

Quick Guide 1 - Working with Definitions

Shared definitions: ‘adult safeguarding concern’, ‘need for care and support’ and ‘abuse and neglect’. This empowers all partners. It supports shared and transparent decision making and constructive mutual challenge.

<p>This framework proposes the following in defining adult safeguarding concerns</p>	<p>Where it appears that there is reasonable cause to suspect that an adult has needs for care and support (whether or not the local authority is meeting any of those needs), and the referring worker/ organisation believes that the adult is at risk of or experiencing abuse or neglect¹; such circumstances amount to a safeguarding concern and the framework proposes that a safeguarding concern is raised to the local authority.</p> <p>Paragraph 14.17 of the Care and Support Statutory Guidance (DHSC, 2020) advises local authorities to consider all three statutory criteria (Care Act (2014) S42(1)) and to explore concerns raised in a person-centred way. Neither the Care Act (2014) nor the associated Care and Support Statutory Guidance (DHSC, 2020) state that all three criteria S42(1) must be fulfilled in order for all organisations to conclude (from available information) that an issue constitutes a safeguarding concern and to raise it to the local authority.</p>
<p>‘needs for care and support’</p>	<p>For consistency of understanding of the term ‘needs for care and support’, the framework suggests, ‘Safeguarding duties apply regardless of whether a person’s care and support needs are being met, whether by the local authority or anyone else. They also apply to people who pay for their own care and support services.</p> <p>An adult with care and support needs may be:</p> <ul style="list-style-type: none"> • an older person • a person with a physical disability, a learning difficulty or a sensory impairment • someone with mental health needs, including dementia or a personality disorder • a person with a long-term health condition

¹ Care Act 2014, S42(1) a and b

	<ul style="list-style-type: none"> • someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living’ <p>(Adult Safeguarding Practice Questions SCIE July 2018)²</p> <p>Consideration of this need for ‘care and support’ must be person-centred (for example, not all older people will be in need of care and support but those who are ‘frail due to ill health, physical disability or cognitive impairment’ may be). The above is not an exhaustive list and it must be considered alongside the impact of needs on the individual’s wellbeing.</p> <p>This issue of impact of care and support needs on wellbeing is dealt with in the Care and Support (Eligibility Criteria) Regulations, 2014.³ These regulations in defining ‘care and support’ needs say simply that adults who have care and support needs are those where ‘the adult’s needs arise from or are related to a physical or mental impairment or illness’. These regulations refer to circumstances where, as a result of identified needs an adult is unable to achieve specified outcomes, including in relation to basic daily needs. It must be noted that an individual does not have to be eligible for ‘care and support’ under the eligibility regulations for a safeguarding concern to be raised or for the local authority S42 duty to apply.</p>
<p>‘is experiencing, or at risk of, abuse or neglect’</p>	<p>This is clearly defined in the Care and Support Statutory Guidance (DHSC, 2020) and is the shared definition promoted in this framework on safeguarding concerns.⁴ Importantly this includes that ‘local authorities should not limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered.’ and ‘this is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern’.</p>

² www.scie.org.uk/safeguarding/adults/practice/questions

³ www.legislation.gov.uk/ukdsi/2014/9780111124185

⁴ Paragraphs 14.16-14.17 Care and Support Statutory Guidance, 2020 and including reference too to 14.18-14.24 www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#safeguarding-1

	<p>Responses and decisions should be based on personal circumstances. In considering individual circumstances, it is important to think broadly about what is important to people in terms of both their wellbeing⁵ and safety; the outcomes that matter to them and why.⁶</p>
<p>Section 42, Care Act 2014</p>	<p>Section 42 of the Care Act (2014) sets out how each local authority should approach safeguarding enquiries:</p> <p>(1) This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) –</p> <p>(a) has needs for care and support (whether or not the authority is meeting any of those needs), (b) is experiencing, or is at risk of, abuse or neglect, and (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.</p> <p>(2) The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom.</p>

⁵ www.legislation.gov.uk/ukdsi/2014/9780111124185 These Care and Support (Eligibility Criteria) Regulations (2014) support consideration of aspects of an individual’s wellbeing.

⁶ Factors listed in 14.99 of the Care and Support Statutory Guidance (2020) support broader thinking about the circumstances under consideration as follows:

14.99 ‘It is important, when considering the management of any intervention or enquiry, to approach reports of incidents or allegations with an open mind. In considering how to respond the following factors need to be considered:

- the adult’s needs for care and support
- the adult’s risk of abuse or neglect
- the adult’s ability to protect themselves or the ability of their networks to increase the support they offer
- the impact on the adult, their wishes
- the possible impact on important relationships
- potential of action and increasing risk to the adult
- the risk of repeated or increasingly serious acts involving children, or another adult at risk of abuse or neglect
- the responsibility of the person or organisation that has caused the abuse or neglect
- research evidence to support any intervention’