



Safeguarding Adults and the Care Act 2014

Brief Update by Jane Whittington- Safeguarding Adult Lead

The Care Act (DH 2014) and associated statutory guidance are to be implemented on 1st April 2015.

The introduction of the Care Act 2014 signals the largest change in legislation across the adult sector in over 60 years. It is clear within the Act that safeguarding must start and continue with the person at the centre of all action by seeking to fully involve and engage them in voicing the outcomes they wish to achieve to maintain or improve their feelings of safety and wellbeing. The Care Act dictates that people should not undergo a 'process' but lead the intervention and agree the direction towards resolution.

Main Changes to Note

The Care Act does not give a definition of a "vulnerable adult" but instead states that safeguarding duties apply to an adult who

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing or is 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.

Categories of abuse

The Categories of abuse has extended from 7 to 10. The 3 new categories being domestic violence, modern slavery, self-neglect. Below is not an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern. The new SET guidance when published will give further guidance.

Physical Abuse – including assault, hitting, slapping, pushing, misuse of medication, restraint or 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.

The Care Act also requires that each local authority must:

- Make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so by whom
- Set up a Safeguarding Adults Board (SAB). As you are aware Essex already has an established Safeguarding Adults Board
- 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
- Co-operate with each of its statutory partners in order to protect the adult. In their turn each relevant partner must also co-operate with their local authority

This is a brief update and the Southend, Essex and Thurrock (SET) safeguarding adults guidelines are in the process of being updated to reflect all the changes and will be available soon via the Essex Safeguarding adults board.

Further reading and guidance can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf



Factsheet_7_-_Safe
guarding.pdf