



Department
of Health

Statement of Government Policy on Adult Safeguarding

10 May 2013

You may re-use the text of this document (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/

© Crown copyright

Published to gov.uk, in PDF format only.

www.gov.uk/dh

Statement of Government Policy on Adult Safeguarding

Prepared by: Social Care Policy

1. Introduction

1.1 The purpose of this document is to update you on the Government's policy on safeguarding adults vulnerable to abuse and neglect. It includes the statement of principles for Local Authority Social Services and housing, health, the police and other agencies to use, for both developing and assessing the effectiveness of their local safeguarding arrangements. It also describes, in broad terms, the outcomes for adult safeguarding, for both individuals and organisations.

1.2 It outlines the next steps that Government is taking. We first published the document in 2011. We have updated it; including adding in resource materials that have become available since then. We have also reworded it in places to try to make it easier for a wider audience to read and understand.

1.3 In the two years since we published the first statement, the Government has published a Vision for Social Care, a White Paper, a consultation on a draft care and support Bill and a consultation on a Power of Entry.

1.4 All of these concentrated on better outcomes for individuals by balancing protection from harm with the need for individuals to exercise choice and control over how they live.

1.5 This document gives people at a local level the national context for their own responsibilities and activities. That includes councillors and communities as well as professionals and agencies. It also acts as a bridge between No Secrets and the duties and powers contained in the draft care and support Bill. It aims to encourage progress and action and avoid the inertia that often accompanies anticipated change.

2. Government Policy

2.1 The Government's policy objective continues to be to prevent and reduce the risk of significant harm to adults from abuse or other types of exploitation, whilst supporting individuals in maintaining control over their lives and in making informed choices without coercion.

2.2 The Government believes that safeguarding is everybody's business, with communities playing a part in preventing, identifying and reporting neglect and abuse. Measures need to be in place locally to protect those least able to protect themselves.

2.3 The State's role in safeguarding is to provide the vision and direction and ensure that the legal framework, including powers and duties, is clear, and proportionate, whilst maximising local flexibility. This framework should be sufficient to enable professionals and others to take appropriate and timely safeguarding action locally while not prescribing how local agencies and partnerships undertake their safeguarding duties.

2.4 We know that when local people get involved, communities can do things differently. We need local authorities and local multi-agency partnerships to provide leadership in moving to less risk-averse ways of working, and to concentrate on outcomes instead of focusing on compliance. We need a system that works for people not the other way around.

3. Local practice

3.1 Safeguards against poor practice, harm and abuse need to be an integral part of care and support services. That requires working collaboratively to improve outcomes, rather than duplicating or superseding existing responsibilities for providing safe and effective care. The critical factor is providing care and support, which leads to a positive experience for individuals.

3.2 Providers' core responsibility, across health and social care, is to provide safe, effective and high quality care. Safeguarding concerns will require a variety of responses including a provider or other agency investigation, a disciplinary process, a clinical governance response from within or by external bodies, the involvement of police, staff training or other actions.

3.3 In order to support those people most vulnerable to abuse and neglect it is vital that agencies agree collectively, those issues that require a safeguarding response as opposed to issues, which relate to standards and quality of care more widely.

3.4 We have made it clear that we expect local authorities to ensure that the services they commission are safe, effective and of high quality. We also expect those providing the service, local authorities and the Care Quality Commission to take swift action where anyone alleges poor care, neglect or abuse.

3.5 Local multi-agency partnerships should support and encourage communities to find local solutions. These solutions will be different in different places, reflecting, for example, local population and places.

3.6 However, they should all reflect the key Principles that we set out below. These Principles are not separate but integral to wider Government policy.

4. Principles

4.1 Agencies can use the following principles to measure existing adult safeguarding arrangements and to measure future improvements. The Principles are not in order of priority; they are all of equal importance.

4.2 However, we have reordered them in this document to highlight the importance of prevention and proportionate responses. Prevention of harm is always better than investigating harm that individuals have experienced, after the event. Empowerment and proportionality are

critical in ensuring that individuals have the best experience possible when they are involved in safeguarding enquiries.

Safeguarding Adults Principles

Empowerment - Presumption of person led decisions and informed consent.

Prevention - It is better to take action before harm occurs.

Proportionality – Proportionate and 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.

5. Outcomes

5.1 Below we make some suggestions for translating these principles into outcomes. Local partnerships might find these a useful starting point in developing locally agreed visible outcomes that local communities, users and carers, understand and agree. We look at these from an **individual** and an **organisational** perspective.

5.2 Individuals

Individuals' Experience of Effective Adult Safeguarding

Empowerment – I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.

Prevention - I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.

Proportionality - I am sure that the professionals will work for my best interests, as I see them and will only get involved as much as needed.

Protection - I get help and support to report abuse. I get help to take part in the safeguarding process to the extent to which I want and to which I am able.

Partnership – I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together to get the best result for me.

Accountability – I understand the role of everyone involved in my life.

5.3 Where the principles are effectively applied, an individual would be able to agree with the following statements:

People worked together to reduce risk to my safety and well being

- I had the information I needed; in the way that I needed it
- Professional helped me to plan ahead and manage the risks that were important to me
- People and services understood me - recognised and respected what I could do and what I needed help with
- The people I wanted were involved
- I had good quality care - I felt safe and in control
- When things started to go wrong, people around me noticed and acted early

People worked together and helped when I was harmed

- People noticed and acted
- People asked what I wanted to happen and worked together with me to get it
- The people I wanted were involved
- I got the help I needed by those in the best placed to give it
- The help I received made my situation better
- People will learn from my experience and use it to help others
- I understood the reasons when decisions were made that I didn't agree with

5.4 Local Agencies

Organisations' Experience of Effective Adult Safeguarding

Empowerment

We give individuals the right information about how to recognise abuse and what they can do to keep themselves safe. We give them clear and simple information about how to report abuse and crime and what support we can give. We consult them before we take any action. Where someone lacks capacity to make a decision, we always act in his or her best interests.

Protection

We have effective ways of assessing and managing risk. Our local complaints and reporting arrangements for abuse and suspected criminal offences work well. Local people understand how we work and how to contact us. We take responsibility for putting them in touch with the right person.

Prevention

We help the community to identify and report signs of abuse and suspected criminal offences. We train staff how to recognise signs and take action to prevent abuse occurring. In all our work, we consider how to make communities safer.

Proportionality

We discuss with the individual and where appropriate, with partner agencies what to do where there is risk of significant harm **before** we take a decision. Risk is an element of many situations and should be part of any wider assessment.

Partnership

We are good at sharing information locally. We have multi-agency partnership arrangements in place and staff understand how to use these. We foster a "one" team approach that places the welfare of individuals before the "needs" of the system.

Accountability

The roles of all agencies are clear, together with the lines of accountability. Staff understand what is expected of them and others. Agencies recognise their responsibilities to each other, act upon them and accept collective responsibility for safeguarding arrangements.

6. Links to other statements on adult social care

6.1 No Secrets

6.1.1 This document builds on “No Secrets”, which will remain as statutory guidance until at least 2014.

6.1.2 In the principles described above, we have taken account of the responses to the public consultation on “No Secrets” in 2008/09, the implementation of the Mental Capacity Act 2005, the response to the consultation on the Care and Support Bill and the drive towards increasing personalisation of services.

6.1.3. The Government will legislate for Safeguarding Adults Boards (SABs). Making existing Boards statutory, while maintaining their freedom to operate in locally flexible ways, will secure a transparent and locally accountable means for local communities to ensure the protection of vulnerable adults.

6.1.4. The Department of Health commissioned research commissioned that has shown that specific legislation for statutory Safeguarding Adults Boards would help to hold agencies accountable in ways which guidance, differentially binding on the partners, has not so far been able to do. Such a move is widely supported by stakeholders.

6.1.5 The Law Commission published the final report of its review of adult social care law in 2011 and recommended making SABs statutory.

6.2 Our vision for care and support

6.2.1 We published “Caring for our future: reforming care and support “in July 2012. That White Paper set out a new vision for a reformed care and support system.

6.2.3 First, the focus of care and support will be transformed to promote people’s wellbeing and independence instead of waiting for people to reach a crisis point. Active communities will reach out to those around them, families and individuals will have better information to plan and prepare for their future, and people will have more options to keep them well and independent.

6.2.4 Second, we will transform people’s experience of care and support, with high quality services that respond to what people want. This means that people will have control over their own budget and their own care and support plan. They will be empowered to choose the care and support that best enables them to meet their goals and aspirations. We will put people, and not institutions, in control.

6.2.5 All of these approaches are equally applicable to people needing help to keep themselves safe. There has been a tendency in some places for an interventionist and paternalistic mindset to replace the empowerment approach where there are concerns about abuse and neglect.

6.3 Adult Social Care Outcomes Framework (ASCOF)

6.3.1 The Adult Social Care Outcomes Framework, developed with local government, aims to support the sector as it works towards the transformation of care and support. The framework, with its clear focus on promoting people's quality of life and their experiences of care, is a key tool to track progress and strengthen transparency both locally and nationally in the delivery of adult social care. Strengthening the focus on safeguarding within the ASCOF remains a critical development priority for the future of the framework.

7. Wider context

7.1 Community Empowerment and Localism

7.1.1 The Government wishes to empower individuals to take responsibility for their own lives. This includes enabling them to protect themselves from harm and abuse, with and without assistance from others.

7.1.2 The Government also wishes to empower communities to make decisions and their own arrangements to suit local needs and priorities. This includes ensuring that we protect adults at risk of significant harm from abuse.

7.2 Policing reforms

7.2.1 Through the Police Reform and Social Responsibility Act, in particular, the new Police and Crime Commissioners (PCCs) elected in November 2012, the Government is seeking to ensure the public are able to set the direction of their policing and hold the police to account, through their PCC, for the provision of policing in their area. We have replaced bureaucratic accountability to central Government with democratic accountability to the public.

Key milestones

May 2011

Publication of Law Commission report on the law on Adult Social Care

July 2011

Report of the Independent Commission on the Funding of Care and Support

May 2012

Protection of Freedoms Act

July 2012

White Paper on social care reform “Caring for our future: reforming care and support”

July 2012

Draft Care and Support Bill

July 2012 - October 2012

Consultation on a Power of Entry

May 2013

Introduction of the Care Bill

Annex: Supporting Materials

Below are links to some supportive good practice materials that underpin our approach to safeguarding. These include work we have both commissioned and co-produced with partners, such as SCIE, LGID (formerly IDeA) and CQC.

- A Vision for Adult Social Care: Capable Communities and Active Citizens

- Practical approaches to safeguarding and personalisation

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_121508

- The 2011/12 Adult Social Care Outcomes Framework and the formal Government response to the consultation *Transparency in outcomes: a framework for quality in adult social care* can be found at:

http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/DH_125464

- SCIE eLearning resource: This resource uses dramatised video scenarios that have been used to show how safeguarding issues can develop, and to suggest ways of dealing with them that protect people at the same time as preserving their right to make choices about their lives.

<http://www.scie.org.uk/publications/elearning/adultsafeguarding/resource/index.html>

- SCIE report on participation in adult safeguarding: SCIE's user involvement report describes the principles and values underpinning user involvement and explains the viable models of service user involvement in safeguarding that draw on good practice principles.

<http://www.scie.org.uk/publications/reports/report47/>

- SCIE report on prevention in adult safeguarding: this report shares findings from research, policy and practice on prevention in adult safeguarding and presents a wide range of approaches that can help prevent abuse.

<http://www.scie.org.uk/publications/reports/report41/index.asp>

- SCIE report protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse has been put together by the Association of Directors of Adult Social Services, NHS London, the Metropolitan Police and SCIE.

<http://www.scie.org.uk/publications/reports/report39.asp>

<http://www.scie.org.uk/publications/ataglance/ataglance44.asp>

- SCIE report protecting adults at risk in London: Good practice resource is a tool for staff engaged in safeguarding adults at risk. It gives practical pointers to help people assess the risk of abuse, recognise it when it does occur and respond to it appropriately. The resource supplements Protecting adults at risk: London multi-agency policy and procedures

<http://www.scie.org.uk/publications/adultsafeguardinglondon/index.asp>

- SCIE report Safeguarding adults multi-agency policy and procedure for the West Midlands. The multi-agency policy and procedures were written by the West Midlands Safeguarding Adults Policy and Procedure Group. The group includes local councils, the police, NHS organisations and fire and ambulance services.

<http://www.scie.org.uk/publications/reports/report60/>

- SCIE report on mediation and family group conferences are two methods used to try to empower people to work out solutions to their own problems. Mediation is usually a series of facilitated meetings where people agree to discuss areas of difficulty or dispute. Family group conferences (FGCs) have historically been used to work with children and families where there is a risk of care proceedings. There is increasing evidence that they can be helpful in adult safeguarding.

<http://www.scie.org.uk/publications/mediation/index.asp>

<http://www.scie.org.uk/publications/ataglance/ataglance62.asp>

- SCIE Report on the governance of adult safeguarding: findings from research into Safeguarding Adults Boards The report looks at how the boards have been structured, their membership and their strategic goals, vision and purpose.

<http://www.scie.org.uk/publications/reports/report45.asp>

- SCIE report the legal guide for practitioners. This guide, also commissioned by the Department of Health, outlines the legal basis for the safeguarding of vulnerable adults at risk of harm in England.

<http://www.scie.org.uk/publications/reports/report50.asp>

- SCIE has developed two guides about commissioning care homes with the aim of ensuring that safeguarding is integral to the commissioning process and is a primary concern for those contracted to provide care.

<http://www.scie.org.uk/adults/safeguarding/commissioning/index.asp>

- SCIE Report self-neglect and adult safeguarding: examines the concept of self-neglect and adult safeguarding.

<http://www.scie.org.uk/adults/safeguarding/selfneglect/index.asp>

- SCIE Report Financial crime against vulnerable adults: highlights the current and potential future threats to vulnerable adults in relation to economic crime covers the wide spectrum of financial abuse and exploitation against vulnerable people by family members, care workers and unscrupulous individuals within our society.

<http://www.scie.org.uk/publications/reports/report49.pdf>

- The link to the Adult Safeguarding Community of Practice:

<https://knowledgehub.local.gov.uk/group/adultsafeguardingcommunityofpractice>

For the latter, people will have to register, go to the group and ask to join.

- The link to the public page on the LGA site that is about safeguarding adults:

http://www.local.gov.uk/web/guest/adult-social-care/-/journal_content/56/10171/3877757/ARTICLE-TEMPLATE?L_1_pageNo=1

- Local Government Improvement and Development Standards and Probes for Adult Safeguarding Peer Review (LGID)

<http://www.idea.gov.uk/idk/core/page.do?pagelD=22653865>

- Health guidance for managers, commissioners and nurses.

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124882

- A guide to achieving good outcomes in safeguarding adults in health services, with a voluntary self-assessment framework

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_125152.xls

- Safeguarding Adults: Advice and Guidance to Directors of Adult Social Services 2013

The full document can be downloaded from the LGA Knowledge Hub

<https://knowledgehub.local.gov.uk/library>

or <http://www.local.gov.uk/publications>

or ADASS website <http://www.adass.org.uk/>