



Safeguarding Adults in the Care Act and its Statutory Guidance

Chapter 14 on safeguarding in the final version of the Care Act statutory guidance, published on 23rd October (pg229 - 279), has been reworked considerably. The guidance includes new requirements, principles and flexibilities that relate to practice and procedures in safeguarding. The final version of the Care Act statutory guidance is available here: <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>. Please be aware that internet searches and some links for the guidance can still throw up the draft version published in June 2014, so take care you have the right one.

It replaces No Secrets

This new guidance is now the main essential national source document for Safeguarding Adults and should be understood by anyone involved in Safeguarding Adults. The previous No Secrets guidance no longer applies as national standard guidance but it may still inform local safeguarding procedures where it supports compliance with the Care Act and its new guidance.

It changes the language of safeguarding adults

Previous language 'Investigations' and 'Safeguarding Adults processes' are changed to 'Safeguarding Adults Enquiries', and 'Serious Case Reviews' is changed to 'Safeguarding Adults Reviews'.

Neither the Act nor the Guidance uses the term 'Vulnerable Adult' to refer to or identify adults that require an Enquiry into abuse that they are experiencing or at risk of experiencing. Instead it says that the local authority should either make enquiries or cause enquiries to be made where someone with care and support needs is being abused or at risk of abuse and their care and support needs are preventing them from protecting themselves.

It describes what procedures for carrying out enquiries in individual safeguarding cases must include in a new way. It does not specify processes.

The guidance specifies the objectives of the process:

- Establish facts
- Ascertain the adult's views and wishes
- Assess the need for protection, support and redress
- Protection from abuse, in accordance with the adults wishes
- Make decisions on follow up action needed and who will take it
- Enable the adult to achieve resolution and recovery

It also states things that should be considered, and the things that should be achieved at each stage of the enquiry process such as, information gathering, decision making and clearly recorded decisions and reasons for decisions. However the guidance, including the diagram or decision tree (1B pg251 – 252) does not specify particular processes for achieving this. This is a new way of thinking about safeguarding processes. Strategy meetings, case conferences and specified timescales for any parts of the safeguarding procedure are not mentioned. Processes are not an end in themselves but they are tools for clear effective and accountable decision making. Strategy and case conference processes may continue to be agreed locally, in Devon and the South West, as useful ways of achieving the requirements within the Care Act and its guidance, but it appears that Strategy meetings, case conferences and timescales for any parts of safeguarding procedure are no longer a requirement. This allows us to explore new ways of achieving the requirements of the safeguarding enquiry process. Our current guidance on Virtual and Semi Virtual strategy meetings and our new more flexible timeliness standards are a step in this direction. No further immediate changes are needed at this point but there are opportunities in this new guidance to consider, with local and regional partners, developing other ways of achieving the requirements of the safeguarding enquiries.

Self neglect

This is now included as a type of abuse that the Local Authority has a duty to make enquiries into, or to arrange for enquiries to be made. The example given in the guidance is helpful in indicating the sort of situations of self neglect that should be looked into under this section of the Act. Our current Policy Procedures and Guidance on Self Neglect already allow for multi-agency safeguarding processes to be used to help assess and manage risk in these cases. A multi agency project Making Every Adult Matter (MEAM) led by Public Health, is also developing ways of improving multi agency assessment and support provided to people with complex needs and chaotic life styles at risk from self neglect and other types of harm.

Key points of emphasis in the guidance

The guidance repeatedly highlights the importance of **person centred practice**, the **Mental Capacity Act** and **Advocacy** in individual cases. It also emphasises the importance of strategies for **prevention** at both operational and inter agency strategic levels of working. The guidance includes more detailed and explicit references to **carers**, including the risks that they can face and support that they may need as well as the risks that they can present.

Our current Policy, Procedures and Guidance and our publicly accessible leaflets and web based information and training are all being reviewed and updated to bring it fully in line with this new legal basis and national guidance for Safeguarding Adults.

The roles and responsibilities of partner organisations

These are described and referred to in various places throughout the guidance. There doesn't appear to be many major changes to current roles and responsibilities but alongside local policies, procedures and guidance this guidance is essential reading for anyone with a specialist or leadership role in Safeguarding Adults.

The guidance continues to provide the potential for radical evolution in safeguarding adults practice, and for a range of different solutions by different Local Authorities and Safeguarding Adults Boards. Highlighted above are some of the key points and issues that stand out. There are many substantial issues covered in the guidance that have not been covered here and that will benefit from further discussion locally, regionally and nationally.

Source: Senior Manager, Safeguarding Adults