



# **Cycling UK's Safeguarding and Adults at Risk Policy**

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# 1. Introduction

Cycling UK<sup>1</sup> is a national membership charity championing cycling since 1978. It aims to promote all forms of cycling and protect the interests of existing and potential cyclists as well as inspire people of all ages, backgrounds and abilities to discover the joys of cycling. Cycling UK's vision is of a healthier, happier and cleaner world because more people cycle for enjoyment, health benefits and environmental reasons. By encouraging more people to join and discover the delights of cycling, Cycling UK aims to make positive lasting changes to people's lives, communities and the wider environment.

It is important to establish clear safeguarding adult procedures that all those involved with Cycling UK understand and follow at all times. Everyone has the right to be protected from harm and this policy sets out the commitment Cycling UK has made to ensure that this right is achieved and maintained.

## 2. Aim and Scope of this Policy

This Policy aims to ensure all those involved in Cycling UK's activities understand and follow the procedures relating to the reporting of concerns about an adult, and everyone knows where to go for help if they have a concern about an adult.

All adults have the right to be protected from abuse and poor practice under the Equality Act 2010, regardless of their:

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

Best practice in safeguarding means committing to both a legal and moral responsibility to all paid staff, volunteers and visitors. This policy applies to all trustees, board members, staff, volunteers, members, participants and parents (including guardians and carers) involved with Cycling UK activities and events organised by any of its staff or volunteers.

Where Cycling UK is working together with third parties to provide support or programmes in accordance to Cycling UK's charitable objectives, it is important to ensure that there has been communication regarding safeguarding. This policy will apply to any Cycling UK led activities being carried out in conjunction with a third-party provider. The procedures will be followed accordingly, unless a previous decision with a valid reason has been agreed.

### 3. Policy Statement

Cycling UK is committed to creating and maintaining a safe and positive environment and accepts responsibility to safeguard the welfare of all adults involved with Cycling UK in accordance with the Care Act 2014.

Cycling UK acknowledges its responsibility to keeping everyone safe, both adults and children, enabling them to participate in its activities and have fun doing so. Everyone has a role to play in identifying concerns, sharing information and taking prompt action; the organisation aims to ensure that everyone understands their safeguarding responsibilities by providing appropriate learning opportunities for all staff, volunteers and trustees.

No one should ever experience any type of abuse and Cycling UK will take appropriate action when any concerns are raised by following robust safeguarding procedures.

#### Cycling UK will:

- ensure robust safeguarding arrangements and procedures are in place and followed by everyone in the organisation;
- follow safe recruitment best practice to prevent the employment/deployment of inappropriate or unsafe individuals to work with adults at risk;
- ensure that confidential, detailed and accurate records of all safeguarding concerns and incidents are kept and stored securely;
- ensure safeguarding concerns are reported and action taken swiftly and efficiently;
- and ensure support is provided to those who raise or disclose safeguarding concerns.

### 4. Principles

This Policy is based on the following principles as established by the Care Act 2014, which underpins the safeguarding of adults:

- Empowerment: people are supported and encouraged to make their own decisions and feel informed.
- 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.

Scotland, Wales and Northern Ireland have similar, but slightly differently worded principles, which are set out in Appendix 4.

## 5. What are Safeguarding Adults, the Wellbeing Principles and Mental Capacity?

Safeguarding is everyone's responsibility; if you have concerns about an adult's safety or wellbeing, you must act on these: do not ignore them. It is important to understand that it is not the person who acts on the concerns' responsibility to decide whether or not an adult has been abused.

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and the experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, by having regard to their views, wishes, feelings and beliefs in deciding on any action. Adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

The concept of 'wellbeing' is used throughout both English and Welsh legislation and relates to personal dignity, support and the inclusion of everyone. The 'Wellbeing Principles' for England and Wales can be found at Appendix 5.

Adult safeguarding should always be person-led and outcome focused. The intention is to engage a person to discuss how to best respond to their situation from a safeguarding perspective to enhance their involvement, choice and control in order to improve their quality of life, wellbeing and safety. It is important, where possible, to obtain their view of what they would like to happen, involve them in the process and give consent to share information outside of the organisation where necessary. The adult's views, wishes, feelings and beliefs must be taken into account when decisions about their future are made. This is known as 'Making Safeguarding Personal'.

Capacity means the ability to make a decision about your own life on your own and is sometimes referred to as 'mental capacity'. This can be affected either temporarily or permanently; some people have the capacity to make some simple decisions but not major, say financial ones, for themselves. Appendix 6 provides further guidance on capacity and making decisions.

## 6. Legislation

### England

The legislative framework for safeguarding adults in England is set out in the Care Act 2014. Guidance accompanying the Care Act 2014 is available online and should be referred to for more detailed information.

### Wales

In Wales, the Social Services and Well-being (Wales) Act 2014 provides the framework for safeguarding adults. This reforms and integrates social services law and puts adult safeguarding on a statutory footing.

## Scotland

The Adult Support and Protection (Scotland) Act 2007 gives greater protection to individuals and defines adults at risk. It puts adult safeguarding on a statutory footing.

There is also the Adults with Incapacity Act 2000 which provides ways to help safeguard the welfare and finances of people who lack capacity

## Northern Ireland

The legislative framework for Northern Ireland's adult safeguarding can be found in Adult Safeguarding Prevention and Protection in Partnership 2015, which was implemented to improve safeguarding arrangements for adults at risk of harm from abuse, exploitation or neglect. The framework provides support and effective protective interventions, placing significant emphasis on early intervention.

The Mental Capacity Act 2016 combines mental health and capacity within one piece of legislation, including decisions about their welfare, health or finances and the safeguards to be put in place if they lack the capacity to do so.

## England and Wales

In England and Wales, the Mental Capacity Act 2005 establishes the general principle that everyone has capacity unless it is proved otherwise and that they should be supported to make their own decisions. Anything done for or on behalf of people without that capacity must be done in their best interests and with the least restrictive intervention.

## Other relevant legislation

There are a number of other pieces of legislation which in some cases apply to all home nations but may only one apply to one of them and they are as follows:

*Sexual Offences Act 2003*

*Human Rights Act 1998*

*Equality Act 2010*

*Data Protection Act 2018*

*Safeguarding Vulnerable Groups Act 2006*

*Deprivation of Liberty Safeguards (Mental Capacity Act 2005) Protection of Freedoms Act 2012*

*Domestic Violence, Crime and Victims (Amendment) Act 2012 The General Data Protection Regulations 2016*

## 7. Member and affiliate groups

Cycling UK consists of member groups spread across the United Kingdom; these are owned by Cycling UK but each has its own constitution. Member groups are the backbone of Cycling UK's activities providing their members the opportunity to take part in cycling activities that are safe, enjoyable and accessible. They carry out activities in the name of Cycling UK; formal member groups must comply with certain rules and regulations and are able to hold funds.

There are also informal member groups that are smaller and must be overseen by formal member groups. One of the main benefits of membership of Cycling UK is insurance; in order to be covered by this, all volunteers of any informal group must be registered with any formal member group associated with it. Member groups are bound by this Policy and its requirements.

There are also Affiliated Groups; these are not owned by Cycling UK and have a variety of different organisational structures. These groups become members of Cycling UK and their members have benefits through their group membership. Affiliated Groups are advised to follow this Policy otherwise they may use the template policy provided for them. They are required to provide a safeguarding policy for consideration by Cycling UK.

## 8. Roles and responsibilities

Safeguarding requires everyone to play their part in keeping children safe and to take on the right roles and responsibilities that ensure they have the power to keep themselves and others safe from harm. To create a safe environment, it is important to ensure that everyone is respected, knows their rights, feels able to ask questions and tells someone if they are concerned about something.

### Designated Safeguarding Lead

Cycling UK's Designated Safeguarding Lead (DSL) is the Director of Behaviour Change. The DSL role includes implementing, embedding and championing safeguarding as outlined in the following responsibilities

- co-ordinate the development and establishment of Cycling UK's approach to safeguarding which will include the creation of a case management plan;
- work with other members of staff, trustees and volunteers to create a positive environment for the organisation's activities to be carried out;
- to be a central point of contact for all referrals or concerns;
- ensure the safeguarding policy is disseminated to all those involved within the organisation;
  - » establish the appropriate training programme for trustees, staff and volunteers;
  - » manage safeguarding concerns, allegations and incidents;
  - » manage referrals to statutory agencies (social services or police) of any incidents or allegations of abuse and harm; and
  - » provide advice and support to staff and volunteers on safeguarding matters.

There are also three deputy DSLs:

- the Head of Volunteering;
- the Head of Development in Scotland; and
- the Head of Behaviour, Change & Development in England.

If the DSL is unavailable then concerns should be reported to this individual. If the concern relates to the DSL then the matter should be reported to one of the trustees.

## **Trustees**

There is also a lead Trustee with responsibility for overseeing safeguarding strategy who sits on the People and Culture committee, helping to ensure the policy is embedded within the organisation.

## **Staff, volunteers and members**

There is a variety of roles within Cycling UK: we have staff employed within the charity, and volunteers, for example committee members such as the chairman, treasurer and secretary, ride leaders, group managers, administrators and registration officers, as well as trustees of the Cyclists' Touring Club itself. With thousands of individual members, supporters and registered volunteers taking part in rides, events, campaigns and sharing their knowledge and experiences with others, it is important that everyone understands their role from a safeguarding perspective.

Each member group (formal) must have a designated safeguarding officer who will deal with any general welfare issues, as well as any other issues relating to discrimination and complaints from group members. The safeguarding officer will be offered safeguarding training as part of their volunteer role.

### **Member group safeguarding officer**

A safeguarding officer is the person appointed by a group to resolve, informally in the first instance, any issues that may arise, such as a complaint about a member's behaviour or concerns over an individual's ability to ride safely with the group.

The Cycling UK Complaints Policy should be referred to for further information regarding the procedure to be followed for complaints. The safeguarding officer may offer advice and support for members of the group as well as ensuring that all members are treated fairly. The safeguarding officer may attempt to resolve an issue that may arise remaining neutral and impartial or may refer the matter to the committee for advice or consideration. It is recommended that the person acting as the secretary of the group does not fulfil the role.

The Groups Handbook sets out clearly the duties of the member group safeguarding officer as follows:

- to be accessible to members to help them in addressing issues such as a complaint against individuals, the protection of 'adults at risk' and children, and issues of discrimination; and
- to monitor compliance with policies related to this area, such as this policy and the Cycling UK Safeguarding and Child Protection Policy.



## 9. Good Practice, Poor Practice and Abuse

It can be difficult to distinguish poor practice from abuse. It is not the responsibility of anyone working or volunteering with Cycling UK or a member group to decide whether or not abuse has taken place - that is the responsibility of social services or the police. However, there is a responsibility to act on any concerns by reporting these to the appropriate officer of the group or Cycling UK's DSL or the appropriate authorities, if it is not possible to contact the DSL.

Each member group should also have someone with a designated safeguarding role, such as a group safeguarding officer.

The Cycling UK Safeguarding Code of Conduct can be found below at Appendix 2 and should be read and adhered to accordingly by all those volunteering or working for the organisation. Safeguarding training for all those working with adults should be completed - see section 14 below.

Everyone should make the experience of cycling with Cycling UK fun and enjoyable, promoting fairness and equality, as well as giving everyone the same time and respect they deserve.

## 10. Types of Abuse and Neglect

Abuse is a violation of an individual's human and civil rights by another person or persons. There is a variety of different types of abuse or harm affecting adults:

- **Self-neglect** – this covers a wide range of behaviour: neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.
- **Modern Slavery / Human Trafficking** – encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- **Domestic Abuse and Coercive Control** – including psychological, physical, sexual, financial and emotional abuse. It also includes so-called 'honour' based violence. It can occur between any family members.
- **Discriminatory** – discrimination is abuse which centres on a difference or perceived difference particularly with respect to race, gender or disability or any of the protected characteristics of the Equality Act.
- **Organisational / Institutional** – including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or in relation to care provided in one's own home. This may range from one-off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- **Physical** – including hitting, slapping, pushing, kicking, restraint, inappropriate sanctions, and misuse of medication.
- **Sexual** – including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

- **Financial or Material** – including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Neglect and acts of omission** – including ignoring medical or physical care needs, failure to provide access to appropriate health social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **Emotional or Psychological** – this includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **Exploitation** – is the deliberate maltreatment, manipulation or abuse of power and control over another person; to take advantage of another person or situation usually, but not always, for personal gain from using them as a commodity. It may manifest itself in many forms including slavery, servitude, forced or compulsory labour, domestic violence and abuse, sexual violence and abuse, or human trafficking.

There are additional definitions that, whilst not included in legislation, interface with adult safeguarding:

- **Hate crime** – is any incident which constitutes a criminal offence perceived by the victim or any other person as being motivated by prejudice, discrimination or hate towards a person’s actual or perceived race, religious belief, sexual orientation, disability, political opinion or gender identity.
- **Cyber Bullying** – cyber bullying occurs when someone repeatedly makes fun of another person online, or repeatedly picks on another person through emails or text messages, or uses online forums with the intention of harming, damaging, humiliating or isolating another person. It can be used to carry out many different types of bullying (such as racist bullying, homophobic bullying, or bullying related to special educational needs and disabilities) but instead of the perpetrator carrying out the bullying face-to-face, they use technology as a means to do it.
- **Forced Marriage** – forced marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of a third party in identifying a spouse. The Anti-social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry. The forced marriage of adults with learning disabilities occurs when the adult does not have the capacity to consent to the marriage.
- **Mate Crime** – a ‘mate crime’ as defined by the Safety Net Project is ‘when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them.’ It may not be an illegal act but still has a negative effect on the individual. Mate Crime is carried out by someone the adult knows and often happens in private. In recent years, there have been a number of Serious Case Reviews relating to people with a learning disability who were murdered or seriously harmed by people who purported to be their friend.
- **Radicalisation** – the aim of radicalisation is to attract people to their reasoning, inspire new recruits and embed their extreme views and persuade vulnerable individuals of the legitimacy of their cause. This may be direct through a relationship, or through social media.

Note that each Home Nation defines categories of adult abuse and harm slightly differently:

<p><b>England</b></p> <p>Care Act 2014</p>	<p><b>Northern Ireland</b></p> <p>Adult Safeguarding Prevention and Protection in Partnership 2015</p>
<p>Physical</p> <p>Sexual</p> <p>Emotional/Psychological/Mental Neglect and acts of Omission Financial or material abuse Discriminatory</p> <p>Organisational / Institutional Self-neglect</p> <p>Domestic Abuse (including coercive control)</p> <p>Modern slavery</p>	<p>Physical</p> <p>Sexual violence Psychological / emotional Financial</p> <p>Institutional</p> <p>Neglect</p> <p>Exploitation</p> <p>Domestic violence Human trafficking</p> <p>Hate crime</p>
<p><b>Scotland</b></p> <p>Adult Support and Protection Act 2007</p>	<p><b>Wales</b></p> <p>Social Services and Well-being Act 2014</p>
<p>Physical</p> <p>Psychological</p> <p>Financial</p> <p>Sexual</p>	<p>Physical</p> <p>Sexual</p> <p>Psychological</p> <p>Emotional</p> <p>Financial</p>

## 11. “Adult at Risk” – definition

The Care Act 2014 makes it clear that abuse of adults relates to their circumstances rather than the characteristics of the people experiencing the harm. For this reason the term “vulnerable adult” is no longer used, being replaced with “adult at risk” or “adult at risk of harm” which makes this distinction clearer.

Each of the Home Nations uses different definitions in their legislation for an adult at risk. These are set out below:

### England

Care Act 2014

An “adult at risk” is an individual aged 18 years and over who:

- has needs for care and support (whether or not the local authority is meeting any of those needs);
- 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.

### Wales

Social Services and Well-being Act 2014

An “adult at risk” is an individual aged 18 years and over who:

- is experiencing or is at risk of abuse or neglect;
- has needs for care and support (whether or not the authority is meeting any of those needs); and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

### Scotland

Adult Support and Protection Act 2007

An “adult at risk” is an individual aged 16 years and over who:

- is unable to safeguard their own well-being, 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 is more vulnerable to being harmed than adults who are not so affected.

## Northern Ireland

### Adult Safeguarding Prevention and Protection in Partnership 2015

An “adult at risk of harm” is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their personal characteristics and/or life circumstances.

An “adult at risk of harm” is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their personal characteristics and/or life circumstances.

Personal characteristics may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain. Life circumstances may include, but are not limited to, isolation, socio-economic factors and environmental living conditions. An ‘adult in need of protection’ is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- personal characteristics; and/or
- life circumstances; and
- who is unable to protect their own well-being, property, assets, rights or other interests; and
- where the action or inaction of another person or persons is causing, or is likely to cause, him/her to be harmed.

In order to meet the definition of an ‘adult in need of protection’ either of the first two characteristics must be present, in addition to both the third and fourth element.

## 12. Signs and Indicators of Abuse and Neglect

This list provides a description of the different forms of abuse and neglect that adults at risk may experience.

### Wales

This page provides a description of the different forms of abuse and neglect that adults at risk may experience and ways in which the maltreatment may manifest itself.

### Northern Ireland

Signs and indicators of abuse are the main signs and symptoms, which suggest that some form of abuse may have occurred.

**England** There are many forms of abuse and neglect as outlined by the NHS.

### Scotland

**Types and indicators of abuse as outlined by the Social Care Institute for Excellence.**

## 13. Recruitment

The recruitment of the right people within an organisation is essential to its long-term development and sustainability. Encouraging more people to take part in an activity such as cycling will help to grow the provision and bring new people who want to volunteer and work within our Cycling UK groups. However, it is important to ensure that cycling groups have the right people in the most suitable roles for them to ensure that groups are well-organised, safe and supportive to all involved.

### Staff

When new staff are recruited in Scotland, Cycling UK has a recruitment authorisation form with a section that confirms whether or not they need a PVG check. If so, the checks are requested by HR and processed by Disclosure Scotland.

### Volunteers

All applicants for volunteer roles within Cycling UK should be assessed to ensure they have the correct qualifications, training and support.

The following are also necessary for any applicants whose roles involve dealing with adults at risk:

- completed application form;
- a self-disclosure form;
- two independent referees who may be contacted to provide references (a person over 18 years who knows them well (at least 6 months) and would be happy to answer a few questions about them. They should not be related to them or their GP nor do they need to be someone they've worked with.
- information about any previous experience of working with adults at risk and
- an appropriate vetting check such as Disclosure and Barring Service (DBS)(where the role is eligible – see Appendix 8) or if in Northern Ireland Access NI or PVG in Scotland carried out by Disclosure Scotland.

It is also advisable to have a short interview before making a decision about whether or not an individual is suitable for the role. Any references provided should be verified.

There is further information on recruitment vetting checks at Appendix 8.

### Groups

Volunteer roles within Cycling UK's groups should ideally be allocated following endorsement by two individuals within the group such as a proposer and a seconder, who should be able to vouch for the applicants' suitability for the roles.

If the group is working with adults at risk on a regular basis then above volunteer steps would also apply.

## 14. Safeguarding Training

Everyone at Cycling UK, including our member groups, needs to understand this Safeguarding Adults at Risk policy and help implement and embed it within the organisation.

Once recruited, all staff and volunteers should be well-informed, trained, supervised and supported to ensure that they effectively safeguard adults at risk and know how to respond to any concerns.

Cycling UK will ensure that training and resources are available to encourage the development of staff and volunteers that will include:

- an induction to the work and the organisation;
- a trial period in which to develop skills whilst supervised; and
- ongoing support and monitoring.

There are currently no formal qualifications specifically for safeguarding and protecting adults in sport; however, training developed by sports governing bodies and other similar organisations is available to strengthen the skills and knowledge of the sporting workforce to safeguard adults within the cycling community.

Cycling UK will regularly hold safeguarding training days for all staff and volunteers to ensure they all feel supported and have the awareness required to take appropriate action when necessary.

Training plays an important role in equipping staff and volunteers to do their jobs safely and effectively.

Different safeguarding training is available depending on the person's role. Anyone who thinks they should update their safeguarding training should discuss the matter with the DSL.

It is expected that all those working with adults at risk will regularly (once every three years as a minimum) update their safeguarding training; those whose role does not directly involve adults at risk will follow any instructions and advice given by the DSL in regard to safeguarding training.

## 15. Photography and Social Media Policy

It is not possible to legally prevent photography or filming in a public place. However, it is important to be aware that there are some individuals who might visit events in order to take inappropriate films or photographs of adults – perhaps specifically of adults with care and support needs.

Often, event organisers will want to take images and film footage of the event; it is good practice to make people aware of this and to ask them to inform organisers if

they do not wish to be photographed in this way and therefore do not give their consent to photographs or film to be used by event organisers.

Where organisers intend to take photographs or film for a specific use, such as marketing, then it is advisable to get consent, particularly if the image is of an adult as the main subject and they can easily be identified. If this is likely and consent is not given, or it is not possible for the adult to give consent due to their lacking in the capacity to give it, then the images cannot be used.

If photographs or film are taken, then it is best practice to ask the adult for approval of the final images before using them. Consent may only be given for the purpose for which the images were taken. It should be possible for the adult to withdraw their consent at any stage. The photos or film images should always be appropriate.

Cycling UK's Social Media Policy requires all staff and volunteers to use social media responsibly. Whilst social media has many positive benefits, it is important to ensure that all groups and clubs get the best out of these platforms. The Social Media Policy establishes some best practice for groups to follow to protect both them and individuals.

Employees or volunteers who do not adhere to the Cycling UK Social Media Policy may be subject to disciplinary action. Where appropriate any breaches to the Cycling UK Social Media Policy may involve the police or other law enforcement agencies.

## **16. Safer Activities and Events**

Every group has a duty to safeguard adults and this includes making sure that everyone who attends Cycling UK events and activities is kept safe, whether the event is regular or a one-off.

Some activities may present additional challenges and risks, which make safeguarding more complex.

For example, if an event:

- includes larger numbers of adults at risk than the group is used to working with, including some who are new to the group;
- includes different venues and locations, sometimes for an overnight stay, sometimes involving activities that are less structured than the normal programme; or
- is organised with other groups, companies and/or individuals who may not be used to working with adults at risk.

It will be important to consider the extra measures that will be needed to be put in place to keep 'adults at risk' safe during the event.



The event leader should liaise with Cycling UK's DSL and the key people in any other organisations involved, to draw up a safeguarding plan (or welfare plan) for the event. The plan should cover the following:

- Cycling UK's and the group's overarching Safeguarding (both adult and children) policies;
- the individual with overall responsibility for Safeguarding at the event or activity and how to contact them on the day;
- how staff and volunteers should respond to any welfare or child protection concerns that may arise during the event or activity;
- how the event organiser will respond to any allegations of abuse made against an adult involved with your group or organisation during the event or activity;
- whistleblowing procedures; and
- where to go for safeguarding advice and guidance during the event or activity.

Make sure all staff and volunteers involved in the event or activity are aware of and understand this plan. If using a venue belonging to another organisation, a meeting should be arranged in advance to discuss the event and how safeguarding concerns will be managed on the day. There should be consideration of whether the two or more organisations' safeguarding policies are aligned to address and resolve any contentious matters before the event.

Issues such as consent, information-sharing and record-keeping should be discussed and agreed prior to the event. The NSPCC has guidance on events and safeguarding best practice on its website.

## **17. Confidentiality and Information Sharing**

When an adult makes a disclosure or passes on a concern, it is important to understand that, whilst a level of confidentiality is always necessary, this does not mean that no one else should be told about it. Confidentiality means that it will only be discussed with others who are able to help and deal with the concern.

Sometimes an adult may not want anyone to act on concerns or their disclosure. This may be because they are scared or fearful of the repercussions from taking action.

It may also be because they are not aware abuse is taking place, or they have not got the mental capacity to make an informed decision and understand that remaining in their current situation is unsafe.

Sharing information with the right people is central to good practice in safeguarding adults.

You should not keep safeguarding concerns about adults at risk to yourself. Explain to the adult that you must pass the concern on to your Designated Safeguarding Lead, as you have a duty of care.

For further guidance see Appendix 7.

## 18. Charity Commission Requirements

Cycling UK is a registered charity in all of the UK and as such must comply with requirements of the Charity Commission and the Office of the Scottish Charity Regulator (OSCR). The Trustees are required to take steps to protect everyone who comes into contact with the charity from harm, and follow guidance issued by the Charity Commission and OSCR that will hold them to account for anything that may go wrong.

For example, the Charity Commission requires Trustees to make sure their charity:

- has safeguarding policies, procedures and measures that comply with current legislation and guidance;
- has a properly implemented safeguarding policy ensuring that everyone is aware of their safeguarding responsibilities and understands how to respond to concerns;
- has a lead trustee for safeguarding and child protection;
- challenges any decision which adversely affect anyone's wellbeing;
- manages allegations of abuse against someone involved in the organization;
- reports serious incidents as necessary.

Trustees are required to respect and uphold the values of Cycling UK in accordance with the Trustees' Code of Conduct. They are also required to comply with Cycling UK's policies and procedures. Trustees will be provided with safeguarding training regularly and should report any concerns they may have in the same way that any other volunteer or staff member would.

There are similar requirements for the OSCR.

## 19. Storing records

Cycling UK will store all safeguarding records in accordance with NSPCC guidance, which is available on their website. Records will be stored securely and confidentially. Where such records are electronic, they will be stored with password protection and on computers with protection against hackers and viruses.

The length of time a record is kept will generally be 25 years, but this time period should always be considered for each concern separately.

## 20. Whistleblowing and Complaints Policies

Whistleblowing occurs when a person raises a concern about dangerous or illegal activity, or any wrongdoing within their organisation.

It is important to Cycling UK that any fraud, bribery, misconduct or wrongdoing by staff, volunteers or others working on behalf of Cycling UK is reported and properly dealt with. Cycling UK therefore requires all individuals to raise any concerns that they may have about the conduct of others in the organisation, or the way in which the organisation is run.

The Whistleblowing Policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

A complaint is when someone tells Cycling UK that they are dissatisfied with something Cycling UK has done (or not done) or the way its staff, members, member groups or volunteers have behaved. The Cycling UK Complaints Policy and Procedure sets out how such complaints should be dealt with.

Where a complainant raises a potential safeguarding issue, it should immediately be referred to the Designated Safeguarding Lead, who will decide whether it should be dealt with under the Safeguarding Policy, rather than the Complaints Policy.

## 21. Appendices

[Appendix 1](#) – Responding to, reporting and recording safeguarding concerns about adults at risk

[Appendix 2](#) – Safeguarding Code of Conduct

[Appendix 3](#) - Reporting Adult at Risk Concerns Flowcharts

[Appendix 4](#) - Principles of Safeguarding Adults for each Home Nation

[Appendix 5](#) - Wellbeing Principles for England and Wales

[Appendix 6](#) - Capacity - Guidance on Making Decisions

[Appendix 7](#) - Consent and Information Sharing Guidance

[Appendix 8](#) - Recruitment Vetting Checks Guidance

# Appendix 1 - Responding to, reporting and recording safeguarding concerns about adults at risk

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## Responding to concerns

There are concerns about the behaviour of a member of staff, volunteer or member towards an adult. These may be suspicions or allegations of poor practice or possible abuse. Complete Cycling UK Safeguarding Report Form and send to Cycling UK Designated Safeguarding Lead (DSL). If concerns occur at an event or facility, this should be done in conjunction with the safeguarding officer.

Is the person in immediate danger or are they injured? Then the emergency services should be contacted as a priority. If you believe a crime has been committed, you should contact the police as soon as possible.

If concerns, allegations of abuse or poor practice are reported, then this must be referred to the group safeguarding officer or the Designated Safeguarding Lead. If the concern relates to one of these two individuals, then the matter should be referred to the Chief Executive Officer of Cycling UK.

When raising the concern, it is best practice to seek the views of the adult involved as to what they would like to happen next and to inform them of the actions that will be taken - it is important that the adult is kept informed about any actions or decisions taken; always consider their needs and wishes. This is how to “make safeguarding personal”.

It is important for staff and volunteers to follow some simple guidelines when responding to concerns. These guidelines are to:

- caring and help the adult concerned to open up;
- let them go at their own pace – allow them to pause and take their time – it may take more than one conversation to hear the full disclosure;
- reflect back and use their language to show that they have been fully understood;
- reassure them that they have done the right thing in telling someone about what has happened to them;
- remember to make safeguarding personal – discuss the concerns with the adult, obtain their view of what they would like to happen, but inform them that it is essential that the DSL is made aware of the concern;
- consent – it is important to ask for consent but inform them that it is essential you will be sharing this information with the DSL as part of our policies and procedures. For further guidance see Appendix 7 below;
- take care to distinguish between fact, opinion, observation or allegation. It is essential the information is accurate;
- make sure they are aware the matter is being taken seriously but it is essential to maintain an unbiased approach – following procedure and treating each case in a fair and transparent manner ensuring everyone gets the help and support necessary; and

- make notes of the information – name, age and dates – to record the concern. If it is inappropriate to make notes at the time, then they should be made as soon as possible after speaking to the adult. It is important to use the language the adult has used to describe the incident/concern. It may be appropriate to fill in the Safeguarding Report Form at the time of the disclosure. If not, do so as soon as possible afterwards.

### **Reporting concerns**

All concerns about an adult should be reported to the group safeguarding officer or the DSL of Cycling UK. Once concerns have been received by the DSL, together with the HR and/or volunteering team, and the relevant line manager, they will investigate to understand the current risk to the adult. This will be done whilst ensuring the utmost confidentiality is maintained and any appropriate safeguards are put in place.

The DSL will consider the concern and report it to the appropriate agency once all the information has been collected. This will be done in conjunction with the adult involved to ensure they are kept fully aware of the process and can ensure their desired outcome is properly communicated.

See Appendix 3 for a flowchart showing the reporting process for dealing with adult at risk concerns.

### **Recording**

It is important that all concerns are recorded – including information about:

- the concern;
- how it was responded to;
- who it was reported to; and
- what the outcome of this report was.

Concerns should be reported on the Cycling UK Safeguarding Report Form that should then be sent by email to the Cycling UK DSL.

All reporting forms and documentation relating to the management of the concern must be retained and stored confidentially for at least 25 years. Individual files may be kept for longer if this is considered appropriate. This must meet the requirements of any data protection legislation currently in force.

## Appendix 2 - Cycling UK's Safeguarding Code of Conduct

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All staff and volunteers have an obligation to avoid creating distressing situations. Therefore they are expected to follow the Code of Conduct below:

### As a Cycling UK staff/volunteer, you must:

- respect everyone as an individual
- provide a good example of acceptable behaviour
- respect everyone's right to privacy
- report any concerns to Cycling UK's DSL
- show understanding when dealing with sensitive issues
- listen to any concerns from anyone, particularly children, may have
- maintain acceptable boundaries and relationships with children. Engaging in sexual behaviour with anyone under the age of 16 is illegal.
- adhere to the organisation's policies, including implementing the Safeguarding & Child Protection Policy

### As a Cycling UK staff member or volunteer you must not:

- permit abusive behaviour
- have inappropriate physical or verbal contact with others
- engage in a sexual behaviour with anyone under the age of 18
- make suggestive or inappropriate remarks or actions
- deliberately place yourself or others in a compromising situation

### Other adults present

Staff and volunteers should avoid situations where they are alone with a child or adult at risk. This precaution protects all parties by removing the feeling of threat from an insecure participant, and by providing a witness if an accusation of improper behaviour is made. However, there may be occasions where this is not possible and a judgment will have to be made as to what is in the best interests of the child or adult at risk.

### Physical contact

Physical contact between an individual and the staff or volunteers should be avoided. There are instances when it is necessary, eg to demonstrate a skill, but such contact should remain impersonal so there is no risk of it being misinterpreted. If contact is necessary the volunteer should always ask permission and advise the individual of the action to be taken.

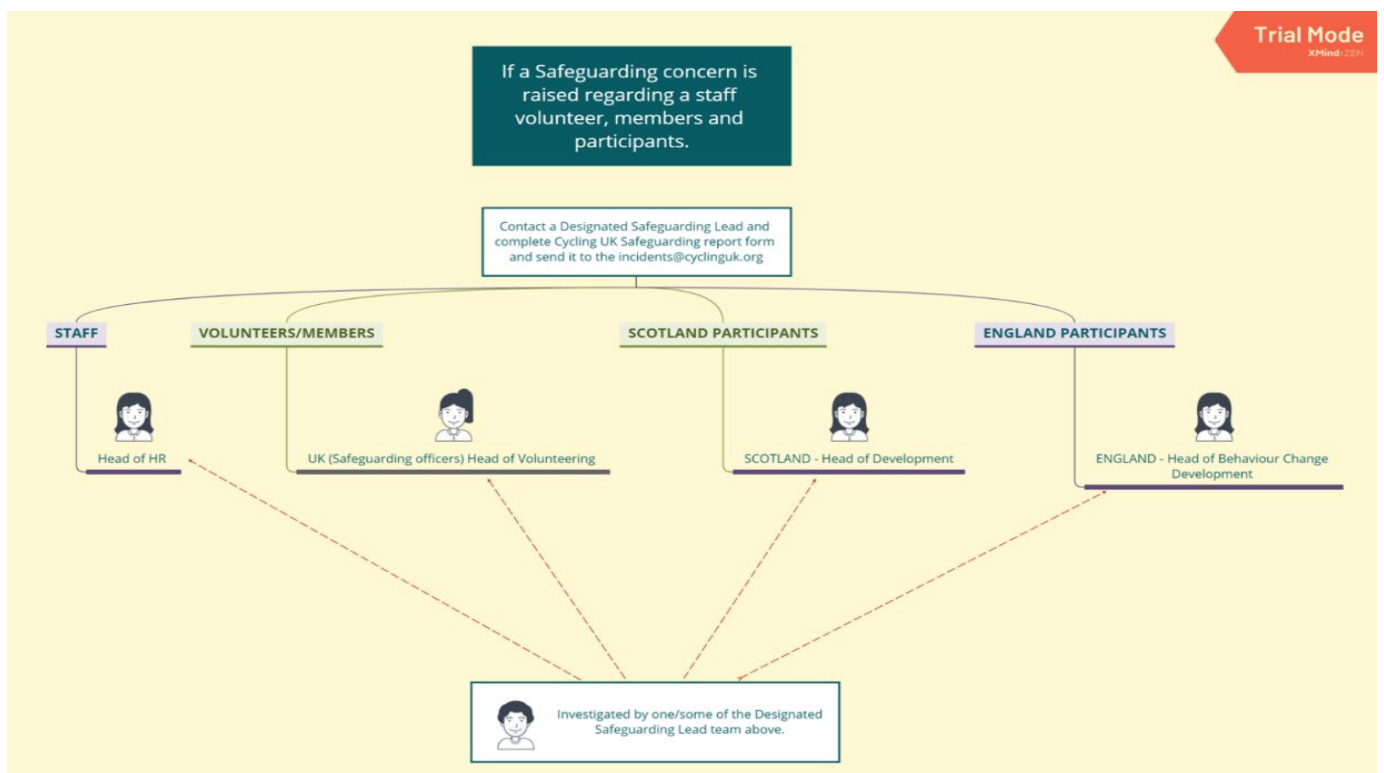
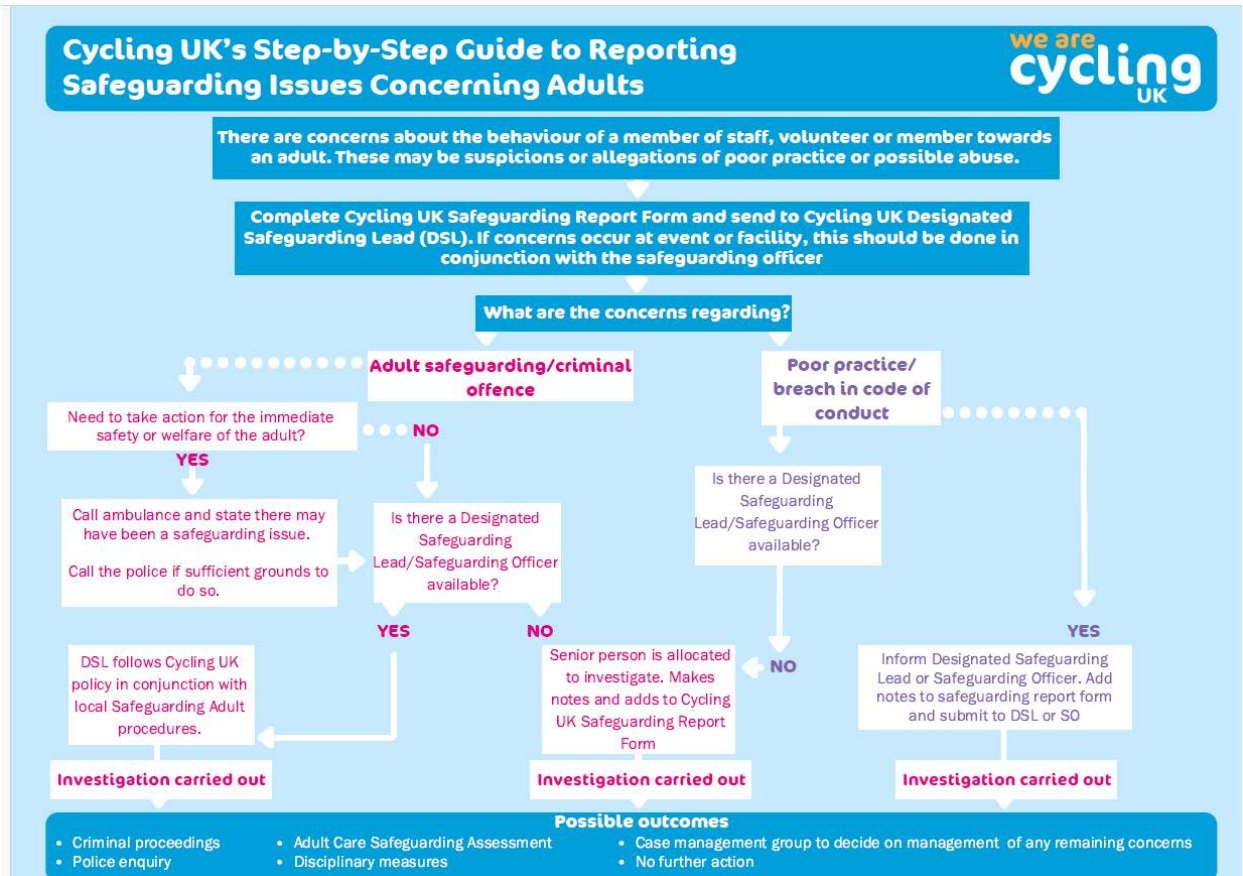
### Appropriate language

Care should be taken about what is said, and the way it is said. Staff and volunteers should always avoid saying anything which could be interpreted as being aggressive, suggestive, or contain any form of innuendo.

## **Creating false impressions**

It is important that staff and volunteers do not create a false impression. Words and actions can be misunderstood, and care should be taken to avoid awkward situations. Should such a situation arise, it is essential to handle it with care and consideration to minimise embarrassment to ride leaders, instructors, other volunteers and participants.

# Appendix 3 – Safeguarding adults reporting flowcharts





# Appendix 4 - Principles of Safeguarding Adults for each Home Nation

England	Wales
Care Act 2014	Social Services and Well Being Act 2014
<p>The Act's principles are:</p> <ul style="list-style-type: none"> <li>● Empowerment - People being supported and encouraged to make their own decisions and informed consent.</li> <li>● Prevention – It is better to take action before harm occurs.</li> <li>● Proportionality – The least intrusive response appropriate to the risk presented.</li> <li>● Protection – Support and representation for those in greatest need.</li> <li>● Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse</li> <li>● Accountability – Accountability and transparency in delivering safeguarding.</li> </ul>	<ul style="list-style-type: none"> <li>● Pay attention to what people want.</li> <li>● Remember people's dignity.</li> <li>● Think about each person. Think about their culture, beliefs and language.</li> <li>● Support people to be part of decisions about their lives. Expect adults to know what is best for themselves.</li> <li>● Support adults to be as independent as possible.</li> </ul>

## Scotland

### Adult Support and Protection Act 2007

The Act's principles are:

- The overarching principle underlying Part 1 of the Act is that any intervention in an individual's affairs should provide benefit to the individual and should be the least restrictive option of those that are available which will meet the purpose of the intervention.
- This is supported by a set of guiding principles which, together with the overarching principle, must be taken account of when performing functions under Part 1 of the Act. These are:
- The wishes and feelings of the adult at risk (past and present);
  - » The views of other significant individuals, such as the adult's nearest relative; their primary carer, guardian, or attorney; or any other person with an interest in the adult's well-being or property;
  - » The importance of the adult taking an active part in the performance of the function under the Act;
  - » Providing the adult with the relevant information and support to enable them to participate as fully as possible;
  - » the importance of ensuring that the adult is not, without justification, treated less favourably than the way in which any other adult (not being an adult at risk) might be treated in a comparable situation; and
  - » the adult's abilities, background and characteristics (including the adult's age, sex, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage).

## Northern Ireland

### Adult Safeguarding Prevention and Protection Partnership 2015

The Act's principles are:

- A Rights-Based Approach – To promote and respect an adult's right to be safe and secure; to freedom from harm and coercion; to equality of treatment; to the protection of the law; to privacy; to confidentiality; and freedom from discrimination.
- An Empowering Approach – To empower adults to make informed choices about their lives, to maximise their opportunities to participate in wider society, to keep themselves safe and free from harm and enabled to manage their own decisions in respect of exposure to risk.
- A Person-Centred Approach – To promote and facilitate full participation of adults in all decisions affecting their lives, taking full account of their views, wishes and feelings and, where appropriate, the views of others who have an interest in his or her safety and well-being.
- A Consent-Driven Approach
  - » To make a presumption that the adult has the ability to give or withhold consent; to make informed choices;
  - » to help inform choice through the provision of information, and the identification of options and alternatives;
  - » to have particular regard to the needs of individuals who require support with communication, advocacy or who lack the capacity to consent; and
  - » intervening in the life of an adult against his or her wishes only in particular circumstances, for very specific purposes and always in accordance with the law. specific purposes and always in accordance with the law.
- A Collaborative Approach –
  - » To acknowledge that adult safeguarding will be most effective when it has the full support of the wider public and of safeguarding partners across the statutory, voluntary, community, independent and faith sectors working together; and is delivered in a way where roles, responsibilities and lines of accountability are clearly defined and understood.
  - » Working in partnership and a person-centred approach will work hand-in-hand.

# Appendix 5 - Wellbeing Principles for England and Wales

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England	Wales
<ul style="list-style-type: none"><li>● Personal dignity (including treating the individual with respect)</li><li>● Physical and mental health and emotional wellbeing Protection from abuse and neglect</li><li>● Control by the individual over their day-to-day life (including over care and support provided and the way they are provided)</li><li>● Participation in work, education, training or recreation</li><li>● Social and economic wellbeing</li><li>● Domestic, family and personal domains</li><li>● Suitability of the individual's living accommodation</li><li>● The individual's contribution to society</li></ul>	<ul style="list-style-type: none"><li>● Physical and mental health and emotional well-being</li><li>● Protection from abuse and neglect</li><li>● Education, training and recreation</li><li>● Domestic, family and personal relationships</li><li>● Contribution made to society</li><li>● Securing rights and entitlements</li><li>● Social and economic well-being</li><li>● Suitability of living accommodation</li><li>● Control over day to day life</li><li>● Participation in work</li></ul>

# Appendix 6 - Capacity - Guidance on Making Decisions

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England and Wales share the Mental Capacity Act of 2005. Scotland has the Adults With Incapacity (Scotland) Act 2000 and Ireland the Mental Capacity (Northern Ireland) Act 2016. The Acts all apply to people over the age of 16.

The issue of capacity or decision-making is a key one in safeguarding adults across all legislatures.

It is useful to have an overview of the concept of capacity. The ability to make decisions is often taken for granted. But some people are only able to make some decisions, and a small number of people cannot make any decisions. Being unable to make a decision is called “lacking capacity”.

To make a decision a person needs to:

- understand information;
- remember it for long enough;
- think about the information; and
- communicate the decision.

The various legislations set out the principles for working with adults who lack capacity to make decisions. A person’s ability to do this may be affected by things like learning disability, dementia, mental health needs, acquired brain injury and physical ill health.

Good practice states that every individual has the right to make their own decisions and legislation provides the framework for this to happen. The legislations are designed to ensure that people have the support they need to make as many decisions as possible. The legislations also protect people who need family, friends or paid support staff to make decisions for them because they lack capacity to make specific decisions.

Any intervention in the affairs of an adult should:

- benefit the adult;
- take account of the adult’s wishes, so far as these can be ascertained;
- take account of the views of relevant others, as far as it is reasonable and practical to do so; and
- restrict the adult’s freedom as little as possible while still achieving the desired benefit.

An individual’s ability to make decisions can change over the course of a day. Here are some examples that demonstrate how the timing of a question can affect the response:

- a person with epilepsy may not be able to make a decision following a seizure;
- someone who is anxious may not be able to make a decision at that point; or
- a person may not be able to respond as quickly if they have just taken some medication that causes fatigue.

In each of these examples, it may appear as though the person cannot make a decision. But later in the day, presented with the same decision, they may be able to at least be involved or to make an informed and measured decision.

Legislation recognises that capacity is decision-specific, so no one will be labelled as entirely lacking capacity. The legislation also recognises that decisions can be about big life-changing events, such as where to live, but equally about small events, such as what to wear on a cold day.

To help understand this concept further, consider the following five points:

- assume that people are able to make decisions, unless it is shown that they are not. If you have concerns about a person's level of understanding, you should check this with them, and if applicable, with the people supporting them;
- give people as much support as they need to make decisions. Be involved in this – think about the way to communicate or provide information and be aware that they may ask for an opinion;
- people have the right to make unwise decisions. The important thing is that they understand the implications. If they understand the implications, consider how risks might be minimised;
- if someone is not able to make a decision, then the person helping them must only make decisions in their “best interests”. This means that the decision must be what is best for the person, not for anyone else; and
- find the least restrictive way of doing what needs to be done.

**Remember:**

Do not discriminate or make assumptions about someone's ability to make decisions, and do not pre-empt a best interests decision merely on the basis of a person's age, appearance, condition or behaviour.

As an organisation, when it comes to decision-making, you could be involved in a minor way, or asked to provide more detail. The way information is provided might influence a person's ultimate decision. A person may be receiving support that is not in line with the principles of the legislation - be prepared to address this.

# Appendix 7 - Consent and Information Sharing

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## England and Wales

There are some circumstances when action may need to be taken without an adult's consent. Sometimes an adult at risk may not want someone else to act on the concerns or their disclosure. This may be because they are scared or fearful of the repercussions from such action.

It may also be because they are not aware abuse is taking place, or they have not got the mental capacity to make an informed decision and understand that remaining in their current situation is unsafe.

Sharing information with the right people is central to good practice in safeguarding adults.

Do not keep safeguarding concerns about adults at risk a secret. Explain to the adult that the concern must be passed on to the DSL, as there is a duty of care.

Reassure the adult that they will be fully included in what happens.

It is appropriate to report concerns without an adult's consent when:

- there is reason to believe the adult's health and/or wellbeing will be adversely affected by ongoing harm;
- other people are, or may be, at risk from the person causing harm, including children;
- it is necessary to prevent a crime, or a serious crime has been committed;
- sharing the information could prevent a crime and help to stop abuse;
- the adult may be under duress or being coerced; or
- the alleged abuser has care and support needs and may also be at risk.

Cycling UK employees and volunteers should always share safeguarding concerns in line with this Safeguarding Policy – with the DSL or group safeguarding officer in the first instance, except in emergency situations. If it does not increase the risk to the individual, the employee or volunteer should explain to them that it is their duty to share their concern with the DSL or the group safeguarding officer.

The DSL or safeguarding officer will then consider the situation and plan the actions that need to be taken, in conjunction with the adult at risk and in line with this policy and local safeguarding adults' board policy and procedures.

To make an adult safeguarding referral, you need to call the local safeguarding adults team. This may be part of a MASH (Multi-Agency Safeguarding Hub). A conversation can be had with the safeguarding adults team without disclosing the identity of the person in the first instance. If it is thought that a referral needs to be made to the safeguarding adults team, consent should be sought where possible from the adult at risk.

Individuals may not give their consent to the sharing of safeguarding information with the safeguarding adults team for a number of reasons. Reassurance, appropriate

support and revisiting the issues at another time may help to change their view on whether it is best to share information.

If they still do not consent, then their wishes should usually be respected. However, there are circumstances where information can be shared without consent. For example, when the adult does not have the capacity to consent, it is in the public interest because it may affect other people, or a serious crime has been committed. This should always be discussed with the DSL and the local authority safeguarding adults team.

If someone does not want you to share information outside of the organisation, or you do not have consent to share the information, ask yourself the following questions:

- Is the adult placing himself or herself at further risk of harm?
- Is someone else likely to get hurt?
- Has a criminal offence occurred? This includes: theft or burglary of items, physical abuse, sexual abuse, forced to give extra money for lessons (financial abuse) or harassment.
- Is there suspicion that a crime has occurred?

If the answer to any of the questions above is 'yes', then it is possible to share the information without consent and you should do so.

When sharing information, there are seven Golden Rules that should always be followed:

1. Seek advice if in any doubt.
2. Be transparent - The Data Protection Act (DPA) is not a barrier to sharing information but to ensure that personal information is shared appropriately; except in circumstances whereby doing so places the person at significant risk of harm.
3. Consider the public interest - base all decisions to share information on the safety and wellbeing of that person or others who may be affected by their actions.
4. Share with consent where appropriate - where possible, respond to the wishes of those who do not consent to share confidential information. You may still share information without consent, if this is in the public interest.
5. Keep a record - record your decision and reasons to share or not share information.
6. Accurate, necessary, proportionate, relevant and secure - ensure all information shared is accurate, up-to-date, necessary and share with only those who need to have it.
7. Be open and honest - right from the start, be clear with the people we support (and/or their families where needed) what we hold, why we might share it, who might need to know. Try and get informed consent from the beginning where possible.

# Appendix 8 - Recruitment Vetting Checks

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- **Basic DBS check:** contains details of any unspent convictions or conditional cautions the applicant has
- **Standard DBS check:** contains details of any spent or unspent convictions, cautions, reprimands, or warnings the applicant has, as long as they're not protected.
- **Enhanced DBS check:** contains the same information as a standard check, as well as any relevant information held by the applicant's local police force.

Applying for a DBS check is controlled by the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012.

If an individual is barred from working with either vulnerable adults or children (and is therefore on the barred list) it is illegal for them to apply to work in such roles.

As a general rule, eligibility to apply for a DBS check is not based on an applicant's job/role title but by considering the activities and responsibilities of each individual and how often they carry it out. Applying for a DBS check where an individual is not eligible is illegal and would lead to the applicant's data protection rights being Breached. We recommend consulting the [government's DBS eligibility guidance](#) before requesting a DBS check for a particular role.

There is significant information about DBS checks, eligibility and the Rehabilitation of Offenders Act 1974 and the exceptions order which relates to the Act on the DBS and NSPCC websites.

Cycling UK is responsible for deciding whether an applicant is suitable for a role and is also responsible for working out the level of check the role is eligible for. If an individual believes they do meet the criteria which means they should have an enhanced DBS check then they should contact the DSL of Cycling UK.

Applicants cannot apply directly to the DBS for their own standard or enhanced check. The checks must be processed through Cycling UK or a partner agency/organisation

If the criteria for regulated activity have not been met because the frequency test has not been passed an enhanced check can be applied for without the barred list being check. This is known as an enhanced check without the barred list.

Where there is no eligibility for a standard or enhanced check then it is possible for a basic check to be applied for – there are no restrictions on who can apply for this. Applicants can apply for their own basic check via the DBS website. They may also apply via a responsible organisation. Basic checks provide details of unspent convictions only.

If a cycling group is aiming activities specifically at adults at risk, particularly those that involve training, teaching, instructing and supervising them, an enhanced DBS check with barred list check on regular volunteers may be considered.



However, Cycling UK have had confirmation from the Disclosure and Barring Service that most normal group rides are not an activity that would mean that ride leaders are eligible for enhanced DBS checks as unaccompanied children are incidental to the rides.

There is detailed guidance and advice issued by the DBS that may be found at Appendix 7. If you have any queries about eligibility for a DBS check, then contact Cycling UK for advice.

### **Scotland**

Disclosure Scotland deals with criminal records checks in Scotland. There is a Basic check, Standard, Enhanced and membership of the Protected Vulnerable Groups Scheme. For further information on all these it is best to check the Disclosure Scotland website to find out which type of check required and what information this will disclose.

### **Northern Ireland**

As with the other schemes, there is a Basic, Standard and Enhanced check carried out by AccessNI. They all disclose different information and it is important to know which is required for the job being done whether employed or voluntary. The AccessNI website has the most up to date and accurate information and it is best to check there for advice and guidance.

# References

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1. Cyclists' Touring Club is a registered charity number 1147607