

EFL Adults at Risk Safeguarding Policy 18-19

1. Policy Statement

The EFL is committed to creating and maintaining a safe and positive environment and accepts our responsibility to safeguard the welfare of all adults involved in football in accordance with the Care Act 2014. The policy and procedures apply to all adults, 18 years or older, involved in football in our member Clubs and applies to all employees paid and voluntary.

The EFL proactively seeks to:

- Enable everyone, regardless of age, culture, disability, gender, racial origin, religious belief and/or sexual identity to participate equitably in football in a safe environment
- Support member Clubs to implement their own adult at risk policies and procedures
- Work with Member Clubs to ensure all those working with Adults at Risk are competent and have been provided with relevant awareness training regarding the potential difficulties Adults at Risk can face and how to manage them
- Review our ways of working to incorporate good practice
- In conjunction with our Member Clubs take all suspicions and allegations of abuse or poor practice seriously and respond swiftly and appropriately to them in accordance with current legislation and football governing body procedures

2. Definitions

For the purpose of this Policy the following definitions apply:

Adults at risk of harm:

A person aged 18 or over who has needs for care and support (whether or not the local authority is meeting any of those needs) and

- is experiencing, or 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.

This may include people with learning disabilities, sensory impairments, mental health needs, older people and people with a physical disability or impairment. It may also include people who are affected by the circumstances that they are living in, for example experiencing domestic violence. This list is not exhaustive.

An individual's level of vulnerability to harm may vary over time depending on the circumstances they are in and their needs at that time.

Abuse:

Abuse is defined as a violation of an individual's human and civil rights by any other person or persons. It includes acts of commission (such as an assault) and acts of omission (situations where the environment fails to prevent harm). Abuse may be single act or omission or series of acts or omissions.

Capacity:

Capacity refers to an individual adult's ability to take a specific decision or take a particular action at a particular time even if they are able or not able to make other decisions at other times. The starting point should be that the person has capacity to make a decision unless it can be established that they cannot.

3. Guidance for Member Clubs:

Every EFL member Club should have and Adults at Risk Safeguarding policy and the necessary procedures and practice to ensure the policy is implemented throughout all Club activities in order to:

- safeguard “adults at risk”, both at training sessions and during club activities
- to assure “adults at risk”, and their carers where relevant, that they are safe when taking part in activities within member Clubs
- to raise awareness amongst all members, volunteers and employees so that they know what to do if they are concerned about an individual, whether the concern relates to their within the Club, or to something happening outside that environment that the individual discloses to someone they trust within the Club

Each member Club’s adult at risk policy should include the following (as a minimum):

- A definition of adults at risk
- Types of abuse experienced by adults at risk as defined in The Care Act 2014
- Guidance for employees on how to respond to and report a suspicion of/disclosure of abuse to include guidance on statutory agency involvement and when a referral to the FA case management team is required and by whom
- Guidance on record keeping in relation to safeguarding concerns involving adults at risk and information sharing
- Reference to relevant government legislation and other related Club policies for example, Safeguarding Children’s Policy, Whistleblowing Policy, Complaints Policy, Equality and Diversity Policy, and Staff Codes of Conduct
- Policies should have clear routes for escalation where a member of staff feels a manager has not responded appropriately to a safeguarding concern.

Guidance to member Club’s on designated staff members:

- Each Club must have a member of its Board and Senior Management Team with lead responsibility for safeguarding (Senior Safeguarding Manager, SSM)
- The SSM role/job description should include (this is not an exhaustive list), advising the Board and other Senior Managers on safeguarding matters, providing advice and guidance on issues relating to safeguarding adults at risk, ensuring that all staff receive the relevant training in relation to safeguarding children and adults at risk and are aware of the Club’s safeguarding policies and procedures, regular reporting to the Board of the Club setting out how the Club has discharged its duties in relation to safeguarding children and adults at risk
- The SSM must attend as a minimum annual EFL safeguarding training

- The Club must have a Designated Safeguarding Officer (DSO) who report to the SSM on safeguarding matters within the Club
- Depending on the size and scope of each members activities it may be deemed necessary by the SSM to have more than one DSO in the Club, for example a DSO may be required within the Club's Community Trust operations.
- DSO's must attend EFL safeguarding training as a minimum once per season
- The DSO role/job description should include as a minimum (this is not an exhaustive list) the requirement to make appropriate referrals to statutory agencies and football regulatory bodies as and when necessary, maintaining a proper record of safeguarding concerns and records whilst adhering to Data protection legislation, making sure that all staff and adults at risk associated with the Club are aware of the safeguarding policies and procedures, providing advice and support to other staff on issues relating to safeguarding adults at risk

Guidance to member Club's on information sharing in relation to adults at risk:

- Adults are assumed to have capacity and this means they may not wish information about them to be shared.
- Adults have a general right to independence, choice and self-determination including control over information about themselves. In the context of adult safeguarding these rights can be overridden in certain circumstances
- Emergency or life-threatening situations may warrant the sharing of relevant information with the relevant emergency services without consent.
- The law does not prevent the sharing of sensitive, personal information **within** organisations. If the information is confidential, but there is a safeguarding concern, sharing it may be justified.
- The law does not prevent the sharing of sensitive, personal information **between** organisations where the public interest served outweighs the public interest served by protecting confidentiality – for example, where a serious crime may be prevented.
- The Data Protection Act enables the lawful sharing of information.
- An individual employee cannot give a personal assurance of confidentiality.
- It is good practice to try to gain the person's consent to share information.
- As long as it does not increase risk, employees should inform the person if they need to share their information without consent.
- The management interests of a Club should not override the need to share information to safeguard adults at risk of abuse.
- All staff should understand the importance of sharing safeguarding information and the potential risks of not sharing it.
- Adults have a right to make unwise choices and change their minds

Clubs should be mindful of the need to share information with the right people at the right time (and where necessary risk assess the situation) in order to:

- Prevent death or serious harm
- Coordinate and effective and efficient response
- Enable early interventions to prevent escalation of risk
- Prevent abuse and harm that may increase the end for care and support
- Maintain and improve good practice in safeguarding adults
- Reveal patterns of abuse that could identify adults at risk
- Identify low –level concern that may reveal people at risk
- Help identify people who may pose a risk to others and reduce offending behaviour
- Reduce organisational risk
- Protect reputation
- Protect children
- Protect other adults
- Secure and preserve evidence
- Detection or prevention of crime

Sharing information within football with regulatory bodies (EFL, FA and Premiere League):

- A complete lack of capacity would be very rare in football but could happen if the person was incapacitated through alcohol, drugs, injury or illness
- In most cases adults in football disclosing abuse will have the ability to consent to information sharing
- Where there is witnessing of abuse in football there is a duty to report misconduct and The FA can act
- Most volunteers and staff in football are ‘care workers’ equivalent and should share information internally with or without consent
- Only The FA can suspend from all football and so only The FA as NGB can act to protect all children and adults in football
- Not sharing information with The FA case management team may mean vital pieces of information are not collated and a person who is a risk may not be identified and may be allowed to move around football

Safeguarding Adults Flowchart
Dealing with Concerns, Suspicions or Disclosure Guidance

4. **Relevant legislation and guidance:**

Sexual Offences Act 2003

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

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

Mental Capacity Act 2005

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

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 there should be least restrictive intervention.

Safeguarding Vulnerable Groups Act 2006

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

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. www.opsi.gov.uk

Deprivation of Liberty Safeguards

<https://www.gov.uk/government/collections/dh-mental-capacity-act-2005-deprivation-of-liberty-safeguards>

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

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

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).

The Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/introduction/enacted>

The Care Act introduces new responsibilities for local authorities. It also has major implications for adult care and support providers, people who use services, carers and advocates. It replaces No Secrets and puts adult safeguarding on a statutory footing.

Making Safeguarding Personal

<https://www.local.gov.uk/topics/social-care-health-and-integration/adult-social-care/making-safeguarding-personal>

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

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