse. Partnerships give organisations the opportunity to work together, as well as with the local community.
- 6 Accountability: Being accountable and having complete transparency in delivering safeguarding practice. Safeguarding is everyone's business and accountability makes sure that everyone plays their part when it comes to safeguarding vulnerable people. Everyone is accountable for their actions as individuals, services and organisations.

Whilst they are not legal duties, these principles do represent best practice. They also provide a foundation for achieving good outcomes.

### **The Mental Capacity Act**

The Mental Capacity Act 2005 (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over.

People who may lack capacity include those with:

- dementia
- a severe learning disability
- a brain injury
- a mental health illness
- a stroke
- substance or alcohol misuse
- confusion, drowsiness or unconsciousness because of an illness or treatment for an illness.

Just because a person has one of these health conditions doesn't necessarily mean they lack the capacity to make a specific decision.

Five important principles underpin the Mental Capacity Act:

- It is important to assume that a person has the capacity to make a decision themselves, unless proven otherwise
- Wherever possible, people should be supported to make their own decisions
- A person should not be treated as lacking the capacity to make a decision just because they make what seems like an unwise decision
- If a decision is made on behalf of someone who doesn't have capacity, it must be made in their best interests
- Any treatment or care provided to someone who lacks capacity should be the least restrictive possible of their basic rights and freedoms.

The MCA also allows people to express their preferences for care and treatment, and to appoint a trusted person to make a decision on their behalf, should they lack capacity in the future.

Amendments to the Mental Capacity Act, which came into effect in 2019, made changes to the ways in which a person may be deprived of liberty where he or she does not have the capacity to consent.

### **Information sharing**

Good information-sharing practice is at the heart of good safeguarding practice and placing adults at the centre of it. This area is covered by legislation, principally the Data Protection Act 2018 and the General Data Protection Regulation and by court decisions on issues of confidentiality and privacy.

At its heart is the principle that information should be shared if this helps to protect children or adults, or to prevent a crime. In addition, there are some statutory provisions, for example, relating to the operation of LSCBs/CSPRPs, and SABs, (and relating to the statutory scheme for vetting and barring) which specifically require information sharing.

Additional advice for practitioners providing safeguarding services to children, young people parents and carers can be found in the 2018 DfE publication [Information Sharing](#).

### **Vetting and barring**

There is a statutory scheme for vetting people working with children and adults vulnerable to abuse or neglect. The scheme is administered by the Disclosure and Barring Service. This system provides checks on people entering the workforce and maintains lists of individuals who are barred from undertaking regulated activity with either children, or adults at risk of harm or abuse.

### **PREVENT/ CONTEST**

The Prevent Agenda was set up in 2006 as part of the wider counter-terrorism strategy called CONTEST with the aim to stop people becoming terrorists or supporting terrorism. Terrorism involves committing violent acts for political, religious or ideological reasons. The acts can be committed as part of an organised group or alone, however it is usually categorised as a group phenomenon. In the build up to committing these violent acts, people are usually radicalised. Radicalisation is the action or process of causing someone to adopt radical positions on political or social issues.

The most prevailing forms of radicalisation currently in the UK are from Islamic Extremists and Right-Wing Extremists.

The strategy's three objectives are:

- To challenge the ideology that supports terrorism.
- To protect vulnerable people.
- To support sectors and institutions where there are risks of radicalisation.

The Home Office's updated counter-terrorism strategy states that through Prevent, the government, local authorities, police and communities will continue to safeguard and support vulnerable people from the risk of being drawn into terrorism.

Channel is a key part of the Prevent strategy.

Police work with public bodies such as local councils, social workers, NHS staff, schools and the justice system to identify those at risk of being drawn into terrorism. They assess what the risk might be and then develop tailored support. This support can include mentoring, anger management and drug and alcohol programmes.

It is likely that Active Luton employees will meet and support people who may be vulnerable to being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.

The key challenge for employees is to ensure that, where there are signs that someone has been, or is being, drawn into terrorism, the team member is trained to recognise those signs correctly and is aware of, and can locate, available support, including the Channel programme where necessary.

Preventing someone from being drawn into terrorism is substantially comparable to safeguarding in other areas, including child abuse or domestic violence, and all providers and employees within Active Luton have a statutory duty to PREVENT.

Active Luton has incorporated PREVENT into its safeguarding arrangements, so that where appropriate PREVENT awareness and other relevant training is delivered to employees.

You can report online material that promotes terrorism or extremism on the GOV.UK website

[Report online material promoting terrorism or extremism](#)

If you suspect someone is involved in terrorism in any way or that someone has been radicalised you can call the police or report your suspicions to them online.

You can remain anonymous throughout this process.

Alternatively you can call the Anti-Terrorist Hotline anonymously on 0800 789 321.

## **Appendix 5: Code of Conduct for Working with Children and Young People**

The following Code of Conduct is designed to ensure that all interactions with children and young people within Active Luton led activities and settings promotes their well-being, safety, and enjoyment. All adults involved in leading activities with children and young people, including coaches, instructors, volunteers, and employees are expected to follow these guidelines to provide a positive and supportive environment for all.

### **1. Safety First**

- Prioritise the physical and emotional needs and safety of all children during activities.
- Ensure that whenever possible, there is more than one adult present during activities with children and young people. If a situation arises where you are alone with a child or young person, ensure that you are within sight or can be heard by other adults. If a child specifically asks for or needs some individual time with you, ensure other staff or volunteers know where you and the child are.
- Read and familiarise yourself with all the relevant risk management documentation.
- Ensure that the activity environment is safe and that any risks are suitably managed.
- Ensure any equipment or resources are appropriate for the group and are used safely and for their intended purpose only.
- Record and report any incidents, concerns, discomfort, or injuries children experience during activities in accordance with the Active Luton procedure for reporting accidents and incidents.
- Record and report any safeguarding concerns in accordance with the Active Luton Safeguarding procedure.

### **2. Respect, Privacy, and Dignity**

- Treat every child or young person with respect, dignity, and kindness, regardless of their abilities, background, or characteristics.
- Respect each child's individuality and avoid any form of discrimination, bias, or favouritism. This includes managing your attention to be inclusive of all.
- Maintain confidentiality regarding any personal or sensitive information about children, or their families. If you need to break confidentiality in order to report a safeguarding concern to a Designated Safeguarding Lead, ensure you explain this to the child or young person at the earliest opportunity.
- Informed parental consent must be obtained for the use of any personal information, photos, or recordings taken during activities.
- Any media must only be collected on an Active Luton device, and saved within the Active Luton cloud.
- In line with Active Luton policy, no personal mobile phones should be used during delivery time and in delivery spaces.
- Ensure that children's privacy is respected, especially in situations where they may need to change clothes or need personal space.
- Communicate clearly with children and their parents, keeping them informed about expectations, progress, and any issues that arise.

### **3. Professional Boundaries**

- Maintain professional boundaries with children, particularly if giving physical and emotional support. Physical boundaries include avoiding unnecessary physical contact; emotional boundaries means avoiding becoming the exclusive emotional support for an individual child. Please note that restraining a child can only be done by those who have undertaken specific restraining training.
- Ensure your contact with children and young people is appropriate and relevant to the nature of the activity you are involved in.
- Use only age and context appropriate language around children.
- Do not give any child or young person your personal contact details (mobile number, email or postal address) or have contact with them via a personal social media account.
- Respect your position of trust and maintain appropriate boundaries and relationships with young people. Please note that it is illegal to engage in sexual behaviour with any child or young person in your care under the age of 18.

### **4. Encourage Healthy Participation Through Role Model Behaviour**

- Foster an environment where every child feels encouraged and valued, regardless of their skill level or ability.
- Ensure that all children are included in activities and have opportunities to participate fully, no matter their level of experience.
- Use positive reinforcement and constructive feedback to encourage children's efforts and improvement.
- Avoid negative, humiliating, or discouraging language, and instead focus on motivating and supporting each child.
- Promote physical activity as a means of enjoyment, personal growth, and teamwork, rather than as a means of competition, or comparison.
- Set a positive example for children by demonstrating good sportsmanship, self-discipline, and respect for others, promoting fair play, honesty, and teamwork in every aspect of physical activity. Encourage children to follow the same values, creating a positive, inclusive environment for all.

### **8. Appropriate Role and Responsibilities**

- Recognise the parameters of your role and avoid assuming responsibilities beyond your qualifications, and or training.
- Behaviour management interventions (EG 'time-out') are to be outworked by, or with, the lead coach or deliverer.

Following this Code of Conduct will ensure that all Active Luton led activities are positive, safe, and enjoyable experiences for all children involved. It is our collective responsibility to create an environment that nurtures growth, development, and respect in all young participants.

This *Code of Conduct for Working with Children* and Young people supports and works in conjunction with Active Luton's Safeguarding, Health and Safety, and GDPR policies and procedures.

## Appendix 6: Example of how to Report a Concern

To report a concern, please log into My Concern ([login.thesafeguardingcompany.com](http://login.thesafeguardingcompany.com)) and click on the red 'Report a concern' button in the top righthand corner of the screen.

Report a Concern

This will open up a copy of the form below for you to type directly into. Once completed please click on the blue 'Submit concern' button at the bottom of the form.

**Report a Concern**

**Name(s) of Person(s)**

Please enter at least 3 characters to search  Add Person

ⓘ Please add the Person(s) who are the subject of this concern and add any other Person(s) you want associated to it.

**Concern Summary**

s.g. Andrew has exhibited signs of substance misuse.

**Send Concern to**

Please Select a Notification Group ▼

**Concern Date/Time**

00/00/0000 00:00 📅

**Origin of Concern**

Please Select an Origin of Concern ▼

**Details of Concern**

There is no need to repeat the Concern Summary.

**Location of Incident**

Not Applicable ▼

**Action Taken**

**Attachment**

Select File

ⓘ Please attach any media that is relevant to this concern.

**Referrals**

Add Referral

Submit Concern

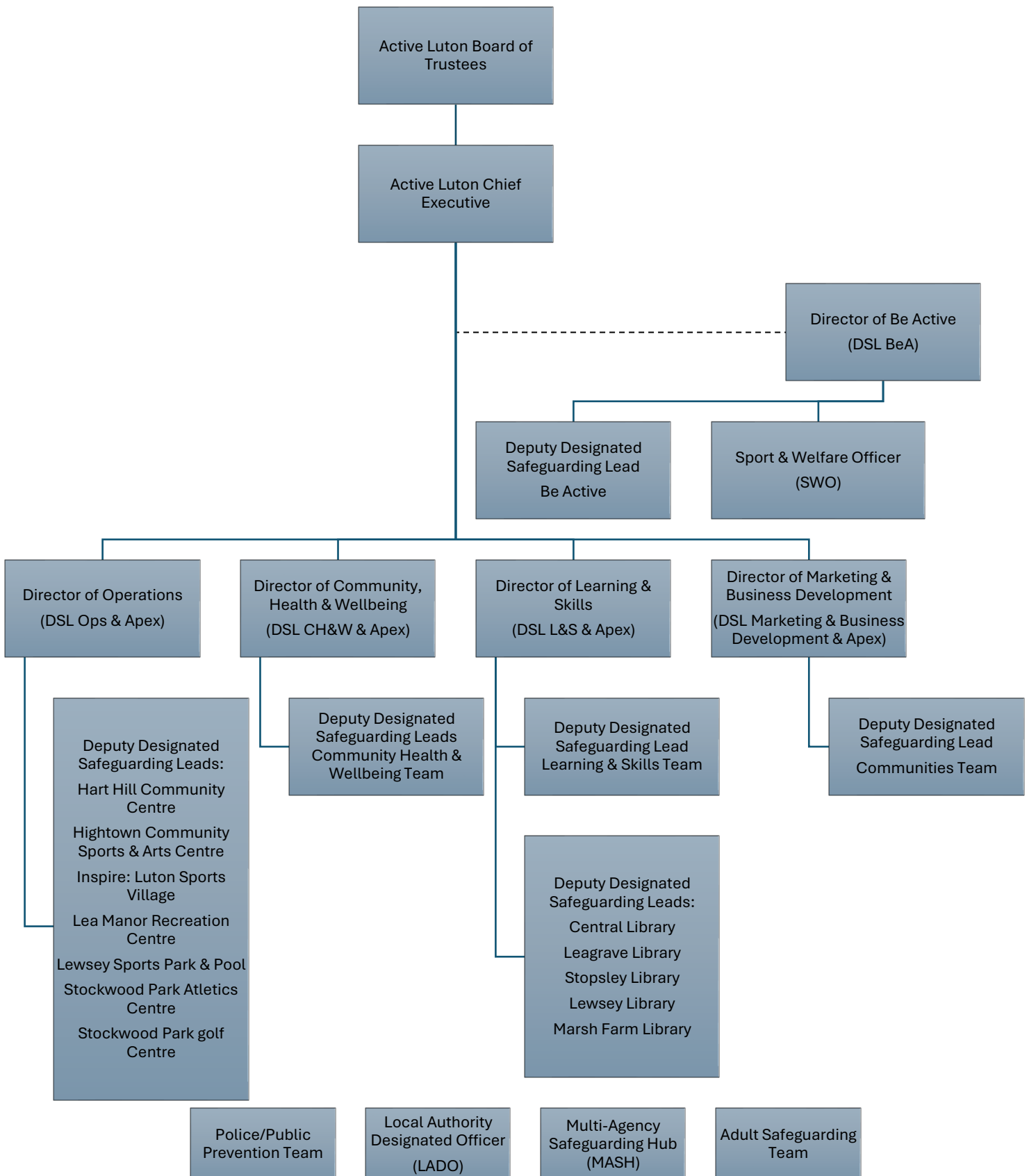
You **must** add the name and details of the person the concern is about. If they are not already known to us click on the 'Add Person' option to add their details

Please select the safeguarding team responsible for managing your safeguarding concerns from the drop-down options.

Try to include as much information as you can

You must add in the location of where the Concern originated using the drop-down menu.

## Appendix 7: Safeguarding Organigram



## Appendix 8: Contact Information

In an emergency, contact the Police on 999

For an unsupervised child in an Active Luton venue phone the Police on their local number:  
01582 401212

For safeguarding concerns about **children** contact the Multi-Agency Safeguarding Hub (MASH) in the first instance on:

01582 547653 (Luton) or [mash@luton.gov.uk](mailto:mash@luton.gov.uk)  
01234 718700 (Bedford)  
01908 253169 / 253170 (Milton Keynes)

Out of Hours, contact the Emergency Duty Team on:

0300 300 8123  
0300 300 8585 (Central Beds)

Email: [initialassessment@luton.gov.uk.cjism.net](mailto:initialassessment@luton.gov.uk.cjism.net)

Bedfordshire Police Specialist Public Protection enquiries – 01234 846960

For safeguarding concerns about an **adult at risk** you need to contact the Adult Safeguarding Team in the first instance using the following contact details:

[adultsafeguarding@luton.gov.uk](mailto:adultsafeguarding@luton.gov.uk) / 01582 547730 or 01582 547563 (Luton)  
01908 252835 (Milton Keynes)  
01234 276222 (Bedford)  
01234 0300 300 (Central Beds)

For concerns raised about an **employee** member contact the Local Authority Designated Officer for Allegations (LADO) on:

01582 548069

Luton Council information on safeguarding plus online referrals for Children, Adults and Families:

[https://m.luton.gov.uk/Page/Show/Health\\_and\\_social\\_care/safeguarding/Pages/default.aspx](https://m.luton.gov.uk/Page/Show/Health_and_social_care/safeguarding/Pages/default.aspx)

For concerns that someone is at risk regarding **radicalisation or terrorism** contact the PREVENT Team at Bedfordshire Police on:

01582 473048 or 473040

Email: [preventengagement@bedfordshire.pnn.police.uk](mailto:preventengagement@bedfordshire.pnn.police.uk)

For any safeguarding concerns relating to the Chief Executive you must immediately contact the Chair of the Trustees using the following email address:

[chair@activeluton.co.uk](mailto:chair@activeluton.co.uk)