



- An understanding of what mate crime is and who perpetrates it.
- The environmental and social factors that lead to adults with learning disabilities being vulnerable to mate crimes.
- How to identify mate crime.

*This guide helps you with [paragraph 4, safeguarding](#), of the knowledge and skills statement for social workers in adults' services.*

This guide forms part of Inform Adults' [disability knowledge and practice hub](#).

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## Background

In July 2006, Steven Hoskin was brutally tortured and murdered in St Austell, Cornwall, by a group of people who he took to be his friends. His mother said at the time: "He was generous...he knew he had a learning disability...he tried to do as others do...he wanted friendships..."

A friend who had known him for some time said: "He thought they were the cat's whiskers. He would say, 'They're my mates, I've got my own mates now.'" Tragically, as the serious case review pointed out, while Steven wanted friends, "he did not see that the friendship he had

so prized was starkly exploitative, devoid of reciprocity and instrumental in obstructing his relationships with those who would have safeguarded him" (Flynn, 2007, p23).

Steven's murder led, in part, to the establishment of the Safety Net project, a project to explore what would come to be called 'mate crime' and to raise awareness, deliver training, and develop resources and local protocols. The project was established in 2009 by Association for Real Change (ARC), a national membership organisation for learning disability service providers.

Besides Steven's murder, the project was also inspired by ARC members sharing anecdotal evidence about mate crime. It appeared from those anecdotes that mate crime was rife, a growing concern, and overlooked by a range of agencies who were not accepting any responsibility for action.

During its initial three-year run, the Safety Net project became aware of the extent and breadth of mate crime. We heard stories of women with learning disabilities being pimped out by their 'boyfriends', people whose accommodation had been turned into crack dens, others who had been 'befriended' online and then financially and sexually abused. We heard about people being used as tools to perpetrate terrorist or child abuse offences.

A typical everyday story concerned a young man with Asperger's syndrome who had what he called his 'Tuesday friends'. Tuesday, the day his benefits arrived, saw a particular group of people turn up at his flat, 'help' him to the cashpoint and then on to the pub where they 'helped' him spend his money. Such stories demonstrated the insidious nature of mate crimes, affecting the quality of daily life for many people with learning disabilities and others. It also highlights the complex nature of mate crime, raising issues around capacity and consent, choice and coercion.

While the Safety Net project, reflecting ARC's mission, worked entirely within the context of mate crime and learning disabilities, it is clear that it is an issue that affects many other people within the community, particularly those with mental health issues, substance misuse issues, and older people.

The project did not aim to collect quantitative data or statistics so the findings were qualitative and personal. This guide draws on the author's experiences of mate crime from the Safety Net project and addresses the practice issues raised for social workers involved in safeguarding adults.

## What is 'mate crime'?

### A tentative definition

Safety Net was not a research project, and we need to know far more about both perpetrators and how a typical mate crime relationship develops and progresses. Any definition is, therefore, tentative and subject to change should such research be undertaken. From the experience of the project we felt that the following definition satisfied our understanding from anecdotal evidence:

Mate crime happens when someone 'makes friends' with a person and goes on to abuse or exploit that relationship. The founding intention of the relationship, from the point of view of the perpetrator, is likely to be criminal. The relationship is likely to be of some duration and, if unchecked, may lead to a pattern of repeat and worsening abuse.

While the phrase 'mate crime' was only coined for the Safety Net project bid, there is nothing new about this kind of exploitation, and it is widespread within our society.

## Perpetrators

Such a definition points to an act of befriending, which excludes relationships with family members, spouses/partners, and most professional relationships (for example, employers/employees, social workers), although the latter can still be developed or manipulated as 'friendships'. For example, the Safety Net project came across instances of the paid care worker/client relationship being exploited by taking advantage of 'buy one get one free' offers, the misuse of store card points and the 'sharing' of cigarettes between worker and client.

The act of befriending may not be proactive on the part of the perpetrator, who may sometimes take advantage of a proffered friendship from their ultimate victim.

In the experience of the Safety Net project a proportion of perpetrators also have a learning disability, though this picture may have been skewed by our members' profile (learning disability providers).

An analysis of high profile and extreme mate crimes (those involving murder) does throw up some striking similarities, though, again, these must be treated with caution as these cases are mercifully few in number. Common factors (including those drawn from the Steven Hoskin case) are:

- 1 Multiple perpetrators: in all of the mate crime murders we are aware of, the killings were conducted by a group of people.
- 2 Female perpetrators: the murders involve a surprisingly high number of girls and women; this is striking as the proportion of female murderers generally speaking is low.
- 3 Spurious excuses: the murders are precipitated by a manufactured or exaggerated excuse. Victims are held responsible for an alleged offence, typically related to sexual or financial transgression. This may be to give the perpetrators permission to commit such terrible acts.
- 4 Prolonged period of torture: victims are subject to a descending spiral of abuse and violence, sometimes over a periods of months, culminating in what can only be called torture immediately before the murder.
- 5 Brutal murders: typically murders are of a savage intensity, and very "hands on".
- 6 Troubled history of perpetrators: perpetrators tend to have their own 'vulnerabilities', such as mental health issues or substance misuse, and very often have a background as victims of abuse.

## Vulnerability to mate crime

As highlighted in the introduction, you do not have to have a learning disability to be the victim of a mate crime. Many people regarded as 'vulnerable' by society can be targeted in this way.

It is important to recognise that many disabled people rightly dislike being labelled as vulnerable. Many prefer the phrase 'situationally vulnerable', which promotes the idea that we are all vulnerable in certain contexts.

As Stephen Brookes, national co-ordinator of the Disability Hate Crime Network, has stated, even a six foot six, 20-stone rugby player is vulnerable if he is standing in front of a cashpoint, drunk on a Saturday night.

By calling people vulnerable we switch the emphasis to blaming the victim rather than the perpetrator. That said, it is arguably the case that many people with learning disabilities find themselves situationally vulnerable more frequently than most of the population.

## Mate crime and learning disability

The experience of the Safety Net Project suggests that people with learning disabilities are prone to mate crimes for a number of reasons. They are an obvious 'soft touch', highly visible and vulnerable in the community, and often have few support mechanisms. Like everyone else, people with learning disabilities need friendship, engagement and excitement. For some people with learning disabilities any friend is better than no friends at all.

A number of environmental and social features combine to leave people with learning disabilities in very vulnerable situations:

- **We all need friends**, and this need is easily exploited.
- People with learning disabilities are often living **isolated lives**.
- Many people with learning disabilities are subject to **learned compliance**, and can be very suggestible. For example, in an effort to be part of the community, people will often give the answer they think the other person would like to hear, agreeing to statements that they might not actually think or feel.
- Many people with learning disabilities have not had the usual **opportunities** to become 'streetwise', so incidents can take place when they access local communities, services, public transport, etc without support.

Increasingly people with learning disabilities live independently in the community with reduced support from services. This can lead to isolation and make them more vulnerable to offers of 'counterfeit' friendship. It is the belief of the Safety Net project that the people who are most at risk of mate crime are adults with learning disabilities who are not in contact with social services.

Perhaps half of all people with learning disabilities are never diagnosed and, as a result of tightening eligibility criteria, fewer adults who are diagnosed now receive anything in the way of a service as a result of tightening eligibility criteria. Public Health England (2012) estimates that only about a quarter of all people with learning disabilities are known and supported by local health or social services. Other factors that leave people with learning disabilities at increased risk include that:

- Many people with learning disabilities are living in situations of social exclusion and poverty, often in high-crime neighbourhoods (Disability Rights Commission, 2006).
- Historical attitudes towards people with learning disabilities can mean that their human rights are ignored and this can give perpetrators permission, perhaps even authority, to treat their victims as less than human.
- The everyday abuses experienced by people with learning disabilities may mean their threshold of what counts as abuse, and should be reported, has reduced. One community team reported that being spat at while at the bus stop had become so common for people with learning disabilities that they did not perceive it as worth reporting to the police.



Photo: jcg\_oida/Fotolia

Spitting at someone can be investigated either as an assault or public offence order. If the case went to court, any sentence could then be increased if it was judged to be a hate crime (where the offender demonstrated hostility based on the disability, or presumed disability, of the victim, or the offence was motivated by hostility towards a disabled person under section 146 of the Criminal Justice Act 2003).

## Incidence

In the experience of the Safety Net project any training or talks on mate crime to social care staff resulted in a myriad of common experiences of a wide range of mate crimes, happening not just to clients with learning disabilities, but also those with mental health

issues, substance misuse issues, and older people. We have heard thousands of stories about mate crime from social workers, social care professionals, family carers, and others.

During the last seven years I've also interacted with thousands of people with learning disabilities about mate crime in workshops, conferences, and self-advocacy events, and in that time there have been just two disclosures of mate crime. So Safety Net's estimate for non-reporting of mate crime by victims is close to 100%.

Evidence from the Safety Net project is of course, purely anecdotal; and there are no academic studies on which to draw. In 2015, however, [research by the Wirral Autistic Society \(now Autism Together\) was published](#) which indicated mate crime on a vast scale was being experienced by people on the autistic spectrum on Merseyside. While there are some problems with the academic validity of the report (owing to low numbers taking part and a reliance on self-reporting), few people in learning disability services are surprised by the results. The findings include:

- 80% of respondents had been bullied/taken advantage of by a 'friend'.
- In the 25+ age group, 74% reported that they had been manipulated or forced to do the wrong thing by a 'friend'.
- All 16- to 25-year-olds had difficulty telling the difference between a real friend and someone pretending to be their friend.
- Over one-third of adults with autism had been bullied or manipulated sexually, including being coerced into 'sexting'.

Doubts will remain whether it is possible to reliably ascertain the actual scale of mate crime, owing to its hidden nature [see 'Mate crime: the invisible crime' below].

## Other significant features

**Grooming:** the experience of Safety Net was that perpetrators often seek to build an emotional bond with their victim in order to gain their trust as a precursor to exploitation. Victims are often unaware of this process. This is also a feature of sexual grooming, which can run parallel with what we know about mate crime relationships often ending in sexual exploitation. Grooming frequently takes place via social media, and the potential for abuse here is vast.



Photo: karelnoppe/Fotolia

**Domestic abuse and violence:** Steven Hoskin's murderers not only convinced him that an abusive relationship was a positive one, but persuaded him that it was the only one he needed. In this way there are also strong parallels between mate crime and domestic abuse.

## The invisible crime

Mate crime is often an invisible crime, with invisible acts being carried out by invisible perpetrators on invisible victims in invisible circumstances. The key issues are:

- **Mate crimes might have been invited**, or appear to have been invited, by the person with learning disabilities, raising issues of mental capacity, consent and informed choice [see below]. There may even be positive 'pay offs' for the victim (attention, excitement, 'friendship'), so the typical outcomes of hate crime – physical injury, distress, complaint – may not be apparent.
- **Mate 'crimes' are sometimes not criminal.** A typical incident might involve someone living on their own who has a group of friends they meet up with on Friday nights. While this relationship may be genuinely one of friendship, it is still exploitative if the person with learning disabilities always supplies the venue and the beer, has their fridge raided and their phone used, and is consistently left with the clearing up.

- **Mate crimes are likely to occur in private**, often in the victim's own home. Increasingly this includes mate crime committed via social media. One example cited to Safety Net concerned a young woman with learning disabilities who was befriended online and groomed over a period of months. The perpetrator persuaded her they were in a loving relationship and that she should send him money so he could come to see her; requests that were made and agreed to on several occasions. The service supporting the woman did not become aware of what was happening until staff entered her room one evening to find her stripping off for the man in front of her webcam. The perpetrator was in Iceland, which demonstrates how vulnerable people can now be to a world of abusers, difficult to catch and prosecute.
- **Mate crimes are likely to occur (though not exclusively) within long-term relationships.** These relationships may have started as, or may actually still be, genuine friendships. Even if they aren't they may appear to be so to many observers. It is difficult for some to conceive of these relationships containing an element of hate or abuse. In Safety Net's experience, social workers are often so delighted that a person with learning disabilities has an apparent 'friend' and are engaging with their community that they rarely question the relationship further.
- **Mate crimes are extremely unlikely to be disclosed by someone with learning disabilities.** This may be for a number of reasons including:
  - not recognising the abuse for what it is;
  - considering the relationship more important than the abuse that takes place within it;
  - embarrassment/shame;
  - reporting difficulties [see below];
  - fear of retribution. It is highly likely, in our experience, that people around the victim, including social workers, will become aware of mate crimes long before the victim.
- **There is a lack of professional awareness.** Until recently mate crime has been largely unrecognised and unrecorded in academic research, educational resources, and safeguarding procedures.

## Identifying mate crime

Many of the indicators of mate crime are similar to those for other forms of abuse, but some are exclusive to mate crime.

Social workers should be looking for:

- People not taking care of themselves and looking dirty or scruffy. Loss of weight.
- Bills not being paid. A sudden lack of money, losing possessions or the changing of their will.



magicbones/Fotolia

- A 'friend' who does not respect, and bullies or undermines the person. The person 'doing what they are told to' by a 'friend'.
- Changes in routine, behaviour, appearance, finances or household (new people visiting or staying over, lots of new 'friends', lots more noise or rubbish than normal).
- Showing signs of mental ill health.
- Not being with the usual networks of friends/family or missing weekly activities. Cutting themselves off from established networks and support.
- Goods or packages arriving at the person's house (and then being collected by someone else).
- The house is a mess after lots of parties.
- Unexplained injuries.
- Secretive internet or mobile phone use.

## Reporting mate crime

As stated above, Safety Net's experience suggests that mate crime is hugely under-reported. The barriers to reporting can be summarised as:

### Capacity

People need to: know what a mate crime is, and recognise that one has taken place; have knowledge of the range of actions they can take; have the capacity (in all senses), or be helped to have capacity, to take action. This may be as simple as knowing where to find an open police station or negotiate a hard to read reporting form.

### Retribution from perpetrators

There is a widespread perception that the police and/or adult safeguarding teams can do little to protect victims from ongoing abuse and exploitation; particularly if perpetrators are prosecuted but given non-custodial sentences.

## **Need for acceptance and validation**

Friendship offers us all acceptance and validation; for most of us a life without friendship would be a very bleak prospect. The loneliness driven by this prospect can be a powerful force, and lead to extraordinary forgiveness. In a 2010 Channel 4 documentary (Sticks & Stones), a man with learning disabilities who was being perpetually harassed and abused by local youths refused to complain to the police, saying, "I don't want them to get criminal records. I want them to make something positive of their lives. Perhaps in time we could become friends."

## **Emotional impact**

Louise Wallis, former policy and campaigns officer for Respond, talks about people's experiences being "too painful to talk about" or people feeling ashamed and "reluctant to see themselves as weak or victims" (2010).

## **Poor reporting mechanisms**

People with learning disabilities are often reluctant to engage with the police for a number of reasons, including poor previous experience, and 'fear of the uniform' (in common with many people they have a subconscious fear that they have done something wrong).

Current alternative reporting mechanisms – for example, third-party reporting systems such as Stop Hate UK, or some self-advocacy groups – are under-developed and patchy.

## **Poor experience of the criminal justice system**

Wallis (2010) has considerable experience of working with people with learning disabilities who are the victims of sexual crime. Summing up the experience of her clients, she says: "At the police station they are frequently not believed or not considered credible. If they get to court, they will not understand the process, or much of the language used.

"Victims may be cross-examined by a hostile barrister who will do their best to confuse them, make much of their disability, and question their credibility, which can be incredibly humiliating and upsetting. Judges, juries and barristers often have a prejudiced view of people with learning disabilities.

"At a rape case...involving a victim with learning disabilities, the defendant was found not guilty because the jury said the victim's learning disability meant they didn't know whether to believe her. Sentences are too low."

Additionally, people with learning disabilities often have unrealistic ideas about the punishment that perpetrators will receive and anticipate lengthy jail sentences for what are lesser offences in the eyes of the law. There is a need to work with people with learning disabilities to help them understand the potential punishments people may receive. While they may want them to 'lock 'em up and throw away the key' this is not going to happen. This means they can feel that there is no point in reporting a crime because their perception is that 'nothing' will happen to the perpetrators.

## Taking action

### The problems

#### The 'newness' of mate crime

A significant problem with mate crime is that our understanding of it remains limited owing to its comparatively recent identification as a significant issue affecting people with learning disabilities, and others with situational vulnerabilities. This problem extends to the response that social workers are able to make. Approaches that involve the use of safeguarding procedures, including making use of the Mental Capacity Act 2005, may be limited and complex as the victims of mate crime often appear to be consenting to exploitative relationships.

#### Lack of complaint from victims

The police are often reluctant to take action if there is no complaint from the victim, and/or if they are unwilling to give evidence.

#### Legal status

Mate crime is not defined in law. In many cases a mate crime will be an example of an aggravated hate crime (see [section 146 of the Criminal Justice Act 2003](#)). This is not a specific offence but the aggravation of some other offence which makes it more serious and attracts a heavier sentence where the offender demonstrated hostility to the victim based on their disability or presumed disability, or where the offence was at least partly motivated by hostility towards disabled people.

### Some ways forward

#### Improving and increasing reporting

Although not all mate crime is a disability hate crime, the Safety Net project has always told people with learning disabilities and their supporters to report mate crime to the police as a disability hate crime. Because the latter is enshrined in law, reporting a mate crime as a hate crime should lead to a formal, swifter and more effective response from the police.

Guidance for police on investigating hate crimes (College of Policing, 2014), states that reports of hate crime should be treated as a priority with the victim of an alleged crime seen

within an hour of the report. Hate crime investigations should also be prioritised from the outset. The guidance states that victims should be notified of specified developments in the investigation, and the investigating officer should monitor the level of risk to the victim and any witnesses throughout and put in place appropriate interventions to reduce or remove witnesses.

The guidance places significant emphasis on supporting victims, including by giving them a single point of contact. Police should also identify for the Crown Prosecution Service any special measures where the victim is likely to go to court as a witness. Special measures are a series of provisions that help vulnerable and intimidated witnesses give their best evidence in court and help to relieve some of the stress associated with giving evidence. They include being able to give evidence from behind a screen or from outside the court through a live link.

The police guidance also includes a section on disability hate crimes, which sets out common characteristics, many of which apply to mate crime. These include:

- That there have often been previous incidents.
- Repeated targeting, either of the individual victim or of their family/friends, or of other disabled people.
- Perpetrators are often 'friends', carers, acquaintances, or neighbours.
- Incidents escalate in severity and frequency.
- Multiple perpetrators are involved in incidents condoning and encouraging the main offender(s) – often filming this on their mobile phones and sending pictures to friends and social networking sites.
- False accusations of the victim being a paedophile or similar taunts.
- Cruelty, humiliation, dehumanisation or degrading treatment, often related to the nature of the disability, for example, blindfolding someone who is profoundly deaf or destroying mobility aids.

The guidance also references mate crime as a term which describes:

“The persistent problem of disabled victims who are harmed in abusive relationships by offenders who either set out to, or take the opportunity offered by the relationship to abuse the victim”. It

further states that while it is not a recorded category of crime nationally, police need to understand the term if a victim reports it and that such a report is likely to be a disability hate crime or incident.

The guidance further warns the police against not treating an incident as a disability hate crime because of incorrect assumptions, including that:

- the offender is the victim's carer, friend or family member;
- the victim does not have an impairment that is easily identifiable;
- the offender is also disabled;
- the matter has been treated as a safeguarding issue;
- the victim gave consent or returned to the abusers following earlier incidents (College of Policing, 2014, pp17-29).

### **Sharing information and interagency working**

The Steven Hoskin serious case review identified significant failings in multi-agency safeguarding practice in Cornwall, stating that: "Even the initial meeting of the serious case review panel confirmed there was no lack of information about Steven and his circumstances and that with better inter-agency working, Steven Hoskin would have been spared the destructive impacts of unrestrained physical, financial and emotional abuse in his own home."

It added: "Not all staff receiving and collecting information made it available to others in their organisations or, as importantly, to partner organisations. Individual agencies did not have access to what other parts of their organisation and other agencies knew. Each held a piece or pieces of a jigsaw puzzle without any sense of the picture they were creating, or indeed the timeframe within which the puzzle had to be completed."

The experience of the Safety Net project was that social workers, housing officers, emergency services and criminal justice professionals are often concerned about falling foul of the Data Protection Act 1998 and/or have non-complementary IT systems. However, the act does allow for the sharing of information about a person with their consent and, when certain conditions are met, without consent.

Guidance for local authorities in England under the Care Act 2014 states that, where an adult has refused to consent to information being disclosed for safeguarding purposes, practitioners must consider whether there is an overriding public interest that would justify information sharing, such as that other people are at risk of serious harm (Department of Health, 2016, paragraph 14.188).

The guidance also indicates that, in the context of suspected criminal activity, information sharing between professionals is not precluded where the suspected victim does not want further action taken, for example, a prosecution, even if the person has mental capacity to make decisions about their safety. Such information sharing would enable professionals to assess the risk of harm and to be confident that the adult is not being unduly influenced, coerced or intimidated and is aware of all the options. It is good practice to inform the adult about this information sharing unless it would increase the risk of harm (paragraph 14.92).

Statutory guidance on safeguarding under the Social Services and Well-being (Wales) Act 2014 states that sharing confidential information without consent will normally be justified in the public interest where there is evidence or reasonable cause to believe that an adult is suffering, or is at risk of suffering, serious harm (Welsh Government, 2016a, paragraph 3.42).

In further non-statutory guidance on the Care Act, SCIE (2015) also suggests you should:

- Explore the reasons for their objections and find out their concerns.
- Explain why you are concerned about them and why you think it is important to share the information.
- Tell them who you would like to share it with and why.
- Explain what the benefits may be to the person of sharing information about them.
- Discuss the potential consequences of not sharing the information.
- Reassure them that their information will not be shared with anyone who does not need to know.

For more information on these issues see Inform Adults' guides to [understanding the Data Protection Act](#) and the [Care Act 2014 and adult safeguarding](#).

## Mate crime and safeguarding

Mate crime presents serious implications for social care providers and social workers, not only to address the everyday, 'petty' examples that have such an impact on people's independence and confidence, but because there is evidence that unaddressed minor mate crimes are often repeated and escalate.

If hate crimes or mate crimes are treated as merely antisocial behaviour or as separate, unconnected incidents this can increase the levels of risk for individuals as information is

not shared, patterns of abuse are not identified and the bigger picture is never built. For example, Steven Hoskin's principal killer lived with him for a year before murdering him, and the [serious case review](#) into his death lists more than 40 missed opportunities for intervention.

At an organisational level, and as a minimum:

- Safeguarding adults recording forms should include a section for indicating possible hate or mate crimes to assist in better recording.
- Adult safeguarding teams should ensure that policy and procedures, and safeguarding training, include references to disability hate crime and mate crime.
- All possible hate and mate crimes should be tackled in partnership with the police.
- Local adult safeguarding team contact numbers, procedures and policies should be clear and accessible to everyone.

In the experience of the Safety Net project the most common forms of mate crime involve sexual and financial exploitation, often with the two being linked. However, owing to the coercive nature of much mate crime what may be most apparent is psychological abuse.

Safeguarding practice in England and Wales is now partly governed by the Care Act 2014 and Social Services and Well-being (Wales) Act 2014 respectively. But practice in this area will in many cases also require recourse to the Mental Capacity Act 2005.

## Care Act 2014 and Social Services and Well-being (Wales) Act 2014 responsibilities

### Prevention

Before going on to think about reactive measures social workers can take, it is worth bearing in mind the responsibilities the two pieces of legislation give local authorities to act preventively on safeguarding issues.

[Section 1](#) of the Care Act places a general duty on local authorities to promote the wellbeing of individuals when exercising their functions under the act. One of the nine aspects of wellbeing set out under the act is protection from abuse and neglect. The statutory guidance makes clear that this applies to any activity a local authority undertakes under the act in respect of an individual, not just in relation to safeguarding (paragraph 1.14). It also states that prevention of abuse and neglect is a core responsibility of safeguarding adults boards (which it is the duty of local authorities to establish under the act), and that this may include addressing hate crime or anti-social behaviour in a particular neighbourhood (paragraph 14.140).

The Social Services and Well-being Act has a similar "wellbeing principle", under sections [2](#) and [5](#), though one applied to people with care and support needs or carers with support needs, rather than individuals more generally. Also, [section 15](#) places local authorities under a duty to provide or arrange preventative services whose purposes include contributing

towards preventing people suffering from abuse or neglect. The counterpart prevention duty under section 2 of the Care Act does not expressly include this purpose but it does refer to preventing needs for care and support from arising and, of course, such a need could arise through abuse or neglect. The Welsh act makes it a statutory objective of a safeguarding adults board (SAB) to prevent adults with care and support needs from becoming at risk of abuse and neglect ([section 135](#)).

The Care Act makes it an objective of a SAB to help and protect adults in its area who may be at risk of abuse or neglect and cannot protect themselves from it ([section 43](#)).

Safety Net would be keen to hear from any local authorities (or others) who have used these responsibilities to tackle mate crime.

### **Safeguarding enquiries**

Under [section 42](#) of the Care Act, and [section 126](#) of the Social Services and Well-being Act, local authorities must make whatever enquiries they think necessary, or cause others to do so, to decide what action to take where they have reasonable cause to believe an adult in their area:

- has a need for care and support (even if that's not currently being met);
- is experiencing, or is at risk of, abuse or neglect; and
- as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Many of the cases of mate crime that Safety Net became aware of during the project were from individuals who met all three of these criteria.

The statutory guidance under the Care Act (from paragraph 14.76) and Social Services and Well-being Act (paragraphs 32-47) contains information on how enquiries should be carried out.

Both pieces of guidance emphasise the importance of involving the person in the enquiry and taking account of their wishes and feelings.

The Care Act statutory guidance states that, wherever practicable, practitioners should seek the consent of the adult concerned before undertaking an enquiry. But there are circumstances where, despite consent not having been obtained, an enquiry should begin. The statutory guidance gives these examples:

- when an adult lacks the capacity to consent to an enquiry but an enquiry is deemed to be in their best interests;
- where others will be put at risk if nothing is done in relation to the safeguarding concern;

- where there is a public interest in action being taken “because a criminal offence has occurred” (paragraph 14.95).

Any or all of these factors may apply in a case of mate crime.

The Welsh guidance states that, in deciding the nature of an enquiry, the local authority should consider the possibility that the adult thought to be at risk is not making decisions freely. It also states that the local authority is not relieved of its duty to make enquiries if the adult at risk refuses to participate, and that the “enduring nature of the duty will assist in enquiries where coercion or undue influence are present” (Welsh Government, 2016a, paragraph 38).

Where a criminal offence is suspected by professionals making safeguarding enquiries, or where they are not sure of their next steps, the Care Act statutory guidance says the matter should be referred to the police (Department of Health, 2016, paragraphs 14.41 and 14.48). A criminal investigation by the police takes priority. This does not prevent ongoing activity to safeguard an individual although care should be taken not to prejudice any criminal investigation. A multi-agency approach should be agreed to ensure that the interests and personal wishes of the adult will be considered throughout, even if they do not wish to provide any evidence or support a prosecution.

### **What happens following a safeguarding enquiry**

The Care Act guidance says that, once an enquiry has concluded, a discussion should be had about the adult’s needs and wishes, with options for action laid out to enable the adult, wherever possible, to understand the choices open to them and how their wishes can best be realised.

The guidance states that actions should be based on joint discussion and decision making with the adult. Where the adult has capacity to make relevant decisions, they will be best placed to make decisions about their wellbeing, even if this involves risk. Where an adult may lack capacity to make decisions, a capacity assessment should be undertaken. If an adult is assessed as lacking capacity to make decisions about their welfare, consideration should be given to whether the Mental Capacity Act should be used to help protect the adult.

If an adult with capacity declines assistance, the local authority’s focus should be on reducing harm to them, though this should not limit action required to protect others who are at risk of harm. However, the guidance also states that local authorities should consider, where relevant, if the person is refusing intervention due to duress. In such a case, the guidance says the authority must take action (paragraphs 14.104-14.111). This may be particularly relevant in a case of mate crime.

The Welsh guidance states that practitioners should make a report following an enquiry setting out information on the adult suspected to be at risk, any abuse or neglect and their

conclusions on what action if any should be taken. One possible outcome from the enquiry may be that the local authority takes action to meet the adult's care and support needs. Under [section 35](#) of the Social Services and Well-being Act, councils are under a duty to meet a person's care and support needs if they consider that this is necessary to protect the adult from abuse or neglect or the risk of abuse or neglect, regardless of whether they meet the usual eligibility criteria. There is no similar duty under the Care Act.

### Adult protection and support orders

[Section 127](#) of the Social Services and Well-being Act also enables an authorised officer of the relevant local authority to apply to a magistrate for an order – an adult protection and support order (APSO) – which may prove useful in mate crime cases.

The purpose of the order is to enable the authorised officer to speak in private to a person suspected of being an adult at risk in order to establish whether he or she can make decisions freely, to assess whether the person is an adult at risk and to establish whether any action should be taken, and if so, what action.

While it is in force, the authorised officer, a police constable and any other specified person may enter premises specified in the order to speak to the adult. The constable may use reasonable force if necessary to enable the purposes of the order to be fulfilled.

This may be useful in cases where perpetrators of mate crime have moved in with their victim and abuse is being carried out behind closed doors, as in the case of Steven Hoskin.



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The order does not authorise removal of the adult. If that is considered necessary, some other legal authority is required, for example (in the case of an adult lacking mental capacity to decide where to live) an order of the Court of Protection.

For more information on APSO, see Inform Adults' digest of [section 127 of the Social Services and Well-being Act](#) and the dedicated guidance on the use of the orders (Welsh Government, 2016b).

Such an order is not available in England under the Care Act 2014.

## Mate crime and mental capacity

As set out in the preceding section, issues of mental capacity may be critical in tackling cases of mate crime.

Under sections 2 and 3 of the Mental Capacity Act a person lacks capacity to make a decision if, at the time the decision needs to be made, they are unable to take the decision because of an impairment of, or disturbance in the functioning of, the mind or brain. Being unable to make the decision means being unable to do any one of the following:

- understand the information relevant to the decision;
- retain this information;
- use or weigh the information in making the decision;
- or communicate the decision by any means.

As set out in the Mental Capacity Act code of practice, a learning disability is an example of an impairment or disturbance in the mind or brain (Department for Constitutional Affairs, 2007, paragraph 4.12). Where a person lacks capacity to make a decision about care or treatment, the relevant decision-maker (often a health or social care professional) will be able to make the decision on their behalf, as set out under [section 4](#) of MCA, other than in certain defined situations. When assessing capacity and making best interests decisions professionals must apply the five principles of the MCA:

- 1 A person must be assumed to have capacity unless it is established that they lack capacity.
- 2 A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.
- 3 A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- 4 An act done, or decision made, for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- 5 Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less

restrictive of the person's rights and freedom of action.

If the victim lacks capacity to consent to an abusive relationship and/or the individual instances of abuse or exploitation that take place within it, then suitably qualified professionals can make a best interests decision on behalf of the victim but only in relation to their care or health treatment. Coercive safeguarding measures will normally require the sanction of the Court of Protection, for example, if it is thought necessary to prevent an individual entering the adult's home or extract the individual from an abusive environment. For more information see Inform Adults' guide to case law on [best interests decisions in relation to contact, residence and safeguarding](#).

However, if a person has mental capacity to take particular decisions that means they have the mental capacity to take those decisions unwisely. The Mental Capacity Act cannot assist. Apart from that, there is little by way of formal action that can be taken, apart from an application to the High Court under its inherent jurisdiction, unless and until it appears a crime has been committed.

It is, therefore, vitally important that if a person appears to be consenting to mate crime, social workers are sure that 'consent' is free, informed and genuine. As noted earlier, statutory guidance under the Care Act states that practitioners should take steps to try and protect adults where they believe they are refusing intervention because of duress.

In certain cases, this may involve recourse to the inherent jurisdiction of the High Court, which provides a legal mechanism to protect vulnerable adults whose decision-making capacity is affected in ways not provided for by the Mental Capacity Act. For more information, see the summary of the DL case in Inform Adults' [guide to using professional judgment and decision-making in adult safeguarding](#).

But where the person appears to be making decisions freely, practitioners may have to step back unless:

- Other people are at risk; such as exploitation/abuse taking place in shared living situations.
- The perpetrator has care and support needs and may be 'at risk'.
- The alleged perpetrator is a member of staff.
- A serious crime has been committed.
- A child is involved. (SCIE, 2015)

If these circumstances do not apply, and social workers are content that consent is full, best practice would still argue that is not the end of the matter and the person should still be offered support. SCIE (2015) suggests this should happen by:

- Helping them think through the risks, possible outcomes, and the choices they have.
- Agreeing on the level of risk they are taking.

- Helping them secure an advocate or peer support.
- Helping to build their confidence and self-esteem (this is addressed later in this guide).
- Recording your reasons for not intervening or sharing information, including every detail of your assessment of the person's capacity and of your conversations with them about the potential risks posed by their chosen action.
- Reviewing the situation regularly.
- Making sure that they understand where they can go if they want to seek help in the future.
- Trying to build trust and use your professional skills and the relationship you have with the person to make it possible for them to better protect themselves, encouraging them to continue the conversation with other people who they trust, such as family members and professionals.

Social workers should also, if necessary, help the person realise that taking no action is still a choice.

Social workers also need to be mindful that mental capacity is decision specific and time specific. In other words people can have capacity in one area of their lives but not another. They can have capacity for a decision at one point, but lack it at another. This can even extend to different times on the same day depending, for example, on drug regimes or substance misuse. Whether they are aware of it or not, social workers are constantly making initial capacity assessments on individuals. In the Safety Net project's experience these assessments often lead to blanket judgments of capacity, omitting the nuances of specific decisions and timing.

## A holistic response

Owing to the complexity and limitations of dealing with mate crime once it is happening, as outlined in this guide, the Safety Net project sought to emphasise prevention, taking a holistic approach to people's lives, and looking at how people can have the control, meaning and relationships in their lives which mean that they do not have to accept any offer of 'friendship', whatever the source. These were encapsulated in ARC's Real Change Challenge document as [a series of 'I statements'](#):

- I can make and keep good relationships.
- I have good self-esteem and assertiveness skills.
- I am a contributing part of my community. People look out for my safety even when I am not their immediate 'responsibility'.
- I have staff who think of me as an individual with rights.
- I have a life that is fulfilling and ambitious.
- I am able to report crimes when they happen to me.
- I have access to people who are trained and skilled in identifying abuse and exploitation.

- I am supported by an organisation that seeks to work in partnership with, and influence, other organisations responsible for my safety, including the police and adult safeguarding.

Safety Net is aware that all of these statements are 'easier said than done', but surely inform good practice in many areas of people's lives. All agencies who have any responsibility for supporting people with learning disabilities can make a difference in these areas.

Where people play a contributory part in their communities, and form genuine friendships, incidents of mate crime are likely to diminish. Work needs to be undertaken within communities to ensure they are aware of mate crime and what to do about it.

Social workers need to ensure that care providers and families are supporting not just the 'stranger danger' messages but also that friends can sometimes be fakes. Safety Net developed a range of educational and other resources on mate crime and more recently on sexual exploitation as a prime manifestation of mate crime [see below].

## Conclusion

None of this is an argument against people with learning disabilities living ordinary lives in the community. Nor is this an argument against people forming relationships and trusting others.

We need to ensure that mate crimes are identified, taken seriously, reported and ended. The choices that people make need to be supported and informed.

The main responsibilities for social workers are:

- Inform and educate yourselves and others about mate crime.
- Act preventatively in line with provisions under the Care Act (in England) and Social Services and Well-being Act (in Wales).
- Support people's rights to make unwise decisions with capacity, but ensure this is based on a robust assessment of capacity.
- Do not abandon people just because they have made an unwise decision.
- Share information across agencies.

Developing local protocols was one of the original project aims, but in reality we got nowhere with this. It is one of the curses of the voluntary sector that it can take three years to develop relationships and understanding about an issue, preparing the ground for change, and then find ongoing funding unavailable because the project has ceased to be new.

It would be good to have had more good practice to share here – agreed ways of working between the police and adult safeguarding teams, information sharing protocols, agreed areas of responsibility – but I'm not aware of any. If you know of any please let us know.

## Safety Net resources

All the resources produced by the project are available to download, free of charge, from the [Safety Net pages of the ARC website](#). These include teaching notes, worksheets, PowerPoint presentations and an accessible guide to mate crime for people with learning disabilities and carers.

ARC resources also now include the results of a three-year peer education project on sexual exploitation for young people with learning disabilities. This project, funded by Comic Relief, resulted in a range of educational resources about sexual exploitation aimed at people with learning disabilities, staff and family carers. These are all available to download free of charge from [ARC's website](#).

## References

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*Community Living*

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