

Adult Safeguarding Update

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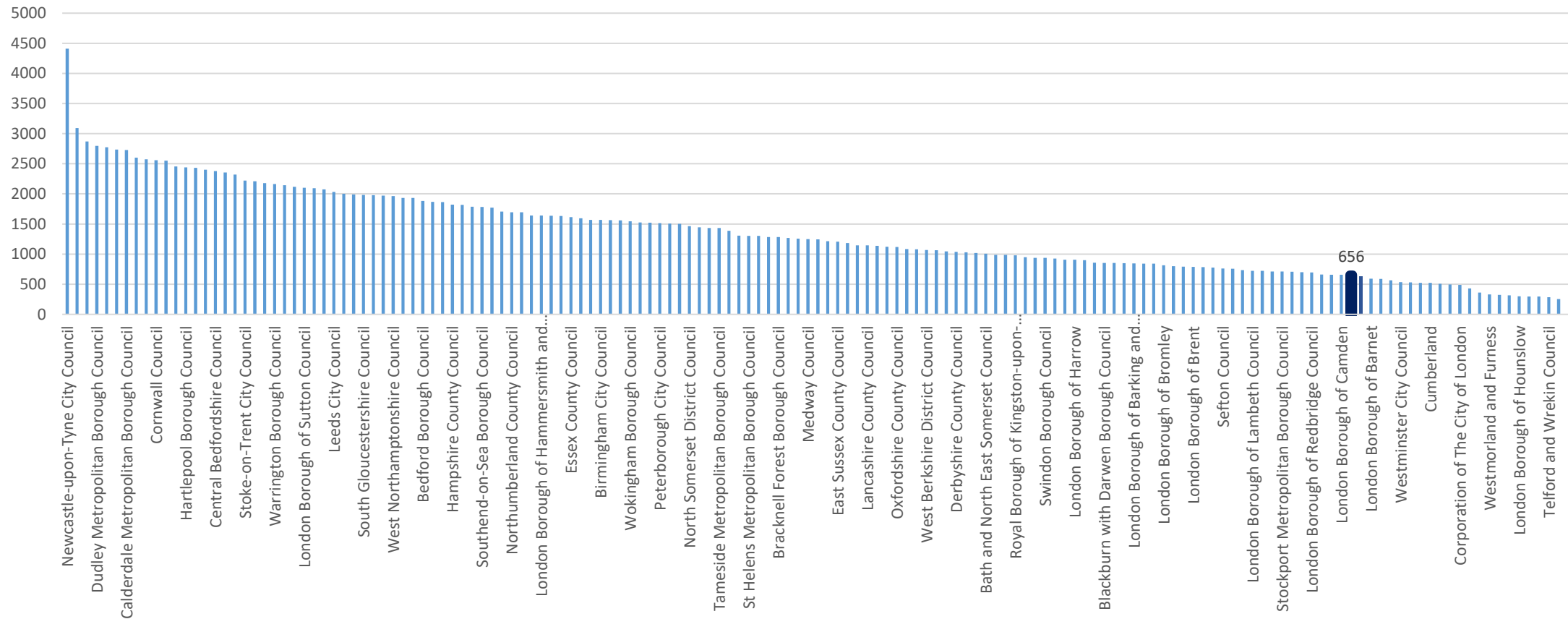
Agenda

- Do we have a problem with adult safeguarding?
- What's the point of adult safeguarding?
- Pointers to good practice

Do we have a problem with adult safeguarding?

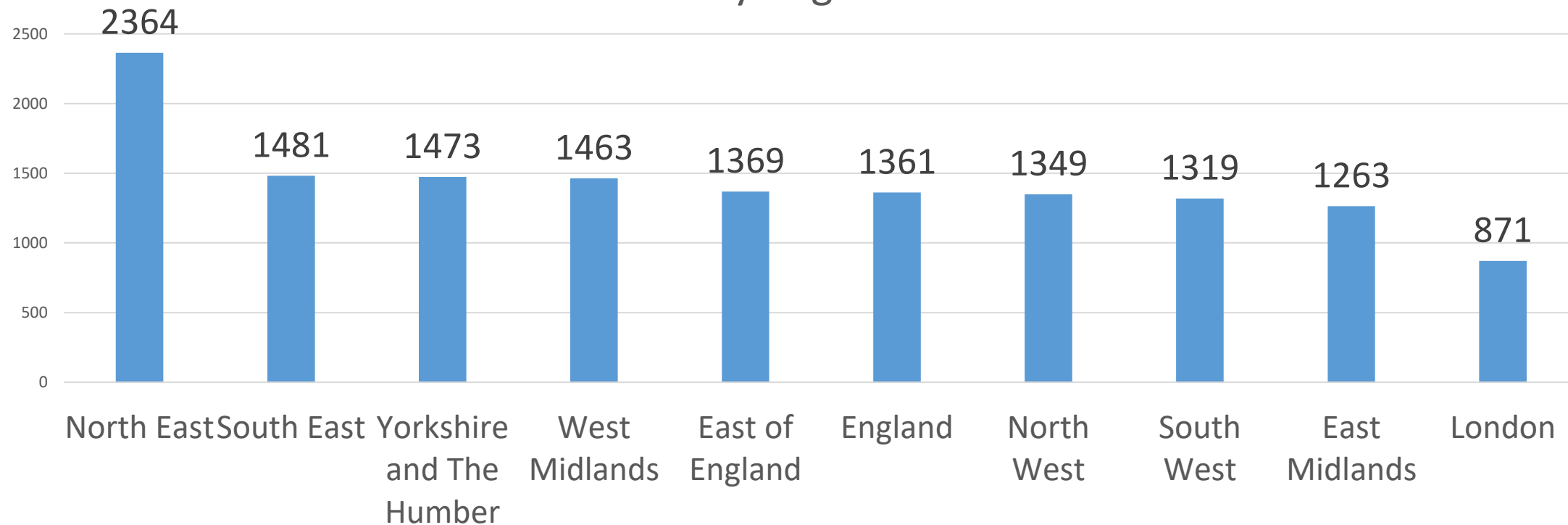
How can we explain what is going on here?

Adult Safeguarding concerns per 100 000
2023/24 - all England local authorities



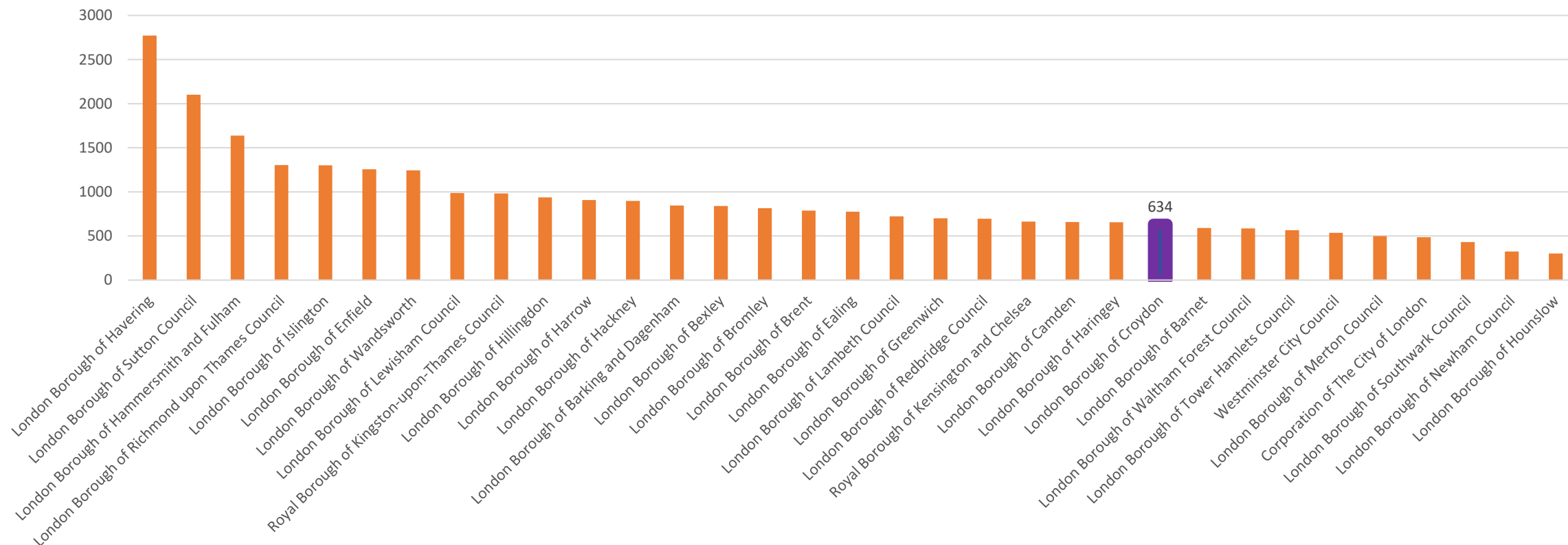
Whatever is going on, London is an outlier

Adult Safeguarding Concern Per 100,000 population 2023/24
By Region



The aggregated data masks big variations across London

Adult Safeguarding concerns per 100 000
2023/24 - London



Two possible explanations

- The levels of abuse and neglect across local authorities in England varies by immense amounts. In some areas, abuse and neglect takes place at 5% the rate in other areas

or

- We are counting different things

Consequences of adult safeguarding practice varying from area-to-area

- We are whistling in the dark when we compare data from one area to another. What is it actually telling us?
- If the data varies so much, does it seem likely that other adult safeguarding practice varies as much?
- How do partners who work with more than one local authority manage if there are significant variations in practice from area to area?
- What are the implications for the safety and wellbeing of adults with care and support needs if there are big variations in practice?

Why this variation exists – a hypothesis

- There was a short implementation period between the Care Act 2014 being published and it coming into force
- That led to a perverse incentive for it to be sold as “just consolidation, no major changes”
- In areas where there were significant changes, like adult safeguarding, the changes were not universally adopted. Practice in some areas is still more like the arrangements under “No Secrets” than the Care Act 2014

“No Secrets” compared to Care Act 2014

“No Secrets” (2000 – 2015)	Care Act 2014 (2015 – onwards)
<p>“A vulnerable adult is a person who is or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation”</p>	<p>“where a local authority has reasonable cause to suspect that an adult in its area</p> <ul style="list-style-type: none">a) has needs for care and supportb) is experiencing, or is at risk of, abuse or neglect, andc) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
<p>“Abuse is a violation of an individual’s human and civil rights by another other person or persons ... Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it”</p>	<p>[then] the local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case”</p>

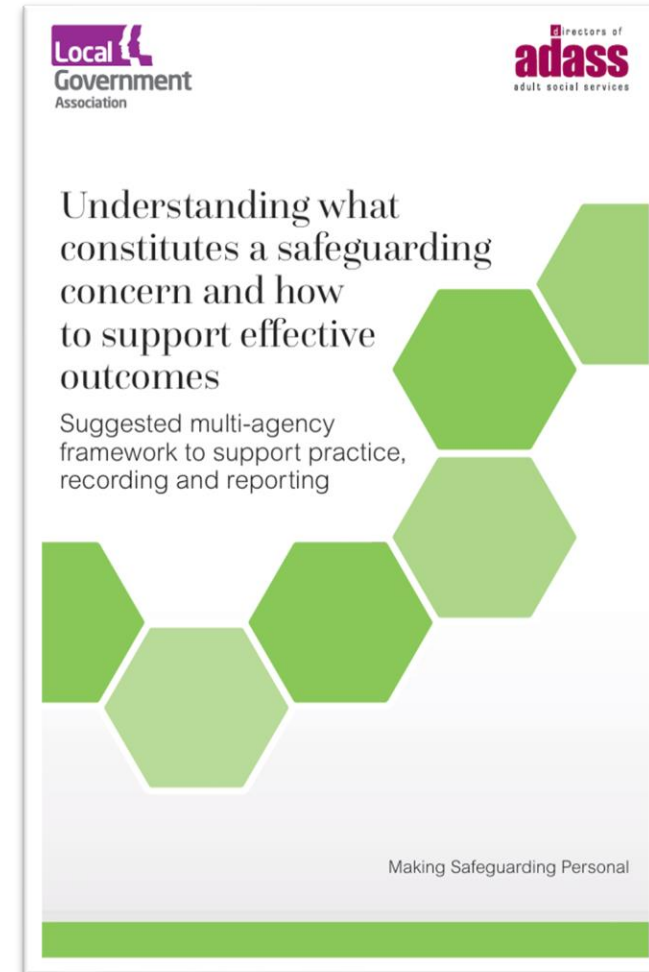
An attempt to drive consistency

Published by ADASS and LGA in September 2020

Tried to promote a consistent approach for referrers of adult safeguarding concerns to understand what is an adult safeguarding concern

There was accompanying guidance for local authorities on making consistent decisions about which adult safeguarding concerns should lead to s42 Care Act adult safeguarding enquiries

Did its message get lost in the midst of COVID?



It's key message


Working out if s42(1)(c) Care Act (“is unable to protect themselves”) is problematic for referrers, as the answer may depend on information you don't have

“This framework suggests therefore that where it appears that criteria a and b of s42(1) are met and the referring worker / organisation believes that the circumstances amount to a safeguarding concern a referral is made to the local authority.”

It's key message

Working out if s42(1)(c) Care Act (“is unable to protect themselves”) is problematic for referrers, as the answer may depend on information you don't have

“This framework suggests therefore that where it appears that criteria a and b of s42(1) are met and the referring worker / organisation believes that the circumstances amount to a safeguarding concern a referral is made to the local authority.”



Criteria A: An adult with care and support needs

Criteria B: They have experienced, or are at risk, of abuse or neglect

What is the point of adult safeguarding?

More problems

- The Care Act and the Care and Support statutory guidance are intentionally not prescriptive about what an adult safeguarding enquiry should involve
- This was intended to allow for a flexible, person-centred response to be decided on case-by-case
- Has it left people unclear what they are meant to do, and contributed to the unhelpful variation in practice?

Buried in the Care and Support statutory guidance

“The objectives of an enquiry into abuse or neglect are to:

- ***establish facts***
- ***ascertain the adult’s views and wishes***
- ***assess the needs of the adult for protection, support and redress and how they might be met***
- ***protect from the abuse and neglect, in accordance with the wishes of the adult;***
- ***make decisions as to what **follow-up action** should be taken with regard to **the person or organisation responsible** for the abuse or neglect***
- ***enable the adult to achieve **resolution and recovery**”***

(Care and Support statutory guidance paragraph 14.94)

This list of objectives can be useful to providers of care and support dealing with adult safeguarding issues in their services

Care and Support statutory guidance 14.68 – 14.70

“It is important that all partners are clear where responsibility lies where abuse or neglect is carried out by employees or in a regulated setting, such as a care home, hospital, or college. The first responsibility to act must be with the employing organisation as provider of the service ... The employer should investigate any concern unless there is compelling reason why it is inappropriate or unsafe to do this.”

This list of objectives can be useful to providers of care and support dealing with adult safeguarding issues in their services

Care and Support statutory guidance 14.68 – 14.70

“Where a local authority has reasonable cause to suspect that an adult may be experiencing or at risk of abuse or neglect, then it is still under a duty to make (or cause to be made) whatever enquiries it thinks necessary to decide what if any action needs to be taken and by whom. The local authority **may well be reassured** by the employer’s response so that **no further action is required**. However, a local authority would have to satisfy itself that an employer’s response **has been sufficient** to deal with the safeguarding issue”

What does this mean in practice?

- If the s42(1) criteria are met, then there must be an adult safeguarding enquiry
- If the service provider can give the local authority assurance that their response has been sufficient, then the enquiry consists of the local authority
 - receiving the referral
 - deciding the s42(1) criteria have been met
 - Satisfying itself that the service provider's response has been sufficient

What does this mean in practice?

- If the s42(1) criteria are met, then the safeguarding enquiry
- If the service provider can give the local authority assurance that their response has been sufficient, the enquiry consists of the local authority
 - receiving the referral
 - deciding the s42(1) criteria
 - Satisfying itself that the service has been sufficient

What counts as “sufficient”?

That the objectives in 14.94 Care and Support statutory guidance have been met:

- establish facts
- ascertain the adult’s views and wishes
- assess the needs of the adult for protection, support and redress and how they might be met
- protect from the abuse and neglect, in accordance with the wishes of the adult;
- make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect
- enable the adult to achieve resolution and recovery

Pointers to good practice

Adult safeguarding work is not special

- The skills and knowledge involved are things you and your organisations do all day every day
- Think about how much of your time is spent doing similar things to these
 - establish facts
 - ascertain the adult's views and wishes
 - assess the needs of the adult for protection, support and redress and how they might be met
 - protect from the abuse and neglect, in accordance with the wishes of the adult
 - make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect
 - enable the adult to achieve resolution and recovery

Equipping yourselves and your organisations for good adult safeguarding work

Think about these three “T”s

- **Training**

- Describe to your staff what the adult safeguarding practice is that you want from them

- **Tell people**

- Tell people using your services and their friends and family now about what you will do if there is an adult safeguarding concern or an enquiry. It's better done now than when an issue has already arisen

- **Take the initiative**

- Be an active partner with your local authority when there is an adult safeguarding issue. If, when you refer an adult safeguarding concern to them, you can demonstrate that you are already on top of responding to the issue you might find that the matter gets more readily resolved

Thank you

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