

# Care Act Bulletin

Edition 14

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Welcome to the fourteenth edition of the Care Act Bulletin. This is a series of Bulletins which have been produced to provide an outline of the key elements in the Care Act, to prompt thinking about how these changes may impact on your organisation and what opportunities it may bring. Each bulletin will cover a chapter in the Care Act Guidance issued by the Department of Health. Links to the guidance and relevant fact sheets are detailed at the end of the bulletin.

## SAFEGUARDING

The Care Act, for the first time, sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect.

“Adult safeguarding” is working with adults with care and support needs to keep them safe from abuse or neglect. It is an important part of what many public services do, and a key responsibility of local authorities. Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. In these cases, local services must work together to spot those at risk and take steps to protect them.

The Act creates a legal framework so key organisations and individuals with responsibilities for adult safeguarding can agree on how they must work together and what roles they must play to keep adults at risk safe.

The Act sets out six key principles which underpin all adult safeguarding work. They are:

- **Empowerment** – people being supported and encouraged to make their own decisions and informed consent;
- **Prevention** – it is better to take action before harms occurs;
- **Proportionality** – the least intrusive response appropriate to the risk presented;
- **Protection** – support and representation for those in greatest need;
- **Partnership** – local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse;
- **Accountability** – Accountability and transparency in delivering safeguarding.

### What does the Act do?

#### Safeguarding enquiries by local authorities

The Act requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out

what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult.

The enquiry may lead to a number of outcomes, depending on the circumstances, including to prosecution if abuse or neglect is proven. In other cases, the risk of abuse may be tackled, but the adult may have other care and support needs which require different services, and may lead to a needs assessment or review of an existing care and support plan.

The Act signals a major change in practice – a move towards a person-centred social work approach which achieves the outcomes people want, that is Making Safeguarding Personal. The six principles of safeguarding are key to this. Practitioners must take a flexible approach and work with the adult through the enquiry and beyond where necessary. The Act makes it clear that safeguarding can only be achieved by working together with the Police, NHS and other key organisations as well as awareness of the wider public.

### **Independent advocacy**

The local authority will arrange for an independent advocate to represent and support a person who is the subject of a Safeguarding Enquiry or a Safeguarding Adult Review, if they need help to understand and take part in the enquiry or review and to express their views, wishes, or feelings.

### **Safeguarding Adults Boards**

Safeguarding is everyone's business, and it is important that organisations work together to protect people who need help and support. That's why the Act requires local authorities to set up a Safeguarding Adults Board (SAB) in their area, giving these boards a clear basis in law for the first time.

The Act says that the SAB must:

- include the local authority, the NHS and the police, who should meet regularly to discuss and act upon local safeguarding issues;
- develop shared plans for safeguarding, working with local people to decide how best to protect adults in vulnerable situations;
- publish this safeguarding plan and report to the public annually on its progress, so that different organisations can make sure they are working together in the best way.
- arrange a Safeguarding Adults Review in some circumstances (previously known as Serious Case Reviews) – for instance, if an adult with care and support needs dies as a result of abuse or neglect and there is concern about how one of the members of the SAB acted. The Reviews are about learning lessons for the future.

### **Supply of information**

It is important that organisations share information related to abuse or neglect with SABs. Not doing so could prevent them from being able to tackle problems quickly and learn lessons to prevent them happening again.

The Act is therefore clear that if a SAB requests information from an organisation or individual who is likely to have information which is relevant to the SAB's functions, they must share what they know

with the SAB. This is so any problems can be tackled quickly, and lessons can be learnt to prevent them happening again in the future.

### **Responsibilities of care providers**

The statutory guidance states that all providers should have clear operational policies and procedures that reflect the framework set by the SAB in consultation with them. Employers must be clear where responsibility lies when abuse or neglect is perpetrated by employees – they should investigate any concern unless there is compelling reason why it is inappropriate or unsafe. However, if the employer considers a criminal offence may have occurred then they must urgently report it to the police.

### **Responsibilities of other organisations**

The Act recognises and reinforces that other organisations make a significant contribution to adult safeguarding. The statutory guidance lists many of them and encourages SABs to include relevant bodies on the Board. Each organisation must be familiar with the local multi-agency policy and procedures and draw up internal procedures to direct staff on what to do if they encounter abuse and how to share information in case of abuse.

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366087/Factsheet\\_7\\_-\\_Safeguarding.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366087/Factsheet_7_-_Safeguarding.pdf)

The factsheet regarding general responsibilities is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)