



Safeguarding guidance notes and procedures for Elected Members

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Safeguarding Adults Guidance for Elected Members

Introduction

Gloucestershire County Council recognises that it plays a vital role in keeping people safe in our county and the council fully understands its roles and responsibilities for the safeguarding of adults with care and support needs.

We know there is genuine commitment from all councillors to do the best they can to keep adults with care and support needs safe from harm. The council is one partner in the multi agency approach to safeguarding, so it is vital that the council works collaboratively with other agencies to achieve this. Councillors equally have an important role to play when they are carrying out their duties.

We know from the high profile cases in the media that at times agencies don't always get it right. However, we hope you find the pages in this guidance document a useful resource in helping us all to safeguard adults with care and support needs in Gloucestershire. Safeguarding is quite rightly everyone's business and this guidance document is designed to help councillors fulfil this role.

General Principles

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

An adult with care and support needs may be:

An older person

A person with a physical disability, a learning difficulty or a sensory impairment

Someone with mental health needs, including dementia or a personality disorder

A person with a long-term health condition

Someone who uses substances or alcohol to the extent that it affects their ability to manage day-to-day living

This is not an exhaustive list. In its definition of who should receive a safeguarding response, the legislation also includes people who are victims of sexual exploitation, domestic abuse and modern slavery. These are all largely criminal matters, however, and safeguarding duties would not be an alternative to police involvement, and would only be applicable at all where a person has care and support needs that mean that they are not able to protect themselves¹.

Elected Members' Responsibilities

All Councillors share a responsibility in relation to safeguarding those adults who are unable to protect themselves from abuse or neglect. As community leaders championing the wellbeing of their constituents, councillors are in a position to raise

¹ Social Care Institute for Excellent (SCIE) definition

awareness of adult safeguarding; they may become aware of individual cases of abuse through their work and have a duty to report it.

There are crucial roles for councillors in examining how safeguarding is experienced by local people, how people are consulted and involved in developing policies and monitoring services, and how they are involved in their own safeguarding plans and procedures.

Growing awareness of the prevalence of abuse makes it necessary for councillors to take action locally to ensure that everyone is made aware of abuse and neglect.

Adult Safeguarding Duties

The adult safeguarding duties under section 42 of the Care Act 2014 apply to an adult, 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.

If these criteria are met, the Local Authority has a duty to make enquiries, or cause them to be made into the abuse or neglect.

Objectives of an Enquiry

The objectives of an enquiry into abuse or neglect are to:

- establish the facts;
- ascertain the adult's views and wishes;
- assess the needs of the adult for protection, support and redress, and how they might be met;
- protect from the abuse and neglect, in accordance with the wishes of the adult;
- make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect;
- enable the adult to achieve resolution and recovery.

Making Safeguarding Personal

In the past, adults have reported that they felt safeguarding was something which was "done to" them rather than with them. In some cases people were not even aware they had been subject to a safeguarding intervention, because no one had told them. The Care Act makes it clear that this should not happen, and that any safeguarding work should be person-centred and focused on what the person wants. The person should be engaged in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. The person's consent should always be sought before reporting a safeguarding concern; however there will be circumstances in which it may be necessary to override the person's wishes, if the risks are very high for example, or if the abuse affects other adults with care and support needs.

Abuse or Neglect

Abuse or neglect may be the result of deliberate intent, negligence or ignorance. Exploitation can be a common theme in the experience of abuse or neglect. Whilst it is acknowledged that abuse or neglect can take different forms, the Care Act guidance identifies the following types of abuse or neglect:

- Physical Abuse;

Physical abuse includes assault, hitting, slapping, pushing, kicking, misuse of medication, being locked in a room, inappropriate sanctions or force-feeding, inappropriate methods of restraint, and unlawfully depriving a person of their liberty.

- Domestic Abuse;

An incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member, regardless of gender or sexuality. This includes psychological, physical, sexual, financial, emotional abuse, so-called 'honour-based' violence, Female Genital Mutilation and forced marriage. The age range is extended down to 16.

- Sexual Abuse;

Sexual abuse including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

- Psychological Abuse;

Psychological abuse includes 'emotional abuse' and takes the form of threats of harm or abandonment, deprivation of contact, humiliation, rejection, blaming, controlling, intimidation, coercion, indifference, harassment, verbal abuse (including shouting or swearing), cyber bullying, isolation or withdrawal from services or support networks.

- Financial or Material Abuse;

This includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

- Modern Slavery;

Forced to work through mental or physical threat; owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse; dehumanised, treated as a commodity or bought and sold as 'property'; physically constrained or has restrictions placed on his or her freedom of movement.

- Discriminatory Abuse;

This includes discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic

or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment.

- Organisational Abuse;

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or where care is provided within a person's own home. This may range from one off incidents to on-going ill- treatment. It can be through neglect or poor professional practice, or as a result of the structure, policies, processes and practices within an organisation.

- Neglect and Acts of Omission;

These include ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

- Self-Neglect.

Self-neglect involves neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It is also defined as the inability (intentional or unintentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and wellbeing of the individual and sometimes to their community.

Exploitation

The risks young people and adults now face, are multi-faceted and constantly changing. This means that in order to effectively support adults at risk, a single agency response is not going to be effective in managing a range of risks.

Many people of all ages may be vulnerable to exploitation and many types of abuse arise from a context of exploitation. Exploitation can come from a number of sources including Gang Activity, County Lines², Cuckooing³, Sexual Exploitation, Missing and Trafficked individuals and Modern Slavery. As with all areas of abuse, consideration must be given by the Local Authority in relation to its legal responsibility, where such concerns are identified. The Care Act Guidance (14.17) states that Local Authorities should not limit their view on what constitutes neglect or abuse where the S42 legal requirement is met.

² The UK Government defines County Lines as:

'a term used to describe gangs and organized 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 vulnerable adults to move and store the drugs and money, and they will often use coercion, intimidation, violence (including sexual violence) and weapons' (County Lines Guidance, Home Office, 2018)

³ Securing bases within the homes of a vulnerable adult for storage or supply of drugs is known as cuckooing.

Safeguarding vs. safeguarding

The word 'safeguarding' can be interpreted in different ways and this can create some confusion, when deciding what course of action to take when meeting a person who needs support. 'Safeguarding' can mean two things; a formal safeguarding response under s42 of the Care Act, or a general response to keep someone safe and to ensure their needs are met.

These two types of safeguarding are sometimes referred to as Safeguarding with a capital 'S' to identify the formal safeguarding response and safeguarding with a small 's' to identify the more general response to keep someone safe.

More information can be found in the following **Safeguarding vs. safeguarding** Guidance on the GSAB website (link below):

<https://www.gloucestershire.gov.uk/media/2113012/safeguarding-vs-safeguarding-guidance-final.pdf>

Reporting Concerns

- Immediate danger – If an adult with care and support needs is in immediate danger then contact the police in the first instance, by calling 999.
- If you suspect that abuse is occurring or a disclosure has occurred, this must be prioritised and reporting to the Gloucestershire County Council's Adult Helpdesk (01452 426868) – see flow chart, Appendix 1.

Allegations of Abuse by Councillors

Suspicious of poor practice that are observed or reported about a councillor should be reported to the Director of Adult Social Services (DASS) who will take appropriate action and notify the Head of Safeguarding Adults.

Appendix 1 - Responding & Reporting

RESPONDING TO A CONCERN (Indicative Timescale – Same Day)

