

Changes to Safeguarding Adults following Care Act 2014

Briefing for Surrey agencies and service providers

On 1 April 2015 the safeguarding adults' provisions in the Care Act came into effect. This sets out new safeguarding duties. The Care Act statutory guidance was revised in March 2016.

[Care and Support Statutory Guidance](#)

Who is an adult at risk of abuse and neglect who may require safeguarding?

The safeguarding duties apply to an adult (someone 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.

The Care Act says the safeguarding response should enhance the adult's involvement, choice and control, as well as improving their quality of life, wellbeing and safety. This is often called 'Making Safeguarding Personal' i.e. it is a safeguarding response that is personalised to the individual needs of the specific adult.

Safeguarding Adults Enquiries – statutory

A statutory duty under section 42 of the Care Act requires Adult Social Care to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult. The enquiry may lead to a number of outcomes, depending on the circumstances, including to prosecution if abuse or neglect is proven. In other cases, the risk of abuse may be tackled, but the adult may have other care and support needs which require different services and may lead to a needs assessment or review of an existing care and support plan.

Safeguarding Adult Reviews

We have always undertaken reviews in Surrey. These were called Serious Case Reviews. The name has changed to 'Safeguarding Adults Reviews' and now they will be mandatory in all parts of the country. The Executive Summaries are published on the Surrey Safeguarding Adults Board webpages

Independent advocacy

Adult Social Care will arrange for an independent advocate to represent and support a person who is the subject of a Safeguarding Enquiry or a Safeguarding Adult Review, if they need help to understand and take part in the enquiry or review and to express their views, wishes, or feelings.

Supply of information

It is important that organisations share information related to abuse or neglect with Safeguarding Adults Boards. Not doing so could prevent them from being able to tackle problems quickly and learn

lessons to prevent them happening again. The Act is therefore clear that if a Safeguarding Adults Board requests information from an organisation or individual who is likely to have information which is relevant to Safeguarding Adults Board's functions, they must share what they know with the Safeguarding Adults Board. This is so any problems can be tackled quickly, and lessons can be learnt to prevent them happening again in the future.

Who is responsible for adult safeguarding?

Safeguarding is everybody's business. If you have a concern, you must report it. Adult Social Care will then coordinate the appropriate response.

MASH Contact Details

- Availability: **9am to 5pm, Monday to Friday**
- Phone: **0300 470 9100**
- Email: ascmash@surreycc.gov.uk

If you need to send an email securely, please register with the [Egress system](#). You will then be able to use Egress send the message securely to the MASH.

Reporting a concern

In order to prevent a delay in referring a safeguarding concern, referrals should be made by contacting the Multi Agency Safeguarding Hub (MASH)

The 6 Key Principles of Adult Safeguarding

- Empowerment - Presumption of person led decisions and informed consent.
- Protection - Support and representation for those in greatest need.
- Prevention - It is better to take action before harm occurs
- Proportionality – Proportionate and least intrusive response appropriate to the risk presented.
- Partnership - Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- Accountability - Accountability and transparency in delivering safeguarding.

The types of abuse / neglect are set out in the Care Act as:	
Physical abuse	Including assault, hitting, slapping, pushing, misuse of medication, restraint, inappropriate physical sanctions.
Domestic violence	including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.
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	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.
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.

What must be done by all agencies	Paragraph in guidance
To ensure effective safeguarding arrangements 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 and the Safeguarding Adults Board; this could be via an Information Sharing Agreement to formalise the arrangements.	14.43
In order to respond appropriately where abuse or neglect may be taking place, anyone in contact with the adult, whether in a volunteer or paid role, must understand their own role and responsibility and have access to practical and legal guidance, advice and support. This will include understanding local inter-agency policies and procedures.	14.51
Local authorities must cooperate with each of their relevant partners, as described in section 6(7) of the Care Act, and those partners must also cooperate with the local authority, in the exercise of their functions.	14.63
When an employer is aware of abuse or neglect in their organisation, then they are under a duty to correct this and protect the adult from harm as soon as possible and inform the local authority, CQC and CCG where the latter is the commissioner.	14.69
Everyone involved in a safeguarding adults enquiry must focus on improving the adult's well-being and work together to that shared aim.	14.93
It is the responsibility of all staff and members of the public to act on any suspicion or evidence of abuse or neglect and to pass on their concerns to a responsible person or agency.	14.95
Employers must ensure that staff, including volunteers, are trained in recognising the symptoms of abuse or neglect, how to respond and where to go for advice and assistance.	14.102
Employers must also ensure all staff keep accurate records, stating what the facts are and what are the known opinions of professionals and others and differentiating between fact and opinion. It is vital that the views of the adult are sought and recorded.	14.103
Employers who are also providers or commissioners of care and support not only have a duty to the adult, but also a responsibility to take action in relation to the employee when allegations of abuse are made against them.	14.116

When a person's conduct towards an adult may impact on their suitability to work with or continue to work with children, this must be referred to the local authority's designated officer.	14.124
Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made.	14.126
If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service.	14.127
Where an adult has refused to consent to information being disclosed for these purposes, then practitioners must consider whether there is an overriding public interest that would justify information sharing ... and wherever possible, the appropriate Caldicott Guardian should be involved.	14.188
Operational front-line staff are responsible for identifying and responding to allegations of abuse and substandard practice.	14.198
Concerns about abuse or neglect must be reported whatever the source of harm is. It is imperative that poor or neglectful care is brought to the immediate attention of managers and responded to swiftly, including ensuring immediate safety and well-being of the adult.	14.200
The SAB should ensure that relevant partners provide training for staff and volunteers on the policy, procedures and professional practices that are in place locally, which reflects their roles and responsibilities in safeguarding adult arrangements. Employers, student bodies and voluntary organisations should also undertake this, recognising their critical role in preventing and detecting abuse.	14.225

Responsibilities for the Local Authority's Adult Social Care (ASC) Department Please note:	Paragraph in guidance
<ul style="list-style-type: none"> Where the guidance refers to 'Local Authority' it is referring to the upper tier authority with responsibility for ASC there is a duty for partners to co-operate with ASC 	
<p>Adult Social Care must:</p> <ul style="list-style-type: none"> make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect (see para. 14.16 onwards). An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so, by who. set up a Safeguarding Adults Board (SAB) (see para. 14.133 onwards) 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 (see chapter 7 on advocacy) co-operate with each of its relevant partners (as set out in Section 6 of the Care Act) in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority. 	14.10
<p>Assessments of the carer and the adult they care for must include consideration of both their wellbeing...</p> <p>As such, a needs or carer's assessment is an important opportunity to explore the individuals' circumstances Where that is necessary the local authority should make arrangements for providing it.</p>	14.46
The Care Act requires that each local authority must arrange for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review 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 .	14.54

Local authorities must cooperate with each of their relevant partners, as described in section 6(7) of the Care Act, and those partners must also cooperate with the local authority, in the exercise of their functions relevant to care and support including those to protect adults (see also chapter 15 which sets out general responsibilities in relation to cooperation).	14.63
Local authorities must also co-operate with such other agencies or bodies as it considers appropriate in the exercise of its adult safeguarding functions, including (but not limited to) those listed in section 6(3): <ul style="list-style-type: none"> • general practitioners • dentists • pharmacists • NHS hospitals • housing, health and care providers 	14.65
Local authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult who meets the criteria at paragraph 14.2 is, or is at risk of, being abused or neglected.	14.76
If the adult has substantial difficulty in being involved, and where there is no one appropriate to support them, then the local authority must arrange for an independent advocate to represent them for the purpose of facilitating their involvement.	14.80
Local authorities must make enquiries, or cause another agency to do so, whenever abuse or neglect are suspected in relation to an adult and the local authority thinks it necessary to enable it to decide what (if any) action is needed to help and protect the adult	14.93
Although the local authority is the lead agency for making enquiries, it may require others to undertake them.	14.100
The local authority, in its lead and coordinating role, should assure itself that the enquiry satisfies its duty under section 42 to decide what action (if any) is necessary to help and protect the adult and by whom and to ensure that such action is taken when necessary. In this role if the local authority has asked someone else to make enquiries, it is able to challenge the body making the enquiry if it considers that the process and/or outcome is unsatisfactory.	14.100
Where a crime is suspected and referred to the police, then the police must lead the criminal investigations, with the local authority's support where appropriate, for example by providing information and assistance. The local authority has an ongoing duty to promote the wellbeing of the adult in these circumstances.	14.101
Social workers must be able to set out both the civil and criminal justice approaches that are open and other approaches that might help to promote their wellbeing, such as therapeutic or family work, mediation and conflict resolution, peer or circles of support.	14.105
The local authority must determine what further action is necessary. Where the local authority determines that it should itself take further action (e.g. a protection plan), then the authority would be under a duty to do so.	14.107
The MCA is clear that local authorities must presume that an adult has the capacity to make a decision until there is a reason to suspect that capacity is in some way compromised; the adult is best placed to make choices about their wellbeing which may involve taking certain risks.	14.108
It is for the local authority to determine the appropriateness of the outcome of the enquiry	14.110
Local authorities should ensure that their safeguarding information and advice services are clear about the responsibilities of employers, student bodies and voluntary organisations (in relation to Allegations against people in positions of trust)	14.129
Local authorities should ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies (in relation to Allegations against people in positions of trust)	14.130
Each local authority must set up a Safeguarding Adults Board (SAB). 14.133 Local authorities and their relevant partners must collaborate and work together as set out in the co-operation duties in the Care Act 14.137 The lead agency with responsibility for	14.149

coordinating adult safeguarding arrangements is the local authority 14.138 The local authority which establishes the SAB must ensure that between them, all members of the SAB have the requisite skills and experience necessary for the SAB to act effectively and efficiently to safeguard adults in its area	
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List of resources / support on the Care Act available

SSAB

[SSAB Competency Framework and Training Programme](#) is available from the SAB website. Surrey County Council

[Care Act information from SCC](#)

Department of Health

[Department of Health Care Act statutory guidance](#)

[Factsheets](#), including information on changes made in March 2016

[Social Care Institute for Excellence](#) (SCIE)

Checklist for compliance with the Care Act for Service Providers			
	Question	Para reference in the statutory guidance	Yes / No + evidence
1	Does your organisation's policies and practices promote the adult's wellbeing & enhance, involvement, choice and control?	14.8, 14.15 14.73	
2	Does your organisation's policies and practices reflect and embed the 6 key safeguarding principles – Empowerment, Prevention, Proportionality, Protection, Partnership & Accountability?	14.13, 14.66, 14.122, 14.231	
3	Does your organisation have in place arrangements that clearly set out the principles and processes for sharing information?	14.43, 14.67 14.69, 14.72, 14.122	
4	Are all your staff, including volunteers, trained in recognising the symptoms of abuse or neglect, how to respond and where to go for assistance? Are they trained on local, as well as national practice?	14.102, 14.198 14.225	
5	Are all your staff keeping accurate record, including facts, opinions and information on what the adult at risk wants?	14.103, 14.180 – 14.182	
6	Do you have a policy and process in place for assessing any potential risks to adults with care and support needs or to children where an concern has been raised against someone in a position of trust?	14.121 - 14.124	
7	Do you have a lead person for adults safeguarding? If not, have you considered the benefits of having one?	14.138	

Quick Guide for staff / volunteers to responding and reporting		
Responding to an adult who discloses a concern of abuse:		
<ul style="list-style-type: none"> • In an emergency ring 999 • Do ensure the safety of the individual and others if in immediate danger, contact the relevant emergency service e.g. GP. • Do not be judgemental or jump to conclusions • Do listen carefully • Do provide support and information to meet their specific communication needs • Do use open questions • Do tell the adult that they did a good/right thing in telling you • Do tell the adult you are treating the information seriously • Do tell the adult it was not their fault • Do ask the adult what they need to keep themselves safe do not make promises you cannot keep • Do not promise to keep secrets 		<ul style="list-style-type: none"> • Do seek consent of the adult to share the information with your Manager, however lack of consent should not prevent you from reporting your concerns. • Do explain that you have a duty to tell your Manager or other designated person • Do provide support and information to meet their specific communication needs. Do not confront the person alleged to have caused the harm as this could place you at risk, or provide an opportunity to destroy evidence, or intimidate the person alleged to have been harmed or witnesses • Do explain that you will try to take steps to protect them from further abuse or neglect. • Do support and reassure the person. • Do preserve any forensic or other evidence.
Action after the concern of abuse has been recognised: (to be taken as soon as possible or within 4 hours)		
<ul style="list-style-type: none"> • Report concerns to a safeguarding Manager or other designated person. • Record your concerns and how they came to light, any information given by the adult, information about any witnesses, the wishes of the adult, actions taken, who was present at the time, dates and times of incident(s). • Record details of the adult alleged to have caused harm. • Do record any concerns about the adults capacity to make any decisions and the reasons for the concerns. 		<ul style="list-style-type: none"> • Do record whether the adult is aware that the concerns have been reported. • Do record the perspective of the adult. • Do record any previous concerns about the adult. • Do not breach confidentiality for example by telling friends, other work colleagues. • Do use Whistleblowing Procedures if you feel that you will not be believed, taken seriously or believe that your manager may be causing the risks of abuse to the adult.
Ongoing action:		
<ul style="list-style-type: none"> • Ensure that you receive support from your employer/organisation. • You may be required to give evidence to the Police. • You may be required to give evidence in a Coroner's Inquest. • You may be required to be interviewed as part of a disciplinary investigation. 		<ul style="list-style-type: none"> • You may be required to participate in a section 42 safeguarding enquiry. • You may be required to attend safeguarding meetings.
Useful Telephone Numbers:		
MASH: 0300 470 9100		
Police 101 or 999 in an emergency	Care Quality Commission 03000 616161	Whistleblowing Helpline 08000 724725