



HM Government

Safe Care at Home Review Terms of Reference

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Safe Care at Home Review Terms of Reference

A review into protections and support for adults at risk of or experiencing abuse in their own homes by people providing their care.

Introduction

The Government is concerned by the evidence presented by peers and deaf and disabled people's organisations working on violence against people receiving care during the passage of the Domestic Abuse Act 2021 (the 'DA Act'). The Government has committed to reviewing the existing protections and support for adults at risk of or experiencing abuse in their own homes by people providing their care.

Home is a place where everyone should feel safe. We are committed to ensuring people receive quality care with positive outcomes. This includes preventing and addressing any instances of abuse or exploitation by the people providing care to people in their homes

The Home Office and the Department of Health and Social Care will jointly lead the Review, with input from other relevant Government departments and other interested parties

Aims

The aims of this Review are two-fold:

- To review the scope and accessibility of the existing protections for adults at risk of or experiencing abuse in their own home by people providing their care.
- To review the availability and accessibility of the support for adults abused in their own home by people providing their care.

'Protections' 'support', 'adults', 'people providing care' and 'own home' are defined later in this document.

Approach

The review will:

- Engage with and collect evidence from:
 - experts by experience (victims and survivors and their representatives, the deaf and disability sector and organisations representing older people);
 - experts involved in delivery of the existing criminal and safeguarding system (including local authorities and social work professionals, police, Crown Prosecution Service).
- Seek the views of people with lived experience.
- Develop a robust, evidence-based review of the existing protections and support available to adults at risk of or experiencing abuse at home by people providing their care.
- Work across government, including Home Office, Department of Health and Social Care, Ministry of Justice and the Cabinet Office to ensure alignment of and clear accountability for the delivery of any recommendations and actions

Scope of the review

Concerns have been raised about the adequacy of protections and support for adults at risk of or experiencing abuse at home by people providing their care compared to adults abused at home where the abuser falls within scope of the DA Act.

The DA Act applies to England and Wales; Northern Ireland and Scotland have relevant devolved powers. However, this Review will apply only to England as health and social care is a devolved matter in Wales. We are aware that if the Review identifies the need for legislative change in the areas of crime, policing or justice this could also affect Wales.

To focus the Review on addressing these concerns, the Review will use the following definitions:

1. “Own home”

- To review the scope and accessibility of the existing protections for adults at risk of or experiencing abuse in their own home by people providing their care.
- The Review will cover care provided in people’s own homes where they permanently reside (whether rented, provided by the local authority or owned).
- Where the adult is supported to live independently in supported living or accommodation with care arrangements, and pays either in part or full, towards the tenancy, then this is their ‘own home’.
- This definition does not include care homes. Concerns raised during the passage of the DA Act were centred on the provision of care at home where there is less oversight and regulation. Care homes have more shared facilities than private homes and supported living/accommodation with care housing and have higher levels of Care Quality Commission (CQC)-regulation. For these reasons ‘care homes’ will not be included in the scope of this Review.

2. People providing care

- To review the scope and accessibility of the existing protections for adults at risk of or experiencing abuse in their own home by people providing their care.
- The term ‘carer’ used during the passage of the DA Act is very broad. For clarity, we therefore propose to use the term ‘people providing care’ as an overarching term to capture the following types of groups who may provide care at home that will be considered for the purpose of this Review:
 - **‘Personally connected’ individuals with caring roles for the person:** Defined in the DA Act¹, but includes family members, intimate partners and people who were or are civil partners or married.
 - **Unpaid carers:** (e.g. neighbour or, friends) who provide care for the person.
 - **Paid carers:** employed care workers, Personal Assistants, and other paid individuals in a position of trust who provide care for the person.
 - **Volunteers:** individuals who provide care as part of a voluntary organisation to the person.
- It is important to recognise that there is a clear distinction between abuse perpetrated by care workers who are employed/engaged to provide care and support, and other groups included in the Review (particularly unpaid carers) in relation to existing protections and support. This will be important to consider during the review and when making recommendations.

3. Adults receiving care

- While the concerns raised during the passage of the DA Act related specifically to disabled people (defined in the Equality Act 2010), the concerns may also apply to other people (for example older people) who rely on care to lead an independent and active life at home.
- The Review will therefore focus more broadly on adults receiving care at home, taking special consideration of intersectionality and the effect this has in accessing support and existing protections. For example, in England and Wales disabled women are more than twice as likely to have experienced domestic abuse than non-disabled women.² The Review will also have regard to wider government initiatives aimed at reducing violence and tackling abuse such as the Tackling violence against women and girls' strategy.³

¹ [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

² Office of National Statistics, Disability and Crime, UK (2019)

³ [Tackling violence against women and girls strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- The Review will focus on adults only, as children have additional child safeguarding protections, which are out of the scope of this Review.

4. Protections and support

This will include:

Protections:

- a. Reviewing access and barriers to justice for adults at risk of or experiencing abuse by people providing their care in their own home where that behaviour amounts to a criminal offence, and access to civil orders such as injunctions and non-molestation orders.
- b. Reviewing whether existing safeguarding legislation (adult safeguarding provisions in the Care Act, s.20 and 21 Criminal Courts and Justice Act) prevents and protect against this abuse, and how it is applied and accessed in practice.

Support:

- a. Reviewing the support in place for adults abused in their own homes by people providing their care, which government provides, commissions or funds, including services provided for in legislation (e.g. Domestic Abuse Act support services) and victim support services.
- b. Assessing whether all victims of this abuse receive timely and appropriate support, regardless of protected characteristics in line with the Equality Act 2010.

Outputs and timings

We aim for the Review to be completed before the end of 2022. The outcomes of the Review will be informed by input from participants. The Government will consider if the findings of the Review suggest that any changes are needed.

The proposed timing is also intended to ensure that the review is accessible.

This Review is included as a commitment in the National Disability Strategy, published on 28 July 2021.



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