

The Care Act 6 months on: safeguarding adults in domestically abusive circumstances

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Who we are:

The Association of Directors of Adults Social Services is a charity. Our objectives include:

- Furthering comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time
- Furthering the interests of those who need social care services regardless of their backgrounds and status and
- Promoting high standards of social care services

Our members are current and former directors of adult care or social services and their senior staff.

About this session

- Safeguarding and Domestic Abuse
- The Care Act
- Making Safeguarding Personal

About the ADASS and LGA work on safeguarding and domestic abuse :



- Much safeguarding work with adults in homes is, in fact, domestic abuse, though not always recognised as such because it involves wider family members rather than just intimate relationships.
- Practice guide to align approaches to adult safeguarding and domestic abuse.

Background

- Around a quarter of safeguarding adults work relates to domestic abuse, though it is not always 'named' as such because it may be perpetrated by those other than intimate partners or because people think 'domestic abuse = physical violence'.
- Safeguarding applies to anyone with care and support needs who, because of those needs, is unable to protect themselves from abuse or neglect.
- The Statutory Guidance to the Care Act includes domestic abuse (alongside financial, physical, sexual, emotional, slavery and other forms of abuse and neglect)

Key messages from research, practice and reviews

- On average 2 women per week are killed by current or ex-partners in England and Wales.
- 1 in 4 women in the UK will experience domestic abuse in their lifetime.
- Disabled women in the UK may be twice as likely to experience domestic abuse as non-disabled women.
- 1 in 4 LGBT people may experience domestic violence.
- Men also experience abuse but messages from research are complex, especially in relation to adults in need of care and support.

More key messages... older people

- May be more physically vulnerable, more socially isolated, more economically dependent.
- May have put up with a lifetime of abuse.
- May find it more difficult to ask for or accept help.
- May be assumed to have social care needs if injured or depressed

More key messages ... carers as alleged abusers

- Have considerable power and control over the victim.
- Many carers find themselves in circumstances they would never have envisaged or chosen.
- Can influence 'unwise' decisions even where someone has capacity.
- May be victims, may abuse or neglect, or may be key witnesses and supports

The Care Act applies safeguarding duties where an adult:

- Has needs for care and support (whether or not the local authority is meeting any of those needs); and
- Is experiencing, or at risk of, abuse or neglect; and
- As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of, abuse and neglect.



- ‘The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case and, if so, what and by whom’.
- “Abuse” includes financial abuse and domestic abuse, slavery, sexual, physical and emotional abuse.

What's different in the guidance?

- Clear statement that applies to the NHS and Police as well as councils
- Clarity about most appropriate professional
- MSP explicitly included
- More on domestic abuse and proportionality
- 'Safeguarding should not be used as a substitute for regulatory or other action'

Key Points

- The Act and guidance signals a major change in practice
- Greater emphasis on prevention and early intervention
- Enquiries should be made by the most appropriate professional or organisation
- A move away from the process-led, tick box culture to a person centred social work approach which achieves the outcomes that people want.
- Practitioners must take a flexible approach and work with the adult all the way through the enquiry and beyond where necessary.
- The advances in personalisation of social care go hand-in-hand with the new approach to safeguarding; the two concepts are also inseparable from quality of life and dignity.
- There must be enough capacity to provide an advocate for individuals when they are unable to speak for themselves without support

3 monthly Care Act stocktakes

- 6 months on - completing today
- At end June, 97% of councils were confident, or fairly confident that the Safeguarding Adults Board has in place robust arrangements to ensure proportionate responses to safeguarding concerns, in line with 'Making Safeguarding Personal', for the broad group of people outlined in the Care Act

Making Safeguarding Personal

- Emerged from peer reviews of safeguarding adults work: discussions with people being supported by safeguarding, social workers, DA staff, managers, councillors, police and NHS staff
- 2010/11 – Literature review: ‘Supporting people with difficult decision making’*
- 2011/12 – Making Safeguarding Personal – a Toolkit of Responses*
- 2012/13 – 4 ‘test beds’ and emerging interest*
- 2013/14 – 46 councils engaged and provided impact statements*
- 2014/15 – in statutory guidance and mainstreaming but much more to do*

What we wanted to do:

- Many people felt they were being driven, sometimes out of control, through a safeguarding process: develop a personalised approach to supporting people. Something done with rather than to people.
- Most of the 'outputs' from safeguarding were increased monitoring or increased services
- The focus was on substantiating whether abuse or neglect had taken place, (yet there were very few prosecutions or convictions), rather than helping people to achieve resolution or recovery

Person centred and outcomes focussed work

Two measures to prompt this:

- The number/% of people (or their representatives or advocates if they lack capacity) who define the outcomes they want at the beginning of safeguarding
- The number/% of people's outcomes that were realised at the end of safeguarding work

A dialogue not a professional decision

- What outcomes do you want? What are the options?
- Weighing up rights, risks and benefits increases:
 - The amount of time needed with people at the start of the process but many assert it saves time and money in the long run
 - People's resilience and self confidence
- Systems, training, workforce deployment and support all big issues

Making Safeguarding Personal Evaluation October 2015



- 95% of respondents to survey felt it was the right approach to be taking
- Most council staff still at the beginning of major cultural and practice change
- MCA is key: understanding people's capacity and ensuring that those who lack capacity also have a personalised approach
- Developing knowledge and use of range of legal and social work interventions is next stage

directors of
adass
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