

DRAFT

The Long Distance Walkers Association

Safeguarding Adults: Policy and Procedures

The Long Distance Walkers Association is committed to creating and maintaining a safe and positive environment. We accept our responsibility to safeguard the welfare of all adults involved in long distance walking, in accordance with the Care Act 2014 and Adult Support and Protection (Scotland) Act 2007

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1 Introduction

The Long Distance Walkers Association (LDWA) is a national organisation that exists to further the interests of people who enjoy long distance walking. It is constituted as a company limited by guarantee, and members of the national committee are directors of the company. The national committee are nominated and elected annually by the Association's members. There are no salaried employees.

Whilst membership of the LDWA is of the national Association, the LDWA operates principally through some 43 semi-autonomous Local Groups, each of which has its own organising committee of volunteers governed by a local constitution. Local Groups organise programmes of social walks, challenge events, and social events.

Governing bodies and other national sporting organisations have a duty of care to ensure the safety of adults at risk of harm participating in their activities.

The LDWA values and encourages the involvement of all walkers in its activities, including those who may have recognised vulnerabilities which may put them at risk of harm. Through this Policy the LDWA is committed to promoting their enjoyment of long distance walking and safeguarding their health, safety and general welfare while in the company or care of LDWA volunteers or members.

The purpose of this Policy is to describe the LDWA's responsibility with regard to safeguarding adults at risk of harm, and to detail the procedures to be followed in the event that any form of abuse of an adult at risk is observed or suspected. It applies to all individuals involved in the LDWA.

The LDWA will support anyone who, in good faith, reports his or her concerns that an adult is at risk of being, or may actually be, abused. All suspicions and allegations of abuse will be taken seriously and responded to swiftly and appropriately, and handled with appropriate sensitivity.

This Policy is mandatory for all LDWA members, whether in a volunteer role or as ordinary members. It also applies to guests of the LDWA on social walks, challenge events or on social events.

2 Context

The circumstances in which members of the LDWA, acting on behalf of the LDWA, might come into contact with adults at risk of harm are limited. The LDWA is not a sporting body that coaches, teaches or otherwise cares for people in a sporting context, and none of the LDWA's volunteers take on such roles on behalf of the Association.

Adults at risk of harm may join a social walk, enter a challenge event, or volunteer as marshals on Local Group events, or take part in Group social events.

Other situations may occur from time to time, and this Policy applies in all cases.

It is impossible to say how many adults at risk of harm might take part in social events or challenge walks, as an entrant or volunteer, as there is no requirement for them to declare any

disability (except, possibly, a relevant pre-existing medical condition) and any vulnerability may not be realised until a stressful situation occurs.

3 Principles and values

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

- **Empowerment** (for example being supported and encouraged to make own decisions and to act with informed consent, particularly in relation to outcomes from any safeguarding process)
- **Prevention** (taking action before abuse occurs; knowing the signs and how to seek help)
- **Proportionality** (the least intrusive response to the risk presented)
- **Protection** (support and representation for those in greatest need)
- **Partnership** (local solutions through services working with their communities)
- **Accountability** (accountability and transparency in delivering safeguarding)

The LDWA takes seriously its responsibility to protect and safeguard adults at risk of harm who take part in the activities organised by Local Groups on behalf of the LDWA.

All adults, regardless of age, ability or disability, gender, gender reassignment, race, religion, ethnic origin, sexual orientation, or marital status have the right to be protected from abuse and poor practice and to participate in a safe and enjoyable environment.

Accordingly, the LDWA will:

- Provide a friendly welcome and promote the general welfare of all involved in its activities
- Recognise the rights of those at risk of harm as individuals and treat them with dignity and respect.
- Raise awareness of the dangers to which adults at risk may be susceptible.
- Develop appropriate procedures for responding to accidents, incidents and alleged or suspected harm.

4 Guidance and legislation

The practices and procedures within this policy are based on the principles contained within UK legislation and supporting government guidance. The relevant legislation is contained in Appendix A.

Definitions

An adult at risk is a person aged 18 or over who is in need of care and support, regardless of whether they are receiving them, and because of those needs is unable to protect themselves against abuse or harm. [In Scotland, note that the age range is from 16 upwards].

Abuse is a violation of an individual's human and civil rights by another person or persons (see below for types of abuse)

Adult safeguarding is protecting a person's right to live in safety, free from abuse and neglect

Capacity refers to the ability to make a decision at a particular time, for example when under stress. The starting assumption must always be that the person has the capacity to make a decision unless it can be established that they lack capacity under the Mental Capacity Act 2005.

Guidance on types of abuse, and the signs and indicators of abuse is contained in Appendix B

5 Prevention and good practice guidelines

Disclosure and Barring Service: members of the LDWA, whether acting as volunteers or as ordinary members participating in LDWA organised activities are not in Regulated Activity and as such not required to be checked in order to carry out volunteer duties with the LDWA.

Good practice guidelines:

LDWA members should:

- Remember that even well intentioned actions may be misinterpreted and leave all concerned vulnerable
- Be alert to any potential harm or inappropriate behaviour towards adults at risk
- Provide access for adults at risk to discuss any concerns they may have
- Always work in an open environment, avoiding private or unobserved situations
- Treat everyone with respect and dignity
- Give enthusiastic and constructive feedback
- Recognise the capacity of adults at risk, and avoid nurturing excessive training or pushing against a person's will
- Keep a written record of any injury that occurs along with details of any treatment, in accordance with LDWA accident and injury procedures
- Share concerns on any matter relating to actual or suspected abuse with the appropriate LDWA representative

LDWA members should not:

- Permit abusive behaviour by others or engage in it themselves
- Be alone for substantial periods of time with anyone who is at risk. If this is unavoidable through emergency or other event, then this should be with the knowledge of another LDWA member.
- Allow or engage in suggestive remarks, gestures or touching of a kind which may be misunderstood or unwelcome
- Use language which may be regarded as hurtful or disrespectful
- Let any allegations made by an adult go uninvestigated, unrecorded or otherwise not acted upon

6 Designated persons

At National Committee level, the Designated Safeguarding Officer has responsibilities which include review and maintenance of this Safeguarding Policy, providing advice and guidance to Local Groups on Safeguarding issues, monitoring any incidents that are reported by Local Groups, and ultimately ensuring that appropriate action has been taken by the LDWA on any reported incidents of abuse.

At National Committee level, the Designated Safeguarding Officer is the Chair of the National Executive Committee of the LDWA.

At Local Group level, the appropriate local safeguarding representative is the Chair of the Local Group.

7 Responding to accidents or incidents

In the event of an accident to an adult, the relevant accident reporting procedures should be followed.

7.1 Responding to alleged or suspected abuse

Members who become aware that abuse or poor practice is taking place, or who have been told about something that might be abuse or poor practice must report this to the Chair of their Local Group, who will act as the local Safeguarding representative, using the Pro Forma (see Appendix D), with a copy to the organisation's Designated Safeguarding Officer.

In the event that the appropriate local representative is not available, or it is not appropriate to involve them, then concerns about or reports of safeguarding issues should be reported directly to the National Designated Safeguarding Officer.

If it appears that someone is in immediate danger, then the police should be contacted at once.

The needs and wishes of the person at risk must be considered, taking into account the nature of the alert.

If someone wishes to talk about harm, then it is essential that the LDWA member or volunteer:

- Listens carefully, keeping calm and looking at them directly
- Avoids questioning and does not push for information
- Lets them know that in order to help, someone else must be told
- Reassures that they are not to blame, are right to talk and what they say is accepted
- Remains aware that they may have been threatened
- Lets them know what will happen next and undertakes to advise about the outcome

The LDWA member or volunteer must:

- Write down accurately what the person has said, using their own words as much as possible, either at the time or as soon as possible afterwards
- Describe the circumstances in which the disclosure came about
- Take care when recording to distinguish between fact, allegation, observation and opinion.
- Be mindful of the need for confidentiality at all times, with the information being shared only with the local Safeguarding representative or National Designated Safeguarding Officer, and others only on a strictly need to know basis.
- Complete the Pro Forma and send to the local Safeguarding representative
- If a Pro Forma is not readily available, then notes should include:

- date and time of the alleged incident or disclosure
- the parties involved

- what was alleged
- action taken

Records should be as accurate as possible as they may be invaluable to any investigation and used as evidence in court. All handwritten notes should therefore be kept safely, both when the Pro Forma is completed at once, or at a later date.

The LDWA member should not:

- Act alone
- Start to investigate
- Make assumptions about the people involved

7.2 *Role of local safeguarding representative*

The local safeguarding representative (or the National Designated Safeguarding Officer, if appropriate) must inform and liaise with the relevant authorities (Social Services Adult Safeguarding, or Police, for the area in which the adult at risk lives).

7.3 *Allegations of harm or abuse by LDWA members*

Where it is suspected that a member may be involved in the abuse, other members should let the appropriate local safeguarding representative know as soon as possible. The member concerned should be removed immediately from access to adults at risk of harm, but be assured that no presumptions have been made and that the allegation will be fully investigated by the relevant authorities. Where it is suspected or alleged that the Chair of the Local Group may be involved in the abuse, members should let the National Designated Safeguarding Officer know as soon as possible.

8 Confidentiality and sensitivity

When dealing with personal and emotive details of this nature, confidentiality must be maintained at all times since the allegations or suspicions may prove to be unfounded. Notes and records should be kept in a secure place and shared only with those who need to know about the incident or allegation.

A sensitive approach should be taken with the accused to explain why an investigation has to take place and to reassure them that the matter will be handled discreetly and even-handedly by the LDWA.

No assumptions of guilt should be made unless and until an actual finding has been obtained in any proceedings. Impartial contact will be maintained by a nominated LDWA committee member during this process.

9 Well being of members

Being involved in reporting disclosures or allegations of abuse can be distressing for the person involved. Members concerned may wish to speak to a professional for reassurance. In the case of adults at risk of harm this may be obtained from the Ann Craft Trust **0115 951 5400**

10 Relevant policies

- Articles of Association of the LDWA
- By Laws of the Association
- Grievance Procedure-Guidelines

11 Review and publicity

This Policy and related Procedures have been adopted by the National Committee. They will be reviewed every 3 years, or whenever there is a major change in the organisation, or in relevant legislation.

On an annual basis, the National Committee will review the number of recorded incidents, allegations or complaints, and make changes to the Policy and Procedures where relevant.

The Policy and Procedures will be circulated through the Local Groups' secretaries to all Local Groups, who will be asked to formally endorse it and make it available to members locally.

The Policy and Procedures will be published on the LDWA website, with clear links from the home page, and attention will be drawn to the adoption of the Policy and Procedures in the LDWA's publication, Strider.

Appendix A

Relevant legislation

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 replaced 'No Secrets' and puts adult safeguarding on a statutory footing.

www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation

Adult Support and Protection (Scotland) Act 2007

The Act defines adults at risk as those of 16 or over who are

- unable to safeguard their own wellbeing, property, rights or other interests
- and are at risk of harm and because they are affected by disability, mental disorder, illness or physical or mental infirmity,
- and are more vulnerable to being harmed than adults who are not so affected

In Scotland, the Protecting Vulnerable Groups (PVG) membership scheme is managed and delivered by Disclosure Scotland. It helps makes sure people whose behaviour makes them unsuitable to work with children and/or protected adults, can't do 'regulated work' with these vulnerable groups.

Additional legislation in Scotland:

Adults with Incapacity (Scotland) Act 2000:

Provides the means to protect those with incapacity, through financial and welfare guardianship

Mental Health (Care and Treatment) (Scotland) Act 2003:

Provides powers and duties in relation to people with mental disorder

Protection of Freedoms Act 2012

Established the Disclosure and Barring service and amended some of the provisions relating to vulnerable groups, changed scope of 'regulated' activity and abolished 'controlled' activity.

Domestic Violence, Crime and Victims (Amendment) Act 2012

Created new offence of causing or allowing the death of a child or vulnerable adult

Equality Act 2010

Replaced all existing anti discrimination legislation such as sex and race discrimination and disability discrimination

Safeguarding Vulnerable Groups Act 2006

Introduced the new Vetting and Barring Scheme and the role of the Independent Safeguarding Authority. The Act places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance.

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Mental Capacity Act 2005 (applies England and Wales)

Its general principle is that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, that anything done for or on behalf of people without capacity must be in their best interests and should be the least restrictive intervention.

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

Sexual Offences Act 2003

The Sexual Offences Act introduced a number of new offences concerning adults at risk and children.

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

Data Protection Act 2018

Serious Crime Act 2015

Introduced new offence of controlling or coercive behaviour in intimate or familial relationships

Other initiatives and legislation

Deprivation of Liberty Safeguards (England and Wales)

Introduced into the Mental Capacity Act 2005 and came into force in April 2009. Designed to provide appropriate safeguards for vulnerable people who have a mental disorder and lack the capacity to consent to the arrangements made for their care or treatment, and who may be deprived of their liberty in their best interests in order to protect them from harm.

Disclosure & Barring Service 2013

Criminal record checks: guidance for employers - how employers or organisations can request criminal records checks on potential employees from the Disclosure and Barring Service (DBS).

<https://www.gov.uk/dbs-update-service>

Making Safeguarding Personal Guide 2014

This guide is intended to support councils and their partners to develop outcome-focused, person-centred safeguarding practice.

<https://www.local.gov.uk/making-safeguarding-personal-safeguarding-adults-boards>

Baroness Grey-Thompson: 'Duty Of Care in Sport: Independent report to Government' 2017

<https://www.gov.uk/government/publications/duty-of-care-in-sport-review>

Appendix B

Types of abuse (from Care Act 2014)

Self neglect: this covers a wide range of behaviour, including neglecting to care for personal hygiene, health or surroundings

Modern slavery: encompasses slavery, trafficking, forced labour and domestic servitude

Domestic abuse includes psychological, physical, sexual, financial and emotional abuse, including coercive control. It also includes so called 'honour' based violence.

Discrimination: abuse which centres on a difference or perceived difference with respect to race, disability, gender, gender reassignment, or any of the protected characteristics of the Equality Act

Organisational abuse: this includes neglect and poor practice within an institution or specific care setting, or in relation to care received in own home. This might be a one off incident or on going ill-treatment.

Physical abuse: includes hitting, striking, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions

Sexual abuse: includes rape, sexual harassment, indecent exposure, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, sexual assault or sexual acts to which the individual has not consented.

Financial or material abuse: includes theft, fraud, internet scamming, coercion in relation to an individual's financial affairs, including in connection with wills, property, inheritance or financial transactions, or the misappropriation of or property, possessions or benefits

Neglect: ignoring medical or physical care needs, a failure to provide access to appropriate health, social care or educational services, withholding the necessities of life, such as medication, adequate nutrition or heating

Emotional or psychological abuse: includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive network

Also relevant but not included in the Care Act:

Cyber bullying: repeatedly making fun of another person online, or repeatedly picking on another through emails or text messages, or using online forums with the intention of harming, damaging, isolating or humiliating another.

Forced marriage: term used to describe a marriage in which one or both parties are married without their consent or against their will. [ref. Antisocial Behaviour, Crime and Policing Act 2014]

Mate crime: when 'vulnerable people are befriended by members of the community who go on to exploit and take advantage' [ref. Safety Net Project]

Radicalisation: attracting people to own reasoning, inspiring new recruits and embedding extreme views; persuading vulnerable individuals of the legitimacy of their cause, either directly or through social media.

Signs and indicators of abuse and neglect

Abuse can take place in any context and by all manner of perpetrator. Individuals may be abused by someone within the organisation, or group members and other volunteers may become aware that abuse or neglect is happening outside the setting of the LDWA.

There are many signs that someone is being abused or neglected. These include but are not limited to:

- Unexplained bruises or injuries, or lack of medical attention when an injury is present
- Belongings or money going missing
- Losing or gaining weight and/or an unkempt appearance
- Change in behaviour or apparent confidence
- Self-harm
- Fear of a person or group
- Telling another that they are being abused (disclosure)

APPENDIX C

Relevant organisations

Adult safeguarding contact points:

The place where safeguarding concerns are raised within the local area. This could be a local authority single point of access, the relevant social work or mental health team or a safeguarding hub.

Court of Protection- <https://www.gov.uk/courts-tribunals/court-of-protection>

Forced Marriage Unit-<https://www.gov.uk/guidance/forced-marriage>

Local Authority: Adult Social Care, Adult Safeguarding Leads

Police-may be referred to as Community Safety Units

Appendix D

Proformas for reporting incidents of suspected or alleged abuse or harm.

- Form A: to be completed by the person receiving a disclosure or witnessing signs of abuse
- Form B: to be completed by local safeguarding representative

Form A: Report of disclosure or witnessing signs of abuse of adult at risk of harm

CONFIDENTIAL

Full name of person disclosing or showing signs of abuse				
Age and date of birth (if known)	Day	Month	Year	
Gender				
Address (if known)				
Name and address of any carer, if relevant				
Date and time of disclosure or when signs of abuse witnessed	Day	Month	Year	Time
Describe the circumstances which led to the disclosure, or the concern about possible abuse				
Record of what was said (in person's own words) or the signs of abuse seen				
<i>NB in addition, attach any original handwritten notes</i>				

Was there any other witness? If so, give name, address and status (e.g. whether member of LDWA, supporter, relative etc)	
Have they provided a report?	Yes/no
Comments or observations by person completing this form	
Name of person completing form	
Phone number and address	
Name of Local Group	
Signature	
Dated	

Form A should be passed as soon as possible to the Chair of the Local Group. Where this is not appropriate, then the form is to be sent directly to the National Designated Safeguarding Officer

Form B: Report of disclosure or witnessing of abuse of adult at risk of harm

To be completed by LDWA safeguarding representative

CONFIDENTIAL

Name and status of representative (e.g. Chair of Local Group)			
Phone number and address			
Date and time Form A received	Day	Month	Year
Action taken: in particular note any referral to Local Authority, police, with date and any outcome known directly.			
Signature			
Dated			

Attach Form A and any hand written notes to Form B and send to National Designated Safeguarding Officer