

The role of district councils in safeguarding adults

Briefing for councillors

Introduction

Safeguarding is everybody's business. Adult abuse can happen to anyone, anywhere, and responsibility for addressing it lies with all of us.

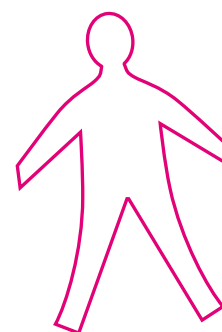
Reports of harm, abuse or exploitation are most frequently associated with children or young people. But increasingly there is public recognition and reporting of adults who have been victims of abuse because their circumstances have made them vulnerable. Recent reports have included accounts of people being abused in hospitals, care homes, supported housing settings, or their own homes. Reports have also highlighted cases where disabled people have been subjected to domestic violence, or targeted as victims of hate crime or sustained antisocial behaviour.

Supporting adults whose circumstances might make them vulnerable is complex. Although similarities are often drawn with arrangements for safeguarding and protecting children and young people, the differences are great. Not just in terms of legal and policy frameworks, but also in terms of approach. Adults have fundamental rights to determine how they want to live their lives. So we need a balance of arrangements that support an individual's right to make choices and be independent (with specialist support when this is needed).

This means making sure that all of us are aware and alert to the difficulties that can be faced by people whose circumstances may

make them vulnerable. We need to ensure that services include disabled and older people, and that we know how to access specialist advice and support if it is needed.

This briefing has been prepared for district councils, and particularly for councillors, to summarise key issues about safeguarding adults, and identify ways to promote and support local safeguarding arrangements. It is a companion guide to *Councillors' Briefing: Safeguarding Adults*, *Adult Safeguarding: Scrutiny Guide* and *The role of district councils in safeguarding children and young people*. Both of these are available on the Local Government Improvement and Development (LG Improvement and Development) website.



LG Improvement and Development has produced this briefing in response to district councils' requests for further information.

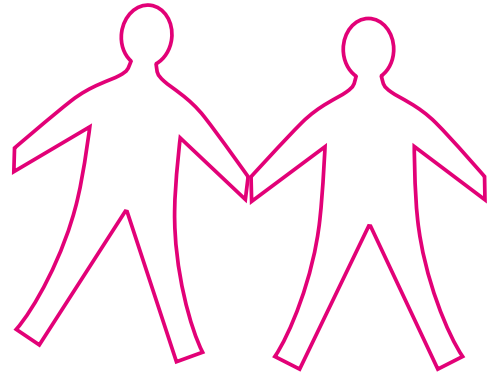
Background

The current safeguarding framework is set out in *No Secrets: the development of multi-agency responses to the abuse of vulnerable adults*, issued as statutory guidance by the Department of Health in 2000.

In October 2008 the government issued a consultation on the review of *No Secrets*. Around 12,000 people took part in the review. In July 2009 a report of the review was issued, highlighting four key messages:

- safeguarding must be built on empowerment so that it doesn't detract from other qualities of life, such as self-determination and the right to family life
- people want help with options, information and support, to retain control and to make their own choices
- any system that is put in place needs to be specific to adults – not an adaptation of systems in place for children.
- it is important that systems can accommodate people who lack capacity.

In January 2010 the government announced its intention to introduce legislation to put Safeguarding Adults Boards on a statutory footing and issue new multi-agency guidance in the autumn.



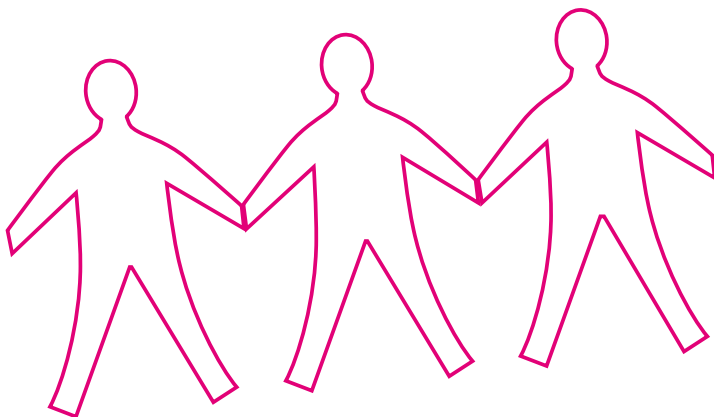
What is safeguarding?

‘Safeguarding’ is a range of activities aimed at upholding adults’ fundamental right to be safe, at the same time as respecting people’s rights to make choices. Safeguarding involves empowerment, protection and justice. This is to help people retain independence, wellbeing and choice, and to experience their right to a life free from abuse and neglect. There are particular arrangements under the Mental Capacity Act for people who lack capacity.

In practice, this may raise dilemmas for people with concerns, or for professionals working with people in vulnerable circumstances. For example, people may choose to tolerate abusive behaviour rather than risk losing friends or family, or decline support to resolve problems, rather than lose independence. Therefore, a key issue is to make sure that people have support and make informed decisions.

The principles for person-centred safeguarding (Julian and Penhale, 2009) are:

- the central focus should be the empowerment and wellbeing of the service user
- at all times, listen to the service user and ensure that their voice is heard
- service users have the right to make choices and decisions themselves. Practitioners are there to support individuals’ decision-making and respect their rights
- Safeguarding processes should be service user-led – not professional-led.



What is abuse?

No Secrets defines abuse as:

“...the violation of an individual’s human and civil rights by any other person or persons”.

(Department of Health, 2000, 2.3)

Abuse can be something that is done, or omitted from being done, to a person. It can be:

- **physical** (eg hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions)
- **sexual** (eg rape and sexual assault, or sexual acts to which the vulnerable adult did not, or could not consent – or had to consent to under pressure)
- **psychological** (eg emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks)
- **financial or material** (eg theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits)
- **neglect and acts of omission** (eg ignoring medical or physical care needs, failing to provide access to appropriate health, social care or educational services, withholding the necessities of life [such as medication, adequate nutrition and heating])
- **discriminatory** (eg racism, sexism or acts based on a person’s disability, age or sexual orientation. It also includes other forms of harassment, slurs or similar treatment such as disability hate crime).

Who is at risk of abuse of harm?

Anyone can be at risk of abuse. However, this briefing is concerned with those people who, because of their circumstances or situation, have been defined as 'vulnerable adults'.

No Secrets defines a 'vulnerable adult' as:

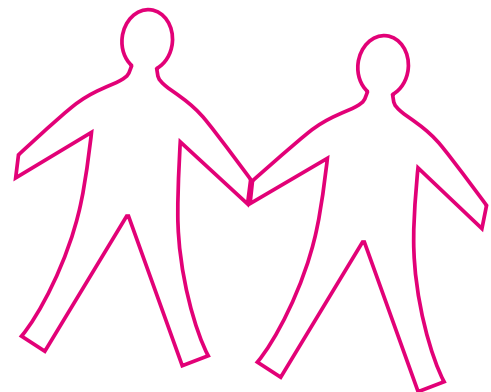
“A person aged 18 or over who is, or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of him or herself, or unable to protect him or herself, against significant harm or exploitation”.

(Department of Health, 2000, 2.3)

There are many difficulties with the language and terminology that surround safeguarding. The terms 'vulnerable' and 'vulnerability' are good examples, not least because housing and criminal justice agencies use the term in slightly different contexts.

Additionally, disability and user-led organisations consider that the term vulnerable is negative and that it attributes 'victim' status to the individual. In this briefing we use the term 'vulnerable adult' because it is the term currently used in legislation and policy guidance.

However, it is worth noting that the vast majority (90 per cent) of respondents to the consultation process for the review of *No Secrets*, requested that the definition of 'vulnerable adult' be revised (DH, 2009).



What is the legal framework?

At present, there is no specific piece of legislation relating to safeguarding adults. This does not mean that there are no powers to act – rather that the legislation is fragmented.

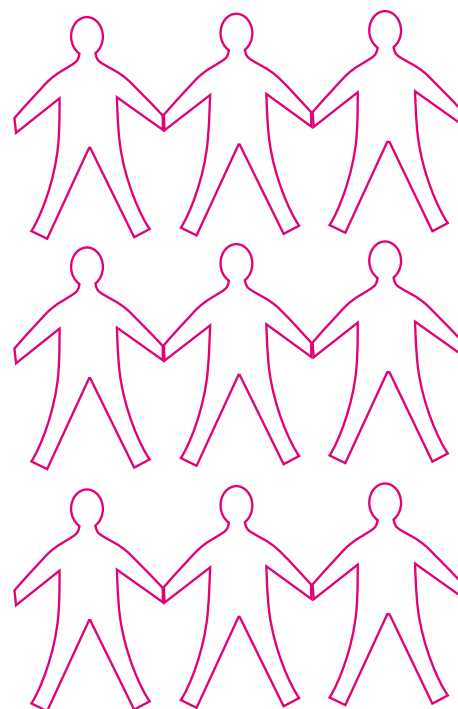
A wide range of legislation, applicable to adults who may be vulnerable, has been developed over a number of years. It includes laws about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights, and mental health and capacity.

The following acts form part of recent specific legislation.

- The Care Standards Act 2000, which sets out a regulatory framework and standards for services people might receive. This applies to regulated services, including care in a care home, domiciliary care and adult placement schemes (now referred to as Shared Lives).
- The Mental Capacity Act 2005 made it an offence to neglect or deliberately ill-treat a person who lacks capacity. It put arrangements in place for advocacy support and best-interest decision-making.
- The Safeguarding Vulnerable Groups Act 2006 created the Independent Safeguarding Authority (ISA), which aims to prevent unsuitable people working with children and vulnerable adults. It includes social care services, as well as health,

education, housing support and supporting people services.

In response to the recent consultation on *No Secrets*, a commitment was given to introduce new legislation that will make it a statutory obligation for every local area to have a Safeguarding Adults Board (SAB). The SAB should be made up of local authorities, the police and the NHS, and should work with all other groups involved in protecting vulnerable adults.



Where does abuse happen? By and to whom?

Harm and abuse can happen in any setting, including:

- a person's home (including a care or nursing home)
- at work
- at college
- in a hospital
- at a day centre
- anywhere else people spend their time in the community (eg leisure centres).

As a result of corporate or institutional failures, harm and abuse may occur in settings offering treatment, care or support. For example, organisational cultures and practices that lack dignity and respect, that ignore diversity, or that do not have effective systems to deal with poor or abusive practice.

People with disabilities may find that they are continually subjected to anti-social behaviour or hate crime – in public places or at home – committed by strangers.

It is important to be aware that although there is a difference between safeguarding children and vulnerable adults, there may be families in every area where both children and vulnerable adults may be experiencing harm.

The four main categories of people who harm or abuse, are:

- paid staff members or support workers
- unpaid family members, partners or carers
- members of the community
- other vulnerable adults.

Each of these will require a different response.

Essential elements of support that everyone can offer, include the following:

- being alert to the circumstances that might make people vulnerable, and to reports or signs that they may be in distress
- championing the needs of vulnerable people in the community and in council services
- including older people and people with disabilities in a range of services and support
- knowing where and how to report support concerns to specialist services.

Who is responsible for safeguarding adults?

In practice, the term ‘safeguarding’ is used for:

- specialist services where harm or abuse has, or is suspected to have occurred
- other activities designed to promote adults’ wellbeing and safeguard their rights.

In its broadest sense, it is everybody’s business: the public, volunteers and professionals. It covers a wide range of activities and actions taken by a large number of people, not least by people in the community.

By ‘safeguarding’ we mean at least four kinds of activity.

Prevention and raising awareness	Ways to improve everyone’s general wellbeing, to help communities ‘look out for each other’, and to help the public (and the full range of professionals and volunteers) know what to do if they think someone may be suffering harm or abuse.
Inclusion	Activities designed to ensure that service and community-safety activity providers know of (and include) ‘vulnerable adults’. Service providers need to identify and support people who are vulnerable to poor life circumstances and outcomes from services.
Personalised benefit and risk management	Specific actions to identify and help people protect themselves when they are suffering – or likely to suffer – harm or abuse. Helping people manage risks and benefits when organising or receiving adult social care services.
Specialist safeguarding services	Specific actions to make sure that people who have (or may have) experienced harm or abuse can protect themselves, or be involved in decisions about their safeguarding. This will include specific actions to make sure that people who lack capacity are supported through advocates and processes, so that their best interests are pursued. It also ensures that justice is facilitated when ‘vulnerable adults’ are the victims of crime.

No Secrets requires council social services departments to take the role of lead agency when developing and implementing multi-agency policies, procedures and codes of practice. This is to ensure an effective response to safeguarding issues.

However, key organisations involved more broadly in supporting community health and wellbeing, have particular roles to play.

For district councils, this will include people working in:

- housing
- benefits
- environmental health
- alarm call
- support or personal services funded through Supporting People
- leisure services
- licensing
- key local initiatives such as community safety (including domestic violence and abuse, hate crime and anti-social behaviour work).

No Secrets states that the responsibility for identifying, investigating and responding to allegations of abuse lies with operational staff. Arrangements are required to ensure that all agencies share a common understanding of what abuse is and what the initial response should be.

Adult social care is likely to take the lead agency role. However, many agencies will need to be involved in investigative or preventative work, and police or health practitioners may take the lead for investigation and assessment.

Therefore, a key challenge is to make sure that everyone involved is clear about the existing local arrangements, and what their and other organisations' responsibilities are. To make sure this happens, most areas now have safeguarding adults boards (SABs), often with an independent chair.

Agencies and services that might be involved in adult safeguarding work, include:

- **local authority departments** (eg adult social care, children's services and education, housing, supporting people, trading standards, leisure and community services)
- **health** (eg acute care trusts, primary care trusts, mental health trusts, GPs)
- **support services** (eg advocacy, friends and family, religious and faith communities)
- **providers** (eg private sector, voluntary sector, social enterprise)
- **regulators** (eg Care Quality Commission, Health and Safety Executive, Independent Safeguarding Authority)
- **housing providers** (eg registered social landlords, supported housing, sheltered housing, extra-care housing)
- **police and crime prevention** (eg community safety partnerships).

The *No Secrets* guidance requires council social services departments to take the lead in the development of multi-agency policy and practice. Safeguarding adults partnerships – with a clear relationship to other local partnerships (such as the LSP and CSP) – can coordinate safeguarding activity at a number of different levels.

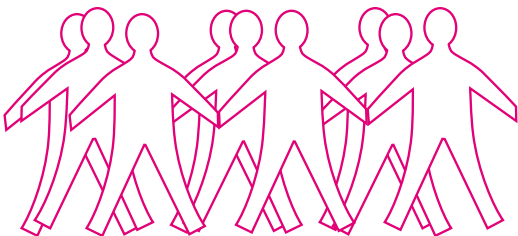


‘Must know’ key questions for district councillors

1. Do you and your fellow councillors understand your responsibilities for safeguarding vulnerable adults?
2. Does the corporate strategy identify the council’s role in safeguarding vulnerable adults and what priority this is given?
3. Do you and your fellow councillors know:
 - who takes the lead for adult safeguarding in your area?
 - how the multi-agency framework operates?
 - who the partners are?
4. What arrangements are there for regular contact between the council and the lead authority?
5. What does the council contribute to the partnership, and how is this monitored and reported?
6. Does the council formally consider the annual report of the safeguarding adults board, and does this identify issues for your council area?
7. Who is the lead officer for adult safeguarding within your council? Is there a lead member?
8. Does the council have adult safeguarding procedures in place, and do people working for the council know how these apply to their roles/ responsibilities? Do people know how to report concerns?
9. Do members of the public in your authority know what adult abuse is and what to do if they have concerns about it? How and where do you advertise who to contact with concerns? Are specialist advocacy services available for advice and support if needed?
10. How does adult safeguarding link to other agendas in your authority? Are there clear links to other systems such as domestic violence, child protection, victim support, community safety and cohesion? Are there links to the council’s equalities strategy?
11. What training is there for staff who work with vulnerable adults, either from the council or provider organisations? Is there training for councillors?
12. Do you know what vulnerable adults think of the local safeguarding service? Are their views taken into account when the service is developed?
13. Are certain groups of service users heavily represented in the alerts your safeguarding partnership receives? Are certain groups of service users rarely seen in the alerts received? Is this information acted on?

Suggested next steps

1. The council's executive appoints a portfolio holder to lead and oversee the council's safeguarding work. This role should also be reflected in the council's scrutiny arrangements.
2. An officer of the council's management team is identified as lead officer for the council.
3. Corporate strategy and action plans are developed to identify the council's key adult safeguarding issues, and how these might be addressed.
4. Costs and resources are identified in relation to training needs of members and key staff.
5. Clear protocols with the lead authority and partner organisations are in place to include referral pathways, monitoring and review arrangements.



Further information

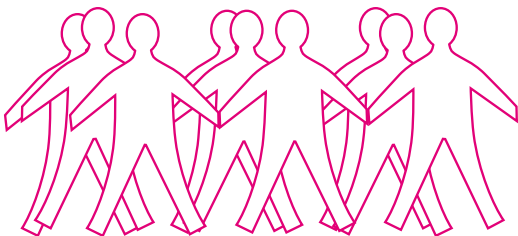
Local Government Improvement and Development
www.local.gov.uk/improvementanddevelopment

The Association of Directors of Adult Social Services (ADASS)
www.adass.org.uk

The Social Care Institute for Excellence
www.scie.org.uk

research in practice *for adults* (ripfa)
www.ripfa.org.uk

Department of Health
www.dh.gov.uk



References and additional reading

ADASS (2007) *Safeguarding Standards*

CSCI (2008) *Safeguarding Adults: a study of the effectiveness of arrangements to safeguard adults from abuse*, London: CSCI

Department of Health (2009) *Safeguarding Adults: a report on the consultation on the review of No Secrets*, London: Department of Health

Department of Health (2008) *Safeguarding Adults: a consultation on the review of No Secrets*, London: Department of Health

Department of Health (2000) *No Secrets: the development of multi-agency responses to the abuse of vulnerable adults*, London: The Stationery Office

Department of Health (2006) *Best Practice Guidance on the Role of the Director of Adult Social Services*, London: Department of Health

Department of Health (2010) *Clinical Governance and Adult Safeguarding: An integrated Approach*, London: Department of Health

Duffy S and Gillespie J (2009) *Personalisation and Safeguarding: a discussion paper*, London: In Control

Hague G, Thiara RK, Magowan P and Mullender A (2008) *Making the Links: Disabled Women and Domestic Violence*, Bristol: Women's Aid Federation of England

Healthcare Commission (2007a) *Investigation into the service for people with learning disabilities provided by Sutton and Merton Primary Care Trust*, London: Healthcare Commission

IBSEN (2008) *Evaluation of the Individual Budgets Pilot Programme*, York: SPRU

LG Improvement and Development *Briefing for Councillors on Adult Safeguarding* (2009)

Julian G and Penhale B (2009) *Safety Matters: developing practice in safeguarding adults*, Dartington: research in practice for adults

Law Commission (2008) *Adult Social Care Scoping Report*, London: Law Commission

Law Commission (2010) *Adult Social Care: A Consultation Paper*, London: Law Commission

Local Government Improvement and Development

Layden House

76–86 Turnmill Street

London EC1M 5LG

Telephone 020 7664 3000

Facsimile 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk



The Local Government Group is made up of six organisations which support, promote and improve local government.



© Local Government Improvement and Development,
August 2010

For a copy in Braille, Welsh, larger print or audio,
please contact us on 020 7664 3000.

We consider requests on an individual basis.