

# Safeguarding Bulletin

**Safeguarding disabled children and adults at risk.**

**ann craft trust**  
acting against abuse

**April 2019**

**Issue 107**

Bringing you the latest research and news on safeguarding disabled children and adults at risk.

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# Ann Craft Trust Safeguarding Bulletin

**April 2019**

Issue 107

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## Editor's Note—Deborah Kitson, CEO

**Welcome to Edition 107 of the ACT bulletin. I hope you all had a great Easter break and enjoyed good weather and good chocolate!**

We are pleased to bring you news in this edition about events that are taking place in 2019. We have open training in May, including on May 21<sup>st</sup> a Safeguarding Adults at Risk for Managers one day course here in Nottingham, and a one day course 'CSE in Transitions' in Reading on 17<sup>th</sup> May 2019.

We are also planning another National Safeguarding Adults week in November (18<sup>th</sup> – 24<sup>th</sup>) and are delighted that this year we will be holding this in partnership with the SAB Managers Network. So we are hoping that there will be even more activity and participation than last year.

More information will be coming soon, but we do plan again to highlight specific issues during the week. We will be holding the ACT seminar that week too on November 21<sup>st</sup> so please save the date!

We will be saying goodbye to one of our Safeguarding in Sport managers this month. Marc is moving to work with British Triathlon and Netball as their Compliance Manager so we wish him all the best with his new challenge. As he will still be in the sport and activity sector our paths will inevitably cross. So we will be keeping in touch.

We've also received news of Lottery funding, which will allow a partnership of organisations to work together to develop a suite of free safeguarding tools and advice for the voluntary sector. There is more about this in the bulletin, but I am really pleased that this will give us the opportunity to work with the Safeguarding Adults Network, who will be sharing their safeguarding knowledge and expertise to ensure that the resources are both relevant and appropriate.

In this bulletin we have a great article kindly reproduced from Learning Disability Today: 'Parents take Mental Capacity Act challenge to High Court'. This is an issue that has been raised many times by both organisations and families so we thought it would be interesting to feature it in this edition. And we have an update from Ieuan, our Safeguarding Adults in Sport Manager in Wales, as well as a round up of recent news and our regular article from the Archives.

We hope that you will enjoy this edition. Please get in touch if you would like to contribute to future editions of the bulletin or if you have any questions about the Safeguarding Week and the future work of ACT. We are always pleased to hear from you.

*DM Kitson*

# Deprivation of Liberty Definition Removed From DoLS Replacement Bill

By Luke Haynes and Mithran Samuel

**The House of Commons has agreed to scrap plans to provide a deprivation of liberty definition in the bill to replace the Deprivation of Liberty Safeguards (DoLS) system.**

In an April 2 debate on the Mental Capacity (Amendment) Bill, which would introduce the Liberty Protection Safeguards (LPS) to replace DoLS, MPs backed a government amendment to drop a statutory definition from the legislation.

Instead, guidance about what sorts of arrangements constitute a deprivation of liberty would be provided in the code of practice on the LPS, in order to provide clarification for practitioners and individuals.

The April 2 debate was the second in the “ping pong” stage, where the two Houses of Parliament seek to agree a final version of the legislation.

If the House of Lords agrees to this amendment, and one other agreed by the Commons, the bill can become law. However, given that it was opposition peers who argued strongly for a statutory definition when they first considered the bill last autumn, it is possible that the Lords may yet seek to reintroduce a definition in the bill.

## **Opposing Definitions of Deprivation of Liberty**

During the first phase of ping pong in February, the Lords overturned the government’s

deprivation of liberty definition, instead backing an amendment tabled by Liberal Democrat peer Baroness Tyler setting out a different definition.

Unlike the government’s definition, which set out a criteria for assessing whether a person was not deprived of their liberty, Tyler’s definition looked to positively define a deprivation. A comparison of the two definitions can be found overleaf.

Tyler said that the government’s definition was “very difficult to understand” and that hers, unlike the government’s, was based on the Supreme Court’s Cheshire West judgement, the leading domestic case on defining a deprivation of liberty.

However, in the same Lords debate in February, health minister Baroness Blackwood said Tyler’s amendment was deficient because it was not explicitly based on Article 5 of the European Convention of Human Rights (ECHR), the fundamental basis of deprivation of liberty law.

She said this would create “two divergent concepts” of deprivation of liberty, one set by Parliament and one from ECHR, which risked creating “confusion and uncertainty” for practitioners.

## **“Unfit for Purpose”**

In the April 2 debate, care minister Caroline

# DoLS Replacement Bill

By Luke Haynes and Mithran Samuel

Dinenage said that a positive definition was “likely to be subject to a legal challenge” as Article 5 case law evolved and, therefore, would become “unfit for purpose incredibly quickly”.

She said that people who fell outside such a definition could only have their deprivation of liberty authorised by the High Court, leading to excessive delays. This was contrary to the aims of the LPS, which is designed to address the delays in the current DoLS system, she added.

The government amendment retains section 64(5) of the MCA as the means of setting out

what is meant by a deprivation of liberty under the legislation. This simply states that a deprivation of liberty has the same meaning as Article 5. However, the article itself does not define the term, with the meaning based on the decisions of the European Court of Justice and the UK courts.

The amendment also requires that the LPS code of practice includes guidance on what kinds of arrangements for care and treatment constitute a deprivation of liberty. The code will be reviewed within three years of the bill coming into force, and then subsequently every five years.

## Tyler's definition

The 'alternative' definition states that a person is deprived of their liberty if they:

- are subject to confinement in a particular place for more than a negligible period of time; and
- have not given valid consent to their confinement; and
- the arrangements are due to an action of a person or body responsible to the state.

In relation to the first criterion, the new definition adds that a person is subject to confinement where they

- are prevented from removing themselves permanently from the place in which they are required to reside, in order to live where and with whom they choose; and
- are subject to continuous supervision and control.

## Government definition

The definition states that a deprivation of liberty has the same meaning as article 5 of the European Convention of Human Rights. It states that a person is not deprived of liberty in a particular place if they are:

- free to leave that place permanently;
- not subject to continuous supervision and free to leave the place temporarily (even if subject to supervision while outside that place).

The clause also states that a person is free to leave a place even if he or she is unable to do so, provided that if the person expressed a wish to leave, they would be enabled to do so.

A person is not deprived of liberty if the arrangements alleged to give rise to the deprivation of liberty are put in place in order to:

- give medical treatment for a physical illness or injury;
- and the same (or materially the same) arrangements would be put in place for any person receiving that treatment.

# DoLS Replacement Bill

By Luke Haynes and Mithran Samuel

“

We will set out the meaning of a deprivation of liberty that is clearer for people and practitioners.

”

Dinenage said the guidance would reflect existing case law, adding “we will set out the meaning of a deprivation of liberty in a positive framing and in a way that is clearer for people and practitioners. We will also include case studies in the code to help bring this to life.”

## Change on Access to Information

MPs also accepted a government amendment to make a minor change to requirements on responsible bodies—the agencies whose role it is to authorise deprivations of liberty under the legislation—to provide information to service users quickly.

Formerly, responsible bodies would have had to provide a record of deprivation of liberty authorisation to the cared-for person, and any independent mental capacity advocate or appropriate person supporting them, “as soon as practicable” after the authorisation, and to carry out a review if the information were not supplied within 72 hours of the authorisation.

An amendment made by peers in the first stage of ping pong would further require

responsible bodies to record and justify any decision not to give the authorisation record immediately, and to carry out a review if the information is not supplied within 72 hours of the authorisation.

Following the acceptance of the amendment, the bill now requires responsible bodies to provide the record to people and their representatives “without delay”, and, in cases where they have not provided this within 72 hours, must review and record why not.

**A version of this article originally appeared on Community Care. It is reprinted with permission. To read the original article, [head to the Community Care website.](#)**



## **CSE in Transitions Training—Reading**

**This open training is for anyone working with young people and those in transition.**

This one day interactive training day will explore good practice including discussion and research-informed input about:

- Young peoples' needs and safety in terms of friendships and relationships
- Understanding sexual abuse, sexual exploitation and criminal exploitation, violence in relationships, and how we might pick this up.
- How young people with learning needs learn about safety, friendships and relationships, choice, consent, and what they need from those who work with them

And much more.

We'll refer to numerous recent studies including the Newcastle Serious Case Review (February 2018) and the It Doesn't Stop at 18 NWG report (2018).

### **When and Where**

17 May, **Reading** — [Book a Place](#) »

# New Expert Partnership to Develop Comprehensive Voluntary Sector Safeguarding Resources



## **13 national umbrella bodies and organisations join forces to help facilitate safeguarding improvement.**

The [National Lottery Community Fund](#) awarded £570,000 to the Safer Social Sector Partnership. This award will fund the creation of a comprehensive suite of free safeguarding tools and advice for the voluntary sector.

The Safer Social Sector Partnership is coordinated by the [National Council of Voluntary Organisations \(NCVO\)](#). It involves

13 national umbrella bodies and organisations. They share their skills, knowledge and experience so that all voluntary organisations can be a safe place for beneficiaries, volunteers and staff.

The funding has been awarded by the National Lottery Community Fund as part of a joint £1.2m Safeguarding Training Fund with the Department for Digital, Culture, Media and Sport (DCMS). This will allow for the development of a suite of accessible and relevant safeguarding resources, tailored to meet the needs of the full spectrum of the voluntary sector, from

# New Expert Partnership to Develop Comprehensive Voluntary Sector Safeguarding Resources

small community groups as well as the largest organisations.

## Unprecedented Level of Expertise

The full list of partners involved:

- [NSPCC](#)
- [Ann Craft Trust](#)
- [UK Youth](#)
- [PROTECT](#)
- [Children England](#)
- [National Adult Safeguarding Network](#)
- [Third Sector Safeguarding Network](#)
- [National Youth Safeguarding Forum](#)
- [Charity HR Network](#)
- [The Foundation for Social Improvement \(FSI\)](#)
- [National Association for Voluntary and Community Action \(NAVCA\)](#)
- [ACRE](#)
- [Neontribe](#)

The initial plan is to undertake an in-depth user engagement process. This will inform the design, prototype and delivery of a new “safeguarding gateway” on the [NCVO KnowHow](#) website.

After this, the plan is to develop and update resources that meet identified needs or gaps in provision. Podcasts, videos, and other media will make these resources accessible to as many people as possible.

## An Exciting Opportunity

Deborah Kitson, Ann Craft Trust CEO, said this about the partnership:

“

The Ann Craft Trust is delighted to have the opportunity to support this collaborative partnership. These safeguarding resources will ensure that all organisations, whatever their size and purpose, will be able to access information and guidance that suits their specific needs.

”



## **Help us develop safeguarding resources for the voluntary sector**

The National Lottery Community Fund has awarded funding to the Safer Social Sector Partnership.

This award will fund the creation of a comprehensive suite of free safeguarding tools and advice for the voluntary sector.

We'd like to hear from you. What resources do you need to keep the people you support safe?

Your responses will help us to develop the right resources for you. We want to help you keep people safe.

**[Click Here To Take Part in Our Survey](#)**



## **Safeguarding Adults at Risk Training for Managers**

**This open training will explore the roles and responsibilities of managers in terms of safeguarding adults at risk.**

We'll explore the key changes in safeguarding as part of the Care Act, and we'll also look at the Mental Capacity Act in relation to safeguarding.

- Refresh your knowledge and understanding of the Care Act 2014
- Identify key areas of change within safeguarding and explore the impact this will have in practice
- Understand the role and responsibility of the safeguarding lead incorporating a step-by-step approach to all aspects of the role
- Look at ways to ensure best practice
- Consider how people you support are included

You'll be encouraged to identify where the challenges are, and to seek solutions towards implementation in practice.

### **When and Where**

21 May, **Nottingham** – [Book a Place](#) »

## Get Ready for National Safeguarding Adults Week 2019!

By Elliot Davies, Marketing Officer

# National Safeguarding Adults Week 2019

18<sup>th</sup> to 24<sup>th</sup> November 2019

### **National Safeguarding Adults Week 2019 will take place 18-24 November.**

[After a successful launch in 2018](#), we're pleased to announce the return of National Safeguarding Adults Week.

This time we've partnered with The SAB Manager Network and The University of Nottingham. Our aim is to create a time where we can all focus on safeguarding adults - so we can be better, together.

Like last year, each day will be focused on a different safeguarding adults at risk issue. We'll be releasing new resources and information about each in the build up to the week.

### **Key Themes**

Each day of the week we'll focus on a different safeguarding theme. Expect to see lots of discussion about the following:

- Self-neglect
- Modern slavery
- Online bullying and cyber security
- Disability hate crime
- Financial abuse
- Forced marriage
- The Prevent Agenda
- Safeguarding adults in sport and activity

We'll provide more details of the key themes of the week a little closer to the time.

## Safeguarding Adults Week 2019

**By Elliot Davies, Marketing Officer**

Deborah Kitson, ACT CEO, said: “Following on from last year’s first National Safeguarding Adults Week we are really pleased to be holding it again and in partnership with the University and the SAB Manager Network.

“We hope to build on last year’s success and have even more people involved and participating in events during the week to raise awareness of these important themes.”

Professor Todd Landman, FRSA, Pro-Vice-Chancellor, Faculty of Social Sciences, said:

“We are delighted with the work of the Ann Craft Trust and very pleased that the Trust is hosting this important week, which serves a vital function in raising awareness for safeguarding adults.”

Steven Turner, National Coordinator of the Safeguarding Adults Board Manager Network: “we are greatly appreciative of the work ACT did last year to establish National Safeguarding Adults Week and Boards across the country are looking forward to supporting the week this year and in years to come.”

# Annual ACT Safeguarding Seminar & AGM 2019

**Save the date!**

**Thursday 21st November 2019**

University of Nottingham

# Want to Get Involved in Safeguarding Adults Week 2019?

## Some ideas for your organisation

### **Raise awareness of key issues facing adults at risk**

Help us raise awareness. Each day will focus on a different key issue from forced marriage to disability hate crime. You can help by:

- Learning about the key issues from our resources and information
- Share the resources within your organisation and to the people you support

Use the **#SafeguardingAdultsWeek** hashtag on social media to share our resources and let us know what you're doing

### **Run safeguarding events and training**

You can use the National Safeguarding Adults Week to:

- Identify key safeguarding issues and share these with your staff and people you support
- Run an event or training session in your organisation to get you all up to date on the latest safeguarding news and updates
- Understand your responsibilities in safeguarding adults at risk
- Take time out to assess your policies and practices

### **Come to the Ann Craft Trust Annual Safeguarding Seminar & AGM**

Like last year, we're running our seminar to coincide with the week. The seminar will include best practice guidance and research focusing on each of the topics covered in the week.

The seminar will take place on Thursday November 21. Watch this space for details.

### **Encourage an open discussion**

Safeguarding adults is the responsibility of all organisations. True open discussion is needed to get it right.

We want to encourage participation from all organisations, from sports to health care providers. We want to encourage discussion about these issues with everyone they support.

# Parents Take Mental Capacity Act Challenge to High Court

From Learning Disability Today, 19 March 2019



**When a child with a learning disability turns 18, parents can find themselves feeling marginalised as social workers take charge of key decision making at best interesting meetings. Things could be set to change.**

It's a scenario that leaves parents feeling baffled and dismayed. After caring for a child with a learning disability all their lives when a son or daughter turns 18 professionals are given the power to make decisions on their behalf at "best interest meetings."

But over three days in the High Court, a group of families attempted to wrestle power away from professionals.

## **Shut out of key decisions**

Parents Caroline Hopton, Rosa Monckton and Simon Mottram say they want to end rules under the Mental Capacity Act (MCA) that can see parents shut out of key decisions.

The families say the MCA was designed to protect adults who lose the ability to make decisions for themselves through conditions like dementia.

# Parents Take Mental Capacity Act Challenge to High Court

From Learning Disability Today, 19 March 2019

They say it was never intended to restrict the rights of parents to make decisions for people with learning disabilities who, in many cases, never had the capacity to make decisions for themselves.

When parents want to continue being the main decision maker they have to apply to the Court of Protection to become a welfare deputy. The law says this should only happen “in the most difficult cases.”

The parents hope to get the High Court to rule it is in the best interests of adults with learning disabilities to appoint a deputy from within the close family. The parents, who have crowdfunded their legal challenge, say this would set a precedent.

## “The best interests of the person”

Head of policy for Mencap Dan Scorer is supporting the families. He said people with learning disabilities who lack capacity should not miss out on the opportunity to have a family member act on their behalf when it’s in their best interests.

In a statement, Scorer added: “Families can struggle to be appointed to deputyships, which may only be

considered as a last resort, for example if their loved one has already experienced poor care as a result of local authorities making decisions on their behalf.

“Access to deputyship should not be limited to only the most complex cases or when failures have occurred. It should be based on what is in the best interests of the person.”

## “The hardest decision of her life”

On the families’ CrowdJustice page, Hopton suggests it was the experience of leaving her 19-year-old son, who has autism and learning disabilities, in the care of the state that convinced her that parents should retain their rights.

In his early teens, Hopton says she grappled with the hardest decision of her life and put him in care when struggling with the challenges she faced. But the next four years brought little more than unending anxiety for Hopton after she says he was attacked and suffered “serious unexplained bruising” that led to a police probe.

However, the investigation went nowhere

# Parents Take Mental Capacity Act Challenge to High Court

**From Learning Disability Today, 19 March 2019**

and the case closed with no-one held to account over the injuries. Her son was moved to a second home, but Hopton insists the experience was no better.

Here, Hopton says her son was exposed to events that shook her “to the core” and led to a second, and ongoing, investigation.

Speaking earlier this year, single mum-of-two Hopton, from Windsor, Berkshire, said: “When our kids turn 18 they’re not 18 in the real sense. In some respects they have the mental capacity of a five-year-old or less.”

She said many parents feel unsure as to whether deputyship is necessary, but her own experience has left her convinced that it’s essential.

## **“Everyone has the right to make supported decisions”**

Deaf and disabled people’s group Inclusion London recently produced a report that touched on supported decision-making. In the report, self-advocated with learning disabilities stressed that everyone has the right to make supported decisions.

Being supported to make decisions by

someone they trust, like family members, doctors and friends, was mentioned as having a positive impact on emotion and avoiding discomfort. This was contrasted with negative experience with professionals, who may be strangers.

## **“Impotent, side-lined and ignored”**

Businesswoman and charity campaigner Monckton, whose 23-year old daughter Domenica has Down’s syndrome, says she has been an advocate for people with learning disabilities for 20 years.

On the CrowdJustice page Monckton says she has received hundreds of emails from parents who have been left feeling “impotent, side-lined and ignored.”

Monckton says she is involved in the case not just for Domenica’s sake, but for “all those parents who don’t have a voice, yet who are united in the extraordinary love they have for their children and who know, better than any organisation, what is right for them.”

Mottram says his 24-year-old son suffers from severe learning difficulties, epilepsy and anaphylaxis, is non-verbal,

# Parents Take Mental Capacity Act Challenge to High Court

**From Learning Disability Today, 19 March 2019**

hyperactive, and has no concept of danger and little understanding of the world around him.

He says in adult services attempts have been made to reduce support for his son that would have left him at “huge risk.”

Mottram says decision makers for his son in many cases “don’t know” him at all and have “never met him.”

## **“The Starting Point Should be The Person Themselves”**

The families’ case is also backed by Cardiff University Law Lecturer Dr Lucy Series. But Series, an expert on the MCA, insists the significance of the case is not that adults with learning disabilities are like children and that decisions should be taken by parents. Instead, it’s about ensuring they have the right to say who they want to support them, and trust them to make decisions for them.

Even where someone lacks capacity to make decisions they may well still be able to express their views, and it’s usually possible to see who they trust, said Series.

In an email, Series wrote: “The starting

point should be the person themselves, who they want to support them and who they have strong relationships with.

“That being said, in a lot of cases it will be family members who the person knows and trusts, and who have access to more biographical and personal information.”

**A version of this article originally appeared on Learning Disability Today. It is reprinted with permission. To read the original article, [head to the Learning Disability Today website.](#)**

**You can visit the families’ CrowdJustice Page [here.](#)**

# ACT Sport Seminar 2019

**Tuesday 2nd July 2019**

**09:30–16:00**

University of Nottingham

## **Exploring Key Issues in Safeguarding in Sport**

- Capacity and decision making
- Radicalisation
- Putting adults' views at the heart of organisations
- Updates from Sport England and ACT on developments on safeguarding adults in sport and activity

### **Guests and speakers include:**

- Sallie Barker (Chair)
- Mims Davies (Minister for Sport and Civil Society)
- Nicola Dean & Lisa Curtis (ACT)
- Alex Moore (Sport England)
- Tina Thordall (Consultant Trainer)

[Click here for more information and to book your place!](#)

# Ruth Marchant Obituary



**We were sad to hear of the passing of Ruth Marchant, a pioneer in the field of children's rights.**

We at the Ann Craft Trust were so sad to hear the news that Ruth Marchant had died in December following a long battle with cancer.

Ruth was hugely respected for her work as a pioneer of children's rights. She was one of the first registered intermediaries. In 1997, she co-founded Triangle, an organisation enabling children and young people to communicate about important issues, especially in legal proceedings.

Her work included the introduction of a number of innovative practices that

supported the child in court, including the first use of a tent for a child to sit in while giving evidence in court. She also recommended that barristers move to the live link room to conduct cross-examination of children in person rather than via a monitor.

Many of these changes are now accepted practice and have brought about a marked increase in very young children giving evidence. Her work has indisputably had a major impact on many lives and will continue to do so as others continue to strive for children's rights.

Our thoughts are with her friends and family at this time.

## Say Goodbye to Marc Scott, One of Our Safeguarding Adults in Sport Managers



**We're sorry to announce that Marc Scott, one of our brilliant Safeguarding Adults in Sport Manager, is leaving us.**

Marc's worked in the sports development sector for over 10 years. He started at a local authority as the community development officer before moving to Boccia England.

At Boccia England, Marc was the Development Manager and Lead Safeguarding Officer. He was responsible for increasing participation and overall responsibility for implementing and embedding safeguarding throughout boccia in England.

Marc joined us in early 2018. He's now got the opportunity to work for England Netball and British Triathlon as their Compliance Manager.

Marc had this to say about his time at ACT:

"Over the past year working for ACT I was able to greatly expand my knowledge on Safeguarding Adults.

"It's an exciting time for ACT and Safeguarding Adults in Sport. Momentum is really starting to build. I know the team will be very busy over the next couple of years delivering the objectives set out in our Sport England funding application. They'll continue to support the organisations ACT works with to fully understand and embed the area of safeguarding adults.

"I have thoroughly enjoyed my time at ACT. I wish the team and organisation all the best in the future. I'm sure we'll keep in touch, so I look forward to continuing to work closely with them."

We're sad to see Marc go, but we wish him all the best in his new role.

## What's Occurring in Wales?

By Ieuan Watkins, ACT Safeguarding Adults in Sport Manager—  
Wales



Helo i gyd, diolch am stopio i ddarllen fy diweddariad blog!

**That means: Hello all, thanks for stopping by to read my blog update!**

[Click here to read this blog in Welsh.](#)

[I have been in post for a few months now.](#) I feel I'm making some great progress with raising awareness around our duty of care to Adults at Risk in Welsh Sport.

Starting my new role has been a steep learning curve, particularly as the role didn't exist in Wales prior to my arrival!

To some extent it's been daunting. But really, I have a blank slate to design an Adults at Risk service provision for Welsh sport. This is a wonderful and exciting opportunity.

### The Sport Wales Safeguarding Hub

I am based in the [Sport Wales National Centre](#). I share an office and a phone with Laura Whapham and Cerri Dando of the [NSPCC Child Protection in Sport Unit \(CPSU\)](#).

Laura, Cerri and I believe that we should

## **An Update From Our Safeguarding Adults in Sport Manager—Wales**

act as the ‘Sport Wales Safeguarding Hub’. We want to help all of the National Governing Bodies of Welsh Sport with any safeguarding enquiry relating to children or adults.

When it comes to Adults at Risk, this is starting to bear fruit. We’ve had a number of calls and emails enquiring about specific case management issues, and I’ve been happy to provide help and support.

### **Welsh Strategic Sport Safeguarding Group**

I now have a seat at the Welsh Strategic Sport Safeguarding Group. This group contains senior safeguarding leads from sports and other bodies, including Welsh Government and academia. They all have specific knowledge and expertise in the safeguarding field.

There are four clear workstreams within the group: Training, Relationships, Elite Sport and, crucially, Adults at Risk. There has only been one meeting since my arrival, but there is clearly a genuine opportunity to make a difference here.

It’s important for all Welsh Sport NGBs to have clear Adults at Risk Policies designed for their areas. The Ann Craft Trust strongly recommends that these

policies are separate from child safeguarding policies [as they are very different areas of business](#). I have been working with a number of NGBs to develop their bespoke policies and procedures.

### **Law and Legislation**

As ever, legislation is really important, with policies framed around the laws of the land.

In England, The Care Act 2014 provides the safeguarding framework for Adults at Risk. [England also has the Working Together document](#), and [Working Together to Safeguard Children 2018](#). The latter offers statutory guidance setting out what organisations and agencies, including sport organisations, that have functions relating to children must do to safeguard and promote the welfare of all children and young people under the age of 18 in England.

In Wales we are governed by [The Social Services and Wellbeing Act \(Wales\) 2014](#). So new policies and procedures for Welsh NGBs need to be framed around our local legislation.

## **An Update From Our Safeguarding Adults in Sport Manager—Wales**

The Ann Craft Trust has a template on our website that you can download and adapt to your structures.

We are in the process of creating a new home nations template to ensure it incorporates all UK legislation, taking into account the laws within all of the home nations. [You'll be able to find the template here.](#)

I don't expect Sport NGBs to be experts on legislation, but please use the templates and create your own policies. If you need any support or guidance, then contact me at the 'Sport Wales Safeguarding Hub' on **02920 334 975**. My mobile is **07731 624 598**, and my email is

[leuan.watkins@nottingham.ac.uk](mailto:leuan.watkins@nottingham.ac.uk).

### **Safeguarding Training in Wales**

Finally, Laura, Cerri and I have created a series of learning and training events for 2019 through to 2020. We will look to jointly deliver where possible. As always, book early to avoid disappointment!

**For more updates from leuan, follow him on Twitter — [@SportSafeguard](#).**

## **Safeguarding in Sport and Activity —Wales**

The Ann Craft Trust in conjunction with Sport Wales is running adults at risk training sessions designed for Sport National Governing Bodies (NGBs).

This training is for the Lead Safeguarding Officers, Board and Senior Staff members of sport NGBs in Wales.

The training will focus on Safeguarding Adults Welsh legislation so is not suitable for colleagues who only work across England.

**5th September 2019, Sport Wales National Centre, Cardiff**

**[Book Your Place](#)**

## Safeguarding News Watch:

# Safeguarding Children and Young People

### 10 Years of Supporting Parent Carers' Voices

February 2019 | [Contact.org.uk](http://Contact.org.uk)

### NNPCF Annual Report—Engage, Enable, Empower!

February 2019 | [Contact.org.uk](http://Contact.org.uk)

### Ban On Off-Rolling Among Calls to Tackle Youth Crime

7 March 2019 | [CYPNow.co.uk](http://CYPNow.co.uk)

### New Director for the CSA Centre

15 March 2019 | [CSACentre.org.uk](http://CSACentre.org.uk)

### National CSE Day 2019 Events Round-Up

18 March 2019 | [NWGNetwork.org](http://NWGNetwork.org)

### Lessons From the Trenches of Special Needs Parenting

January 2019 | [WonderMoms.org](http://WonderMoms.org)

### Number of Autistic Pupils Identified in Scotland's Schools Has More Than Doubled

23 April 2019 | [LearningDisabilityToday.co.uk](http://LearningDisabilityToday.co.uk)

## Safeguarding News Watch: Safeguarding Adults at Risk

### **Over 100 Care Bodies Urge Ministers to Halt Deprivation of Liberty Bill Due to Human Rights Concerns**

12 February 2019 | [CommunityCare.co.uk](http://CommunityCare.co.uk)

### **The Government is Quietly Shifting Power Away From Patients to Hospitals and Care Homes**

12 February 2019 | [NewStatesman.com](http://NewStatesman.com)

### **Woman Who Took Her Own Life Faced Wait to Get Mental Health Care**

12 February 2019 | [LiverpoolEcho.co.uk](http://LiverpoolEcho.co.uk)

### **“It should be the last option” – What’s Behind the Rise in Taserings?**

16 February 2019 | [theguardian.com](http://theguardian.com)

### **Sir Stephen Bubb on the Future of Transforming Care**

12 March 2019 | [LearningDisabilityToday.co.uk](http://LearningDisabilityToday.co.uk)

### **The Shocking Reality of Modern Slavery in Britain**

19 March 2019 | [bigissue.com](http://bigissue.com)

### **Care Home Managers Barred from Approving Deprivation of Liberty Orders Under Latest MCA Plans**

4 April 2019 | [LearningDisabilityToday.co.uk](http://LearningDisabilityToday.co.uk)

## Safeguarding News Watch:

# Safeguarding Adults in Sport and Activity

### **Get Yourself Active – Guidance for Social Workers**

10 April 2019 | [GetYourselfActive.org](http://GetYourselfActive.org)

### **England Cricket Captain Joe Root Showed “Integrity and Leadership”**

12 February 2019 | [bbc.co.uk](http://bbc.co.uk)

### **Introducing the Safeguarding Adults in Sport Strategic Partnership**

14 February 2019 | [AnnCraftTrust.org](http://AnnCraftTrust.org)

### **An Introduction to Safeguarding Adults in Sport [VIDEO]**

28 February 2019 | [SportEngland.org](http://SportEngland.org)

### **Law Letting Coaches Have Sex With Teens to be Reviewed**

12 February 2019 | [TheTimes.co.uk](http://TheTimes.co.uk)

### **A Guide to Dementia-Friendly Sport and Physical Activity**

February 2019 | [Alzheimers.org.uk](http://Alzheimers.org.uk)

### **People With Chronic Conditions are Missing Out on Health Management Benefits of Physical Activity**

5 February 2019 | [Ox.ac.uk](http://Ox.ac.uk)

# Safeguarding Research and Resources

## Reducing Restrictive Intervention of Children and Young People

Report by Challenging Behaviour Foundation.

Key findings include: 88% of respondents say that their disabled child has experienced physical restraint, with 35% saying it happens regularly. 71% of families say their child has experienced seclusion, with 21% saying that it takes place on a daily basis.

Read the report in full here: <https://www.challengingbehaviour.org.uk/learning-disability-assets/>

## Breast Screening for People with Learning Disabilities

Thursday 13 June, London South Bank University and The University of Kent are holding a collaborative event to explore the common challenges faced surrounding breast screening, and how we can all work together to find common solutions across the different disciplines.

For more information, and to sign up: <https://www.eventbrite.co.uk/e/breast-screening-for-people-with-learning-disabilities-tickets-60189518470>

## Safe Inside? Child Sexual Abuse in the Youth Secure Estate

New report by the Independent Inquiry into Child Sexual Abuse (IICSA). The research provides direct accounts from children and staff at young offender institutions, secure training centres and secure children's homes across England and Wales.

The report provides evidence which supports The Inquiry's investigation into the nature and extent of child sexual abuse in custodial institutions, as well as examining the response of those organisations.

Read it here: <https://www.iicsa.org.uk/news/inquiry-publishes-research-report-child-sexual-abuse-youth-secure-estate>

# Safeguarding Research and Resources

## Adult Sibling Support Groups

Sibs is currently supporting a network of support groups for adult siblings of people with a lifelong learning disability or autism. The groups are intended to improve adult siblings' wellbeing and resilience, and to empower them to be effective advocates for their brothers and sisters. They also aim to support adult siblings in the transition to more involved roles in their brothers' and sisters' care and support as their parents get older.

For more information, and to register: <https://www.sibs.org.uk/support-for-adult-siblings/adult-sibling-support-groups/>

## Free Advice Guides from Older People's Charity

Independent Age have produced a range of free advice, guides, factsheets and leaflets to help people retain their independence and quality of life as they get older, while still getting the care and support they need.

Access the resources here: <https://www.independentage.org/information/advice-guides-factsheets-leaflets>

## New Keys to Life Implementation Framework

The Keys to Life is Scotland's learning disability strategy. They recently launched their new Implementation Framework, featuring goals for 2018-2021.

The aim is to ensure that people with learning disabilities should be able to have safe and healthy relationships. Also, women with learning disabilities should have their sexual health and reproductive rights ensured, and should have access to appropriate services if they experience gender-based violence.

Access all Keys to Life resources here: <https://keystolife.info/>

# Safeguarding Research and Resources

## **Strengths-Based Approach: Practice Framework and Practice Handbook**

Resource from Department of Health and Social Care. What does strengths-based social work with adults, individuals, families and communities really mean for practitioners and people using the services? Features a range of examples and analyses of strengths-based interventions.

Read it here: <https://assets.publishing.service.gov.uk/government/uploads/system/>

## **New NSPCC Materials for Working with Young People with Learning Needs**

A series of films and supporting resources to help young people with learning disabilities learn about relationships and staying safe.

Access them here: <https://learning.nspcc.org.uk/research-resources/schools/love-life/>

## **Have Your Say—Consultation on Learning Disability Training for Health and Care Staff**

Survey by Mencap.

“We believe all doctors and nurses need the right training to make sure people with a learning disability get the best possible healthcare. But our research shows that 1 in 4 healthcare professionals has never been given training about learning disability. This is unacceptable. The Government’s consultation is an important opportunity for us to change this.”

Complete the consultation and have your say here: <https://www.mencap.org.uk/get-involved/campaign-mencap/current-campaigns/treat-me-well/consultation-learning-disability>

# From the Vault: When Will We Ever Learn?

By Deborah Kitson, Issue 60; July 2007

**On Wednesday 17 January 2007, the country heard again about the widespread institutional abuse of people with learning disabilities living in NHS-run residential care.**

The Healthcare Commission published its report into the service for people with learning disabilities provided by Sutton and Merton Primary Care Trust. They had agreed to investigate after being contacted by the Chief Executive of the PCT following a number of serious incidents in their service, including allegations of sexual and physical abuse.

## Widespread Institutional Abuse

The report, published a year later, reveals widespread institutional abuse, 15 “serious” incidents and a catalogue of poor practices that resulted in a service that held no regard for people as individuals and left them vulnerable to serious abuse.

According to Anna Walker, the Commission’s Chief Executive, “The standard of services at Sutton Merton was simply not acceptable in the 21st century.”

There had been 15 “serious” incidents prior to the request by Sutton and Merton to investigate their services. Before the investigation was completed, a member of

staff was jailed for six years in 2006 after pleading guilty to sexual activity with a female resident who did not have the capacity to consent due to her learning disability. A staff member had been given a suspended sentence for a sex offence against the same woman a year earlier.

“**If the reaction of the press and the public reflects how seriously this society takes the poor practices exposed in yet another learning disability service, then we have a long struggle ahead.**”

Other serious incidents included a number of alleged physical assaults by a member of staff on people with learning disabilities; alleged sexual assault by a member of staff with a person with a learning disability 16 years previously; and a number of alleged physical and sexual assaults perpetrated by people with learning disabilities.

## Quality and Safety

The terms of reference of the report included quality and safety, the adequacy of the model of service, the PCT’s working relationship with people with learning disabilities and their carers, the safety of service users and the service’s management and leadership. The Healthcare Commission carried out interviews,

# From the Vault: When Will We Ever Learn?

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visits and observations, used documentary evidence as well as a separate review considering the quality of the service by the British Institute of Learning Disabilities.

“  
**The news of the future of Big Brother was taken far more seriously than the abuse of people with learning disabilities and their future.**  
”

## Poor Training and Poor Values

The lack of staff training was referred to throughout the report including the low attendance on even the mandatory training. This lack of training was reflected in the staff's values and attitudes towards the people they supported; the lack of individualised care provided, and in poor reporting and monitoring.

Such practices as wrapping people in paper to “feed them, wiping mouths in turn after meals, giving enemas in front of other service users and offering many service users only five hours' activity a week were accepted and reflected in the culture that prevailed.

There was also evidence that individual health needs were ignored, including suction equipment remaining damaged for long

periods of time and dietary needs being disregarded with no real commitment to person-centred planning and risk assessment.

The managers of Sutton and Merton PCT have to take responsibility for the systems that failed the service, the staff and the service users. Lack of training, including low attendance at mandatory training, lack of appraisal and supervision, no restraint policy or effective monitoring of restraint all contributed to the extensive institutional abuse evidenced in this report.

## Poor Communication

The effectiveness of the management team was limited with poor communication at every level, with “no robust system for monitoring what is happening.”

It is clear that learning disabilities services were regarded as a low priority by the PCT's Board, with little attention paid to its needs. Seven Chief Executives in 10 years, four different organisations and three different health authorities added to the difficulties faced and the subsequent increased vulnerability of those accessing the service.

## How Could This Happen?

So how could this happen only months after the Healthcare Commission and the Commission for Social Care Inspection

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By Deborah Kitson, Issue 60; July 2007

published a report into the provision of services for people with learning disabilities at Cornwall Partnership NHS Trust?

This report also highlighted serious abuse and the Healthcare Commission has noted similarities with the findings of its report into Sutton and Merton.

These include:

- Isolated services with outdated models of care.
- Staff unaware that their actions constituted institutional abuse.
- People denied health, social and educational opportunities.
- A lack of awareness about restraint and its appropriate use.
- Poor supervision and training.
- People, their relatives and advocates not involved sufficiently in the planning of care.
- People with learning disabilities largely powerless to control their environment or lives.

## So What Lessons Have We Learned?

Or maybe it would be more pertinent to ask

when will we ever learn? There are many questions that need to be addressed and reflected upon by all services. The models of care and staff awareness of restraint were shockingly outdated and abusive.

“

More than reviewing and planning services is required. There has to be a fundamental shift in attitude.

”

How is it that such things could have occurred in two separate settings (Cornwall and Sutton & Merton) in the 21st Century? How is it that the learning disability service was allowed to become so short staffed that service users' safety was threatened? Why was no assessment seemingly done into whether service users were being detained lawfully? Two managers raised concerns about a member of staff who later went on to rape a woman with severe learning disabilities. Why were their concerns not heeded, and why was one of them seemingly threatened?

Despite community care and the closure of the majority of long-stay hospitals, the NHS has been criticised for not working in

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partnership. Ivan Lewis, Minister for Care Services, plans to look at strengthening the role of local government in learning disability services. Rob Greig has reinforced this transferring responsibility to local authorities. Caroline Taylor, Chef Executive at Sutton & Merton PCT acknowledged that most people who use the service have primarily social needs rather than health needs. This proposal will be welcomed by many, but will clearly take time to achieve.

In the meantime there be an audit or up to 200 services and data will be collected from more than 600 services throughout England. It is the most comprehensive exercise ever undertaken in England, and it is long overdue.

## Too Little, Too Late?

We will have to wait with some apprehension about what more might be revealed from these inspections. Already the Healthcare Commission is looking for people with learning disabilities, family members and other staff in the sector to contribute to its national audit of learning disability services as peer reviewers.

You have to recognise, however, that more than reviewing and planning services is required. There has to be a fundamental shift in attitude. The report and its findings, apart

from those of us directly affected by them, seem to have been forgotten within 24 hours of its publication. The news of the future of Big Brother was taken far more seriously than the abuse of people with learning disabilities and their future.

If the reaction of the press and the public reflects how seriously this society takes the poor practices exposed in yet another learning disability service, then we have a long struggle ahead.

**This article originally appeared in the July 2007 Safeguarding Bulletin, and was reproduced by kind permission of Community Connecting.**

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**[anncrafttrust.org](http://anncrafttrust.org)**

Everyone has a right to be treated with respect and dignity.

Everyone deserves to be safe.