



**NETBALL
SCOTLAND**

Wellbeing and Adult Protection Policy

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1. Introduction

This policy is designed to outline Netball Scotland's commitment to ensure everyone who participates and performs in our sport can do so in a safe and inclusive environment

1.1 Aim/Purpose

Netball Scotland's Wellbeing and Adult Protection Policy outlines the behaviours expected from all within the 'Netball Family'¹ and provides a standardised process on how to monitor, record and respond to concerns effectively.

1.2 Responsibilities

Netball Scotland recognises its responsibility to promote safe practice and to protect all members, from harm, poor practice, exploitation and abuse; this includes bullying.

1.3 Audience

This policy applies to all within the 'Netball Family'. Data, such as equality monitoring data may be relevant. The annual equality monitoring survey held in April (starting 2020) and other data will be analysed to check for relevance to this policy.

1.4 Consultation

Netball Scotland always welcomes feedback. Consultation has taken place with the following:

- Netball Scotland Wellbeing & Protection Panel

Specific consultation with appropriate people and organisations relevant to equality or other backgrounds and circumstances will take place following analysis of the equality monitoring data if deemed relevant

1. The "Netball Family" refers to everyone involved in the sport of netball at all levels of the game including individuals, clubs, local associations and other organisations, regardless of their role, paid or voluntary, or whether they are members of Netball Scotland or not.'



2. Policy Statement & Definitions

Netball Scotland (NS) is fully committed to safeguarding the welfare of all members and recognises that while this policy provides for all adult members, there are certain groups within our adult membership that have higher risk factors such as Adults at Risk. Netball Scotland is responsible for promoting safe practice and protecting all members, from harm, poor practice and abuse.

Staff and volunteers will work together to embrace difference and diversity and respect the rights of all persons within our sport.

Netball Scotland is fully committed to a rights-based approach within our sport. To that end we recognise and implement the general principals of the UN Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. Our safeguarding policy also takes into account principles from the Adult Support (Scotland) Act 2007.

This document outlines Netball Scotland's commitment to protecting Adults and particularly adults at risk within the Netball Family. A separate Netball Scotland Wellbeing & Child Protection Policy is also available covering members under the age of 18.

2.1 Definition

Definition – “Adult”:

- A person aged 18 years or above
- We recognise that young people in Scotland gain adult rights at the age of 16. For young people aged 16 and 17 they are afforded protection under both the Wellbeing and Child Protection Policy and this Wellbeing and Adult Protection Policy

Definition – “Adult at Risk”:

The term *adult at risk* replaces the previously used term “vulnerable adult”

- Is an adult who is unable to safeguard their own wellbeing, property, rights or other interests;
- is at risk of harm;
- AND
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected. An adult is at risk of harm if:
 - another person's conduct is causing (or is likely to cause) the adult to be harmed, or
 - the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm

Definition taken from *The Adult Support and Protection (Scotland) Act 2007*

The vulnerability of an *adult at risk* is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort, and to protect themselves from abuse, neglect and exploitation. It is not a given that by being in one of the above categories an adult is automatically considered to be *at risk*.

A disabled/older person is not necessarily an adult at risk, and an adult at risk may not have impairment.

Definition – “Protected Adult”:

When talking about *Adults at Risk*, the term *Protected Adult* is often mentioned, the ‘protected adult’ definition relates to the PVG process, and the term is used because:

- unlike children, not all adults are deemed in need of protection so a sub-category of adults had to be identified for the legislation to operate as intended;
- those adults receiving services become ‘protected’ from those who are unsuitable to deliver such work
- it avoids identifying adults by reason of a condition, or characteristic e.g. everyone over a certain age or by disability

Definition: “Capacity”

Capacity relates to the ability of an individual to make a decision at a particular time. Under the Mental Capacity Act 2005, an individual may be considered to ‘lack capacity’ if they cannot:

- Understand information given to them to make a particular decision
- Retain that information long enough to make the decision
- Use or weigh up the information to make the decision
- Communicate their decision

The above might be as a consequence of illness or impairment (such as mental health problem, dementia or learning disability (intellectual impairment)).

The law focuses on the principle that everyone has capacity to make a decision if given sufficient support, time and information; and will not treat individuals as ‘lacking capacity’ just because a decision appears to be unwise or ill-judged.

Whilst it is important to have an appreciation of capacity in order to appropriately support *adults at risk* it **WILL NOT** be your role to make a decision about whether an adult ‘lacks capacity’ or not. Netball Scotland encourages all within the Netball Family to:

- assume that all *adults at risk* have capacity, and therefore the ability to make decisions;
- support communication in such a way that the *adult at risk* can understand information being given and be understood when giving information back;
- treat decisions made by an *adult at risk* with respect, even if it is felt that a decision is unwise; and
- work with the *adult at risk* and their advocates (and Independent Mental Capacity Advocate (IMCA) if relevant) to ensure that they are appropriately supported, and capacity continues to be effectively assessed.

Definition – “Adults with a protected characteristics”:

Relates to adults who have one or more of the *protected characteristics*, identified by the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership
- Race
- Religion and belief
- Sex
- Sexual orientation

Netball Scotland has a separate Equality Policy and recognises when dealing with adult protection issues, that there may be instances where concerns arise as a result of an equality issue. In those circumstances both this Policy and Netball Scotland Equality Policy will apply.

Equality:

- We believe the principles of equality should be integral to every aspect of our sport - development, delivery, decision-making - and everyone working in Netball whether in a paid or voluntary capacity should give due regard to equality as a matter of course
- Netball Scotland fundamentally believes that unlawful discrimination is unacceptable. Netball Scotland will endeavour through our policies, procedures, actions and decision making, to ensure that no member of the Netball Family receives less favourable treatment or is discriminated against on the grounds of race, disability, gender, religious or political belief, sexual orientation, age, social background, marital status or pregnancy.

3. Monitoring & Review

This policy and these procedures will be regularly monitored and reviewed, with a full review being carried out every 2 years. The policy and procedures will also be reviewed in the following circumstances:

- In accordance with changes in legislation
- Changes in Netball Scotland or its governance
- Following any issues or concerns raised about the protection of children within Netball Scotland
- On advice from Netball Scotland’s Wellbeing and Protection Panel or other relevant organisations e.g. **sportscotland**, Ann Craft Trust

This policy will be monitored by:

- Keeping records of cases brought and their outcomes
- Accepting comments from clubs on the ease of implementation and effect of the policy
- Internal reviews/advice from Netball Scotland Wellbeing and Protection Panel

4. Principles

The key principles that underwrite this Policy are:

- **Dignity** - The wellbeing and dignity of adults within the Netball Family is the primary concern
- **Equality** - All adults, whatever their age, sex, gender identity, disability, marital or civil partnership status, pregnancy or maternity, religion, race, ethnic origin, nationality, political beliefs, socio-economic status or sexual orientation have the right to protection from all forms of harm, poor practice and abuse
- **Empowerment** - People are supported and encouraged to make their own decisions and informed consent, involving them by asking what outcomes they would like from the safeguarding process and keeping them directly informed. Adults have the right to express views on all matters which affect them, should they wish to do so
- **Prevention** – it is always better to take action before harm occurs, providing information, support and an avenue to seek help if required. It is **everyone's** responsibility to promote and safeguard the welfare of adults
- **Proportionality** - The least intrusive response appropriate to the risk presented, working in the best of the individual
- **Protection** - All suspicions and allegations of poor practice, wellbeing concerns or abuse will be taken seriously and responded to swiftly and appropriately. Adults will be provided with help and support to report abuse, wellbeing concerns and poor practice. They will be supported to take part in the safeguarding process to the extent that they wish to
- **Partnership** - Working in partnership with *adults and adults at risk* and where appropriate their carers/family/support workers is essential for the promotion of an inclusive sport and a safe and protected environment and to achieve the best result for the individual
- **Accountability** - Ensuring transparency when delivering safeguarding, where the role of everyone involved is clear; and necessary. Treating any personal and sensitive information that is used in adult safeguarding in confidence, only sharing what is helpful and required
- **Support**—Clubs, Local Associations and other organisations involved in the sport of Netball will be provided with the appropriate documentation, education/training and support to ensure the effective implementation of this Policy. Staff, Coaches and Volunteers working with adults should access all available education and training opportunities to ensure best practice becomes the norm



5. Roles and Responsibilities

5.1 Netball Scotland

- Provide and implement robust procedures, support and guidance to safeguard the wellbeing of the Netball Family
- Promote the health and welfare of adults by providing opportunities for them to take part in netball safely
- Respect and promote the rights, wishes and feelings of adults
- Appoint a Wellbeing & Protection Officer
- Recruit, train, support and supervise its staff, and volunteers to adopt best practice to safeguard and protect adults from abuse and to reduce risk to themselves
- Require staff, affiliated clubs and volunteers to adopt and abide by this *Wellbeing & Adult Protection Policy* and procedures
- Respond to any allegations of misconduct or abuse of adults in line with this Policy and procedures as well as implementing, where appropriate, the relevant disciplinary and appeals procedures
- Maintain confidential records of all complaints, concerns and sanctions against clubs, Local Associations and individuals
- Require all clubs and Local Associations to adhere to Netball Scotland's Safe Recruitment Policy
- Require all those who are deployed by Netball Scotland who work with *adults at risk* including those who act in a pastoral role whilst on trips, to attend available education and training opportunities such as working with disabled performers or adult safeguarding training to ensure best practice becomes the norm



5. Roles and Responsibilities

5.2 Affiliated Clubs

- Adhere to the guidelines and procedures contained within this Policy
- Adopt the Club Wellbeing & Adult Protection Policy (appendix 1)
- Appoint a Wellbeing and Protection Officer/ Co-ordinator (appendix 2)
- Safely recruit volunteers/staff in accordance with the recruitment policy (appendix 3)
- Champion best practice, set up and implement guidelines on key areas – minimum coach to player ratios, transport, accident reporting, consent forms, social media, overnight trips/accommodation, safe use of public facilities (appendix 4 – 10)
- Have all volunteers, coaches and players agree to and sign appropriate Codes of Conduct (appendix 11 – 14)
- Accept that all office bearers and committee members have a responsibility for safeguarding, adults and be prepared to respond to any indication of abuse or poor practice or wellbeing concerns
- Be prepared to challenge and alter poor practice
- Maintain confidentiality of all parties involved when investigating, managing and responding to concerns and allegations
- Implement any recommendations from Netball Scotland relating in this area
- Promote an environment where all legitimate concerns can be raised without fear of victimisation or reprisal
- Require all those working with *Adults at Risk* to have a satisfactory PVG check and to attend available education and training opportunities such as working with disabled performers or adult safeguarding training to ensure best practice becomes the norm
- Ensure that Netball Scotland's Equality Policy is adhered to, and that discrimination is prohibited at all levels

5. Roles and Responsibilities

5.3 Club Wellbeing and Protection Officer

For clubs that cater specifically for adults with higher risk factors – such as disability clubs, it is required that the position of Wellbeing and Protection Officer is a separate committee role and not covered as part of another club role.

For the majority of adult clubs these duties can be carried out by another role within the club committee structure; as part of an existing role such as convener, secretary, vice president, president etc. It is not recommended that the WPO is a coach.

The club wellbeing and protection officer will:

- Ensure all persons working either paid or unpaid with adults and young people at the club/Local Association are fully aware of what is required of them within their guidelines, the Wellbeing & Adult Protection Policy and Codes of Conduct
- Conduct the administrative work associated with processing of information on volunteers/staff (PVG scheme applications, self-declarations, see appendix 3)
- Liaise closely with club volunteers/staff ensuring that agreed procedures for the prevention of risk are followed
- Counsel/advise the club/Local Association committee on matters of policy relating to adult protection
- Advise/circulate details of opportunities for coaches, volunteers/staff to undertake training
- Act as the contact person for coaches, helpers, club volunteers, parents and participants on any issues concerning the wellbeing of adults within the club, (poor practice, wellbeing concerns or alleged abuse) as well as matters relating to adult protection at the club
- Ensure all incidents are correctly recorded and reported in accordance with Netball Scotland's Policy and procedures

5. Roles and Responsibilities

5.4 Adults Working in a Positions of Trust/Power/Authority

- All adults who hold an appointed role within a club/Local Association, e.g. coach, assistant coach, committee member, technical official, team manager etc are in a position of trust which has been invested in them by the members and the sport. This relationship can be described as one in which the adult is in a position of power and influence over the other person by virtue of their position
- Codes of Conduct covering in detail expected behaviour and boundaries are set out in appendix 16 of this Policy
- In the sport of netball, it is recognised that there are certain boundaries between the coach/ official/volunteer and the player which must not be crossed. The relationship is no different to that between a boss in the workplace and their subordinate employee, the circumstances are such that even though both parties are adults there is an inequality of power and status and the position is one of trust
- Adults in positions of trust/authority must not encourage a physical or emotionally dependent relationship to develop between themselves and a person in their care
- Sexual activity or touching by an adult with a protected adult in their care or an adult at risk who does not have capacity is unlawful, even where there is apparent consent.
- Any sexual relationship between an adult in a position of trust within the netball setting and a person over 16 years of age [consensual or otherwise] is a breach of the Netball Scotland Wellbeing and Adult/Child Protection Policy and will result in disciplinary action being taken.
- Adults who do not observe best practice in their role and deportment will be in breach of Netball Scotland's *Wellbeing & Adult Protection Policy/Anti Bullying Policy/Codes of Conduct* and may find that they are investigated and either dealt with via Netball Scotland's RESPECT Process or referred to the Netball Scotland Wellbeing and Protection Panel.
- Adults who do not observe best practice with young people will be in breach of Netball Scotland's *Wellbeing & Child Protection Policy/Anti-Bullying Policy/Netball Scotland's Codes of Conduct* and may find that they are investigated via the responding to concerns process set out in this policy.

6. Protecting Adults

Wellbeing concerns, poor practice and abuse can occur in many situations including the home and within the netball environment. We know that within sport sometime adults hurt each other and there are individuals who will actively seek opportunities through sport in order to cause harm to others.

Harm:

Harm is defined as all harmful conduct:

- **Wellbeing concerns**
- **Poor practice**
- **Abuse**

6.1 Wellbeing Concerns

The concept of 'wellbeing' is threaded throughout UK legislation and is part of the Law about how health and social care is provided. Adult wellbeing includes mental and physical health, relationships, connection with their communities and their contribution to society. Being able to live free from abuse and neglect is a key element of wellbeing.

Mental Health & Wellbeing is like physical health, everyone will struggle/ have a challenge with their mental health from time to time and when someone is struggling you may notice changes in them that give rise to a concern. There is further information about mental health and wellbeing in the appendix 19

Bullying is not identified as an explicit form of abuse. Netball Scotland recognises that bullying is something which may be more frequently experienced by *adults at risk* and/ or people with Protected Characteristics and therefore have an Equality Policy and Respect Process for Managing Complaints to ensure that bullying is not tolerated and does not persist.

Negative Discrimination (including racism)

Adults may experience harassment or negative discrimination because of their age, sex, gender identity, disability, marital or civil partnership status, pregnancy or maternity, religion, race, ethnic origin, nationality, political beliefs, socio-economic status or sexual orientation. Although not in itself a category of abuse, it may be necessary for the purposes of the Wellbeing & Adult Protection Policy and Procedures, for negative discriminatory behaviour to be categorised as emotional abuse.

6.2 Poor Practice

Definition:

Poor practice includes any behaviour that contravenes the Wellbeing & Adult Protection Policy or any procedures and guidelines that accompany it or any behaviour that does not respect an adult's /adult at risk's rights or that of their carers/family/support workers. This is behaviour that falls short of abuse but is still considered unacceptable.

The following definitions set out common areas within sport where poor practice can occur, further details for each heading and specific examples are contained in appendix 18

- Breaches of Netball Scotland's/Club's Wellbeing & Adult/Child Protection Policy and Procedures
- Breaches of recognised best practice in coaching
- Practices that may be carried out with the best intentions but fall into a category of behaviours that are used by people who sexually abuse, 'groom' or exploit

6.3 Adult Abuse

Definition:

Abuse is a violation of an individual's human and civil rights by another person or persons. It can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

“Abuse and neglect are forms of maltreatment of an adult. Somebody may abuse or neglect an adult by inflicting, or by failing to act to prevent, significant harm to the adult. Adults may be abused in a family or in an institutional setting, by those known to them or, more rarely, by a stranger.”

This definition includes placing an adult at risk through something a person has done to them or something a person is failing to do for them e.g. negligence, omission or ignorance.

There are different types and patterns of abuse and neglect and different circumstances in which they may take place. The Scottish Government's information sheet: *'Adult Support and Protection: Ensuring Support and Preventing Harm'* include the following types of abuse:

- **Physical:** hitting, slapping, pushing, shaking, locking them in a room, tying them to a chair, restricting their freedom
- **Psychological:** threats of harm, being left alone, humiliation, intimidation, causing distress, verbal abuse, bullying, blaming, constant criticism, controlling, depriving contact with others
- **Neglect:** failure to provide medical or physical care, access to a doctor or other services, or denying someone medication, food or heating, privacy or dignity, self-neglect
- **Financial:** stealing, fraud, pressure to hand over or sign over property or money, misuse of property or welfare benefits, or stopping someone getting their money or possessions
- **Sexual:** any sexual activity that a person doesn't understand or want, photographing, sexual harassment, voyeurism, exhibitionism, grooming
- **Information:** withholding information or advice about rights or entitlements
- **Discrimination:** because of age, colour, disability, gender, race, religion, cultural background or sexual orientation
- **Institutional:** an isolated or persistent and frequent ill treatment, poor or unsatisfactory professional practice, or gross misconduct, perpetrated by an individual or number of individuals within environments where an adult at risk would receive professional 'care'.

6.3 Adult Abuse - continued

These categories are not mutually exclusive, for example, an adult experiencing physical abuse will undoubtedly be experiencing emotional abuse as well. The definitions show the different ways in which abuse may be experienced by an adult but are not exhaustive, as the individual circumstances of abuse will vary from adult to adult.

Abuse can take place within a sporting context and the person causing harm might be any other person. For example: a member of staff, a coach, a volunteer, a participant or a fan.

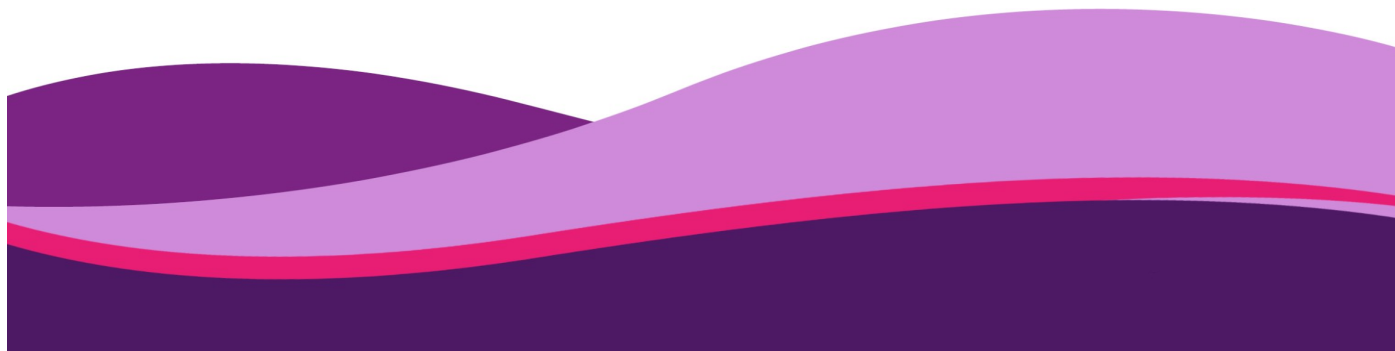
Some examples of abuse within sport include:

- Harassment of a participant because of their (perceived) disability or other protected characteristics.
- Not meeting the needs of the participant e.g. training without a necessary break.
- A coach intentionally striking an athlete
- One elite participant controlling another athlete with threats of withdrawal from their partnership
- An official who sends unwanted sexually explicit text messages to a participant with learning disabilities.
- A participant threatens another participant with physical harm and persistently blames them for poor performance.

Abuse or neglect outside sport could be carried out by:

- A spouse, partner or family member
- Neighbours or residents
- Friends, acquaintances or strangers
- People who deliberately exploit adults they perceive as vulnerable
- Paid staff, professionals or volunteers providing care and support

Often the perpetrator is known to the adult and may be in a position of trust and/or power.



6.4 Identifying Adult Abuse/Harm

There are many indicators that an adult may be suffering abuse, some *general* signs are included in the following list. Please note that this list is not exclusive.

- unexplained or unusual injuries
- a delay in seeking treatment for injuries or illness;
- sudden increase in confusion;
- unexplained deterioration of health or appearance
- people being anxious or afraid;
- misuse of medication, e.g. not giving medicines properly;
- unexplained changes of behaviour, e.g. becoming anxious and withdrawn, fear of another person;
- pressure by family or professionals(s) to have someone moved into or taken out of care
- hostile or unkind behaviour by a person;
- unexplained debt, not paying bills for services;
- not having their basic needs met, such as adequate food or heating;
- not being provided with adequate information about their rights or entitlements, or being misinformed;
- prejudicial actions or remarks to the adult at risk about age, gender, disability, race, colour, sexual or religious orientation;
- another person using the adult's possessions, bank account or property without his or her informed consent
- the adult at risk not receiving appropriate care, which would protect them from harm

Identifying Adult Abuse

Although the physical and behavioural signs listed may be symptomatic of abuse it does not automatically follow that if these indicators are present an adult is being abused. Also adults experiencing abuse may not demonstrate any of these signs.

Adult abuse is often difficult to recognise. It is not the responsibility of anyone involved in sport to decide whether or not an adult has been abused. This is the role of trained professionals. It is their duty to act on any concerns and report these via the appropriate channels.

All definitions taken from the Scottish Government's information sheet: '*Adult Support and Protection: Ensuring Support and Preventing Harm*'

6.5 Abuse of Position of Trust

A Relationship of Trust can be described as one in which one party is in a position of power or influence over another by virtue of their position – such as a coach, staff member, club official or other appointed volunteer. A genuine relationship can start between two people within a relationship of trust; however, it is important to recognise that relationships where an unequal power dynamic exists can become exploitative and lead to abuse. Should a genuine romantic relationship develop, the relationship of trust must end (e.g. a coach can no longer coach that athlete) or the relationship must be declared to the person in charge before it progresses and any sexual relationship develops.

Abuse of trust and sexual or other abuse

Any sexual activity, which is not freely consenting, is criminal. The sexual activity covered by abuse of trust may be ostensibly consensual but rendered unacceptable because of the relative positions of the parties concerned. There is also the **abuse of trust** - where a person is indoctrinated with attitudes to training, drugs and cheating, or social, political and religious views which are unacceptable, community or rules of the sport.

Conduct Requirements on sexual activity between individuals in a relationship of trust aims to:

- Protect an adult from an unequal and potentially damaging relationship
- Protect the person in a position of trust by preventing him/her from entering into such a relationship deliberately or accidentally by providing clear and enforceable guidance on what behaviour is acceptable.

It is acknowledged that in some situations a shared attraction may develop between two people within a relationship of trust. In such circumstances, it is essential that the individual who holds the position of trust behaves in an open manner, makes the Welling & Protection Officer aware of the situation, and resigns from this position of trust if the parties involved wish the relationship to develop beyond the existing professional one. This will ensure that the previous power differential is not a factor in any future relationship. It is the responsibility of the person in the position of trust to ensure that his or her conduct is fully in line with Netball Scotland and the affiliated Club or Local Association Safeguarding/Welfare and any other relevant policy.

7. Additional Vulnerabilities

7.1 Adults and Children and Young People with a learning or physical disability

Research, including “It doesn’t happen to disabled children” Child Protection and Disabled Children, NSPCC (2003), tells us that children and young people who have a learning or physical disability are more vulnerable to abuse; this also applies to adults at risk. This is because:

- They are often dependent on a number of people for care and handling, some of which can be of an intimate nature.
- They may be unable to understand the inappropriateness of the actions or unable to communicate to others that something is wrong.
- Signs of abuse can be misinterpreted as a symptom of the disability.
- Like other children, they are fearful of the consequences of disclosing abuse.
- Attitudes and assumptions that children with disabilities are not abused.
- They may be unable to resist abuse due to physical impairment.
- Of negative attitudes towards children with disabilities.
- Volunteers / Staff should be aware of the additional vulnerabilities that may affect deaf and disabled children and be mindful of this when working with them.

7.2 Talented and Elite Player

A major independent report called the duty of care review, commissioned by the UK government, led by Baroness Tanni Grey-Thompson, identified common factors that can make some talented players more vulnerable to harmful behaviours, either from themselves, their coaches or parents, or members of their entourage.

These factors include:

- a win at all costs approach
- intense coach–player relationships
- a self-image that is linked closely with performance excellence
- child players operating in an adult-focused environment
- being away from family and support networks
- fear of losing funding or a place on the programme if they speak out

For more information on the additional vulnerabilities and how to safeguard talented and elite adult athletes see appendix A17 – the Vulnerability of Adult Elite Athletes document produced by the Ann Craft Trust

7.3 LGBTQI+

Research shows that members of the LGBTQI+ community face higher rates of poverty, stigma, and marginalization, which increases their risk of wellbeing concerns, abuse, exploitation and sexual assault. As well as higher rates of hate-motivated violence. Stigmatization and hyper-sexualisation of LGBTQI+ relationships can lead to intimate partner violence that stems from internalized homophobia and shame. People who identify as LGBTQI+ are a higher risk group for mental health and wellbeing concerns such as depression, suicidal thoughts, self-harm and alcohol and substance misuse.

Netball Scotland has an Equality Policy and a Trans Policy which provides guidance, support and advice on ensuring the inclusion and fair treatment of all members of the Netball Family

8. Responding to Concerns

8.1 Follow the Procedure

Following Netball Scotland's published procedures when dealing with concerns and disclosures helps:

- Avoid those receiving information from engaging in judgements
- Reassure those who report concerns that an appropriate course of action will ensue
- Support those charged with managing concerns by providing them with a step by step process to follow
- Safeguard the rights of those against whom complaints or allegations have been made

8.2 Self Determination

An important difference between safeguarding adults and safeguarding children is an adult's right to self-determination. Adults may choose not to act at all to protect themselves, and it is only in extreme circumstances that the law intervenes. This will often only happen when an adult is assessed as lacking capacity in that area, or where the concerns may extend to children, such as when they are living in the same household.

This can make the matter of safeguarding adults more complex, effective adult safeguarding involves, informing and consulting them on all decisions affecting them and seeking consent.

8.3 Where concerns come from

A complaint, concern or allegation may come from a number of sources: an adult themselves, one of their friends, their coach/volunteer, a family members/parent/support worker or someone within your organisation. It may involve the behaviour of a volunteer / employee, or something that has happened outside the sport e.g. at home or at school. Adults may confide in someone they trust, in a place where they feel at ease – because of the nature of sports clubs and the relationships within clubs, sports staff/volunteers can be seen as safe person to speak to.

8.4 A third party concern

An allegation may range from mild verbal bullying to physical or sexual abuse. If you are concerned that an adult may be being abused, it is NOT your responsibility to investigate further BUT it is your responsibility to act on your concerns:

- Reassure the person making the report they have done the right thing in sharing their concern
- Listen openly without judgment
- Record anything that is said
- Let them know what will happen next and if you will be sharing the information they have provided with anyone else
- Seek advice from the club Wellbeing and Protection Officer who can provide advice and support the management of the concern including a report, if required to the appropriate statutory authorities and Netball Scotland

8.5 A Direct Disclosure

In the case, of a direct disclosure it is particularly important to respond appropriately:

Always:

- Stay calm
- If someone is injured or at immediate risk, take action straight away. Seek help by dialling 999 for police or ambulance
- Reassure—be careful about physical contact, it may not be what they want
- Listen—show and tell them that you are taking what they say seriously
- Collect all available relevant facts and appropriate information
- Keep questions to a minimum so that there is a clear and accurate understanding of what has been said
- Seek their view regarding how they wish the matter to be dealt with
- Consent must be sought from the person concerned if you want to share the information or take action. If you feel that they do not have capacity to consent, you can act without consent, but you must log your decision
- Consider the balance between listening to someone's wishes (not to report/ seek advice) and needing to refer information where others may be at risk
- Tell the person what will happen next, including who you will tell and why
- If any actions/reporting you undertake goes against the expressed wishes or consent of the person involved, you must clearly explain why and ensure that you are making the decision based on a need for their safety or the safety of others
- Share the information only with the people who need to know e.g. the club wellbeing and protection officer
- Keep the person updated and let them know about the outcome of any process
- Make a written record of the concern using the netball Scotland Wellbeing and Protection incident report form (see Appendix XX)
- Report the incident to Netball Scotland's Wellbeing & Protection Officer, the Club/Local Association Wellbeing & Protection Officer, or directly to the Adults Social Care team in your Local Authority if necessary

Never:

- Rush into actions that may be inappropriate
- Make promises you cannot keep
- Ask more questions than are necessary for you to be sure that you need to act
- Take sole responsibility – consult someone else (ideally the club or Netball Scotland's Wellbeing & Protection Officer or the person in charge or someone you can trust) so that you can begin to protect the adult and gain support for yourself

8.5 A Direct Disclosure—continued

You Must:

- Report all direct disclosures or any situation where you have not received a disclosure, but you suspect that a person is at risk or experiencing abuse. Reporting disclosures and concerns ensures appropriate help and support can be offered. Ensures that appropriate action is taken against those who pose a risk and will help protect not only the person involved but others. Where there is uncertainty about what to do with the information, Netball Scotland must firstly be consulted for advice on the appropriate course of action
- If Netball Scotland is unavailable or an immediate response is required, the Police and Social Work services must be consulted for advice. They have a statutory responsibility for the protection of adults and they may already hold other relevant information related to the matter. Record any advice given.

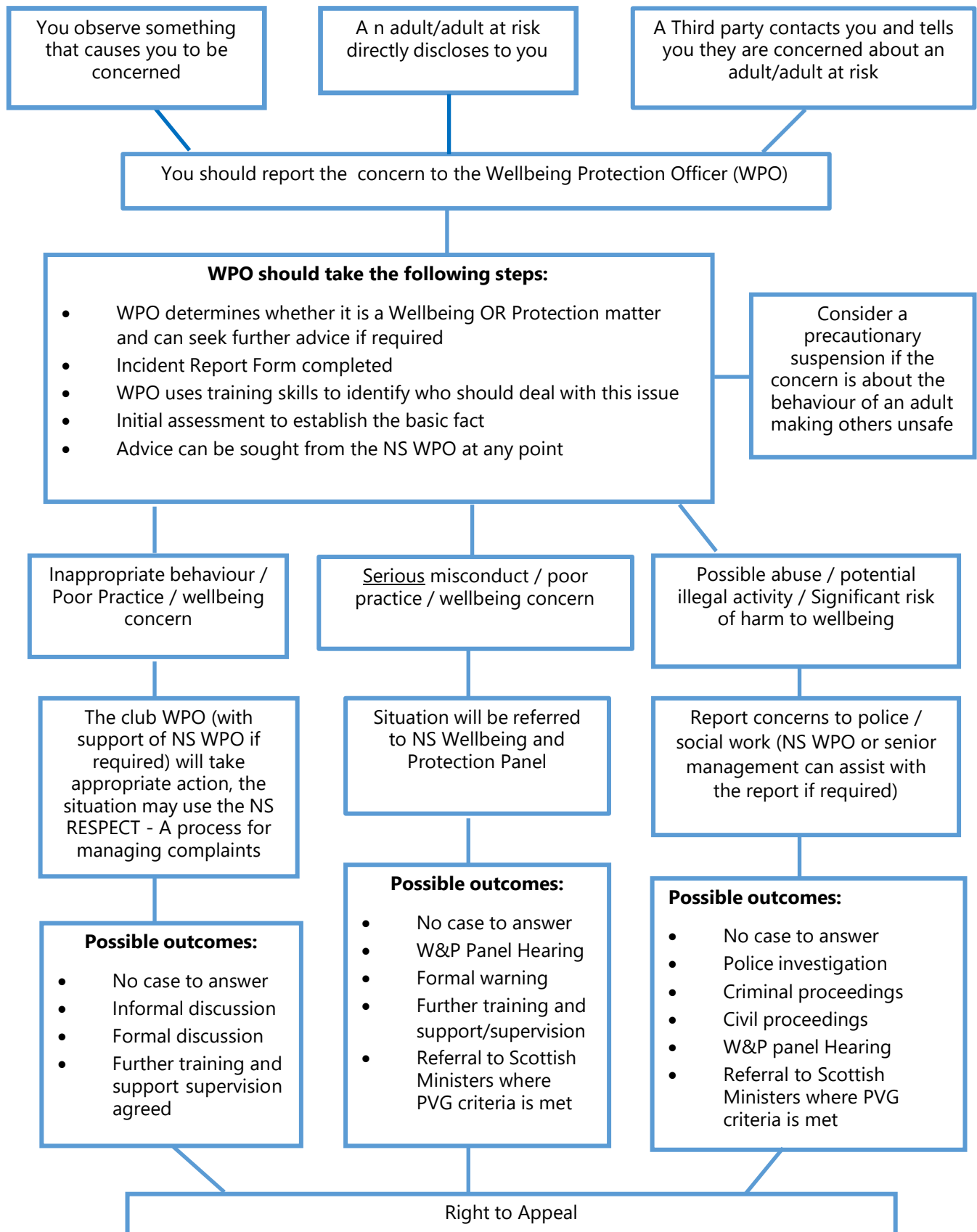
Reporting disclosures and concerns in good faith ensures that the person you are concerned about receives appropriate help and support. Where there is uncertainty about what to do with the information, Netball Scotland must firstly be consulted for advice on the appropriate course of action.

8.6 Historical Allegations of Abuse

Allegations of abuse may be made some time after the event e.g. an adult who was abused as a child by someone who was (or still is) involved in the sport.

- If somebody raises a historical allegation regarding a child / adult protection concern in relation to a coach / staff member/volunteer who is currently active within the sport, then you should follow the 'Responding to Concerns' procedure within this policy and contact the Netball Scotland Wellbeing and Protection Officer immediately.
- Record the information using the Incident Report Form (Appendix 26), and signpost the individual to Police Scotland on '101'
- If you have a concern about a child or adult's immediate safety then this should be passed on to Police or Social Services, and after the child/adult has been secured, record and report as normal to Netball Scotland

8.7 Responding and Reporting Concerns Process Flow Chart



9. Reporting the Concern

The legislation recognises that statutory agencies have sometimes acted disproportionately in the past. For example, removing an adult at risk from their own home when there were other ways of preventing harm. *'What good is it making someone safe when we merely make them miserable?'* Justice Mumby, *What Price Dignity?* (2010)

For that reason any actions taken to safeguard an adult must take their whole well-being into account and be proportionate to the risk of harm. What this means in practice is that adults should be more involved in the safeguarding process. Their views, wishes, feelings and beliefs must be taken into account when decisions are made. The exception to this is where there is significant harm posed to others for example within the same household or children

The discovery that someone you know may be experiencing harm or abuse or may causing harm to or abusing to another will raise feelings and concerns; although it can be difficult to report such matters, you must remember that:

- The welfare of the individual is paramount
- Being vigilant helps to protect others
- Everyone has a duty of care to report any concerns they have immediately
- A good reporting structure ensures that concerns are dealt with fairly

You should report any concerns you have immediately to your club WPO or the Netball Scotland WPO.

Netball Scotland's Whistle Blowing Policy assures all members, staff and volunteers that it will fully support and protect anyone who, in good faith, reports a concern where someone within the sport is or may be harming or abusing an adult or adult at risk.

9.1 Confidentiality

The following is taken from *Sharing Information About Adults at Risk: A Guide to Good Practice* (Scottish Executive, 2003).

Information provided to organisations should remain confidential unless permission has been given to share the information by the individual concerned or the safety of that person or another person may be at risk.

If there is a reasonable concern that an adult may be at risk of significant harm, this will always override a professional or organisational requirement to keep information confidential. It is good practice to inform adults, their carers and family about the kind of situations which may lead to them having to share information with other agencies.

9.2 Reporting to the Club Wellbeing and Protection Officer (WPO) is not Possible.

- If the club WPO is unavailable or is implicated, talk directly to a senior club officer or go directly to Netball Scotland's Wellbeing & Protection Officer for advice
- When on an away trip, inform the person who has responsibility for safeguarding, this may be the team manager or head coach

9.3 Sharing Concerns with Family/Carers/Support Workers - adults at risk

- Adults have the right to refuse to have their information shared with their family/carers/support workers.
- If consent is withheld, then a discussion should be had with the adult to understand the nature of their concerns and to explain why the organisation wishes to share this information.
- If consent is still withheld it can only be disregarded following an assessment of risk by the wellbeing and protection officer. Circumstance where significant risk to others or to children would be examples of when information would be disclosed against the wishes of the individual.
- Where a family member/parent/carer/support worker may be responsible for placing the individual at risk or involved in abuse or may not be able to respond to the situation appropriately they should not be involved. As this may place the individual at greater risk.
- Where it is unclear whether the family member/parent/carer/support worker's involvement may place the person at risk further advice should be sought from Netball Scotland's Wellbeing & Protection Officer or the local authority adult protection Social Services before involving them

9.4 Involving Netball Scotland

Netball Scotland's Wellbeing & Protection Officer must be informed of all allegations of abuse and persistent poor practice as soon as possible in order to decide the following:

- What further action should be taken by the club or if the issue should be referred to Netball Scotland's Wellbeing and Protection Panel
- Whether further action, advice or investigation is needed by/from the Police or Social Services

Passing on this information is important because the matter may be just one of a series of other instances which together cause concern. It supports Netball Scotland's Wellbeing & Protection Officer to act appropriately to support/ deal with the concern and to analyse trends and improve existing policy and guidance.

If Netball Scotland is unavailable or an immediate response is required, the Police and Social Services must be consulted for advice. They have a statutory responsibility for the protection of adults, and they may already hold other related concerning information.

9.5 Involving Statutory Authorities

In any case where there is suspected abuse or where an adult's safety is at risk, you should contact one of the following statutory agencies immediately:

- Your local Police Adult Protection Team or in an emergency dial 999
- The police should be involved if the apparent abuse is of a criminal nature or if the incident places a child at risk. A record should be made of the crime reference number
- Local Authority Social Services
- In an emergency the Samaritans (08457 909 090) will hold the local social work duty officer's contact number

All telephone referrals to the above bodies should be confirmed in writing within 24 hours to Netball Scotland's Wellbeing & Protection Officer. You should record the following:

- Name and job title of the member of staff to whom the concerns were passed
- The time and date of the call
- A summary of the information shared and the response received

It is not the role of anyone within Netball Scotland to decide whether or not an adult has been abused. It is, however, everyone's responsibility to report concerns.

9.6 Handling the Media

If there has been an allegation, incident or recent court case the media may contact Netball Scotland or an affiliated club for comment. All such enquires will be handled by Netball Scotland CEO / Marketing and Communications Team, advised, if required, by the Netball Scotland's Wellbeing and Protection Officer.

Affiliated clubs who receive such enquiries should contact Netball Scotland to receive support and advice. When contacting Netball Scotland ensure to provide all the relevant information so that effective advice on a statement to the media can be given.

10. Recording Information

All concerns that you may receive should be recorded, ideally using the Netball Scotland form (Incident Report Form Appendix 26) You are recording this information for:

- Yourself, so you have a record of what happened
- The WPO or other designated safeguarding person within your club, who will co-ordinate any action that needs to be taken
- The Netball Scotland's Wellbeing and Protection Officer so that they can advise you
- The Police/Social Services if appropriate

It is NOT appropriate to share sensitive and confidential information with other people, e.g. general members of your club, personal acquaintances outside of sport

10.1 When Recording Information on the Incident Report

- Confine yourself to the facts – what you have observed/seen, heard or had reported to you
- Distinguish between what is your own personal knowledge and what you have been told by other people
- Do not include your own opinions on the matter. Be clear where you are giving either your own or others' interpretation of events and the reasons for this (e.g. context, individual's response to challenge)
- The incident report form is Appendix 26

11. Procedures for Managing Cases

After receiving an incident report Netball Scotland's Wellbeing and Protection Officer will consider the initial report and decide how the case should be managed:

- Dealt with by the Club, i.e. a case of **wellbeing / poor practice**
- More formal response i.e. a **serious incident (wellbeing/misconduct/poor practice)**, referral to the Netball Scotland Wellbeing and Protection Panel
- For cases of **abuse, suspected abuse** these will be referred to the statutory authorities i.e. police/social service.
- As cases are managed at a club or Netball Scotland level, information may become available that requires the matter to be referred to the statutory authorities

11.1 Procedures

- For all cases dealt with by Netball Scotland, an appropriate process will be used as set out in the Articles, this Wellbeing and Adult Protection Policy with reference to the Wellbeing and Protection Panel (Appendix 21) or via RESPECT - A process for managing complaints (Appendix 22)
- For Netball Scotland staff this policy must be applied in conjunction with the Netball Scotland staff handbook
- A procedure for clubs to deal internally with instances of poor practice is set out in Netball Scotland's RESPECT - A process for managing complaints (Appendix 22)
- Clubs will receive support and guidance from the Netball Scotland to implement this process

11.2 Requirement to Report an Individual for Consideration for Listing (PVG scheme)

Netball Scotland and Clubs have a legal responsibility to make a referral in certain circumstances outlined below. If they take any of the following action because an individual within the club/sport has behaved inappropriately in one of the following ways:

- harmed a child/protected adult or placed a child/protected at risk of harm
- engaged in inappropriate conduct involving pornography
- engaged in inappropriate conduct of a sexual nature involving a child/protected adult
- given inappropriate medical treatment to a child/protected adult

AND WAS

- Permanently dismisses or removed an individual from regulated activity/work
- Would have dismissed an individual if they had not resigned/retired
- Moved an individual to another role within the club/organisation which is not regulated activity/work

It is a criminal offence not to make such a referral if the above threshold has been met. For guidance on the grounds and process for making a referral see Appendix 3, PVG Procedure or contact Netball Scotland's Wellbeing & Protection Officer for guidance.

12. Data Protection Act, Secure Storage and GDPR

Netball Scotland will (within the terms of the Data Protection Act 1998) process personal information held. Information relating to employees or volunteers will form part of personnel records. The information may also be shared in certain limited circumstances in accordance with the Fair Processing Notice.

13. Relationship with Other Policies/Processes

Other Policies & processes supporting this Policy are as follows:

- Anti –Bullying Policy— Children and Young People
- Any relevant Netball Code of Conduct (local or Netball Scotland's)
- Equality Policy
- Trans Policy
- INTEGRITY - Business Conduct & Ethics Policy
- RESPECT - A process for managing complaints
- Communications Policy
- And any others deemed relevant by Netball Scotland

Appendix

- A1: CLUB WELLBEING & PROTECTION POLICY STATEMENT (ADULTS)
- A2: CLUB WELLBEING & PROTECTION OFFICER ROLE DESCRIPTION
(ADULTS)
- A3: SAFE RECRUITMENT GUIDANCE
- A3(a) PVG PROCEDURE
 - A3(b) RECRUITMENT & SELECTION POLICY
- A4: COACHING AND SUPPORTING ADULTS AT RISK includes guidance on:
- ADULT TO CHILD RATIO
 - PHYSICAL CONTACT AND FIRST AID
- A14: GUIDANCE ON LONE WORKING AND 1 TO 1 COACHING
- A16: CODE OF CONDUCT:
- A16(a) COACH
 - A16(b) PLAYER
 - A16(c) PARENT/CARER
 - A16(d) SPECTATOR
 - A16(e) VOLUNTEER & TECHNICAL OFFICIAL
- A9: TRANSPORTING
- A10: TRIPS AWAY AND OVERNIGHT TRIPS
- A12: MANAGING CHALLENGING BEHAVIOURS
- A6: COMMUNICATIONS POLICY

Appendix

- A17: ADDITIONAL VULNERABILITIES: TALENTED AND ELITE ATHLETES -
ANN CRAFT TRUST
- A18: DEFINITIONS OF POOR PRACTICE
- A19: GUIDANCE ON IDENTIFYING THE TYPE OF ADULT ABUSE
- A20: FLOW CHART FOR INVESTIGATIVE PROCESS
- A21: NETBALL SCOTLAND WELLBEING & PROTECTION PANEL
PROCEDURES
- A22: RESPECT—A PROCESS FOR MANAGING COMPLAINTS
- A23: ACTIVITY, TRANSPORT, MEDICAL PERMISSION FORM,
INCLUDING PHOTO/VIDEO
- A24: ACCIDENT REPORT FORM
- A25: RISK ASSESSMENT FORM
- A25(a): RISK ASSESSMENT GUIDANCE NOTES
- A26: INCIDENT REPORT FORM
- A27: LIST OF RELEVANT LEGISLATION

