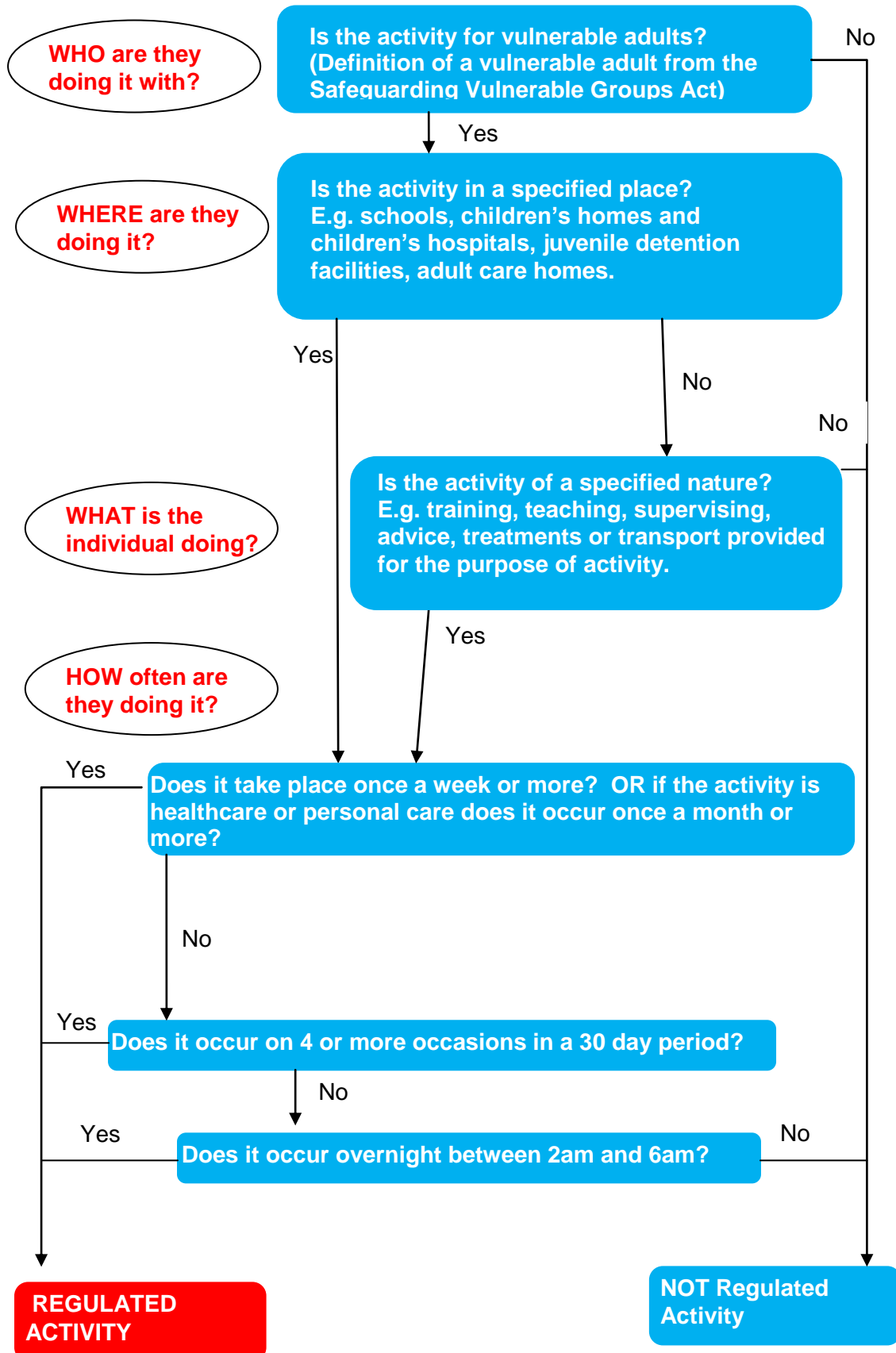


Appendix
Safeguarding Vulnerable Adults in Sport

Deciding if an activity is categorised as 'regulated activity'



Appendix Safeguarding Vulnerable Adults in Sport

Regulated Activity

Regulated activity is the statutory term used to describe specific activities which involve working or volunteering with children or vulnerable adults and certain situations where individuals have the opportunity for contact with a child or vulnerable adult. It covers any such work, either paid or unpaid, which is carried out on a frequent, intensive or overnight basis. It does not include family or personal arrangements. In relation to sport, regulated activity for adults includes:

- training, teaching or instruction provided wholly or mainly for vulnerable adults
- any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults
- any form of treatment or therapy provided for a vulnerable adult
- driving a vehicle which is being used only for the purpose of conveying children or vulnerable adults and any person caring for the child or vulnerable adult.

Deciding if a worker is in Regulated Activity

1. Is the person a child or vulnerable adult?

Note: For the purpose of the Vetting and Barring Scheme, people are not defined as a vulnerable adult because they may be older, have an illness or have a disability.

In respect of sporting activity people are vulnerable adults under the Vetting and Barring Scheme when they are:

- receiving any form of health care (from a physiotherapist for example)
- receiving a service or participating in an activity that is specifically targeted at people with age-related needs or disabilities.

2. Is the activity of a specified nature (e.g. training, care supervision, advice treatment or transport) referred to as regulated activity?

OR

Is the activity carried out in a specified place (e.g. school, children's home, children's hospital, juvenile detention facility or adult care home)?

OR

Is the activity carried out by a person in a specified position (e.g. member of a relevant local government body, director of adult social services, a trustee of a children's or vulnerable adults' charity)?

3. Is the contact:

- frequent (once a week or if delivering health or personal care once a month)
- intensive (four or more occasions in a period of 30 days)

OR

- overnight (between 2-6am)

Services which are not specifically for vulnerable adults but which are aimed at the general public are not regulated activity.

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Safeguarding Vulnerable Adults in Sport

Examples of Regulated Activity in Sport

Situation	Regulated Activity?
A local leisure centre runs aqua fit sessions and advertises its benefits for people with high blood pressure. However the session is voluntary and people decide themselves if they want to attend.	This is exempt from the Vetting and Barring Scheme altogether, because the scheme itself is self-referring and the session is not specifically for people with a health need.
Mustafa runs a programme of exercise in the public gym for people with weight problems. The scheme is funded by the PCT (Primary Care Trust) and GPs refer patients to it. This is activity commissioned and carried out on behalf of an NHS body.	These workers are in regulated activity because the session is run solely for healthcare reasons and so the participants are vulnerable adults.
Jim works as a care assistant at a day care centre for people who have had a stroke. He enters a team of day care attenders into the local short mat bowls tournament, which is open to the public.	Jim is in regulated activity. Jim is arranging recreational activity on behalf of a local authority in connection with a community care service. Therefore the day care attenders are participating in an activity that is specifically targeted at people with age related needs or disabilities.
The village hall runs a snooker club. Members of the local Alzheimer’s Society decide to go along.	The snooker club is open to the general public and is exempt from the scheme altogether.

Regulated Activity Provider

Defined as an organisation or individual responsible for the management or control of regulated activity, paid or unpaid and makes arrangements for people to work in that activity.

E.G. In the case of weekly swimming lessons for vulnerable adults with learning disability at Hampstead Swimming Club – the RAP is Hampstead Swimming Club. However if Finsbury Swimming Club organise a gala for vulnerable adults with learning disabilities to take place at Hampstead Swimming Club then Finsbury Swimming Club are the RAP.

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Safeguarding Vulnerable Adults in Sport

Making referrals to ISA

If the following **two** conditions have been met the information **MUST** be referred to the ISA:

1. If you withdraw permission for an individual to engage in regulated activity, or would have done so if that individual had not resigned, retired, been made redundant or been transferred to a position which is not regulated;
AND
2. Because you think the individual has:
 - Engaged in relevant conduct; OR
 - Satisfied the Harm Test; OR
 - Received a caution or conviction for a relevant offence.

Relevant Conduct

A person engaged in regulated activity has engaged in action (or inaction) which has actually caused harm or risk to a vulnerable adult. The types of harm include physical, psychological, emotional, sexual, verbal and neglect.

Action –

*E.G. When coaching a wheelchair basketball player the coach hit the player to make her comply with her instructions. If the coach is sacked as a result of this then this information **MUST** be referred to ISA.*

Inaction –

*E.G. A rowing coach not keeping a vulnerable individual safe by exposing them to undue cold, heat or the unnecessary risk of injury e.g. allowing Rowers under their supervision to train or race inappropriately clothed for the prevailing conditions. If the coach is sacked as a result of this then the information **MUST** be referred to ISA.*

The Harm Test

In the case of vulnerable adults this means that the vulnerable adult has not been harmed but the behaviour of the worker/volunteer indicates a serious risk that they could harm the vulnerable adult in the future. The risk of harm needs to be specifically for a vulnerable adult. It is expected that this will be applied infrequently.

*E.G. At a coaching clinic a coach for a mental health football team discloses to his mentor coach that he has a sexual interest in the individuals he coaches. The mentor coach is concerned enough to report this to the Head of Coaching and the coach is removed from regulated activity – this **MUST** be reported to ISA because the coach has been removed from regulated activity because of the risk of causing harm.*

Appendix
Safeguarding Vulnerable Adults in Sport

Further Key Government Initiatives and Legislation relating to the Safeguarding of Vulnerable Adults

- 1998 Speaking Up For Justice
This was a report of the Interdepartmental Working Group on the treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System. The aim of the Working Group was to improve access to justice for vulnerable or intimidated witnesses, including children. It made a total of 78 recommendations for improvements to the criminal justice system including the reporting of crime, identification of vulnerable or intimidated witnesses, and measures to assist witnesses before, during and after the trial. All 78 recommendations were accepted.
- 2000 'No Secrets' Department of Health Guidance
This is guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse. No Secrets gives guidance to local agencies who have a responsibility to investigate and take action when a vulnerable adult is believed to be suffering abuse. It offers a structure and content for the development of local inter-agency policies, procedures and joint protocols which will draw on good practice locally and nationally.
- 2000 Care Standards Act
The Care Standards Act created the National Care Standards Commission, an independent, non-governmental public body, to regulate social and health care services previously regulated by local councils and health authorities. It also extended the scope of regulation to other services not previously registered, to include domiciliary care agencies, fostering agencies and residential family centres. The Commission for Social Care Inspection (CSCI) replaced NCSC in April 2004. The Care Quality Commission (CQC) has since replaced CSCI.
- 2003 Sexual Offences Act
The Sexual Offences Act introduced a number of new offences concerning vulnerable adults and children.
- As mentioned in the guidance note:
- 2005 The Mental Capacity Act
Its general principle is that everybody has capacity unless it is proved otherwise, that they should be supported to make their own decisions, that anything done for or on behalf of people without capacity must be in their best interests and there should be least restrictive intervention.
- 2006 Safeguarding Vulnerable Groups Act
The Safeguarding Vulnerable Groups Act introduces the new Vetting and Barring Scheme and integrates List 99 (for people banned from working as



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teachers), and the Protection of Children Act list which cover those working in childcare settings. It has also established a new list of people barred from working with vulnerable adults to replace the Protection of Vulnerable Adults list and this is managed by the Independent Safeguarding Authority (ISA). It places compulsory duties on employers to check the status of employees working with vulnerable groups.