

The draft Care and Support 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 describes how the draft Bill sets out the first statutory framework for adult safeguarding, to set out local authorities' responsibilities, and those of their local partners, to protect adults at risk of abuse or neglect.

What is "safeguarding"?

"Adult safeguarding" is the term that describes the function of protecting adults from abuse or neglect. This is an important shared priority of many public services, and a key responsibility of local authorities.

Safeguarding relates to the need to protect certain people who may be in vulnerable circumstances. These are adults in need of care and support who may be at risk of abuse or neglect, due to the actions (or lack of action) of another person. In these cases, it is critical that local services work together to identify people at risk, and put in place interventions to help prevent abuse or neglect, and to protect people.

Why do we need to change the law?

Although protecting adults from abuse and neglect has been a priority for local authorities for many years, there has never been a legal framework for adult safeguarding. This has led to an unclear picture as to the roles and responsibilities of individuals and organisations working in adult safeguarding. Strengthening safeguarding arrangements is a key priority for this Government.

Public services and Government have a clear responsibility to ensure that people in the most vulnerable situations are safe. The Government is committed to preventing and reducing the risk of abuse or neglect to adults in vulnerable situations,

whilst supporting people to maintain control over their lives, and in make informed choices without coercion.

To do this, there need to be greater incentives and clarity about the way in which public services collaborate and work together. New legislation is needed to provide a clear framework for organisations and to set out their responsibilities for adult safeguarding.

What does the draft Bill do?

Safeguarding Adults Boards

Safeguarding is everyone's business, and it is important that organisations work collaboratively to protect people and put in place shared strategies. This proposed legislation requires the local authority to establish a Safeguarding Adults Board (SAB) in their area to develop shared strategies for safeguarding and report to their local communities on their progress.

The provisions in the draft Bill set out the SAB's core membership, which should include the local authority, the NHS and the police. Core members should meet regularly to discuss and act upon local safeguarding issues. The SABs obligations will be set out in guidance. Legislation will put SABs on a strong statutory footing, better equipped both to prevent abuse and to respond when it occurs.

One of the key challenges around effective safeguarding work is the high number of different organisations and agencies involved. A strong multi-agency and multi-disciplinary approach is therefore essential, as each agency has different roles in preventing and protecting against abuse. Safeguarding Adults Boards will be able to determine their own strategic plan, with the local

community, to determine how best the Board and its members should work to help and protect adults in vulnerable situations from abuse and neglect. The Board must publish this safeguarding plan and report annually on its progress against that plan, to ensure that agencies activities are effectively coordinated.

Safeguarding enquiries by local authorities

This proposed legislation will require local authorities to make enquiries, or to ask others to make enquiries, where they reasonably suspect that an adult in their area with care and support needs is at risk of abuse or neglect. The purpose of the enquiry is to establish what, if any, action is required in relation to the case.

The draft Bill does not provide powers for local authorities to enter a person's property or take other similar action to carry out the enquiry. However, we are aware of the strong feeling from some that a specific power of entry would give an opportunity to ensure that people who are unable or unwilling to ask for help can have their voices heard.

We are holding a separate consultation exercise to look at whether a specific power of entry is required alongside the duty to make enquiries.

Safeguarding adults reviews

Safeguarding Adults Board will have to arrange for a safeguarding adults review to take place in certain circumstances, where an adult dies or there is concern about how one of the members of the SAB conducted itself in the case. The aim of a review is to ensure that lessons are learned from such cases; not to allocate blame, but to improve future practice and partnership working, to minimise the possibility of it happening again.

What will this mean in practice?

A care and support system that is built upon the protection and promotion of people's human rights will lower the risk of people experiencing neglect or abuse. Whilst the reforms in the draft Care and Support Bill will set out a clear framework within which organisations must act, we also believe that safeguarding is everyone's responsibility. We all need to be vigilant, and to be able to recognise and report abuse. Care and support organisations must ensure they are meeting their own responsibilities for keeping people safe.

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)*
- Consultation on new safeguarding intervention power for local authorities *Consultation on a new safeguarding power (July 2012)*