

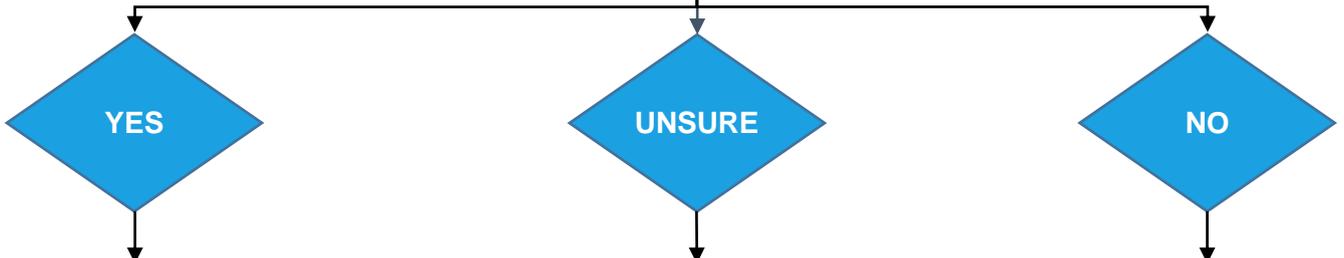
Deciding if You Need to Raise a Safeguarding Concern

pushing
bullying pinching
withholding food & drink coercion intimidation
hitting isolating
restraint emotional abuse
misusing medication shaking
scalding teasing sexual abuse
leaving on own blaming
stealing money or benefits neglect
leaving on own ignoring needs

Deciding if You Need to Raise a Safeguarding Concern

Are you concerned that an adult is at risk of or is experiencing abuse or neglect?
 What types of abuse or neglect are you concerned about?
 Have you had a conversation with the adult about the concerns?
 Have you sought the views and wishes of the adult? *
 Are there any immediate risks to the adult or to others including children?
 Have you discussed and agreed next steps with the adult? *
 Have you provided advice, information or signposted the adult?

a) Does the adult have needs for care and support (whether the authority is meeting any of those needs) and b) Is the adult experiencing, or at risk of, abuse or neglect? Section 42(1) (a) & (b) Care Act 2014



If you have reasonable cause to suspect that the adult meets the criteria (a) and (b) have you discussed with the adult about raising a safeguarding concern? Does the adult wish to raise their own concerns? Do they need support to do this?

Who else can you talk to within your organisation? Can you seek advice from others outside of your organisation or consider seeking advice from the local authority? If the outcomes of these discussions give you reasonable cause to suspect s42(1) (a) & (b) ? raise a safeguarding concern to the local authority/MASH.

If the concerns are not (a) and (b) what further support, advice, information or signposting can you offer the adult?

Does the adult want a safeguarding concern to be raised?

If you have enough reasonable cause to suspect (b) but you are still unsure about (a), raise an adult safeguarding concern. The local authority information gathering responses, under s42(1) will help to make a decision.

YES
Raise a safeguarding concern

NO

YES
Raise a safeguarding concern

HOWEVER raising a safeguarding concern may be justified e.g. where there is a vital risk to the person or others, where there is a public interest consideration or issue, or where a best interest decision needs to be made (where the adult lacks capacity to make the decision). Then proceed with raising a safeguarding concern. Record rationale for decision making.

* There may be circumstances where the safety of the adult or yourself prevent this from happening. If you still have concerns about abuse or neglect and it is not possible or within the scope of your role to have a conversation with the adult, then if in doubt continue with the process and raise a safeguarding concern.

Who does the Safeguarding Duty apply to?

The safeguarding duty applies where there is reasonable cause to suspect that an adult in its area:

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 needs is unable to protect themselves against the abuse or neglect or the risk of it.

Section 42(1) Care Act 2014

Reasonable cause

The Local Government Association and Association of Directors of Adults Social Services in its framework - Making decisions on the duty to carry out Safeguarding Adults enquiries states:

“‘reasonable cause’ is, whether this would be (in the context of the Human Rights Act, 1998) a lawful interference in someone’s private life. This would include questioning what it is about the presentation and the context that supports a view that this individual (or other individuals) is at risk.”

In its area

The Local Authority’s duty under the Care Act only apply within their own boundaries. Therefore the abuse must have occurred within Solihull MBC boundaries.

Aged over 18 years of age.

An adult aged 18 years of age or above

There can be times when children’s services are still involved with the adult, but the duty to safeguard them is the responsibility of adult services.

Needs for Care and Support

Care and support is the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers. The Care Act 2014 identifies 10 areas of potential need. They are the need to -

- Manage and maintain nutrition;
- Maintain personal hygiene;
- Manage toilet needs;
- Being appropriately clothed;
- Be able to make use of their home safely;
- Maintain a habitable home environment;
- Develop/maintain family and other personal relationships;
- Access/engage in work, training, education or volunteering;

- Make use of community services;
- Carry out caring responsibilities for a child.

Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, home care, personal assistants, day services, or the provision of aids and adaptations. An individual may be having their care and support needs met:

- through Adult Care and Support;
- through Children's Services (e.g. a 0-25 team or education services);
- by the NHS (e.g. in a hospital or through NHS Continuing Healthcare); and/or
- by a carer.

However an individual may have need for care and support which are not being met by any of the above.

Based on the information available, if there is an appearance the adult may have needs for Care and Support in any of the above areas, then the criteria "has needs for care and support" should be considered as met.

The adult is experiencing, or at risk of experiencing abuse or neglect – what constitutes abuse and neglect?

Defining abuse or neglect is complex and rests on many factors. The term "abuse" can be subject to wide interpretation. It may be physical, verbal or psychological, it may be an act of neglect, or occur where a person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot consent.

Patterns of abuse vary and include:

- serial abusing in which the perpetrator seeks out and 'grooms' individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse;
- long-term abuse in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse; or
- opportunistic abuse such as theft occurring because money or jewellery has been left lying around.

Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns it is important that information is recorded and appropriately shared.

Abuse or neglect may be the result of deliberate intent, negligence or ignorance. Exploitation can be a common theme in the experience of abuse or neglect. Whilst it is acknowledged that abuse or neglect, can take different forms the Care Act Statutory guidance sets out 10 specific types of abuse and neglect as:

- Physical abuse,
- Domestic abuse,
- Sexual abuse,
- Psychological abuse,
- Financial or material abuse,
- Modern slavery,
- Discriminatory abuse,
- Organisational abuse,
- Neglect and acts of omission and
- Self-neglect.

To help to determine the level of harm please use [Solihull's Harm Descriptors](#)

As a result of care and support needs, the adult is unable to protect themselves against the abuse or neglect

An individual may not be able to protect themselves against the abuse and neglect because:

- they do not have the skills, means or opportunity to self-protect,
- they may have disabilities which impair their capacity to make decisions about protecting themselves or need support to enact decisions,
- they live in a group setting where they lack control over the way they are treated or the environment; there is a power imbalance,
- they may not understand an intention to harm them,
- they may be trapped in a domestic situation which they are unable to leave or where coercion and control means they cannot make a decision about making change,
- their resilience and resourcefulness to protect themselves from harm is eroded by for example, coercive control and/or a high risk environment.

However there will be incidents where an individual is able to protect themselves from abuse BUT a safeguarding concern must be made if there is:

- an aspect of substantial public interest - e.g. not acting will put other adults or children at risk, or
- there is a duty of care on a particular agency to intervene - e.g. the police if a crime has been or may be committed.

Should a safeguarding concern be raised where the adult with care and support needs is also a source of harm to others?

Raising a safeguarding concern should be consider in this situation, so that the risk of neglect due to fear can be considered. It will also enable additional support to be considered and may prompt a review.