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Charity Number: 1190806

Safeguarding Adults Policy and Procedures

1. Introduction

The Yoga in Healthcare Alliance (YIHA) wants everyone to have a positive, safe, and enjoyable experience when taking part in any of our activities. We accept our specific responsibility to have procedures in place to protect adults at risk of harm or abuse and strive to ensure that all staff, teachers, volunteers, and anyone representing the YIHA are clear on what is expected of them when engaging with adults at risk.

The YIHA aims to ensure that practice reflects statutory safeguarding responsibilities, government guidance, and safe recruitment processes and that best practice is central to all YIHA activities. This policy applies to the safeguarding of adults at risk and sets out all of the processes and procedures for staff, volunteers, tutors, and anyone representing the YIHA, including guidance on who to contact for help with any safeguarding concerns.

2. Policy Statement

All adults, regardless of age, ability or disability, gender, race, religion, ethnic origin, sexual orientation, marital or gender status have the right to be safeguarded from harm, abuse, neglect and poor practice and to participate in an enjoyable and safe environment. The rights, dignity and worth of all adults will always be respected. YIHA will not tolerate any abuse, neglect, poor practice or exploitation of adults at risk.

YIHA seek to ensure that our activities are inclusive and make reasonable adjustments for any ability, disability, or impairment and commit to continuous development, monitoring and review, recognising that the need for care and support, ability and disability can change over time.

YIHA recognises that we all have a shared responsibility to ensure the safety and well-being of all adults and to act appropriately and report concerns whether these concerns arise within YIHA or in the wider community. All safeguarding concerns will be taken seriously and YIHA will respond swiftly and appropriately to them in accordance with this policy and associated procedures.

This policy and procedures document sets out a framework that aims to ensure that safe environments are created, that all practical steps have been taken to safeguard adults, particularly those who are most at risk of harm, and to help adults protect themselves from harm, discrimination, or degrading treatment.

This policy does not cover:

- Sexual harassment in the workplace – this is dealt with under YIHA's Bullying and Harassment Policy.
- Safeguarding concerns in the wider community not perpetrated by YIHA or associated personnel.

YIHA does not offer any classes or services to children but Yoga4Health tutors may witness safeguarding children concerns at their place of work. Tutors should report any safeguarding children concerns that arise to the YIHA Designated Safeguarding Lead (DSL) for further advice.

What is safeguarding?

In the UK, safeguarding means protecting peoples' health, wellbeing, and human rights, and enabling them to live

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free from harm, abuse, and neglect¹

In our sector of yoga in healthcare, we also consider it to mean protecting vulnerable adults and other adults from the risk of harm encountered from YIHA staff or YIHA programmes.

In line with the Care Act 2014, the terminology of 'vulnerable adults' has moved towards 'adults at risk of harm', usually shortened to 'adults at risk' in policies and procedures.

'Adult with a care and support needs' may also be used and refers to specific categories of people who may be at increased risk of harm, for example 'adults with a physical or learning disability' or 'older people'.

3. Scope

All YIHA Directors, staff, volunteers, tutors, Yoga4Health teachers, trainees, contractors and anyone working for or representing the YIHA, without exception, are within the scope of this policy. Everyone has a duty of care to safeguard the welfare of adults and prevent their neglect or abuse. References to YIHA personnel throughout this policy are given to mean anyone working for or representing the YIHA, without exception.

4. Safeguarding Principles

The safeguarding adults' guidance given in this policy and procedures is based on the principles set out in the Care Act 2014. The Act sets out the six principles of adult safeguarding as follows:

- **Empowerment:** People being supported and encouraged to make their own decisions and informed consent. *"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."*
- **Prevention:** It is better to act before harm occurs. *"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."*
- **Proportionality:** The least intrusive response appropriate to the risk presented. *"I am sure that the professionals will work in my interest and they will only get involved as much as needed."*
- **Protection:** Support and representation for those in greatest need. *"I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want."*
- **Partnership:** Local solutions through services working with their communities. Communities have a part to play in preventing, detecting, and reporting neglect and abuse. *"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."*

¹ NHS 'What is Safeguarding? Easy Read' 2011



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- **Accountability:** Accountability and transparency in delivering safeguarding.
"I understand the role of everyone involved in my life and so do they."

In any situation, where care and support are being provided for an individual or decisions are being made on their behalf, it is also important to consider the principles set out in the Mental Capacity Act 2005 cited below.

5. Organisational Roles

Roles and Responsibilities of YIHA

YIHA is committed to having the following in place:

- A Designated Safeguarding Officer to produce and disseminate guidance and resources to support the policy and procedures.
- A clear line of accountability within the organisation for work promoting the welfare of all adults.
- Ensure that all Yoga4Health teachers, Directors and staff have access to, are familiar with, and know their responsibilities within this policy.
- Design and undertake all its programmes and activities in a way that protects people from any risk of harm that may arise from them encountering the YIHA. This includes the way in which information about individuals in our programmes is gathered and communicated.
- Implement stringent safeguarding procedures when training and certifying Yoga4Health teachers, recruiting Board members/Trustees and managing and deploying staff/volunteers and associated personnel. Alongside their teaching insurance and first aid, all Yoga4Health teachers are required to hold a current DBS certificate and have completed YIHA-recommended training on Safeguarding Adults at risk of harm. Ensure everyone receives training on safeguarding at a level commensurate with their role in the organisation and are directed to further training to support them with their safeguarding responsibilities. Alongside their teaching insurance and first aid, all Y4H teachers/ trainees are required to hold a current DBS and first aid certificate and have completed YIHA training on Safeguarding Adults.
- Ensure arrangements are in place to work effectively with other organisations to safeguard and promote the welfare of adults, including arrangements for sharing information.
- Follow up on reports of safeguarding concerns promptly and according to due process.
- Have appropriate whistle blowing procedures and an open and inclusive culture that enables safeguarding and equality and diversity issues to be addressed (see section 16).

YIHA will also:

- Follow up safeguarding reports and concerns according to policy and procedure, and legal and statutory obligations.
- YIHA will apply appropriate disciplinary measures to staff found in breach of its policy.
- YIHA will offer support to survivors of harm caused by staff or associated personnel.



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YIHA Designated Safeguarding Lead/ Safeguarding Officer

The role of the YIHA Safeguarding Officer is to deal with all instances involving safeguarding adults that arise within the organisation. They will respond to all safeguarding and protection concerns and enquiries.

The Safeguarding Officer must also ensure that all staff within their team are familiar with the organisation's safeguarding adults' policy and procedures and ensure that all staff undertake training, where appropriate.

YIHA Staff, tutors, volunteers, trainees and representatives responsibilities

Adult safeguarding

YIHA staff, tutors, trainees, volunteers, and representatives must not:

- Sexually abuse or exploit adults.
- Subject an adult to physical, emotional or psychological abuse, or neglect.

Protection from sexual exploitation and abuse

YIHA Yoga4Health teachers and associated personnel must not:

- Engage in any sexual relationships with beneficiaries of assistance since they are based on inherently unequal power dynamics.

Additionally, Yoga4Health teachers and associated personnel are obliged to:

- Abide by their professional code of conduct
- Complete a recognised Adult Safeguarding course, emergency first aid at work and DBS certification (See Safeguarding Guidance for Tutors document).
- Contribute to creating and maintaining an environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy. This is done by the way Yoga4Health teachers hold the space for classes and create an environment in which everyone feels safe and is protected.
- Familiarise themselves with the YIHA Safeguarding Policy and Associated Guidance for Tutors and the Safeguarding Policy and Process at the organisation/ venue where they are delivering the Yoga4Health Programme, noting their Designated Safeguarding Lead for immediate reporting of Safeguarding concerns.
- Immediately report any concerns or suspicions regarding safeguarding violations by any YIHA teachers or associated personnel via the contact details given within this policy.

6. Legal framework

5.1 The Care Act 2014 sets out safeguarding responsibilities for local authorities; the way in which they should carry out carer's assessments and needs assessments; how local authorities should determine who is eligible for support, including new obligations on local authorities; and how local authorities should charge for both residential care and community care.

The key concept that threads through the Care Act, and is critical to adult safeguarding, is that of 'promoting an individual's wellbeing'. There is no single definition of wellbeing, it is open to individual interpretation dependent on various circumstances and priorities. However, as a broad concept, wellbeing can be described as relating to



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the following areas, all of which are equally important:

- personal dignity, including treating the individual with respect.
- physical and mental health and emotional wellbeing
- protection from abuse and neglect
- control by the individual over their day-to-day life, including their care and support the way these are provided.
- participation in work, education, training, or recreation
- social and economic wellbeing
- domestic, family, and personal domains
- suitability of the individual's living accommodation
- the individual's contribution to society.

The Care Act also states that local authorities must:

- Set up a Local Adult Safeguarding Board (LSAB)
- Make enquiries (or ensure that others do) if they believe an adult is subject to, or at risk of abuse or neglect. These enquiries should establish whether any action needs to be taken, and by whom, to stop/ prevent neglect/ abuse.
- Where appropriate, arrange for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adults Review
- Cooperate with each relevant person/ agency to protect adults at risk of or experiencing abuse or neglect.

5.2 The Mental Capacity Act 2005, covering England and Wales, provides a statutory framework for people who lack capacity to make decisions for themselves, or who have capacity and want to prepare for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they must go about this.

In order to protect those who lack capacity and to enable them to take part as much as possible, in decisions, that affect them, the Mental Capacity Act sets out the following principles:

- A person must be assumed to have capacity unless it is established that he/ she lacks capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help him/ her to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because he/ she makes an unwise decision.
- An act done, or decision made, for or on behalf of a person who lacks capacity must be done, or made, in his/ her best interests.



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- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

5.3 The Deprivation of Liberty Safeguards 2009 (DoLS) are an amendment to the Mental Capacity Act 2005. They provide a legal framework to protect those who lack the capacity to consent to the arrangements for their treatment or care in residential homes, hospitals, and other care settings. The DoLS contain detailed requirements about when and how deprivation of liberty may be authorised.

5.4 The Human Rights Act 1998 gives legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).

5.5 The Public Interest Disclosure Act 1998 (PIDA) created a framework for whistle blowing across the private, public, and voluntary sectors. The Act provides almost every individual in the workplace with protection from victimisation where they raise genuine concerns about malpractice in accordance with the Act's provisions.

5.6 The Data Protection Act 2018 defines UK law on the processing of data on identifiable living people. It is the main piece of legislation that governs the protection of personal data in the UK.

5.6 The General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information from individuals who live in the

5.7 Safeguarding Vulnerable Groups Act 2006 established the legal basis for the Independent Safeguarding Authority who manage the two lists of people barred from working with children and/or adults at risk of harm, replacing the former barred lists. The Act also places a statutory duty on all those working with vulnerable groups to register and undergo an advanced vetting process with criminal sanctions for non-compliance.

5.8 Freedom of Information Act 2000 creates a public "right of access" to information held by public authorities.

5.9 Protection of Freedom Act 2012 is legislation primarily designed to protect the rights of individuals. The Act includes changes to freedom of information, rights to data and criminal history checks (Vetting and Barring – DBS checks) amongst other civil liberty issues.

5.10 The Sexual Offences Act 2003 makes it an offence for those engaged in providing care, assistance, or services to someone with a learning disability or mental illness to engage in sexual activity with that person whether or not that person has the capacity to consent.

5.11 The Domestic Violence, Crime and Victims Act 2004 is concerned with criminal justice and concentrates upon legal protection and assistance to victims of crime, particularly domestic violence. It also expands the provision for trials without a jury, brings in new rules for trials for causing the death of a child or adult at risk of harm, and permits bailiffs to use force to enter homes.

5.12 The Equality Act 2010 is the law which bans unfair treatment and helps achieve equal opportunities in the workplace and in wider society.



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7. Types of Abuse

Abuse may consist of a single act or repeated acts. It may be physical, verbal, or psychological, it may be an act of neglect or an omission to act, or it may occur when a person is persuaded to enter a financial or sexual transaction to which he or she has not consented or cannot consent.

Abuse can occur in any relationship and can result in significant harm to, or exploitation of, the person subjected to it. Abuse can take place in any context and by all manner of perpetrator. So, abuse may be inflicted by anyone in an organisation that a participant encounters or people within an organisation may suspect that an adult taking part in an activity is being abused or neglected outside of the organisational setting, for example at home.

Types of Abuse and Neglect - Definitions from the Care Act 2014

Physical abuse: including hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.

Sexual abuse: including rape and sexual assault or sexual acts to which the adult at risk of harm has not consented, could not consent, or was pressured into consenting.

Emotional or psychological abuse: including threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or material abuse: including theft, fraud, internet scamming, exploitation, and pressure relating to wills, property or 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.

Discriminatory abuse: abuse focussing 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 Abuse: including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, 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 because of the structure, policies, processes, and practices within an organisation.

Domestic Abuse: including psychological, physical, sexual, financial, and emotional abuse and coercion. It also includes so called 'honour' based violence.

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.



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Modern Slavery: 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.

Not included in the Care Act 2014 but also relevant:

Bullying and Harassment occurs where repeated deliberate actions by one or more people cause hurt to an individual or group and where it is difficult for the bullied person(s) to prevent or deal with this person's actions. The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress, to the extent that it affects the victims' health and development or, at the extreme, causes them significant harm (including self-harm).

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) where the perpetrator uses technology carrying out the bullying.

Forced marriage is a term used to describe a marriage in which one or both 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.

Mate Crime is defined by the Safety Net Project as '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 several 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 aims to attract people to their way of reasoning and embed their extreme views, inspiring new recruits persuading vulnerable individuals of their legitimacy of their cause. This may be direct through a relationship, or through social media.

County Lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and adults at risk of harm to move [and store] the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

Cuckooing is when professional criminals target the homes of adults at risk of harm so they can use the property for drug-dealing and other criminal activities.

8. Indicators of Abuse

- An adult may disclose a concern or describe what may be an abusive act,
- Another person may raise concerns about the well-being of an adult,

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- There may be unexplained or concerning injuries such as burns, cuts, and bruises and particularly when situated in areas of the adult's body which are not normally prone to injury,
- Physical injury may be present where the explanation given is inconsistent,
- Unexplained changes in behaviour may be noticed such as an adult becoming withdrawn, quiet, or aggressive/verbally violent,
- An adult may display inappropriate sexual awareness and be behaving in a sexualised manner that is out of character,
- Excessive weight loss or weight gain for no obvious reason is noticed,
- Physical appearance has become unkempt,
- The adult is withdrawn and has isolated themselves from the group and seems unable to make friends.

This is not an exhaustive list of indicators and cannot be seen to be definitive proof an adult is being abused but it is everyone's responsibility to be diligent for signs of abuse or neglect and act upon their concerns, reporting any incident immediately.

9. Poor Practice

This includes many groups of practices that may be on the fringe of abuse and/or if repeated, would amount to abuse, for example:

- Name-calling,
- Constant criticism of participants,
- Exerting excessive pressure,
- Forcing a participant to do something against their will,
- Use of inappropriate language,
- Harassment,
- Breaches of this YIHA Safeguarding Adults Policy,
- Inadequate safeguarding arrangements
- Providing inadequate supervision and/or care,
- Failure to respond appropriately to concerns,
- Inappropriate use of photographic equipment or materials,
- Breaches of recognised best practice in teaching or instructing,
- Employing practices that are inappropriate for the stage of psychological and physical development of the individual,

Adults with care and support needs may be more vulnerable to harm. Some practices may be carried out with the best intentions but also fall into a category of behaviours that are used by people to 'groom' their victim, for example:

- Offering to give an adult a lift home alone,
- Giving gifts to an adult with care and support needs,
- Having unnecessary physical contact with an adult e.g., excessive handling/supporting, cuddling, kissing, 'friendly' taps etc.
- Socialising/having friendships outside of YIHA training programmes with adults at risk,



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Practises that are known to be significant risk factors in cases of abuse and can never to be condoned, for example:

- taking adults with care and support needs to your home or other place unaccompanied by others,
- Engaging in rough, physical, or sexually provocative games,
- Sharing a room with an adult with care and support needs,
- Allowing or engaging in any form of inappropriate touching,
- Making sexually suggestive remarks,
- Reducing an adult to tears as a form of control,
- Allowing allegations made by an adult with care and support needs to go unchallenged, unrecorded, or not acted upon,
- Carrying out personal care for an adult that they can do unaided,
- Departing from the premises without first supervising the safe dispersal of the adults at risk,
- Abusing a privileged position of power or trust,
- Resorting to bullying tactics, or verbal abuse
- Causing a participant to lose self-esteem by embarrassing, humiliating, or undermining the individual.
- Spending excessive amounts of time alone with an adult at risk away from other adults.
- It is essential that everyone challenges poor practice, even when there is a belief that the motives of an individual are well meaning. Failure to challenge poor practice can lead to an environment where abuse is more likely to remain unnoticed.

10. Safe and Inclusive Code of Conduct

This Safeguarding Code of Conduct should be interpreted in a spirit of integrity, transparency, and common sense, with the best interests of adults at risk as the primary consideration. Yoga4Health tutors are also required to adhere to their professional code of conduct.

- Prioritise the well-being of all adults at all times,
- Act with integrity,
- Help to create a safe and inclusive environment,
- Value and celebrate diversity and make all reasonable efforts to meet individual needs,
- Keep clear boundaries between your professional and personal life, including on social media,
- Check you have the relevant consent from adults before taking or using photos and videos,
- Ensure your own roles and responsibilities, and those of everyone you are responsible for, are clearly outlined and everyone has the information, training, and support to carry them out,
- Do not abuse, neglect, harm or discriminate against anyone; or act in a way that may be interpreted as such,
- Keep up to date with your activity knowledge and technical skills,
- Do not exceed the level of your qualifications,
- Create a safe and enjoyable environment for all,
- It is illegal to have a relationship with someone who is under 18 years old if you are in a position of trust; it is illegal to have a sexual relationship with anyone under the age of 16 whether they give consent or not.

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11. Reporting a Safeguarding Concern

It is important that adults at risk are protected from abuse. All complaints, allegations, or suspicions of breaches to safeguarding principles must be taken seriously. If you suspect a safeguarding concern, doing nothing is NOT an option. YIHA's primary responsibility is to ensure that allegations relating to possible abuse together with any relevant information are dealt with appropriately and when necessary passed to Adult Social Care Services and/or the Police without delay. It is vital that individuals within an organisation are aware of what action is required and ensure that any concerns are referred correctly.

This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that an adult at risk has been abused. Report all concerns and disclosures as soon as possible, following the reporting procedure below.

- If the individual is in immediate danger call the emergency services, 999
- Any suspicion, allegation or incident of abuse must be reported to a Safeguarding Officer within 24 hours. This may be the Safeguarding Officer at the organisation or venue where you are working.

YIHA/ Yoga4Health tutors must ensure that they have familiarised themselves with the Safeguarding Policy and Processes of the organisation/ venue for which they are working, identifying the Designated Safeguarding Lead at that establishment to swiftly report any concerns.

YIHA/ Yoga4Health tutors may also download the NHS app for guidance on the swift and appropriate reporting of Safeguarding Concerns in their locality (see Safeguarding Guidance for Tutors document).

- If it does not increase the risk to the individual, you should explain to them that it is your duty to share your concern with a Safeguarding Officer. Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of the individual.
- When reporting a Safeguarding concern ensure that you write down all of the information available to you such as date, time, place and name of those present, avoid expressing opinion but instead aim to give an objective and factual account of events. A full record should be made immediately or as soon as possible of the nature of the allegation and any other relevant information.
- YIHA representatives, tutors, trainees and volunteers must use the Safeguarding Cause for Concern form (available with this policy) to record their concerns, providing this written report to the Safeguarding Officer.
- This must include information in relation to the date, the time, the place where the alleged abuse happened, your name and the names of others present, the name of the complainant and, where different, the name of the adult who has allegedly been abused, the nature of the alleged abuse, a description of any injuries observed, the account which has been given of the allegation. Wherever possible include the views of the adult concerned on what they want to happen next.
- Contact the Safeguarding Officer/ Designated Safeguarding Lead for advice with any queries.

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- The organisation's Safeguarding Officer will then consider the situation and plan the actions that need to be taken, in conjunction with the adult concerned and in line with the organisation's policy and procedures.
- YIHA/ Y4H tutors, trainees, staff, volunteers are not responsible for escalating or investigating safeguarding concerns. They are only responsible for appropriately reporting the concern to the Safeguarding Officer/ Designated Safeguarding Lead. The Safeguarding Officer/ Designated Safeguarding Lead will telephone and report the matter to the appropriate authority. A written record of the date and time of the report shall be made, and the report must include the name and position of the person to whom the matter is reported.
- If you are given cause to report a safeguarding concern to an organisation other than YIHA you must also notify the YIHA Safeguarding Officer/ Designate Safeguarding Lead, via the contact details at the end of this policy.

11.1 Responding Appropriately to an Allegation of Abuse

If you find yourself in a situation where an adult is disclosing abuse or neglect to you then there are a number of points that you should remember:

- Make sure the individual is safe,
- Assess whether emergency services are required and if needed call them,
- Listen carefully,
- Stay calm,
- Offer support and reassurance,
- Ascertain and establish the basic facts,
- Always reassure the individual that he/she is not to blame and that they were right to raise awareness of this issue.
- Ensure notation of dates, time and persons present are correct and agreed,
- Complete a written report of the information that you have been given providing as much clear, objective, and factual information as you can,
- Take all necessary precautions to preserve forensic evidence,
- Follow correct procedure,
- Follow confidentiality procedures, this includes telling the individual that you may have to inform others to help,
- Explain the procedure to the individual making the allegation,
- Avoid questions associated with getting into trouble such as 'why?'
- Tell them what will happen next and with whom.
- Do not make promises. Only provide reassurances that are realistic and achievable,
- Speak to the lead Safeguarding officer or your manager for ongoing support and guidance,

Handling a concern/disclosure can be emotionally difficult. If you would like to talk to someone for support during or after making a concern/disclosure, speak to your manager or contact the YIHA safeguarding officer for information, contact details below.

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11.2 What you should not do:

- Express your own views, shock, or disbelief
- Make any promise including those of confidentiality,
- Investigate, interrogate, or interview beyond that which is necessary to establish the basic facts or decide whether they are telling the truth,
- Ask questions that may imply they are at fault such as 'why didn't you tell me before?',
- Confront or talk to the alleged abuser,
- Delay reporting the abuse,
- Jump to conclusions or elaborate on your notes.
- Be dismissive of the concern or ignore the allegation,
- Disturb or destroy possible forensic evidence,
- Consult with persons not directly involved with the situation,
- Ask leading questions or assume Information,
- Panic,
- Take sole responsibility – consult, refer and hand on appropriately.

It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies, following a referral from the designated Safeguarding officer.

12.Capacity

It is not for you as an individual to decide if an adult lacks capacity, but it is useful for professionals to have an overview or understanding of the 'notion' of capacity.

12.1 Statutory Principles of the Mental Capacity Act 2005 (also see page 2)

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practical steps to help him/her to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because he/she makes an unwise decision.
- An act carried out or decision made, for or on behalf of a person who lacks capacity must be undertaken, or made, in their best interests.
- Before the act is carried out, or the decision is made, regard must be paid to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

12.2 Assessing capacity:

A person's capacity must be assessed at the point at which a decision is needed, considering relevant and immediate circumstances as well as possible long-term issues.

Does the person have an impairment of the mind or brain, or is there some sort of disturbance affecting the way

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their mind or brain works? (It does not matter if the impairment/disturbance is temporary or permanent).

If so, does that impairment or disturbance mean that the person is unable to make the decision in question at the time it needs to be made?

12.3 Assessing ability to make a decision.

Does the person have a general understanding of the decision they need to make and why they need to make it?
Does the person have a general understanding of the likely consequences of making, or not making the decision?
Is the person able to understand, retain, use, and weigh up the information relevant to this decision?
Can the person communicate their decision (by talking, using sign language or any other means)? Would the services of a professional (such as a speech and language therapist) be helpful?

12.4 Assessing capacity to make more complex or serious decisions.

In most instances, a doctor or other professional expert will have assessed the adult's capacity. Where background information such as this is available, for example, from a partner agency, the information should be stored confidentially.

In most localities, an Independent Mental Capacity Advocate (IMCA) is appointed to assist a person who is judged to lack capacity.

13. Confidentiality

Adult protection raises issues of confidentiality which must be clearly understood by everyone. Sharing information, with the right people, is central to good practice in safeguarding adults. Safeguarding practices rely on reliable information being shared across agencies in a timely manner to ensure swift communication of any risks. Information relating to Safeguarding concerns and subsequent reports and case management should be kept secure at all times.

However, information sharing must only ever be done on a 'need to know' basis. This does NOT automatically include the person's spouse, partner, adult, child, unpaid or paid carer. Information should only be shared with family and friends and/or carers with the consent of the adult or if the adult does not have capacity to make that decision and family/ friends/ carers need to know in order to help keep the person safe.

- Staff, tutors and volunteers have a professional responsibility to share relevant information about the protection of adults with other professionals, particularly investigative agencies, and adult social services.
- Clear boundaries of confidentiality must be communicated to all.
- All personal information regarding an adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines.

Data Protection legislation is not in place to prevent information sharing but to ensure personal information is only shared appropriately. Data protection legislation allows information sharing within an organisation, for

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example, anyone who has a concern about harm can make a report to an appropriate person within the same organisation. Case management meetings can take place to agree to co-ordinate actions by the organisation.

If an adult confides in a member of staff, tutor or volunteer and requests that the information is kept secret, it is important that they tell the adult sensitively that he or she has a responsibility to share their concern with their safeguarding lead or welfare officer. Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent must be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the adults at risk of harm is the priority. If you are in doubt seek advice from your Safeguarding Officer.

The circumstances when we need to share information without the adult's consent include those where:

- it is not safe to contact the adult to gain their consent – i.e., it might put them or the person making contact at further risk.
- you believe they or someone else is at risk, including children.
- you believe the adult is being coerced or is under duress.
- it is necessary to contact the police to prevent a crime, or to report that a serious crime has been committed.
- the adult does not have mental capacity to consent to information being shared about them.
- the person causing harm has care and support needs.
- the concerns are about an adult at risk living in Wales or Northern Ireland (where there is a duty to report to the Local Authority).

Where a disclosure has been made, staff and volunteers must let the adult know the position regarding their role and what action they will have to take as a result.

14. Making Safeguarding Personal

Staff and volunteers must take a person-centred approach and assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information must be fully considered and their wishes and feelings considered.

15. Safe Recruitment

Safe recruitment requires safeguarding issues to be considered at every stage of the recruitment process. It is vital that all reasonable steps are taken to ensure that any unsuitable people or people who may abuse adults with care and support needs are prevented from working with them.

When recruiting for a position working with adults with support and care needs, safeguarding should feature strongly in any advertising. The recruiting organisation should prepare a safeguarding statement that should feature in any publicity about the role. Prior to the interview references should be sought and where appropriate, relevant qualifications or previous experience should be confirmed.

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15.1 The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevents unsuitable people from working with vulnerable groups, including children. It has replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

DBS is responsible for:

- Processing requests for criminal records checks
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list.
- Placing or removing people from the DBS children's barred list and adults' barred list for England, Wales, and Northern Ireland. (NB in Scotland this service is provided by Disclosure Scotland <https://www.mygov.scot/aboutdisclosure-scotland/>)

Although an individual may have an opportunity to encounter adults with care and support needs, this is not sufficient to be entitled to a DBS check. Eligibility to apply for a DBS check depends on the specific role a person will perform whilst conducting their duties within an organisation. This is known as 'Regulated Activity'. The eligibility for Regulated Activity (and therefore DBS checks) with adults is broadly broken down into six categories.

Providing Health Care: This includes health care work undertaken by (or under supervision from) a regulated Health Care Professional e.g., regulated by GMC or HPC. Health care includes all forms of health care relating to physical or mental health, including palliative care.

Providing Personal Care: this includes providing an adult with physical assistance with eating, drinking, going to the toilet, washing, or bathing, dressing, oral care, or care of the skin because of the adult's age, illness, or disability (this includes someone who prompts and then supervises an adult to undertake the above actions as they are unable to make the decision for themselves). Anyone who trains, instructs, or provides guidance to an adult on the above actions because of their age, illness or disability is in Regulated Activity.

Providing Social Work: The activities of a regulated Social Worker in relation to adults who are clients or potential clients are a Regulated Activity. This includes assessing the need for health or social care services and providing ongoing support to clients.

Assistance with General Household Matters: Anyone who provides day-to-day assistance to an adult because of their age, illness, or disability, where that assistance includes at least one of the following, is in a regulated activity.

- managing the person's cash
- paying the person's bills, or
- shopping on their behalf
- Assistance in the Conduct of a Person's Own Affairs

Regulated Activity: includes anyone who provides assistance in the conduct of an adult's own affairs by virtue of:

- Lasting power of attorney under the Mental Capacity Act 2005
- Enduring power of attorney under the Mental Capacity Act 2005
- Being appointed as the adult's deputy under the Mental Capacity Act 2005
- Being an Independent Mental Health Advocate
- Being an Independent Mental Capacity Advocate
- Providing independent advocacy services under the National Health Services Act 2006 or National Health



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Service (Wales) Act 2006

- Receiving payments on behalf of that person under the Social Security Administration Act 1992

Conveying: This includes any drivers or assistants who transport an adult because of their age, illness, or disability to or from places where they have received, or will be receiving health care, relevant personal care, or relevant social work (as above). Hospital Porters, Patient Transport Service drivers and assistants are also included in this group.

This does not include licensed taxi drivers or licensed private hire drivers unless they are undertaking trips taken for the above listed purposes.

Excluded from this list of roles is any activity carried out in the course of family relationships, and personal, non-commercial relationships, for example a family friend driving a friend to their hospital appointment for petrol money. In the guidance provided an Adult is classed as anyone 18 years old or older.

Management functions: A person whose role includes the day-to-day management or supervision of any person who is engaging in Regulated Activity with adults, is also in Regulated Activity.

The above activities only need to be done once by an employee, to be classed as Regulated Activity with adults.

All specific enquiries regarding DBS checks of staff and volunteers should be directed through to the Disclosure and Barring Service.

16. Whistleblowing

Safeguarding adults requires everyone to be committed to the highest possible standards of openness, integrity, and accountability. YIHA supports an environment where people feel free to raise their concerns with the knowledge that all concerns will be taken seriously.

The term 'whistle blowing' is often used in such circumstances to describe the raising of a concern about practices, procedures or conduct of an individual. Concerns should be raised without delay and the earlier concerns are reported, the easier it will be to act. Anyone reporting a concern should provide as much information and detail as possible. YIHA understands that whistle-blowers are often very reluctant to report concerns and recognises that whistle-blowers may wish to raise concerns in confidence.

YIHA will not tolerate harassment or victimisation and will act to protect anyone who has raised a concern in good faith. Anyone who is found to have victimised or harassed a whistle-blower will face disciplinary action. Anyone who raises concerns known to be untrue may also be subject to disciplinary action.

17. The Role of Key Individual Agencies

Local Authority Adult Social Care

YIHA recognises the role and responsibilities of the statutory agencies in safeguarding adults and is committed to complying with the policy and procedures of Local Safeguarding Adults Boards.

The Care Act 2014 requires that the Local Authority takes the lead in developing a local framework within which



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all responsible agencies work together to ensure a coherent policy for the protection of adults at risk of abuse.

All local authorities have a Safeguarding Adults Board, which oversees multiagency work aimed at protecting and safeguarding adults at risk of harm. It is normal practice for the board to comprise of people from partner organisations who can influence decision making and resource allocation within their organisation.

Local Authorities will have a Safeguarding Adults Team or Service Multi Agency Safeguarding Hub (MASH) that can be contacted for information and advice – and that will be responsible for receiving and responding to safeguarding adult referrals.

The Police

The Police play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

18. Definitions

Adult at Risk: An adult at risk is defined in the Care Act 2014 as a person aged 18 or over who:

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

Abuse: is a violation of an individual's human and civil rights by another person or persons. See section 5 for further explanation.

Adult: is anyone aged 18 or over.

Adult Safeguarding: is protecting a person's right to live in safety, free from abuse and neglect.

Adult with care and support needs: 'Care and support' is the term used in the Care Act to describe the help some adults need to live as well as possible with any illness or disability they may have. It can include help with things like getting out of bed; washing; dressing; getting to work; cooking meals; eating; seeing friends; caring for families; being part of the community. It might also include emotional support at a time of difficulty and stress, helping people who are caring for an adult family member or friend or even giving others a lift to a social event. Care and support include the help given by family and friends, as well as professionals.

Adults at risk of harm: A person who is or may be in need of care by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Beneficiary of Assistance: Someone who directly receives services from YIHA's programmes. Note that misuse of



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power can also apply to the wider community that YIHA serves, and can include exploitation by giving the perception of being in a position of power.

Capacity: refers to the ability to make decisions at a particular time, for example when under considerable stress. The starting assumption must always be that a person has the capacity to make decisions unless it can be established that they lack capacity (MCA 2005).

Child: A person below the age of 18 (YIHA does not currently offer any programmes for those under the age of 18)

Harm: Psychological, physical and any other infringement of an individual's rights

Psychological harm: Emotional or psychological abuse, including (but not limited to) humiliating and degrading treatment such as bad name calling, constant criticism, belittling, persistent shaming, solitary confinement and isolation.

Protection from Sexual Exploitation and Abuse (PSEA): The term used by the humanitarian and development community to refer to the prevention of sexual exploitation and abuse of affected populations by staff or associated personnel. The term derives from the United Nations Secretary General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13)

Safeguarding: In the UK, safeguarding means protecting peoples' health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect²

Safeguarding means taking all reasonable steps to prevent harm, particularly sexual exploitation, abuse and harassment from occurring; to protect people, especially adults at risk of harm and children, from that harm; and to respond appropriately when harm does occur.

This definition draws from our values and principles and shapes our culture. It pays specific attention to preventing and responding to harm from any potential, actual or attempted abuse of power, trust, or vulnerability, especially for sexual purposes.

Safeguarding applies consistently and without exception across our programmes, partners and staff. It requires proactively identifying, preventing, and guarding against all risks of harm, exploitation and abuse and having mature, accountable and transparent systems for response, reporting and learning when risks materialise. Those systems must be survivor-centred and protect those accused until proven guilty.

Safeguarding puts beneficiaries and affected persons at the centre of all we do.

Sexual abuse: The term 'sexual abuse' means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation: The term 'sexual exploitation' means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily,

² NHS 'What is Safeguarding? Easy Read' 2011



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socially or politically from the sexual exploitation of another. This definition includes human trafficking and modern slavery.

Survivor: The person who has been abused or exploited. The term 'survivor' is often used in preference to 'victim' as it implies strength, resilience, and the capacity to survive, however it is the individual's choice how they wish to identify themselves.

19. Associated Policies and Documents

Code of Conduct

Anti-Bullying and Harassment policy

Disclosure of Malpractice in the Workplace (Whistleblower) Guidance

Tutor Safeguarding Guide

Complaints Policy

Equality, Diversity, and Inclusion Policy

Grievance and Disciplinary Procedures

20. Policy Review Arrangements

This policy, related policies and the Safeguarding Adults Procedures are reviewed no less than on a yearly basis and whenever there are changes in relevant legislation and/or government guidance as required by the Local Safeguarding Adults Board, or as a result of any other significant change or event.

The Designated Safeguarding Lead is normally a representative from the YIHA Board of Directors/Trustees. As this trustee is currently on maternity leave, the Quality Assurance and Accreditation Officer is covering this role for 6 months. If you wish to report a Safeguarding concern, are given cause to report a Safeguarding concern at another organisation (e.g., Yoga4Health tutors) or you wish to seek advice on a matter related to your YIHA role please contact: training@yogahealthcarealliance.com

Other useful contacts

Respond

0808 808 0700 <http://www.respond.org.uk>

Respond provides a range of services to victims and perpetrators of sexual abuse who have learning disabilities, and training and support to those working with them.

Action on Elder Abuse

020 8835 9280 <http://www.elderabuse.org.uk>

A national organisation based in London. It aims to prevent the abuse of older people by raising awareness, encouraging education, promoting research, and collecting and disseminating information.

Care Quality Commission is the health and social care regulator for England. www.cqc.org.uk

It looks at the joined-up picture of health and social care.



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Public Concern at Work is an independent organisation which provides guidance and training to employers on whistleblowing and offers free confidential advice to employees unsure whether or how to raise a concern about workplace wrongdoing.

020 7404 6609 www.pcaw.co.uk

Date of Change:	Changed By:	Comments:
26.11.20	Paul Fox	Policy approved by the Trustees next review date May 2021 unless required before.
9.3.21	Paul Fox/Amanda Jane Crompton	Policy updated with minor amendments to interlink better with YIHA policy suite. Policy approved by the Trustees
14.04.2021	Amanda Jane Crompton	Updated in line with DSL training
23.04.2021	Amanda Jane Crompton. Checked by Paul Fox	Developed to better inform a wider range of staff/ tutors and representatives.
01.03.2022	AJC	Reviewed for currency
28.11.2022	AJC	Reviewed for currency
30.11.2022	PF	Approved
30.11.2023	AJC	Reviewed for currency
06.05.2024	AJC	Revised
15.05.2024	PF	Approved