



Advocacy within Safeguarding

Introduction

Adult safeguarding is the process of protecting adults with care and support needs from abuse or neglect. It is an important part of what many public services do, but the key responsibility is with local authorities.

This information book will cover:

- what safeguarding is,
- underpinning principles,
- who is affected,
- the processes in place to protect people and
- the advocacy role within safeguarding.

Introduction

The Care Act puts adult safeguarding on an explicit statutory footing and from April 2015 each local authority must:

- set up a Safeguarding Adults Board with core membership from the local authority, the Police and the NHS (specifically the local Clinical Commissioning Group/s) and the power to include other relevant bodies
- make enquiries, or cause others to do so, if it reasonably suspects that an adult is subject to, or at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if so, by whom
- arrange, where appropriate, for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review where the adult has “substantial difficulty” in being involved in the process and where there is no other appropriate adult to help them.

Introduction

An adult at risk of harm is defined as someone who has needs for care and support, is experiencing, or at risk of, abuse or neglect and is unable to protect him or herself due to their needs.

This means that regardless of whether they are providing any services, councils must follow up any concerns about either actual or suspected adult abuse or neglect.

Aims of Safeguarding

The aims of adult safeguarding are to:

1. stop abuse or neglect wherever possible
2. prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
3. safeguard adults in a way that supports them in making choices and having control about how they want to live
4. promote an approach that concentrates on improving life for the adults concerned
5. raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect;
6. provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult; and
7. address what has caused the abuse or neglect.

Safeguarding principles

There are six key principles which underpin all adult safeguarding work



Safeguarding principles

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.”*

Safeguarding principles

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.”*

Safeguarding principles

The advances in personalisation of social care go hand-in-hand with the new approach to safeguarding; empowering people to speak out, make informed choices, with support where necessary, and encouraging communities to look out for one another. The two concepts are also inseparable from quality of life and dignity.

The emphasis must be on sensible risk appraisal, not risk avoidance, which takes into account individuals' preferences, histories, circumstances and life-styles to achieve a proportionate tolerance of acceptable risks. In the words of Lord Justice Munby: "*What good is it making someone safer, if it merely makes them miserable?*"

**Lets look at the two processes
involved in safeguarding:**

1 - The Safeguarding Enquiry

2 - The Safeguarding Review

Safeguarding Enquiry

A safeguarding enquiry should take place when a local authority has reasonable cause to suspect that an adult who has care or support needs and is at risk of neglect or abuse is unable to protect themselves from this neglect or abuse.

The local authority must make whatever enquiries it thinks necessary (or cause, by instructing, others, to make enquiries), to inform decisions about what actions should be taken and by whom.

This is called a Safeguarding Enquiry

Safeguarding Enquiry

The objectives of an enquiry into abuse or neglect are: -

To establish facts

Find out what the person's views
and wishes are

Gain consent where
possible

Assess the needs of the individual

Make decisions about what actions should be taken - both to
keep the person safe and in relation to the person or
organisation responsible for the abuse or neglect

Safeguarding Enquiry

An enquiry is the action taken or instigated by the local authority in response to a concern that abuse or neglect may be taking place.

An enquiry could range from a conversation with the adult, or if they lack capacity, or have substantial difficulty in understanding the enquiry their representative or advocate, prior to initiating a formal enquiry under section 42, right through to a much more formal multi-agency plan or course of action.

Whatever the course of subsequent action, the professional concerned should record the concern, the adult's views, wishes, and any immediate action that has been taken and the reasons for those actions.

Safeguarding Enquiry

The adult should always be involved from the beginning of the enquiry unless there are exceptional circumstances that would increase the risk of abuse. If the adult has substantial difficulty in being involved, and where there is no one appropriate to support them, then the local authority must arrange for an independent advocate to represent them for the purpose of facilitating their involvement.

You might find that when you are appointed as the person's advocate, the person has not been informed of the safeguarding enquiry. You might even find that the local authority asks you to tell your partner about the enquiry and safeguarding concerns. This is not something you should be doing. If you are asked this, you may want to explain that your role is to support the person through the safeguarding process. It may be appropriate for you to be there to support the person when the safeguarding lead (or social worker) explains about the safeguarding concerns.

Safeguarding Enquiry

The wishes of the adult are very important, particularly where they have capacity to make decisions about their safeguarding. The wishes of those that lack capacity are of equal importance. Wishes need to be balanced alongside wider considerations such as the level of risk or risk to others including any children affected.

All adults at risk, regardless of whether they have capacity or not may want highly intrusive help, such as the barring of a person from their home, or a person to be brought to justice or they may wish to be helped in less intrusive ways, such as through the provision of advice as to the various options available to them and the risks and advantages of these various options.

Safeguarding Enquiry

Where an adult lacks capacity to make decisions about their safeguarding plans, then a range of options should be identified, which help the adult stay as much in control of their life as possible.

Wherever possible, the adult should be supported to recognise risks and to manage them.

Safeguarding plans should empower the adult as far as possible to make choices and to develop their own capability to respond to them.

Safeguarding Enquiry

Any intervention in family or personal relationships needs to be carefully considered. While abusive relationships never contribute to the wellbeing of an adult, interventions which remove all contact with family members may also be experienced as abusive interventions and risk breaching the adult's right to family life if not justified or proportionate.

Safeguarding needs to recognise that the right to safety needs to be balanced with other rights, such as rights to liberty and autonomy, and rights to family life. Action might be primarily supportive or therapeutic, or it might involve the application of civil orders, sanctions, suspension, regulatory activity or criminal prosecution, disciplinary action or de-registration from a professional body.

Safeguarding Plans

Once the facts have been established, a further discussion of the needs and wishes of the adult is likely to take place. This could be focused safeguarding planning to enable the adult to achieve resolution or recovery, or fuller assessments by health and social care agencies (for example, a needs assessment under the Care Act).

The local authority must determine what further action is necessary. Where the local authority determines that it should itself take further action (for example, a protection plan), then the authority would be under a duty to do so.

Safeguarding Plans

Once enquiries are completed, the outcome should be notified to the local authority which should then determine with the adult what, if any, further action is necessary and acceptable. It is for the local authority to determine the appropriateness of the outcome of the enquiry. One outcome of the enquiry may be the formulation of agreed action for the adult which should be recorded on their care plan. This will be the responsibility of the relevant agencies to implement.

Safeguarding Plans

Where the adult has a safeguarding plan, it should set out:

- what steps are to be taken to assure their safety in future
- the provision of any support, treatment or therapy including on-going advocacy
- any modifications needed in the way services are provided (for example, same gender care or placement; appointment of an OPG deputy)
- how best to support the adult through any action they take to seek justice or redress;
- any on-going risk management strategy as appropriate
- any action to be taken in relation to the person or organisation that has caused the concern

Safeguarding Reviews

The purpose of a safeguarding enquiry is to respond to concerns that an adult is currently experiencing abuse or neglect and to take steps to keep them safe now.

A safeguarding review is different.

A safeguarding review is held when:

- an adult dies as a result of abuse or neglect, whether known or suspected, and there is concern that partner agencies could have worked more effectively to protect the adult.
- an adult has not died, but the Safeguarding Adult Board (SAB) knows or suspects that the adult has experienced serious abuse or neglect.

In addition to this, SABs are free to arrange a review in any other situations involving an adult in its area with needs for care and support.

The advocacy role within safeguarding processes

Advocacy role

Advocacy within safeguarding is the same role as within any other process(es)! You are there to make sure the persons wishes, views and goals are listened to and influence the decision.

Within safeguarding enquiries this is likely to mean you offer support in the following areas:

- does the person understand what the safeguarding concerns are? Have they been explained in a sensitive way that makes senses to the person?
- how do they feel about the concerns?
- what makes them feel unsafe? what makes them feel safe?
- what do they want to happen?
- do they want support to attend any meetings?

Advocacy role

Part of your approach will depend on whether the person has the capacity to instruct you and if they have capacity to make decisions about safeguarding.

If the person has capacity, your approach will be led by them. If they lack capacity you will want to use Non Instructed Advocacy to:

- find out what is important to them (relationships, home, routines)
- support them through decision making (using accessible information, slowing things down so they have time to process information, using familiar relationships who they trust to go through information)
- think about their communication styles and needs and adapt your approach to respond to this
- observe the person (to see if you can gather information about what it feels to live where they live and if there are any causes for concern)

Working with families

Adults who are going through safeguarding processes may have family involved in their life and its important to remember that most family members will be supportive of the individual and offer loving caring relationships. If the person lacks capacity to make decisions about safeguarding it is likely that you will want to talk to family to learn more about what is important to your partner. You may also want to talk the family to seek out their views on the safeguarding concern (but only in the context of using non instructed advocacy).

There are however other adults where the family member may be the suspected or alleged perpetrator of abuse. In such cases it is likely to be highly inappropriate for you to discuss your work with the family member.

Working with families

What can make things difficult is that you might not know the full familial network of relationships and could inadvertently have a conversation that you think is appropriate and innocent but it actually isn't.

A solid approach in working with families within safeguarding is to always liaise with the safeguarding lead to find out who you can (and should not) speak to. The safeguarding lead can advise and suggest which family members are appropriate to approach.

Protective measures

Most adults that you support through safeguarding processes may need protective measures. These are a set of actions that are designed to keep the person safe and respond to any abuse or neglect. You should spend time with your partner to identify these - or to consider any measures that are suggested by the local authority.

If the person lacks capacity to agree to these, then the decision maker must follow the requirements laid out in the Mental Capacity Act and make decisions that are in the individual's best interests. As the advocate you are there to make sure that this takes into account the views or wishes of the individual and consider what option(s) are the least restrictive of the persons rights.

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