

Adults at Risk Policy and Procedure

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1. Introduction

The NSPCC has a responsibility to prevent, and report concerns about the abuse, neglect and ill-treatment of adults who are at risk of being harmed, alongside its responsibility to protect children who have suffered abuse.

There are legal requirements on statutory bodies under the Care Act 2014, and statutory guidance (Care and Support Statutory Guidance – updated 27 January 2022) applying to the voluntary sector across England and the devolved nations, which require organisations to do everything they can to ensure that their workforce is able to recognise, and report concerns about abuse quickly and appropriately to keep adults safe, and to prevent harm and abuse from happening in the first place.

Anyone who is employed or volunteers for or, on behalf of the NSPCC, regardless of the type or amount of contact they have with adults who are at risk of abuse or vulnerable adults, has a role to play in safeguarding and protecting them. They must:

- Know how to recognise potential abuse of adults at risk/vulnerable adults
- Know what to do when safeguarding concerns arise
- Understand what the NSPCC expects of them in terms of their own behaviour and actions.

An adult at risk of abuse can be anyone over the age of eighteen, including service users, staff, or volunteers (see the 'terminology' section below). Whilst personal characteristics may make an individual more vulnerable i.e., disability and communication difficulties, it is the situation around an individual which may increase risk or place them at potential risk of harm.

Safeguarding is contextual and the many factors which increase vulnerability and risk are intersectional. It is vital to acknowledge and to recognise that every individual has their own unique experiences of discrimination and oppression, and it is critical that anything which serves to marginalise people should be considered in any assessment of risk (gender, race, class, poverty, displacement, religious beliefs, sexual orientation, communication barriers, neurodiversity etc). There is emerging evidence from research that indicates that the risks associated with transition into adolescence extends into the early and mid-twenties. This emphasises the need to improve safeguarding responses to older teenagers and young adults in a way that recognises their developmental needs. In this context it is therefore vital to be open to the possibility that any adult may be at risk and that this can be temporary or on-going depending on the support and protective factors around them. This policy and procedure must be read in conjunction with:

What to do if you are concerned about a child procedure

Historical Abuse Policy and Procedure

Vulnerability Policy for Fundraisers

Professional fundraising agents, subcontractors, third parties and assignees involved in services for NSPCC parties must comply with NSPCC's safeguarding and child protection policies, legislation and all relevant regulatory codes of conduct including the Institute of Fundraising's code of practice when dealing with donors and prospective donors.

This policy applies to all staff and volunteers, trustees, and interns, secondees, agency staff, sessional staff, students, sole traders and contractors, including associates and professional fundraising agencies

2. Why the policy is important

Adults at risk of abuse may have additional support needs, meaning that they are more likely to experience abuse, and less able to protect themselves from it. The abuse of adults at risk can have devastating effects on their physical, mental, emotional, social and spiritual wellbeing, as well as on their children or children connected to them. In this respect, safeguarding adults at risk can be important child protection work. Equally, many adults at risk have been victims or survivors of abuse and harmful experiences in childhood which have impacted upon their confidence, self-worth and resilience and compounded other personal characteristics increasing vulnerability. The inter-generational trauma experienced by many disadvantaged individuals and communities is increasingly being recognised and acknowledged as a contributor to increased vulnerability at all ages.

Statutory guidance means that the NSPCC must protect adults at risk. The NSPCC is committed to ensuring that we have an aware workforce who are confident about recognising and responding concerns about the welfare of individuals who are at risk or vulnerable at any age.

3. Legal Context-Appendix 2

4. Terminology

For the purposes of this policy and procedures, the following terms are used:

Adult at risk: An adult at risk is 'a person who is aged 18 years or over

'who is or may be in need of community care services by reason of mental or other disability, age or illness';

and

'who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.'

(Care and Support Statutory Guidance 2014 – updated April 2022 [England])

This definition is broadly consistent with definitions across the devolved nations.

In Scotland, the definition of an 'adult at risk' or 'vulnerable adult' applies to those aged 16 years and over. In Northern Ireland the definition is, helpfully, broken down to assist in understanding as follows:

Adult at risk of harm: is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) personal characteristics which may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.

and/or

- b) Life circumstances which may include, but are not limited to, isolation, socio-economic factors, and environmental living conditions.

Adult in need of protection: A person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) personal characteristics **and/or**
- b) life circumstances **and**
- c) who is unable to protect their own well-being, property, assets, rights, or other interests;

and

- d) where the action or inaction of another person or persons is causing, or is likely to cause, him/her to be harmed.

Safeguarding: This describes the activity that is undertaken to protect adults at risk from abuse, harm, ill-treatment, and neglect.

Abuse: This is the ill-treatment or abuse of an adult at risk. A person may abuse or neglect an adult at risk by inflicting harm or by knowingly failing to act to prevent harm. Adults can be abused in a family, at a community fundraising event, in any type of institution/organisation, by those known to them or others, for example by those responsible for organising, participating, or providing support or care.

Prevention: This is how we seek to reduce the abuse of adults at risk occurring in the first place. This includes training, guidance and support for employees and volunteers, as well as for those receiving services.

Categories of Abuse: Appendix 1

5. Key Principles

The NSPCC's approach to safeguarding adults at risk is based on the following principles:

- All adults have a right to equal protection from all types of harm or abuse, regardless of age, ability, gender, racial heritage, religious beliefs, sexual orientation, or personal characteristics which may indicate additional vulnerabilities.
- The best interests of *the child* are paramount in all considerations about the safeguarding and protection of adults at risk.
- Where concerns are identified, the key principles of working with adults at risk embedded in the Care Act 2014, will inform the NSPCC's approach to interventions at all times (see section 6 below).
- Where a concern is identified, we must communicate very clearly what we have done and will be doing to safeguard the adult at risk, unless to do so would in any way increase risk to them or a child. Capacity will be assumed unless there is reason to believe that the person cannot understand (see section 7 below).
- Where we are working together with adults at risk, their carers, family members and other agencies, it is essential to recognise that, in some limited circumstances, it will not be appropriate to engage with carers or family members in order to protect the adult at risk.
- Concerns or allegations that NSPCC staff or volunteers have abused or neglected adults will be taken very seriously and managed sensitively and fairly in accordance with these policies, relevant legislation, and local procedures.

The Care and Support Statutory Guidance issued under the Care Act 2014 (updated January 2022) sets out six key principles which should also be central to our approach to adult safeguarding (see Appendix 2).

We deliver this policy by:

- Providing effective leadership and management for staff and volunteers through induction, supervision/one-to-one learning and mentoring, support and training.
- Ensuring effective and robust safeguarding and protection practices by having clear policies, procedures, practice standards and guidance in place.
- Enabling staff to exercise professional judgements based upon seeking to act in the best interests of, and outcomes for, the adult or child at risk.
- Safe recruitment and employment practices to ensure that robust recruitment, selection, induction, and supervision processes are in place for all those who work for and with the NSPCC.

6. Capacity and Consent

It is important to be alert to issues of cognitive capacity which can increase the vulnerability of people where they have a reduced ability to make informed decisions in the moment. This may be transient (e.g., due to fear, shock, injury, illness) or long term (e.g., due to learning differences, disability, mental health issues).

Whilst this is a complex issue, it should not get in the way of staff and volunteers genuinely seeking to ensure that all individuals are respectfully consulted in relation to participation in activities and/or sharing of information about them.

A young person aged 16 or older is presumed in law to have capacity to consent, unless there is evidence to the contrary. Capacity to consent is not simply based on age however, particularly where learning and communication difficulties and disabilities are identified. You should also consider a person's capacity to understand the consequences of giving or withholding their consent. They should not be treated as unable to make a decision until all practicable steps to help them have been taken.

When assessing a person's understanding you should seek to explain the issues using their preferred mode of communication and language. This should be done in a way that is suitable for them, considering all you know about them from your contact with them, particularly their age, language and likely understanding.

It is important to try and ensure that they really understand the issues and are not just agreeing to what is proposed. If you are unsure whether they have the capacity to consent, then you should seek advice from your line manager, supervisor or co-ordinator or the NSPCC Helpline (0808 800 5000). The person's friends, carer, another professional working with them, or an advocate, where available, may be able to provide relevant information or advice where consulting these people does not increase potential risks.

The following criteria should be considered when assessing whether a person has sufficient understanding at any time to consent, or to refuse consent, to sharing of information about them or participating in specific activities:

- Can the person understand the question being asked of them?
- Are they taking an active part in the discussion?
- Can they rephrase the question in their own words?
- How would they explain it to someone else?
- Do they have a reasonable understanding of what the risks or benefits of giving their consent or saying no?
- What do they say they think would happen if they agree the action being suggested?
- Can they appreciate and consider the alternatives, weighing up one aspect against another and express a clear and consistent personal view? Encourage them to say out loud, or write down, their view of the pros and cons. You could recheck these views later or at a later contact with them.

7. Reporting concerns

Maintain awareness of the reporting structure for your role or service. See the “[What to do if you have a concern about a child procedure](#)” for further guidance.

If you have concerns for the immediate safety of an adult, you should:

- Contact emergency services by calling 999
- Pass the details and the action that you have taken to the NSPCC helpline on **0808 800 5000**
- Record relevant information on the Internal Safeguarding Referral form and email it to internalsafeguardingreferral@nspcc.org.uk within one working day. The helpline will make any appropriate referrals.
- Inform your Line Manager

If you have concerns about an adult that **do not** pose an immediate risk to life, but you feel that further action should be taken:

- Inform your line manager or supervisor about the concern
- Complete the Internal Safeguarding Referral form outlining the nature and details of the concern(s) and email it to internalsafeguardingreferral@nspcc.org.uk within one working day
- Follow this up by making a telephone call to the NSPCC helpline on **0808 800 5000**
- Update your line manager or supervisor of the actions taken

Appendices

1. Appendix 1: Categories of Adult Abuse

Reference: Care and Support Statutory Guidance (2018)

What constitutes abuse and neglect?

This section considers the different types and patterns of abuse and neglect and the different circumstances in which they may take place. This is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern.

Organisations and individuals 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. Exploitation and abuse of power are common themes in the following list of the types of abuse and neglect.

Physical abuse including:

- assault
- hitting
- slapping
- pushing
- misuse of medication
- restraint
- inappropriate physical sanctions

Domestic violence including:

- psychological
- physical
- sexual
- financial
- emotional abuse
- honour-based violence

The cross-government definition of domestic violence and abuse is: any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

A new offence of coercive and controlling behaviour in intimate and familial relationships was introduced into the Serious Crime Act 2015. The offence will impose a maximum 5 years' imprisonment, a fine or both.

The offence closes a gap in the law around patterns of coercive and controlling behaviour during a relationship between intimate partners, former partners who still live together, or family members, sending a clear message that it is wrong to violate the trust of those closest to you, providing better protection to victims experiencing continuous abuse and allowing for earlier identification, intervention, and prevention.

Sexual abuse including:

- rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- indecent exposure
- sexual assault
- sexual acts to which the adult has not consented or was pressured into consenting

Psychological abuse including:

- emotional abuse
- threats of harm or abandonment
- deprivation of contact
- humiliation
- blaming
- controlling
- intimidation
- coercion
- harassment
- verbal abuse
- cyber bullying
- isolation
- unreasonable and unjustified withdrawal of services or supportive networks

Financial or material abuse including:

- theft
- fraud
- internet scamming
- coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance, or financial transactions
- the misuse or misappropriation of property, possessions, or benefits

Financial abuse is the main form of abuse investigated by the Office of the Public Guardian both amongst adults at risk and children. Financial recorded abuse can occur in isolation, but as research has shown, where there are other forms of abuse, there is likely to be financial abuse occurring. Although this is not always the case, everyone should also be aware of this possibility. Potential indicators of financial abuse include:

- change in living conditions
- lack of heating, clothing, or food
- inability to pay bills/unexplained shortage of money
- unexplained withdrawals from an account
- unexplained loss/misplacement of financial documents
- the recent addition of authorised signers on a client or donor's signature card
- sudden or unexpected changes in a will or other financial documents

Modern slavery encompasses:

- slavery
- human trafficking
- forced labour and domestic servitude.
- traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

Discriminatory abuse including forms of:

- harassment
- slurs or similar treatment:
- because of race
- gender and gender identity
- age
- disability
- sexual orientation

- religion

Organisational abuse

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home.

This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Neglect and acts of omission including:

- ignoring medical
- emotional or physical care needs
- failure to provide access to appropriate health, care and support or educational services
- the withholding of the necessities of life, such as medication, adequate nutrition and heating

Self-neglect

This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support.

Incidents of abuse may be one-off or multiple and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as organisational abuse. In order to see these patterns, it is important that information is recorded and appropriately shared.

Patterns of abuse vary and include:

- serial abuse, in which the perpetrator seeks out and 'grooms' individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse
- long-term abuse, in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse
- opportunistic abuse, such as theft occurring because money or jewellery has been left lying around

Note: *This is not an exhaustive list, nor do these examples prove that there is actual abuse occurring. However, they do indicate that a closer look and possible investigation may be needed.*

2. Appendix 2: Legal context

The NSPCC works across four nations and Jersey and, therefore adheres to the framework of relevant legislation and statutory guidance in the countries in which it operates. The relevant law and guidance in the four nations are as follows:

England

The Care Act 2014, which came into effect in 2015, is the primary legislation in England for the support and protection of adults. It represents the most significant reform of care and support in more than 60 years, putting people and their carer's in control of their care and support.

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

The legislation sets out how people's care and support needs should be met and introduces the right to an assessment for anyone, including carers and self-funders, in need of support. Section 42 of the ACT gives local Authorities a duty to investigate allegations of abuse whether or not:

- The adult is usually resident there, or
- The individual meets the eligibility criteria for support/services or is currently receiving services

The Act's "wellbeing principle" spells out a local authority's duty to ensure people's wellbeing is at the centre of all it does with greater emphasis on outcomes and helping people to connect with their local community. It seeks to ensure that people's eligibility for services will be the same across England.

Guidance on safeguarding vulnerable adults, which in England had taken the form of the 'No Secrets' (2000) guidance, was replaced by statutory guidance issued under the legislation which is the Care and Support Statutory Guidance (updated 27 January 2022):

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

This guidance is the adult equivalent of *Working Together to Safeguard Children* (Department for Education, 2018 – updated December 2020) for those seeking to support and protect adults at risk.

For more information about the key legislation and government initiatives in relation to the protection of adults at risk go to:

<https://www.anncrafttrust.org/resources/safeguarding-adults-legislation/>

Wales

The Social Services and Well-being (Wales) Act 2014 was enacted by the National Assembly for Wales in 2016 to reform social services law and it largely mirrors the definitions and principles set out in the Care Act 2014. The SS&WB Act make provision about

-
- improving the well-being outcomes for people who need care and support and carers who need support;
 - co-operation and partnership by public authorities with a view to improving the well-being of people
 - complaints relating to social care and palliative care; and for connected purposes:

<http://www.legislation.gov.uk/anaw/2014/4/enacted>

The SS&WB Act has many similarities with the Care Act 2014, but it is important to note that the Wales Safeguarding Procedures (2019) provide guidance for all Welsh organisations and bodies to ensure that they meet their responsibilities under the SS&WB Act in relation to both children and adults. The procedures make it clear that all organisations have an ethical obligation to take action where there are concerns about an adult who may be at risk and that this duty includes sharing the concerns with the relevant local authority (police or adult social care) regardless of the views of the adult at risk. The aim of this statutory guidance is to ensure that no adult experiences significant harm as a result of delays in information-sharing or failures to seek the support of and/or assessment by statutory agencies. In practice this means that any organisation in receipt of public funding **MUST** report any concerns relating to an Adult at Risk.

<https://safeguarding.wales/adu/>

Scotland

Adult Support and Protection (Scotland) Act 2007 affords greater protection to adults at risk of harm or neglect. The Act defines adults at risk as those aged 16 years and over who: are unable to safeguard their own wellbeing, property, rights or other interests. Everybody has the right to be safe and well-looked after and there is a commitment within the Getting it Right for Every Child (GIRFEC) strategy to ensuring continuing (and where appropriate, joint) assessment, planning and support through the transition between children's and adult social care. The Adult Support and Protection (Scotland) Act 2007 is designed to protect those adults who are unable to safeguard their own interests and are at risk of harm and the Public Bodies (Joint Working) (Scotland) Act 2014 sets the framework for integrating adult health and social care support.

<https://www.gov.scot/policies/social-care/adult-support-and-protection/#:~:text=All%20adults%20at%20risk%20of,mental%20disorder>

The 2007 Act provides legislative responses for people and situations which are not necessarily covered by other Acts. In particular, the 2007 Act allows councils to make inquiries where they would otherwise have no power to do so. Following this initial inquiry, a council may choose to use other parts of the 2007 Act or may choose to respond using another Act or even a non-legislative route, such as developing a care plan.

A Code of Practice for local authorities and practitioners provides information on the 2007 Act's guiding principles and its measures, including guidance on when and where it would normally be appropriate to use the powers that it provides (the Adult Support and Protection Code of Practice was revised in May 2014). For more information on the Act and what it does visit the Act Against Harm website which provides details of who to contact when you believe

that someone is at risk of harm. The website has lots of information, including how to recognise when an adult may be at risk of harm and examples of the type of support that can be provided once a concern has been reported:

<http://www.actagainstharm.org/>

This Act is also one of a number of pieces of legislation which serve to ensure that those in need of care and support are afforded choices and maximum self-determination including the Social Care (Self-directed Support) (Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

Northern Ireland

The Northern Ireland government's framework for adult protection very much mirrors that in the other home countries. The Northern Ireland Adult Safeguarding Partnership (NIASP) and Local Adult Safeguarding Partnerships (LASPs) provide strategic leadership and direction to organisations involved in the spectrum of adult safeguarding activities. NIASP is made up of representatives from the main statutory, voluntary and community organisations involved in adult safeguarding work across the region. The following Northern Ireland guidance and orders shape the framework for safeguarding adults:

- Adult Safeguarding: Prevention and Protection in Partnership (July 2015)
- Adult Safeguarding Operational Procedures (Sept 2016).
- Family Homes and Domestic Violence (NI) Order 1998
- The Safeguarding Vulnerable Groups (NI) Order 2007
- Justice Act (Northern Ireland) 2015

The Northern Ireland *Adult Safeguarding: Prevention and Protection in Partnership* (NI Department of Health, Social services and Public Safety and Department of Justice, July 2015) policy can be accessed via the link below:

<https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/adult-safeguarding-policy.pdf>

The Adult safeguarding Operational Procedures: Adults at Risk of Harm and Adults in Need of Protection (September 2016) can be accessed via the following link:

<https://hscboard.hscni.net/download/PUBLICATIONS/safeguard-vulnerable-adults/niasp-publications/Adult-Safeguarding-Operational-Procedures.pdf>

If you have concerns about an adult is being harmed, exploited or neglected, you can contact your local [Health and Social Care \(HSC\) Trust](#), who will listen to your concerns and advise you on what will happen next. You should inform them of your links to the NSPCC and ensure that your line manager is aware that you have these concerns which will always be taken seriously. If you are unsure who to contact, you can contact the [local Adult Protection Gateway Team or PSNI](#) (Police Service Northern Ireland).

In addition, the [Human Rights Act \(1998\)](#) - which was ratified in 1991 by the UK - gives everyone across all of the UK home nations the right to live free from abuse, violence and degrading treatment:

- Article 2 – Right to life protected by law
- Article 3 – Freedom from torture or inhuman or degrading treatment
- Article 5 – Right to liberty and security of person
- Article 14 – Freedom from discrimination, including age or disability

The Equality Act 2010 also sets out the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and Civil partnership
5. Pregnancy and Maternity
6. Race
7. Religion and belief
8. Gender
9. Sexual Orientation

Protected characteristics are those individual factors that may increase the likelihood of that person being subject to discrimination. Where any of these characteristics are a feature of the abuse or harm that is the source of concern there may be grounds for prosecution of any alleged perpetrator.

3. Appendix 3: Care and Support Statutory Guidance (Issued under the Care Act 2014 and updated in January 2022)

The Care and Support Statutory Guidance sets out six key principles which should also be central to the NSPCC's approach to adult safeguarding (see Appendix 2).

- **Empowerment**

People being supported and encouraged to make their own decisions and informed consent.

I am asked what I want as the outcomes from the safeguarding process, and these directly inform what happens.

- **Prevention**

It is better to take action before harm occurs.

I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.

- **Proportionality**

The least intrusive response appropriate to the risk presented.

I am sure that the professionals will work in my interest, as I see them, and they will only get involved as much as needed.

- **Protection**

Support and representation for those in greatest need.

I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.

- **Partnership**

Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.

- **Accountability**

Accountability and transparency in delivering safeguarding.

I understand the role of everyone involved in my life and so do they.