



# Understanding what a Safeguarding Adults Concern is

**Samira Natafqi-Roberts**  
**Safeguarding, MCA & DoLS Lead**  
**London Borough of Redbridge**



# Care Act 2014 – Section 42

Enquiry by local authority

(1) This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not resident there):

(a) Has needs for care and support (whether or not the authority is meeting any of those needs)



## Care Act Section 42

- (b) Is experiencing, or is at risk of, abuse or neglect and
- (c) as a result of those needs is unable to protect himself/herself against the abuse or neglect or the risk of it
- Neither the Care Act nor the statutory Guidance (DHSC, 2020) state that all 3 criteria must be fulfilled in order for all organisations to conclude that an issue constitutes a concern.



## Safeguarding Concerns Multi-Agency Framework

- Where it appears that criteria 'a' and 'b' of S42 (1) are met, and the referring worker or organisation believes that the circumstances amount to a safeguarding concern, then the local authority must be notified
- The framework is offered as support to improve practice and should not be seen as prescriptive
- 14:17 CA2014 statutory guidance advises local authorities to consider the 3 criteria and to explore concerns raised, in a person centred way



# Safeguarding

- 14:6 Safeguarding adults statutory duties apply equally to adults with care and support needs regardless of whether these needs are being met, regardless of whether the adult lacks capacity or not, and regardless of setting, other than prisons and approved premises
- 14:17 Local authorities should not limit their view of what constitutes abuse or neglect, as they can take many forms and the circumstances of the individual case should always be considered



# Care & Support Needs

There is no statutory definition of care and support needs

Consider if :

- The adult requires support to live as independently as possible
- Their needs are significant enough to have an impact on their well-being



# Care & Support

The framework suggests Safeguarding duties apply regardless of whether a person's care and support needs are being met, whether by the local authority or anyone else. They also apply to people who pay for their own care and support services.

An adult with care and support needs may be:

- An older person
- A person with physical disability, learning disability or sensory impairment



# Care & Support

- A person with mental health needs, including dementia or personality disorder
- A person with a long-term health condition
- Someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living





# Key Considerations

The person raising the concern and the local authority consider the definitions central to the decisions:

Does the person have care and support needs?

How are they are being abused? What type of abuse?

Have you discussed your concerns with the person?

Have you asked them for their views and wishes?

Are there immediate risks to the person, others, children?



## Key Considerations

- Have you had a discussion with the person and agreed what steps to take?
- Does the person wish to raise the their own concerns and if they do, would they like support to do so?
- If the person does not want any actions taken, consider if there are others including children at risk? Is there a public interest?



## Types of Abuse (Care Act statutory guidance)

- Physical Abuse – assault, hitting, pushing, misuse of medication, restraint
- Domestic Violence – psychological, physical, sexual, financial, emotional
- Sexual Abuse – rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, sexual acts to which the adult cannot consent to
- Psychological Abuse – emotional abuse, threats of harm or abandonment, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation, withdrawal of services/support networks



## Types of Abuse

- Self-neglect – covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a S42 enquiry. An assessment should be made on a case by case basis
- Organisational – includes poor practice within an institution, care home, hospital or in relation to care provided in one's own home. Can be through neglect or poor professional practice as a result of structure, policies, processes and practices within an organisation



## Types of Abuse (contd)

- Financial/Material Abuse – theft, fraud, internet scamming, coercion in relation to finances including wills, property, inheritance or financial transactions, misuse or misappropriation of property, possessions or benefits
- Modern Slavery – slavery, human trafficking, forced labour and domestic servitude, being coerced by traffickers and slave masters into a life of abuse, servitude and inhumane treatment



## Types of Abuse (contd)

- Discriminatory – harassment, slurs or similar treatment because of race, gender, gender identity, age, disability, sexual orientation, religion
- Neglects and acts of omission – ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, withholding the necessities of life such as medication, adequate nutrition and heating



# Case Studies



# Questions

- Julie
- Howard

