

Adult Wellbeing and Protection Guidance



Strategic and Policy Context

Triathlon Scotland's adult wellbeing and protection policies are underpinned by legislation and guidance in terms of the Adult Support and Protection (Scotland) Act 2007.

Governance and Accountability

Triathlon Scotland is the governing body for the sport of triathlon, duathlon and aquathlon in Scotland and is fully committed to safeguarding, promoting and supporting the protection and wellbeing of all adults involved in our sport.

We recognise our responsibility to promote safe practice and to protect vulnerable adults from harm, abuse and exploitation. We require everyone involved with Triathlon Scotland to adopt and embrace our policies and procedures for adult wellbeing and protection in our sport.

The organisation is managed and led by an Executive Board made up of volunteer directors supported by an Executive Management Team. The Executive Board will agree, write down and disseminate a clear vision, shared values and aims that promote protection and wellbeing for all people involved in our sport. This vision will be accompanied by adult protection and wellbeing policies and procedures that are clear and easy to access.

The Executive Board will ensure that a clear management structure is in place which ensures effective implementation of policies and procedures and accountability at all levels.

The Executive Board, supported by the Executive Management Team, will make clear what performance management information, with an emphasis on self-evaluation, is required so that they can assure themselves that all safeguarding services in our sport are continually improving.

The Executive Board will ensure that all child and adult wellbeing and protection policies are reviewed and refreshed at least 3 yearly or in response to changes in legislation or following an incident.

Equality Statement

Triathlon Scotland is fully committed to the principles of equality and is responsible for ensuring that no job applicant, employee or member receives less favourable treatment on the grounds of age, gender (including transgender status), disability, race, ethnic origin, nationality, colour, marital or civil partnership status, caring responsibilities, pregnancy, religion/belief, class or social background, or sexual preference.

Triathlon Scotland regards discrimination, harassment, bullying, victimisation, intimidation or abuse as serious misconduct. Any member who discriminates against, harasses, bullies, victimises, intimidates or abuses any other person will be liable to action under Triathlon Scotland's Complaints and Disciplinary Procedure.

Any employee who discriminates against, harasses, victimises, intimidates or abuses any other person will be liable to action under the Company's disciplinary procedure. Further information on equity can be found in [Triathlon Scotland's Equality Policy](#).

Safeguarding the wellbeing and protection of Vulnerable Adults

Triathlon Scotland is an inclusive organisation; safeguarding the wellbeing and protection of vulnerable and protected adults is both a moral responsibility and a legal duty of care. We welcome adults to participate in our sport. We also include those who may or may not be protected or may or may not be vulnerable adults under the guidance provided by Scottish Government.

We will ensure that everyone in our sport understands and accepts their responsibilities to safeguard adults at risk of abuse from harm and abuse. This means taking action to report any concerns about their physical, mental or emotional wellbeing. It is not the responsibility of Triathlon Scotland to determine whether or not abuse or harm has taken place, this is the domain of the professionals.

Effective information sharing, collaboration and understanding between agencies and professionals are key elements in adult protection. Although Social Work services are the lead agency in working with those who are vulnerable to abuse, protecting adults from harm is not the sole responsibility of any one agency.

What is a Protected Adult?

A person aged 18 years or over may be considered to be a **Protected Adult** if he / she receives one, or all of the following:

- Accommodation and nursing or personal care in a care home
- Personal care, nursing, or support to live independently in his / her own home
- Health or social care services
- Services provided by an establishment catering for a person with a learning disability
- If person is attending a discrete sports session/club/event

And in consequence of one, or a combination of the following:

- A substantial learning or physical disability,
- A reduction in physical or mental capacity due to advanced age, illness or injury

A person is also considered to be protected if he / she is either

- Dependent on others in performing or assisting himself / herself in the performance of basic physical functions, or
- His / her ability to communicate with those providing services, or to communicate with others is severely impaired.

Not everyone who participates in our sport will have this level of protection under the guidance, however it is important to recognise any adult may become vulnerable and need protection. For those who are vulnerable the Adult Support and Protection Act 2007 provides clarity on the definition.

The following is a definition of an Adult at Risk of Harm, and includes those who self-harm or who may be at risk of self-neglect.

What is an Adult at Risk?

The Adult Support and Protection (Scotland) Act 2007 defines “adults at risk” as individuals, aged 16 years or over, who:

- Are unable to safeguard their own well-being, property, rights or other interests, and
- Are at risk of harm; and
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity; ... are more vulnerable to being harmed than others 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.

Practice Advise! Things to Keep in Mind

Does this person meet the criteria of an adult at risk? Why are they at risk of Harm? Do they have vulnerabilities? and if so, what are they? What action needs to be taken in order to protect that person from harm? Has someone harmed them or you suspect they are being harmed? This information would be needed to inform a decision or assessment about help.

Adults have the right to protection from all forms of harm and abuse but it is more complex because everyone has a right to choose how they live free from intervention by others. The first step is to talk to the person and tell them what you are concerned about. If you don't feel they are safe, or able to keep themselves safe it might be time to talk to someone else.

Organisations should work together to understand if the adult is at risk and whether harm is evident.

Legislation and guidance

The Adult Support and Protection (Scotland) Act 2007 (ASP) introduced new provisions intended to protect those adults who are unable to safeguard their own interests, such as those affected by disability, mental disorder, illness or physical or mental infirmity, and who are at risk of harm or self-harm, including neglect.

The main difference between protection of adults and children is that the legislation for adults promotes a balance between the individual's right to self-determination and intervention by agencies. Triathlon Scotland considers that our role is to identify any concerns about harm to a vulnerable adult and report it to professionals who will make a decision about this balance between rights and intervention.

The Mental Health Care and Treatment (Scotland) Act 2003 provides that individuals with a mental health condition are entitled to services to support them. This legislation works in tandem with the legislation to protect adults. Some adults can become more vulnerable through periods of their lives than they might otherwise be because of impairments to their mental or physical wellbeing. This does not necessarily make the individual vulnerable, however various circumstances maybe impacting on the individual that make them move vulnerable to exploitation or harm. The complexities of whether an individual is being abused or subjecting themselves to self-harm or neglect are for professionals. Our advice is to share the concerns with those concerned and professionals that can assist.

Sport is a positive and nurturing environment that has a beneficial impact on health of the individuals that participate. Many health and social care partnerships recognise the benefits of improved activity and have prescribed activities to increase wellbeing. This might bring closer involvement with our local organisations and clubs.

Practice Advise! Responding to Concerns About Adults

- Identify any information that determines whether the adult is protected or vulnerable.
- Identify what risks are evident in the situation.
- Discuss the concerns with the person concerned and establish whether they consider themselves at risk in the situation.
- Assess whether the risks outweigh the person's ability to remain safe.
- Explore their views in respect of seeking help from beyond the organisation.

Remember adult support and protection is not the same as Child Protection. Try to advise the individual you have concerns about that you want to do something to help them.

Appendix 1

Flowchart for Adult Wellbeing & Protection Concerns

