

Safeguarding Duties and Responsibilities

Note: If printed, this document is for immediate reference only. Do not file it, as it will go out-of-date over time and be replaced by newer versions on-line. Always refer to the latest CMS versions.

People to whom safeguarding duties apply

The Care Act 2014 replaces the 'No Secrets' guidance. The procedures in this section are based on the Care Act and the '**London Multi-Agency Safeguarding Policy and Procedures**', Dec 2015.

Specific adult safeguarding duties apply to any adult who:

- has needs for care and support (whether or not the local authority or anyone else is meeting any of those needs), and
- is experiencing, or at risk of, abuse or neglect, and
- 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.

Safeguarding duties also apply to people who pay for their own care and support.

There are no eligibility criteria for adult safeguarding services. If an adult who has care and support needs and who is 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. The safeguarding duty applies whether or not the person's care and support needs have a significant impact on their wellbeing, and whether or not the needs are being met by the local authority or anyone else. Note that if the adult at risk is able to protect themselves, despite having care and support needs, then a safeguarding response may not be appropriate.

Where someone is 18 or over but is still receiving Children and Family Services and a safeguarding issue is raised, the matter should be dealt with through adult safeguarding arrangements. For example, this could occur when a young person with substantial and complex needs continues to be supported in a residential educational setting until the age of 25. Where appropriate, involve children's safeguarding colleagues as well as any relevant partners (for example, the Police or NHS) or other persons relevant to the case.

Local authority statutory adult safeguarding duties apply equally to those adults with care and support needs, regardless of whether those needs are being met, regardless of whether the adult lacks capacity or not, and regardless of setting, other than prisons and approved premises where prison governors and National Offender Management Service (NOMS) respectively have responsibility.

Please Note: SCIE has useful additional resources to address particular questions and dilemmas – see “**Adult safeguarding practice questions**”.

What safeguarding is

Safeguarding means 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.

When abuse does take place, it needs to be dealt with swiftly, effectively and in ways which are proportionate to the issues and where the adult in need of protection stays in as much control of the decision-making as possible.

The **aims of adult safeguarding** are:

- To stop abuse or neglect wherever possible
- To prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
- To safeguard adults in a way that supports them in making choices and having control about how they want to live
- To promote an approach that concentrates on improving life for the adults concerned
- To raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- To provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult, and
- To address what has caused the abuse or neglect.

All staff.

- You must understand your role and responsibilities in regard to adult safeguarding policy and procedures.
- In whatever your setting and role, you are in the front line in preventing harm or abuse occurring and in taking action where concerns arise. You have a duty to report in a timely way any concerns or suspicions that an adult at risk is being, or is at risk of being, abused.
- When abuse does take place, work with the adult at risk to establish what being safe means to them and how that can be best achieved.

Principles – Making Safeguarding Personal

Making Safeguarding Personal (MSP) is a shift in culture and practice in response to what is now known about what makes safeguarding more or less effective from the perspective of the person being safeguarded. MSP means that safeguarding:

- is person-led
- engages the person from the start, throughout and at the end to address their needs
- is outcome-focused, and
- is based upon a community approach from all partners and providers.

It is about engaging the person in a series of conversations about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.

Practitioner: Where safe to do so, tell the adult at risk that there is a safeguarding concern, and ask them: “What is your desired outcome? What does safe look like for you?”

Practitioner: In order to support the adult through this process, arrange, where necessary, for an independent advocate to support and represent an adult who is the subject of a safeguarding enquiry or a safeguarding adults review.

ADASS¹ suggests that examples of the kind of outcomes that people might want are:

- to be and to feel safer
- to maintain a key relationship
- to get new friends
- to have help to recover
- to have access to justice or an apology, or to know that disciplinary or other action has been taken
- to know that this won't happen to anyone else
- to maintain control over the situation
- to be involved in making decisions
- to have exercised choice
- to be able to protect self in the future
- to know where to get help.

This is not an exhaustive list.

The following are not outcomes in this sense, but rather conclusions or service responses:

- harm or abuse is substantiated/unsubstantiated
- the person is receiving increased monitoring or care.

¹ ADASS/LGA: “Making Safeguarding Personal: Guide 2014”

See also the Local Government Association's **Making Safeguarding Personal toolkit**.

Six key principles underpin all adult safeguarding work:

- **Empowerment** – Adults are encouraged to make their own decisions and are provided with support and information.
“I am consulted about the outcomes I want from the safeguarding process and these directly inform what happens.”
 - **Prevention** – Strategies are developed to prevent abuse and neglect that promote resilience and self-determination.
“I am provided with easily understood information about what abuse is, how to recognise the signs and what I can do to seek help.”
 - **Proportionality** – A proportionate and least intrusive response is made, balanced with the level of risk.
“I am confident that the professionals will work in my interest and only get involved as much as needed.”
 - **Protection** – Adults are offered ways to protect themselves, and there is a co-ordinated response to adults at risk.
“I am provided with help and support to report abuse. I am supported to take part in the safeguarding process to the extent to which I want and to which I am able.”
 - **Partnership** – Local solutions are provided through services working together within their communities.
“I am confident that information will be appropriately shared in a way that takes into account its personal and sensitive nature. I am confident that agencies will work together to find the most effective responses for my own situation.”
 - **Accountability** – There is accountability and transparency in delivering a safeguarding response.
“I am clear about the roles and responsibilities of all those involved in the solution to the problem.”
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Roles and responsibilities

External agencies

Under the Care Act, the local authority **must** cooperate with each relevant partner, and those partners **must** also cooperate with the local authority, in investigating and addressing concerns of abuse.

Local authority

Local authorities have the lead role in coordinating the multi-agency approach to safeguard adults at risk. This includes the coordination of the application of these procedures, coordination of activity between organisations, review of practice, facilitation of joint training, dissemination of information and monitoring and review of progress within the local authority area.

In addition to that strategic coordinating role, the local authority Adult Social Care department, joint health and social care teams and mental health teams also have responsibility for coordinating the action taken by organisations in response to concerns that an adult at risk is being, or is at risk of being, abused or neglected.