

I. PROTECTION OF ADULTS AT RISK OF HARM – ENGLAND

Adult at risk

An adult at risk is someone aged 18 or over who is, or may be, in need of community services due to age, illness or a mental or physical disability. They are someone who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm or exploitation.

Where it is known or suspected that an 'adult at risk' is being harmed, it must be decided whether or not further action is needed to protect the adult's well-being, property or financial affairs. Harm could occur at the hands of anyone: a relative, spouse or partner, friend, professional, neighbour or stranger. It could happen anywhere – in the family home, in a care setting, at work or in public places. More specific details on safeguarding adults can be found under Chapter 14 of the Department of Health Care Act 2014 guidance¹.

Who is an adult at risk of harm?

Statutory guidance states that safeguarding duties apply to an adult who:

- 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 or neglect.

'Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect ... We must also recognise that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances'.² Safeguarding is promoting their well-being, allowing them to make their own choices as far as they are able to without endangering themselves.

What are abuse and neglect?

What constitutes abuse or neglect can take many forms and circumstances but exploitation, in particular, is a common theme. The categories below are not an exhaustive list but an illustrative guide as to the sorts of behaviours which could give rise to a safeguarding concern. Incidents of abuse may be one-off or multiple, and affect one or more persons. Full definitions can be found under Appendix 16: Definitions of Abuse.

- physical abuse
- domestic violence
- sexual abuse
- psychological abuse
- financial and material abuse
- modern slavery
- discriminatory abuse
- organisational abuse
- neglect and acts of omission
- self-neglect

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf

²*Ibid.* Sect. 14:7

It is most likely that the person responsible for abuse is known to the adult and is in a position of trust and power. Abuse can happen anywhere: for example, in someone's own home, when an adult lives alone or with others, in a care home or other professional setting. Sadly, it can take place in church. Abuse or neglect may be unintentional and may arise from an individual struggling to care for a loved one, or it may arise from a person's deliberate intent to cause harm or exploitation.

What can the statutory authority do to protect an adult who is at risk of harm?

Local authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult is, or is at risk of, being abused or neglected³. The local authority can enter any place where it knows or suspects that an adult is at risk of harm in order to establish whether any further action is needed to protect the adult. They will work with other agencies to secure the well-being of that adult. This may include:

- ensuring access to suitable advice and support;
- providing practical care and support services for the adult at risk and/or their carer;
- an order or appointment of a proxy to help the person manage their affairs.

Where necessary the local authority can apply to court for a protection order if specific consent is needed for permission to undertake further assessment on behalf of an individual; to remove them from a situation of potential serious harm; or to ban another person from contact.

Where a criminal offence has been committed against the adult at risk, this should be reported immediately to the police. Any interview or medical examination can only be carried out with the agreement of the adult concerned.

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf
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