

Adult 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.

What are the aims of adult safeguarding?

The aims of adult safeguarding are to:

- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
- stop abuse or neglect wherever possible
- safeguard adults in a way that supports them in making choices and having control about how they want to live
- promote an approach that concentrates on improving life for the adults concerned
- raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult
- address what has caused the abuse or neglect

Who needs safeguarding?

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)
- Is experiencing, or at risk of, abuse or neglect
- 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.

The meaning of “care and support needs”

SCIE - 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 misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.*

The Care and Support (Eligibility Criteria) Regulations 2014 - eligible care and support needs:

- *Arises from or is related to a physical or mental impairment or illness;*
- *Results in the adult being unable to achieve two or more of the outcomes specified in the regulations; and*
- *Which has, or is likely to have, a significant impact on the adult’s well-being*

What are “care and support needs?”

The regulations go on to say that care and support needs have an impact on the following outcomes:

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of the home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- Carrying out any caring responsibilities the adult has for a child

This is not an exhaustive list ... There may be times when a person has care and support needs and is unable to protect themselves for a short, temporary period – for example, when they are in hospital under anaesthetic.”

The meaning of “is experiencing, or is at risk of, abuse or neglect”

The position of the Board is:

Unless and until there is case law that clarifies this, there will be uncertainty on this matter and a need for sound professional judgement

The starting point should be that if the tests in s42(1) were met at any point during the period from when the abuse occurred or the risk of it arose to when the decision is being made then the presumption should be that there will be an adult safeguarding enquiry

Factors that would strengthen this presumption might include there being risks to other adults with care and support needs, there being some public interest in the matter leading to an adult safeguarding enquiry, and an adult safeguarding enquiry being likely to promote public confidence in the services involved

Factors that may lead to a reversal of the presumption might include that there were no apparent risks to others, no questions to be addressed about the actions of any agencies involved, or if there was going to be another process that might provide sufficient scrutiny such as a Safeguarding Adults Review, taking account that the aims of an Enquiry and Review are different.

The meaning of “at risk of abuse or neglect”

The position of the Board is that, in applying section 42 of the Care Act in Surrey, “risk” means some clear and present risk. It must be more than simply a theoretical risk.

The meaning of “unable to protect himself or herself”

For the duty to have an adult safeguarding enquiry to apply, the person with care and support needs must be unable to protect himself or herself against the abuse and neglect because of the care and support needs they have.

This requires there to be a causal link between the care and support needs and the inability to protect themselves.

Types of Abuse & Neglect

- Physical abuse – hitting, pushing, inappropriate restraint, misuse of medication
- Domestic violence – psychological, physical, emotional, sexual, financial
- Sexual abuse – indecent exposure, sexual harassment, touching, photography, innuendo
- Psychological abuse – emotional abuse, threats of harm, humiliation, blaming, coercion
- Financial abuse – theft, fraud, scamming, coercion in relation to financial matters, e.g. inheritance
- Modern slavery – slavery, trafficking, forced labour, domestic servitude
- Discriminatory abuse – harassment, slurs, ill-treatment due to protected characteristic
- Organisational abuse – one-off or ongoing incidents in a care setting or in relation to care provided at home
- Neglect & acts of omission – ignoring or failing to provide access - medical, physical, or emotional
- Self-neglect – depends on the persons ability to protect themselves by controlling their own behaviour

Reporting

- 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, banking, fire and rescue services and trading standards; leisure services, faith groups, and housing.
- 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.