



FACTSHEET 7

The Care Bill – Protecting adults from abuse or neglect

“The existing legal framework for adult protection is neither systematic nor co-ordinated, reflecting sporadic development of safeguarding policy over the last 25 years”

Commission for Social Care Inspection

This factsheet is about how the Bill will, for the first time, set out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect.

What is “safeguarding”?

“Adult safeguarding” is the process of protecting adults with care and support needs from abuse or neglect. It is an important part of what many public services do, and a key responsibility of local authorities.

Safeguarding is mainly aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect by others. In these cases, local services must work together to spot those at risk and take steps to protect them.

Why do we need to change the law?

Although local authorities have been responsible for safeguarding for many years, there has never been a clear set of laws or regulations behind it. As a result, it has often been very unclear who is responsible for what in practice.

This Bill aims to put this right by creating a legal framework so key organisations and individuals with responsibilities for adult safeguarding can agree on how they must work together and

what roles they must play to keep adults at risk safe.

What does the Bill do?

Safeguarding Adults Boards

Safeguarding is everyone’s business, and it is important that organisations work together to protect people who need help and support. Yet one of the biggest challenges is how to bring together the huge number of teams and organisations involved in keeping people safe.

That’s why this Bill requires local authorities to set up a Safeguarding Adults Board (SAB) in their area, giving these boards a clear basis in law for the first time.

The Bill says that the SAB must:

- include the local authority, the NHS and the police, who should meet regularly to discuss and act upon local safeguarding issues;
- develop shared plans for safeguarding, working with local people to decide how best to protect adults in vulnerable situations;
- publish this safeguarding plan and report to the public annually on its progress, so that different organisations can make sure they are working together in the best way.

Safeguarding enquiries by local authorities

The Bill also requires local authorities to make enquiries, or ask others to make enquiries, when they think an adult with care and support needs may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed. This applies whether or not the authority is actually providing any care and support services to that adult.

What the Bill does not do though is give local authorities any new powers to enter a person's property. The Government did consult on whether there should be a specific power of entry. However, opinions were split on the issue and the Government decided that there was not a strong enough case in favour of a new law.

Safeguarding Adult Reviews

When there is any failure in safeguarding, the results can be severe and tragic and therefore demand a strong response.

That is why the Bill says that SABs must arrange a Safeguarding Adults Review in some circumstances – for instance, if an adult with needs for care and support dies as a result of abuse or neglect and there is concern about how one of the members of the SAB acted.

The Reviews are about learning lessons for the future. They will make sure that SABs get the full picture of what went wrong, so that all organisations involved can improve as a result.

Supply of information

It is important that organisations share information related to abuse or neglect with SABs. Not doing so could prevent them from being able to tackle problems quickly and learn lessons to prevent them happening again.

The Bill is therefore clear that if an SAB requests information from an organisation or individual who is likely to have information which is relevant to SAB's functions, they must share what they know with the SAB. This is so any problems can be tackled quickly, and lessons can be learnt to prevent them happening again in the future.

FURTHER INFORMATION

- Statutory guidance on adult safeguarding: **No Secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse** (March 2000)
- **Government response to the Consultation on a new adult safeguarding power**
<https://www.gov.uk/government/consultations/consultation-on-a-new-adult-safeguarding-power>