

CARE ACT 2014

ADULT SAFEGUARDING



FACTSHEET

INTRODUCTION

This briefing note is intended to give organisations an introduction to the main points contained within the adult safeguarding reforms in the Care Act 2014.

More detail is contained within the government's Care and Support Statutory Guidance issued by the Department of Health, October 2014. (The reforms in relation to Adult Safeguarding Boards are covered in a separate briefing).

WHAT IS SAFEGUARDING?

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.

This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

Six key principles underpin all adult safeguarding work:

- **EMPOWERMENT**

"I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens."

- **PREVENTION**

"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."

- **PROPORTIONALITY**

"I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed."

- **PROTECTION**

"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**

"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."

- **ACCOUNTABILITY**

"I understand the role of everyone involved in my life and so do they."

MAKING SAFEGUARDING PERSONAL

Safeguarding should be person-led and focused on the outcome. It should engage the person 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.

MENTAL CAPACITY

People must be assumed to have capacity to make their own decisions and be given all practicable help before anyone treats them as not being able to make their own decisions. Where an adult is found to lack capacity to make a decision then any action taken, or any decision made for, or on their behalf, must be made in their best interests.

WHAT IS ABUSE?

- **PHYSICAL ABUSE** – including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- **DOMESTIC VIOLENCE** – including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.
- **PSYCHOLOGICAL ABUSE** – including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

- **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.
- **FINANCIAL OR MATERIAL ABUSE** – including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **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.
- **DISCRIMINATORY ABUSE** – including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
- **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 as a result of the structure, policies, processes and practices within an organisation.
- **NEGLECT AND ACTS OF OMISSION** – including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
- **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.

Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm.

WHO MIGHT NEED TO BE SAFEGUARDED?

The safeguarding duties apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs and regardless of whether the adult lacks mental capacity or not) 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.

Where someone is 18 or over but is still receiving children's services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements.

However, the level of needs is not relevant, and the young adult does not need to have eligible needs for care and support under the Care Act, or be receiving any particular service from the local authority, in order for the safeguarding duties to apply – so long as the conditions set out in the bullet points above are met.

In prisons and approved premises, prison governors and National Offender Management Service (NOMS) respectively have responsibility for safeguarding adults.

WHAT SHOULD ORGANISATIONS DO?

All organisations must have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals.

Organisations should always promote the adult's wellbeing in their safeguarding arrangements. People have complex lives and being safe is only one of the things they want for themselves. Professionals should work with the adult to establish what being safe means to them and how that can be best achieved.

Local authorities must cooperate with each of their relevant partners, and those partners must also cooperate with the local authority.

Local authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult who meets the safeguarding criteria at paragraph 18 is, or is at risk of, being abused or neglected.

PROCEDURES

Organisations should have procedures in place which may include:

- a statement of purpose relating to promoting wellbeing, preventing harm and responding effectively if concerns are raised;
- a statement of roles and responsibility, authority and accountability sufficiently specific to ensure that all staff and volunteers understand their role and limitations;
- a statement of the procedures for dealing with allegations of abuse, including those for dealing with emergencies by ensuring immediate safety, the processes for initially assessing abuse and neglect and deciding when intervention is appropriate, and the arrangements for reporting to the police, urgently when necessary;
- a full list of points of referral indicating how to access support and advice at all times, whether in normal working hours or outside them, with a comprehensive list of contact addresses and telephone numbers, including relevant national and local voluntary bodies;
- an indication of how to record allegations of abuse and neglect, any enquiry and all subsequent action;
- a list of sources of expert advice;
- a full description of channels of inter-agency communication and procedures for information sharing and for decision making;
- a list of all services which might offer access to support or redress; and how professional disagreements are resolved.

WELL-BEING

Professionals and other staff should not be advocating “safety” measures that do not take account of (and promote individual well-being).

The principle of promoting wellbeing is the driving force behind the legislation.

Wellbeing has a broad definition, including personal dignity, physical mental health, protection from abuse and neglect and control over day to day life, participation in work, education or training. (This principle applies equally to carers and those with care needs).

Each local authority must:

- make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom;
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has ‘substantial difficulty’ in being involved in the process and where there is no other suitable person to represent and support them;
- co-operate with each of its relevant partners in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority.

EVERYBODY’S BUSINESS

Workers across a wide range of organisations need to be vigilant about adult safeguarding concerns in all walks of life including, amongst others in health and social care, welfare, policing, housing, banking, fire and rescue services and trading standards; leisure services, faith groups, and housing. GPs, in particular, are often well-placed to notice changes in an adult that may indicate they are being abused or neglected. Findings from Serious Case Reviews have sometimes stated that if professionals or other staff had acted upon their concerns or sought more information, then death or serious harm might have been prevented.

No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult’s welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.

TO REPORT A SAFEGUARDING CONCERN CALL THE ADULT HELP DESK ON 01452 426868

**FOR MORE INFORMATION ON ADULT SAFEGUARDING VISIT THE SAFEGUARDING
ADULTS BOARD WEB SITE**

<http://www.gloucestershire.gov.uk/gsab>