



# When to refer an adult safeguarding concern in Surrey

Putting in to practice the Local Government Association's "Understanding what constitutes a safeguarding concern and how to support effective outcomes" guidance locally

## What the guidance is about

The [LGA and ADASS guidance](#) on referring adult safeguarding concerns is to help with making decisions about when to make a referral to a local authority's adult social care services about a person with care and support needs who may be experiencing or at risk of abuse or neglect.

There are two things a local authority might need to do for a person with care and support needs who may be experiencing or at risk of abuse or neglect

- assess their care and support needs
- ensure there is an adult safeguarding enquiry

## Assessment of care and support needs where there is an adult safeguarding concern

Section 9 of the Care Act 2014 says

*“Where it appears to a local authority that an adult may have needs for care and support”, the authority must assess*

- *whether the adult does have needs for care and support, and*
- *if the adult does, what those needs are.”*

An assessment can lead to advice about where people can get help and can inform decisions by the local authority about help a person might need to meet their care and support needs. Where a person with care and support needs is at risk of abuse or neglect, Section 11 of the Care Act says the local authority must carry out an assessment of their care and support needs, even if the person does not wish to be assessed.

## Adult Safeguarding Enquiry

Section 42 of the Care Act says the local authority must make sure there is an adult safeguarding enquiry if there is reasonable cause to suspect that an adult

1. has care and support needs.
2. is experiencing, or is at risk of abuse or neglect; and
3. is unable to protect themselves from that abuse or neglect because of their care and support needs.

## What the guidance says

The guidance says that when considering making a referral to the local authority about an adult with care and support needs who is at risk of abuse or neglect, you need not consider test (3) for an adult safeguarding enquiry. What that means in practice is that there is now no difference in the criteria for making a referral for a s9 Care Act assessment or a s42 Care Act adult safeguarding enquiry. Where you are concerned that a person

- is an adult with care and support needs; and
- is experiencing or is at risk of abuse or neglect

you would refer that adult for a safeguarding concern to the local authority, and it is for the local authority to decide

- if it should carry out an assessment under s9 Care Act and if s11(2)(b) Care Act applies
- if the person meets the three s42 Care Act criteria, there needs to be an adult safeguarding enquiry

### **What you need to know when referring an adult safeguarding concern**

When you are making an adult safeguarding referral, you need to have reasonable cause for concern that the person you are referring

- Has care and support needs; and
- Is experiencing, or at risk of, abuse or neglect

Make clear in your referral what leads you to believe each of these.

If you do have information that can help inform a decision whether the person is unable to protect themselves from the abuse and neglect because of their care and support needs please include it, but you do not have to have this in order to refer an adult safeguarding concern.

### **Consent and consultation**

Be guided by your own organisations policy and procedures and by those of the Safeguarding Adults Board on these issues, but things to note are

- If Section 11(2)(b) of the Care Act applies, it means the local authority may need to carry out an assessment even if the person does not consent;
- There may need to be action taken because there is risk to the person's vital interests, or because of a public interest such as the impact on others in the situation;
- Unless there is good reason not to do so, the person should have informed that a referral is being made to the local authority, and there should have been a conversation with them about what outcomes they would want

### **Putting the guidance in to practice in Surrey**

As well as the national LGA / ADASS guidance, in Surrey we also have

- [Surrey Safeguarding Adults Board's Policy and Procedure](#)
- [The ASC Level of Needs framework for Adults](#)

Below is an adaptation of the flowchart from page 7 of the ADASS/ LGA Guidance showing how it is applied in Surrey.

## Deciding if you need to refer an adult safeguarding concern to Surrey County Council

