

Safeguarding Vulnerable Adults

A quick guide for trading standards staff on safeguarding vulnerable adults

What is safeguarding?

Safeguarding is working with adults with care and support needs to keep them safe from abuse or neglect.

What is the Local authority duty?

If a Local Authority suspects an adult is at risk, they must make, or cause to be made, whatever enquiries necessary to enable them to decide whether any action should be taken and, if so, what and by whom.

Look at: Section 42(2), Care Act 2014

Such enquiries may lead to a number of outcomes, including prosecution. In other cases, a needs assessment or review of an existing care and support plan may be required. This will be dependent on the circumstances of each case and each individual.

Who is an adult at risk?

An “adult at risk” is:

- i) an adult who has needs for care and support,
- ii) is experiencing, or is at risk of, abuse or neglect, and
- iii) as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Look at: Section 42(1), Care Act 2014

Vulnerability to risk:

Vulnerabilities leading to an adult being at risk can take many varied forms. The vulnerability may be permanent or temporary. A person may be vulnerable due to their personal circumstances (for example having a mental health illness or cognitive impairment) or they may be vulnerable due to the circumstances they are in at the time of the incident (for example a person who has been bereaved and is grieving, or a person who is experiencing loneliness and isolation).

The following factors may contribute to an adult being vulnerable to risk:

- Family Circumstances (for example bereavement or isolation);
- Personal Circumstances (for example drug/alcohol misuse, frailty due to age);
- Intimidation (fear or distress)

- Health & Disability (for example learning disabilities or cognitive impairment);
- Equality and Diversity factors (for example the nine protected characteristics including age and disability);
- Economic Circumstances (for example financial detriment due to low income / dependency on benefits)
- Repeat Victimisation

Remember, just because someone is old and frail or has a disability, it does not mean they are inevitably an “adult at risk”. If they are able to make and exercise their own informed choices, free from duress, pressure and undue influence of any sort, and are able to protect themselves from abuse, neglect and exploitation; they may not be at risk. A person with the mental capacity to make their own decisions can also be at risk.

If there have been failures in safeguarding the Board must arrange a Safeguarding Adults Review (SAR) in serious cases (formally known as a Serious Case Review). This review examines the actions or inactions of the authorities involved, to determine what went wrong so all organisations can improve.

Forms of abuse or neglect:

There are eight key forms of abuse and neglect.

1. Financial abuse including -

- i) having money or other property stolen
- ii) being defrauded
- iii) being put under pressure in relation to money or other property, and
- iv) having money or other property misused.

Look at: *Section 42(3), Care Act 2014*

2. Physical -

Including hitting, slapping, pushing, kicking, the misuse of medication, restraint, or inappropriate sanctions.

3. Psychological -

Including emotional abuse, threats of harm or abandonment, forced marriage, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

4. Sexual -

Including rape and sexual assault or sexual acts to which the vulnerable adult has not consented, or could not consent or was pressured into consenting to.

5. Neglect or acts of omission -

Including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

6. Discriminatory -

Including racist, sexist, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

7. Organisational abuse -

Can be different from other forms because it is about who abuses and how that abuse comes about. Organisational abuse can take any of the other forms.

8. ICT Abuse -

Involves risks to personal safety and wellbeing via the use of fixed and mobile devices such as PCs, laptops and mobile phones.

The Care Act 2014:

As well as defining “adults at risk” and placing the duty on local authorities to act, the Act also sets out a clear legal framework for how local authorities and others in the health and care system should work together to protect adults at risk of abuse or neglect. This is the first time there has been a legal framework for safeguarding adults, although many partners have worked together in the past.

Key messages:

The care and support statutory guidance enshrines the six principles of safeguarding.

- 1) empowerment - presumption of person led decisions and informed consent.
- 2) prevention - it is better to take action before harm occurs.
- 3) proportionality - proportionate and least intrusive response appropriate to the risk presented.
- 4) protection - support and representation for those in greatest need.
- 5) partnerships - local solutions through services working with their communities.
- 6) accountability - accountability and transparency in delivering safeguarding.

Safeguarding Adult Boards:

The Care Act now requires local authorities to set up a Safeguarding Adults Board. This must include the local authority, the NHS and the police.

The Board should meet regularly to discuss and act upon local safeguarding issues.

They should also develop shared plans for safeguarding and how best to protect adults in vulnerable situations. The plan must be published and annual reports should be published on progress.

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The Board can request information from any organisation or individual regarding their involvement with an individual and the information must be shared with the Board.

Find out who is involved in your local board and when they meet.

Scottish Government Guidance:

Though the types of harm a vulnerable consumer experience are the same as England and Wales, there are significant differences in laws, procedures and terminology for Scottish Local Authorities.

The primary legislation in Scotland is The Adult Support and Protection (Scotland) Act 2007.

In Scotland there is a legal duty on all public servants (e.g. Trading Standards staff), if they suspect that an adult may be at risk of harm (including financial harm, e.g. scams or doorstep crime) they MUST refer their concerns to the local Adult Protection Officer (APO).

You do not have to show that someone is experiencing harm merely that they are at risk of harm. The duty is then on the APO to undertake inquiries on behalf of the local authority. There is an APO in every local authority and all Scottish Trading Standards staff should ensure they know how to make an Adult Protection referral within their authority. Trading Standards staff can be asked to sit on Adult Protection case conferences.

There is a multi-agency Adult Protection Committee in every Scottish local authority who oversee adult protection issues, the local trading standards service should be formerly linked into the committee.

Where inquiries are made by a APO, there is a duty on all public servants, Police, NHS or Trading Standards to assist. An Adult Protection Officer has powers to request information (a section 10 notice) from non public bodies (e.g. financial institutions) organisations. If an adult meets "the three point test" (see further information), then the APO can seek court orders to protect them. Such orders could complement trading standards enforcement actions by protecting the vulnerable individual.

Further information and guidance:

[The Adult Support and Protection \(Scotland\) Act 2007](#)

<http://www.dumgal.gov.uk/CHttpHandler.ashx?id=11104&p=0>

<http://www.gov.scot/Topics/Health/Support-Social-Care/Adult-Support-Protection>

Forthcoming research

CTSI are currently planning to carry out some research investigating how scams impact on individuals and how this translates over into loss of independence and ultimately care costs.

We have proposed the research question:

Early intervention with scam victims allow them to remain independent and living in their own homes longer than victims who received later intervention.

It is hoped that the data from this could be valued against estimates of care costs to show how trading standards led early interventions to halt scams are potentially saving not only individuals from detriment but also local authorities from excess spending.

Quick tips and useful information:

- You should make contact with your Adult Social Care Duty Team (Adult Protection Officer for Scotland);
- Create links for multi agency partnership working;
- Check your local authority safeguarding policies; and
- Find out about and make contact with your local authority Safeguarding Adult Board.

Any concerns involving children, contact the Child Social Care Duty Team.

Adult Social Care Duty Team Number:

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Child Social Care Duty Team Number:

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Multi Agency Partnership details:

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Where safeguarding policies can be found:

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