



Right for Children, Families and Adults

# Raising Safeguarding Adult Concerns to the Local Authority: Decision Making Support Guide

March 2022



## Introduction

This guidance is intended for use by staff and volunteers in all agencies to support decision making about whether an adult safeguarding concern should be raised with Walsall Council (Adult Social Care), it does not replace an agency's own Safeguarding Policy or Procedure.

The Care Act Care and Support **Statutory Guidance** defines adult safeguarding as:

Protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. This must recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

## What is abuse?

The **Care and support statutory guidance** identifies ten types of abuse, these are:

- **Physical abuse**
- **Domestic violence / Domestic Abuse**
- **Sexual abuse**
- **Psychological abuse**
- **Financial or material abuse**
- **Modern slavery**
- **Discriminatory abuse**
- **Organisational abuse**
- **Neglect or acts of omission**
- **Self-neglect**

Under Section 42 of the Care Act 2014, the following criteria need to be met, to necessitate that the Local Authority undertake a statutory safeguarding enquiry:

The adult is aged 18, in the Local Authority Area (whether or not they are usually resident there) and who:

- a) **has** needs for care and support (whether or not the local authority is meeting any of those needs. This includes if the adult has a condition as a result of physical, mental, sensory, learning or cognitive disabilities or illnesses, substance misuse or brain injury) and;
- b) **is** experiencing, or at risk of, abuse or neglect; and
- c) **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.

Local authorities are responsible for looking at any safeguarding concerns raised with them about any adult who has care and support needs, and deciding whether it is necessary to carry out an enquiry. Consideration should be given to the wishes and preferences of the person concerned, in keeping with the principles set out in **'Making Safeguarding Personal'**.

## What are Care and Support Needs?

Care and support needs are defined as adults aged 18 or over with "needs arising from or related to a physical or mental impairment or illness". It further lists physical, mental and sensory impairments, alongside substance misuse and learning or cognitive disabilities or illness.

There are no eligibility criteria for adult safeguarding services. If an adult at risk of being abused or neglected cannot keep themselves safe from abuse or neglect because of their care and support needs, then the local authority's safeguarding duty applies. If they are able to protect themselves, despite having care and support needs, then a safeguarding response may not be appropriate.

## Who is at a higher risk?

- People with care and support needs, such as older people or people with disabilities, are more likely to be abused or neglected. They may be seen as an easy target and may be less likely to identify abuse themselves or to report it.
- Communication difficulties can increase someone's vulnerability to abuse. They may find it difficult to tell others if they feel unsafe or concerned about a person or situation. Unwillingness to talk or communication through behavioural cues may not be interpreted by others as signs that they are being harmed or abused.

## When considering making a safeguarding concern referral, it is helpful to reflect on the following questions...

- What does the adult want to happen? Have you discussed their desired outcomes?
- What does the adult consider is working well in supporting their wellbeing, what are the strengths in their life?
- What are they/you concerned about? Why are you/they referring now? What is the current impact on the adult and/or others in the situation? Including on their wellbeing?
- What do they think the future impact on them [the adult(s)] is likely to be if agencies don't become involved?
- What have you, the referrer, tried already to reduce risk and meet the adult(s) needs? If you submit a safeguarding concern, include details and outcomes of any referrals to other services or agencies
- Have you discussed consent for a referral with the adult? Unless it increases the risk to the adult(s) (immediate safeguarding concern) or is a risk to your own personal safety – then consent of the adult(s) at risk (or their representative if they are unable to consent) should be sought.
- Have you considered mental capacity of the adult? (Record your rationale in relation to their consent to the safeguarding referral)
- Is there a need for an Independent Advocate?
- Are they experiencing or at risk of abuse/neglect? – if not, a safeguarding referral is not appropriate, consider if a Care and Support Assessment referral would more appropriate. What are the complicating factors? For example, is the adult experiencing duress, are they being controlled?

What to include in a referral:

- Explain the adult's care and support needs, include the basic information about the people who are in the adult(s) at risk's professional and informal support network.
- What is your / their perception of risk and level of risk – to the person, children\*\*, others? What are the perceptions of the adult or others in the situation?
- What actions have been taken so far?
- Is there any relevant historical information to include?
- Are any reasonable adjustments (e.g. to support effective communication) or additional support needed to enable the adult to understand and be involved in the process? If substantial difficulties remain, is an advocate required?
  - Don't forget to record your decisions, rationale and actions within the referral and in your agency's records and keep a copy of the referral.
  - If you do not receive feedback on your referral, contact the Initial Intake Team (Adult Social Care, Walsall Council) to clarify what happened next.

The Adult Safeguarding Concern Referral Form can be found [here](#), along with additional information, including links to the Safeguarding Partnership [website](#) which contains information on safeguarding procedures, local learning and priorities, news and events and free training.

## **DOING NOTHING IS NOT AN OPTION**

If in doubt ➔ discuss with your agency safeguarding lead / line manager or contact & discuss with adult social care access team (0300 555 2922 / [initialintake@walsall.gov.uk](mailto:initialintake@walsall.gov.uk)) ➔ record decision and reasons for the decision

Out of hours (evenings, weekends, bank holidays) **0300 555 2922**

\*\*Concerns regarding a child should be referred to MASH on **0300 555 2866**

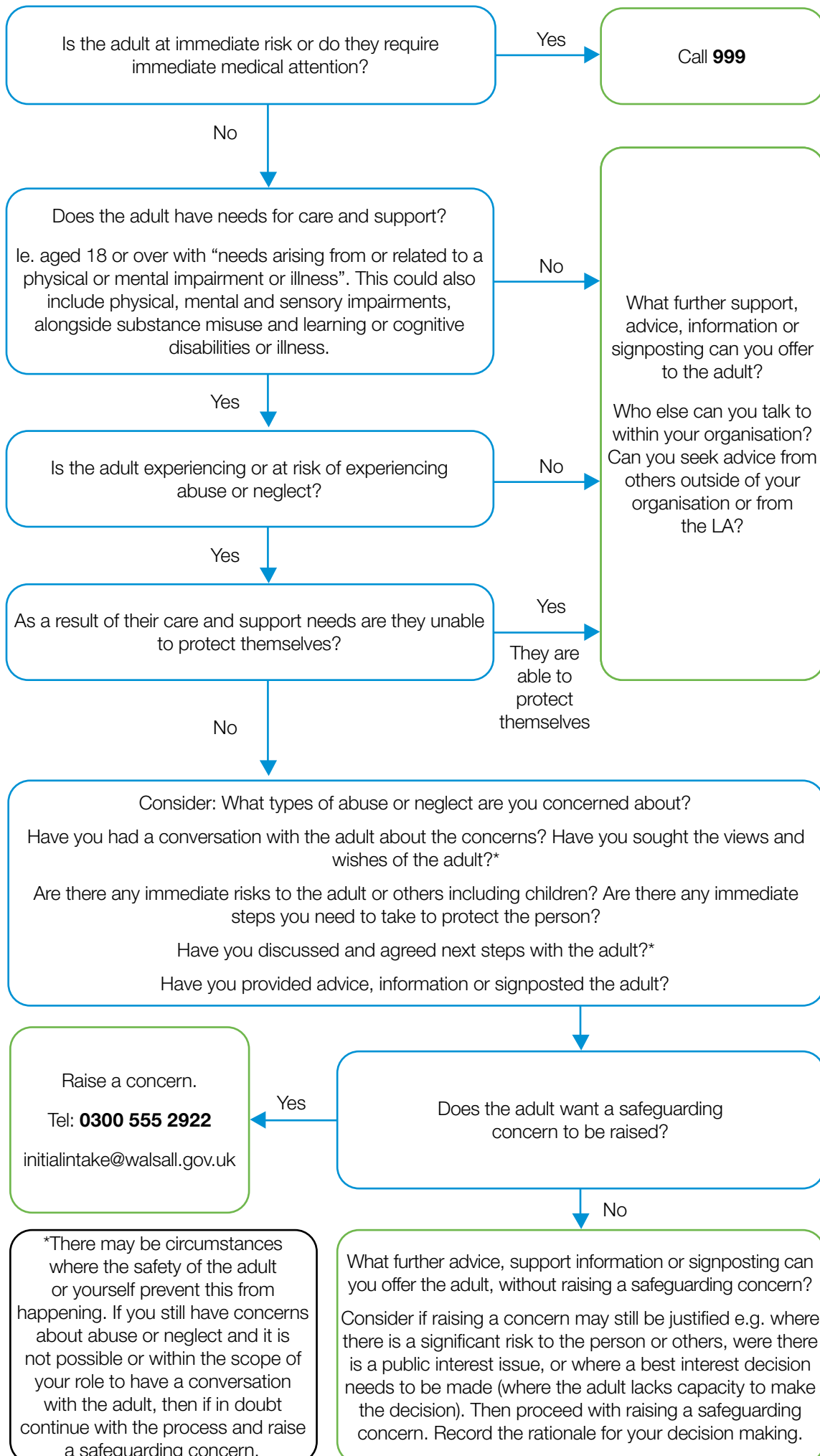
Remember: if the person you are concerned about needs medical treatment call a doctor or ambulance: NHS service (24 hour) **111** or **999** in an emergency

If you think a crime has been committed you must call the police: non emergencies tel: **101**, **webchat on the force website**

Email: [contactus@west-midlands.pnn.police.uk](mailto:contactus@west-midlands.pnn.police.uk) or emergencies: **999**



## Deciding if you need to make a referral to the Local Authority



\*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.

What further advice, support information or signposting can you offer the adult, without raising a safeguarding concern? Consider if raising a concern may still be justified e.g. where there is a significant risk to the person or others, were there is a public interest 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 the rationale for your decision making.



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