

# Gloucestershire Safeguarding Adults Board

## Out of Contact Protocol

### Adults with Care and Support Needs



The purpose of this document is to set out guidance to be alert to the possibility and warning signs of abuse, neglect and self-neglect. An adult's need for additional support to protect themselves may be increased when complicated by additional factors, such as, physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems and it is important to note that mental capacity can fluctuate.

Many adults may not realise that they are being abused, exploited or self-neglecting, particularly where there is an abuse of power, a dependency, a relationship or a reluctance to assert themselves and initial rejections of help should not always be taken as final.

Failure to attend appointments may be an indication that the carers of the adult are failing to engage with health professionals and can be a sign they are not meeting the health and welfare needs of the adult. Alternatively, the adult themselves may be in a position that they experience extreme difficulties in attending health appointments away from home, even though they have some mobility.

Early signs of potential or actual disengagement with health services need to be recognised and assessed as this may be a precursor or suggestion that the adult may be experiencing abuse or a failing physical and mental health condition.

It could also indicate 'disguised compliance' on behalf of the carer/s, therefore, practitioners must develop 'professional uncertainty' and remain skeptical of the explanations, justifications or excuses they may hear from family carers and ask themselves 'have they seen or spoken to the adult?'. They should look for evidence of change in behaviour and attempt to verify carers' accounts e.g. multi agency information sharing, to assist in identifying issues with non attendance or confirm any concerns.

Therefore it is vital that all providers of health services have robust systems in place to monitor failure to attend appointments or repeated failures to be present at home visits, and processes to inform the referrer of the non-attendance.

Absences which cause concern are those where staff or carers have no indication that the service user:

- Is likely to return within a short space of time

- where the service users location is unknown
- they have yet to speak to or meet the service user
- Reason for absence is unknown and there is cause for concern for the service user because of their care and support needs.

If an adult with care and support needs who is resident within the community is not at home for a planned visit, or does not attend a scheduled outpatient's appointment, the professional will make a judgment based on:

- The adult's normal pattern of behaviour.
- The adult's mental and physical condition.
- Historical and contemporary risk factors.
- Period of time that has elapsed since the adult was last seen.

Where difficulty is experienced in gaining access to the adult and there is cause for concern, further action should be taken:

- in an emergency , dial 999
- a safeguarding concern should be raised via the Adult Help Desk, (01452) 426868

It is recognised that some adults with care and support needs often experience difficulties accessing health services. It is imperative services are readily available and easily accessible to ensure inequality in health provision does not occur.

Staff should follow the revised [Gloucestershire Safeguarding Adults Board Multi Agency Policy and Procedures 2015](#).

Advice can also be sought from the Safeguarding Adults Advice Line if there is any doubt around what action to take (01452) 425109.

**SCIE Guide - [The law and gaining access](#)** to an adult suspected of being at risk of neglect or abuse: a guide for social workers and their managers in England.

Under the Care Act, there is no express legal power of entry or right of unimpeded access to the adult. However, where necessary, local authorities can apply to the courts or seek assistance from the police to gain access in certain circumstances under existing powers.

### **General Police Powers**

The Police and Criminal Evidence Act 1984 includes:

- [Section 17](#) – gives powers to the police to enter and search premises without a warrant for the purpose of saving life or limb.
- [Section 24](#) – allows a police officer to arrest any person who is suspected of having committed an offence. It also allows the police officer to arrest a person about to commit an offence, if they have reasonable grounds, such as it being necessary 'to protect a child or other vulnerable person from the person in question'.

- **Section 44: Places of safety** - Under section 135(1) of the [Mental Health 1983 Act](#), the police can, on the authority of a magistrate, enter premises and remove to a place of safety a person who is thought to have a mental disorder and who has been or is being ill-treated or neglected or, if living alone, is unable to care for himself. [Under section 136 of the 1983 Act](#), the police can remove from a public place to a place of safety a person who appears to have a mental disorder and to need immediate help. In both instances, the person can be detained at the place of safety for up to **24\*hours**. Section 44 amends sections 135 and 136 of the 1983 Act to enable a person detained at a place of safety to be transferred to another one, subject to the overall time limit for detention of **24 hours**. A place of safety for this purpose is defined in section 135(6) of the 1983 Act and includes a hospital, a care home and a police station. **Local areas should have agreements in place regarding designated Places of Safety (see Gloucestershire Multi-agency s136 Policy and Procedure)**

**\* Subject to the implementation of the Policing and Crime Act**

### **Self Neglect**

Consider the following Legal Remedies:

[Sections 9-13 Care Act 2014 and associated Regulations – duty to assess](#). The local authority may be able to help manage self neglect concerns by completing a formal assessment and putting in a care package or higher support to the individual, carer and/or family. We should also consider our duty to promote well-being as set out in section 1 Care Act 2014.

If, through a person's self-neglect, their right, or ability to continue to reside in their accommodation is at risk, then a referral to the relevant housing authority for assistance under any relevant [housing legislation](#) should also be considered.