

According to Her Majesty's Government, any adult who works with children has a responsibility (known as duty of care) to keep children safe and protect them from sexual, physical and emotional harm. Failure to do this could be regarded as neglect and could lead to prosecution.

Key aspects of legislation have been extended to include 'vulnerable adults'. A vulnerable adult is defined as 'a person aged 18 years or over who is in receipt or need of community care services by reason of mental or other disability, age or illness and who is unable to take care of themselves or protect themselves against significant harm or exploitation'. A vulnerable client on the other hand can be described as someone undergoing a 'special' physiological process that puts them at a greater risk of an exercise-related event' (eg childhood, ageing and pregnancy).

In the health and fitness industry, the term 'special population' is often used to describe a vulnerable client. 'Duty of care' (which falls under the 'law of tort' in England or 'delict' in Scotland) essentially means that any trainer working in the industry must be aware that they should exercise a reasonable level of care in order to avoid injury to individuals and their property.

In 1995 the Young Persons Safety Act 1995 (www.legislation.gov.uk): made provision for the regulation of centres and providers of facilities where children and young persons under the age of 18 engage in adventure activities, including provision for the imposition of requirements relating to safety.

In 1999 the Protection of Children Act was implemented with a view to increase the level of protection for children by screening those wishing to supervise children. People deemed unsuitable would be those whose names appeared on the following lists:

- List 99 from The Department of Education And Skills (DfES).
- Protection of Children Act list.
- Protection of Vulnerable Adult list.
- Department of Health list.

Since December 2012, an organisation within the Home Office called the Disclosures and Barring Services deals with the checks (See <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/about-us1/what-we-do/before-the-dbs/>).

Facilities should make their policies on safeguarding children and vulnerable adults available to all employees so it is in the interest of the health and fitness professional to identify these policies as they can also give guidance on how to protect the trainer from potential accusation. Self-employed health and fitness professionals have a responsibility to make sure this is done (for more information on this process visit: www.disclosure.gov.uk). The Joint Chief Inspectors' Report on Arrangements to Safeguard Children (2002) is also a useful text for health and fitness professionals.

Safeguarding and protection of children and vulnerable adults covers many areas that the health and fitness professional should be aware of such as physical contact, confidentiality, sexual conduct, social contact, communication and comforting as outlined in the table.

REPs Guidance Paper – Safeguarding

| Area | Main points | Advice | Information |
|------------------|--|--|---|
| Confidentiality | Treat all information as confidential. Do not allow others access to this information. | Keep confidential information in a lockable place. | Data Protection Act 1998 |
| Sexual conduct | ALL sexual activity is a criminal offence. Special attention can be construed as grooming. Report any concerns about infatuation. | Never make sexual remarks or jokes. Never discuss your own relationship. Always make contact by email or phone through the parent or guardian. Avoid having favourites and giving special attention. | Sexual Offences Act 2003 Working Together to Safeguard Children: 2006 HM Government |
| Social contact | Social contact between trainers and vulnerable clients is not encouraged. Trainers should never invite vulnerable clients to their homes. | Make supervisors aware of any social contact with vulnerable clients and their families. Never allow vulnerable clients into your home without their parents. | |
| Communication | This includes phones, emails, websites and cameras. Contact only in professional instances such as informing that sessions are cancelled. | Always communicate through the parent or guardian. Always get written permission for photos or videos. | Code of Conduct. |
| Physical contact | Physical contact is often required in instructing as long as it is appropriate. Some vulnerable clients may feel uncomfortable by this whereas others may initiate inappropriate contact. There may be cultural or religious issues. | Get permission from vulnerable clients before any contact and explain why this may be required. Try to keep parents informed of the need for this contact in instructing. Make sure vulnerable clients know of the boundaries. Report any issues immediately. | Code of Conduct. |
| Comforting | Vulnerable clients often become distressed for many reasons especially younger children. | Often a hand on the shoulder is enough to comfort. Never comfort on a one-to-one situation unless another trainer or parent is present. Record any issues you may be unsure about. | |

Recognising signs of abuse can be extremely difficult therefore, the health and fitness professional should be aware of typical signs related to each sub-classification of abuse. The table below provides an overview of typical physical and behavioural signs but for more information trainers should visit www.nspcc.org.uk or read NSPCC (2000) Child Maltreatment in the UK: a study of the prevalence of child abuse and neglect.

| Physical and behavioural signs of abuse | | |
|---|--|---|
| Abuse area | Physical signs | Advice |
| Physical | Unexplained bruising/hand marks, burns, breaks, scalds | Flinching, covering up, reluctance to see GP. Depressed, withdrawn, aggressive outbursts |
| Emotional | Speech disorders Lack of progress Sudden weight gain or loss | Self-harm, fear of making mistakes, doesn't take part, strange behaviour, drop in self-esteem |
| Neglect | Always hungry, underweight Poorly dressed, unclean | Always tired and late, loner, no chaperone |
| Bullying | Stomach and headaches Scratching and bruising | Mood swings, can't concentrate, poor performance, won't engage, withdrawn |
| Sexual | Walking discomfort Genital itching Signs of self-harm | Self-harm, no friends, sexual actions, change in behaviour, fear of people, eating problems, having secrets |

It is not the responsibility of the health and fitness professional to decide if abuse or inappropriate behaviour has taken place. Cases of false allegation tend to be rare, therefore immediate action should always be taken. Facilities should have procedures in place for doing so and it is the responsibility of the trainer to make sure they understand and follow them. In situations where the trainer is not working in or for a facility it is even more important to make sure that procedures are followed, recorded and dealt with in a confidential manner. If a client tries to disclose any form of abuse, the health and fitness professional should follow the basic guideline procedures:

1. Stay calm throughout
2. Reassure the person you will take them seriously
3. Explain that you may have to follow a reporting procedure and do not promise anything
4. Encourage the person to tell the whole story but do not probe or ask closed questions (yes, no, etc.)
5. Listen carefully and do not comment on the allegation
6. As soon as possible, record the event and either speak to a colleague for advice or follow reporting procedures.

Summary of a fitness organisation's key principles in relation to safeguarding

- Health and fitness professionals must demonstrate proper personal behaviour and conduct at all times.
- Health and fitness professionals must keep a high level of competence through a commitment to ongoing training that ensures safe and correct practice.
- Paid health and fitness professionals and volunteers that work with children and vulnerable adults must hold a current DBS check.
- Always maintain confidentiality.

If the health and fitness professional requires advice for any reason, then they should contact either:

- NSPCC Child Protection Helpline on 0808-8005000 or
- ChildLine on 0800-1111
- Social Services via your local social services department
- In the case of an emergency the Police on 999