



Factsheet

Adult Safeguarding

Sadly, in our society there are many vulnerable people who have a need for care and support who may be experiencing, or are at risk of abuse or neglect. This factsheet is designed to explain the role of social care in supporting vulnerable adults and protecting them against the risk of abuse or neglect.

Safeguarding duties

The Care Act 2014 introduced statutory duties and safeguarding responsibilities for Local Authorities. In addition, there is now a clear legal framework which also applies to carers. The Act states that where there is reasonable cause to suspect that an adult:

- has a need for care and support;
- is experiencing, or is at risk of abuse or neglect; and
- as a result of their need for care and support is unable to protect themselves from that abuse and neglect.

The local authority must make (or request others to make) whatever enquiries are necessary to determine the extent to which protective action should be taken and, if so, what and by whom.

Who does it apply to?

The Act applies to all vulnerable people who are at risk of

abuse or neglect. Examples of those who may have care and support needs include:

- An elderly person;
- Someone with a physical disability, learning difficulty or sensory impairment;
- Individuals with mental health issues, including dementia;
- Individuals with long term health needs; or
- Victims of financial abuse.

Multi-agency approach

Multi-agency partnership and working practices are at the heart of all safeguarding principles and necessitate public bodies working together. Examples include:

- Local authorities
- Police
- Health services

- GPs
- Ambulance services
- NHS Accident and Emergency services
- Housing organisations
- Voluntary sector organisations
- Healthwatch

Enquiries

An enquiry must take place if there is reason to believe that abuse or neglect is taking place or is at risk of taking place, and the Local Authority believes that an enquiry is needed to help it decide what action is required to support and protect the person in question.

The purpose of an enquiry is to:

- Establish the facts of the case;
- Seek to ascertain the adult's wishes and views;
- Assess the need for protection and support and determine who's needs may be met;
- Protect from abuse and neglect;
- Make decisions as to what follow up action is needed; and
- Enable the adult to achieve resolution and recovery.

Intervention and support

Any interference by public bodies must be both lawful and necessary. All interventions or decisions made must be the least restrictive, though proportionality issues will always arise. Support and intervention can take many forms and will be recorded in a care plan. It can involve the provision of support, a variety of services, treatment or therapy, and advocacy.

Sharing information

Frequently organisations involved in safeguarding matters will need to share information with others. Often that information may be sensitive or personal. The law does not prevent the sharing of otherwise confidential information where the public interest served outweighs any confidentiality issues (for example, where a crime may have been committed). In such circumstances the consent of the individual to the sharing of otherwise confidential information is not required.

Where a safeguarding issue arises it should be reported to the local authority.

Gaining access

Often where it is believed that an individual may be at risk of abuse or neglect it may be necessary to gain access to their home. This can be difficult where consent is refused.

There are a variety of legal powers which can be used

by public bodies to gain access, which exist to support public bodies in exercising their safeguarding functions.

Deprivation of liberty safeguarding

In certain circumstances adults without mental capacity may need to have their freedom restricted to keep them safe. As this course of conduct is seen as a breach of human rights (right to liberty), it can only be exercised in limited circumstances and in an appropriate case.

Where an individual is receiving care in hospital, at home or in a care home, their local authority can undertake a deprivation of liberty safeguarding assessment and decide whether or not it would be right to authorise a deprivation of liberty. There is a strict procedure to be followed and criteria to be applied. Where it is considered that a deprivation of liberty safeguarding mental assessment has been used inappropriately it can be challenged.

In all other cases an individual cannot be deprived of their liberty or be removed from their home without the authorisation of the Court of Protection unless detention has been authorised under the Mental Health Act.

Office of the Public Guardian (OPG)

Where a power of attorney exists enabling another adult or family member to manage an individual's affairs and it appears that there is evidence of financial abuse or a failure to act in that individual's best interests, the OPG has power to investigate, intervene and take court action as appropriate.

Advocacy

Local authorities have a duty to provide independent advocates to those who would otherwise experience substantial difficulty being involved in care management or safeguarding.

Support

Sometimes legal representation may be needed where it is felt that there has been a failure to act upon reported concerns or an allegation of abuse of process or powers. We have a great deal of expertise in this area and can support you with advice and guidance throughout the process to ensure that your concerns are properly investigated and appropriate measures put in place to rectify matters where appropriate.



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