



# Safeguarding Adults policy (England, Scotland and Wales)

**Author Procedure and Governance Manager**  
**Owner Director of Services**

## Approval

Approved by ARAC: November 2023

**Amendment** (if required) The three nations (Scotland, Wales, and England) have been merged; Safeguarding adults and safeguarding children have been separated; the policies and procedures have been separated from each other and now apply to all departments across Crisis (not just Client Services). Additional guidance documents created regarding modern slavery, referral writing, radicalisation.

Date of amendment: November 2023

Reason for amendment: Changes in sector wide good practice; learning from safeguarding audit (Client Services)

## Review

Frequency of review: 1 year

Next review date: November 2024



**Together**  
**we will end**  
**homelessness**

# Contents

- Key Points Summary..... 3**
- Background and Scope ..... 3**
- Policy ..... 4**
- Monitoring and Reporting..... 11**
- Appendix 1 ..... 14**
- Appendix 2..... 19**
- Appendix 3..... 20**

## Key Points Summary

Crisis has a legal and moral obligation to protect its members from harm, as well as any adults at risk who are not Crisis members where there is reason for concern. Safeguarding is a key part of that, and it is everyone's responsibility.

The Safeguarding Adults Policy and [Procedure](#) should be followed where there are concerns that anyone (including Crisis members, guests, staff and volunteers) is, or is at risk of, experiencing harm or abuse.

Where there is an emergency e.g. a health emergency and/or a crime, staff should call the emergency services. Safeguarding, if it is relevant, is a process that would be followed after the immediate situation has been dealt with.

Crisis' safeguarding duties apply to:

- Adults at risk (adults who need support to look after their wellbeing and/or who have other support needs and may be unable to protect themselves from harm because of that need for support); and
- Children (anyone aged under 18 in England or Wales, or under 16 in Scotland, for safeguarding purposes). For more details regarding children, see the [Safeguarding Children Policy](#) and [Procedure](#).

'Adult at risk' is legally defined slightly differently across England, Scotland and Wales.

## Background and Scope

This policy applies to all individuals who use our services, as well as adults at risk who we are made aware of, even where they may not be directly working with Crisis.

Crisis works predominantly with single people who are homeless or at risk of homelessness, some of whom are aged 16 or 17. We have a duty of care towards all our members, regardless of their age. However, members who are 16 or 17 will be covered by the Safeguarding Children policy in England or Wales, and by the Safeguarding Adults policy in Scotland.

Adult members (over 18s in England or Wales; over 16s in Scotland) may have children or have access to children. **We have a wider duty of care to these children and if a member of staff or volunteer receives information that leads them to have a safeguarding concern about a child then they must follow the guidelines set out in the Child Safeguarding Procedure.**

We also provide activities and opportunities to support Crisis' work to members of the public, through our shops, e-commerce, Changing Lives and fundraising activities, including some directly managed events. All staff must be mindful of safeguarding issues for the people involved in such activities, whether or not they are Crisis members.

The safeguarding adults legislation across all three nations applies to adults who satisfy certain requirements. The obligations and requirements for adult safeguarding vary slightly across the three nations. See [Appendix 1](#) for more details of the legislation relating to safeguarding adults.

This policy applies to all Departments at Crisis. Client Services staff will follow a different procedure from colleagues in other Departments. See the Safeguarding Adults procedure for more details.

# Policy

## Policy statement

Crisis is committed to safeguarding and protecting the welfare of its members, by ensuring that we have appropriate arrangements in place to provide a safe and secure environment and to deal effectively with any safeguarding issues that arise.

We will ensure that our policies and procedures comply with the law ([Appendix 1](#)) and reflect good practice, and that our safeguarding arrangements are proportionate and based on common sense.

## Diversity statement

Any adults at risk who come into contact with Crisis can expect to be treated with respect and dignity by volunteers and staff and can expect any disclosure of abuse or harm, or the risk of abuse or harm, to be taken seriously.

This policy applies to all members and other adults that Crisis staff or volunteers might encounter during the course of their duties, who they consider to be experiencing or at risk of abuse. This applies regardless of race, class, sex, sexual orientation, gender identity, age, religion or belief, marriage and civil partnership, and whether or not they have a disability.

The Government's Rough Sleeping Strategy (['Ending rough sleeping for good'](#)) acknowledges that people who have experienced rough sleeping experience the most severe disadvantage and multiple and complex needs. It follows that they are at increased risk of abuse or harm.<sup>1</sup>

Staff and volunteers must follow this policy and procedure where relevant, regardless of the protected characteristics of the people involved. Any such characteristics should be considered as part of the safeguarding process, and used to inform the approach taken when working with that person, both in safeguarding and in other aspects of support e.g. safety and inclusion planning, access to local specialist services.

Staff and volunteers should endeavour to ensure that decisions made, either by them or by other parties involved in the safeguarding process such as the local authority or partner agencies, are free from bias.

## Definitions

### Abuse

Abuse includes all forms of harm and mistreatment. It may be a single act or repeated act. The safeguarding legislation in Scotland refers to harm rather than abuse but the terms are interchangeable for the purposes of this policy.

The types of abuse covered by the safeguarding legislation in England, Scotland and Wales include:

- physical abuse
- sexual abuse
- psychological or emotional abuse
- financial abuse

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<sup>1</sup> <https://www.local.gov.uk/publications/adult-safeguarding-and-homelessness-briefing-positive-practice>

- neglect (including self-neglect)
- institutional abuse
- discriminatory abuse
- exploitation and [modern day slavery](#)
- domestic abuse, stalking and honour based violence (DASH)
- [radicalisation and being drawn into terrorism](#).

See the Safeguarding Adults Procedure for more details.

### **Adult at risk**

Adults at risk are adults who meet the criteria set out in the relevant legislation such that they are subject to the Safeguarding duties and obligations. Crisis has a legal duty and a moral obligation to follow the Safeguarding process (as detailed in the procedure) in relation to any adult at risk (whether or not they are a Crisis member or Expert by Experience) if there is reason to believe or suspect that they are experiencing or at risk of abuse. For safeguarding purposes, an adult is someone aged 18 or more in England or Wales or aged 16 or more in Scotland. If in doubt: use the procedure as a guide; and/or refer to the legislation in [Appendix 1](#); and/or ask for support from your line manager or CSO.

The 'test' to apply when deciding whether or not Safeguarding applies in each specific case varies across the three nations. See the procedure for details.

### **1.4 Harm and Significant Harm**

"The concepts of "Harm" and "Significant Harm" may be used to determine how serious or extensive abuse is, and to enable a proportionate response.

"Harm" is generally understood to be

- ill treatment.
- the impairment of development and/ or an avoidable deterioration in physical and/or mental health.
- conduct that appropriates or adversely affects property, rights or interests (for example, theft or extortion).

"Significant Harm" is generally understood to be where

- the person's life is or could be under threat – for example due to neglect or omission or physical abuse.
- there is or could be a serious, chronic or long lasting impact on the person's health and/or physical, emotional or psychological wellbeing.
- the person has little or no choice over vital aspects of their life, environment or financial affairs.

### **Indicators of abuse**

It is everybody's responsibility to be alert to the possibility of abuse and be aware of the signs and indicators. Concerns may arise as a result of a single incident, allegation or disclosure; or an accumulation of indicators and/or signs.

Indicators common to more than one type of abuse include:

- changes in behaviour or demeanour e.g. being more withdrawn or short tempered than usual

- physical signs relating to health or wellbeing e.g. weight loss, cuts or bruises
- avoidance of certain situations or people e.g. reduced attendance levels at a group or activity.

Some indicators will be more specific to certain categories of abuse e.g.:

- cuts or bruises might be a sign of physical abuse or self harm (NB Self harm is not automatically a safeguarding concern, but may fall under self neglect depending on the circumstances)
- frequently not having money to buy daily essentials may be a sign of financial abuse particularly for someone who is usually good at budgeting
- changing to online meetings instead of face to face may be a sign of domestic abuse (control and coercion).

For more detailed information about indicators of abuse, see the Adult Safeguarding Procedure.

### Local authority bodies

Because the title of the local authority body with statutory responsibilities for safeguarding may vary, in this policy we refer to it as the Appropriate Safeguarding Authority (ASA). The statutory authorities with safeguarding responsibilities vary slightly across England, Scotland and Wales. See [Appendix 1](#) for more details.

### Capacity and consent

Capacity and consent are crucial to deciding whether an act or relationship is abusive. Capacity is a pre-requisite of consent. See [Appendix 2](#) for more information about mental capacity.

The law in England, Wales and Scotland generally assumes that adults (which includes those who are 16 or 17 years old in Scotland for safeguarding purposes) are capable of making decisions for themselves and managing their own affairs. Deciding whether or not a person has the mental capacity to make informed choices about how to keep themselves safe requires specialist assessment by a doctor.

Capacity means that the individual must be able to comprehend and retain information, weigh it up and arrive at a decision. A person with capacity has the right to make his/her own decision – even unwise, risky or irrational ones.

Capacity is not fixed. It can fluctuate over time e.g. if someone has a brain injury or mental health diagnosis, or is under the influence of drugs or alcohol.

It is also important to note that it is possible to have capacity to make decisions in certain areas of one's life e.g. finances but not in others e.g. health.

If there is no real 'choice' because a relationship is unequal (e.g. family relationships, authority, threat, power imbalance) then consent is not meaningfully given.

Adults have legal, social and moral rights to self-determination within their lives. Crisis will work with members and adults at risk to:

- Respect their rights to make choices about their activities and relationships.
- Provide information and guidance to them around the issues of abuse. This may involve accessing specialised groups or support for individuals.
- Work with them to make changes to their situation.

- Support them to recognise where they may have been a victim of a crime and to seek recourse through the justice system if appropriate.

Staff/volunteers will consider and reflect on their understanding of someone's 'capacity' to decide whether an act or relationship is abusive at any given time, whenever working with an adult at risk in relation to a potential safety or safeguarding concern.

Empowerment is a foundation block for adult safeguarding and may enable the adult at risk to develop the skills to reduce the risk of future abuse. Empowerment involves a proactive approach to seeking consent, maximising the person's involvement in decisions about their safety and protection – and this includes decisions regarding whether to investigate an allegation or concern.

Safety of members, staff and volunteers is the top priority. If seeking a member's consent to raise a safeguarding about them might put them or others at risk, there may be a need to follow the process without their consent. This should be the exception rather than the rule.

See [Appendix 2](#) for more information.

## **Preventing Abuse**

Crisis has a responsibility to take steps to prevent abuse to its members and any other adults at risk. Crisis staff may come into contact with in the course of their work. We will do this through the following.

### **Safer recruitment**

In England and Wales we will request a Disclosure and Barring Service (DBS) check for any roles (including those undertaken by both paid staff and volunteers) working with adults at risk for which we are legally entitled to do so. DBS checks will be renewed every three years for staff and volunteers working directly with children and adults at risk.

In Scotland, we will request a check from Disclosure Scotland for any roles (including those undertaken by both paid staff and volunteers) working with adults at risk for which we are legally entitled to do so. Disclosure Scotland checks will be renewed every three years for staff and volunteers working directly with children and adults at risk.

### **Training and policies**

We have a duty to help staff and volunteers recognise their responsibilities (through guidance, support and training) to adults at risk, to minimise risk, protect our members and children, and avoid situations where abuse or neglect might be more likely to occur.

Crisis will provide basic safeguarding training to all staff, and to volunteers in Client Services. Specific training requirements for staff in particular roles are set out in the training schedule in [Appendix 3](#).

All staff/volunteers should be aware of the possibilities of abuse or neglect, and how to report any concerns they have.

All staff and volunteers should be aware of who to contact within Crisis if they have any concerns relating to safeguarding. Staff in Client Services should also know who to contact at the relevant ASA, and where to find their details when needed.

All managers within Client Services and any staff who undertake one to one work with members should attend Local Safeguarding Board (LSB) Adult Safeguarding training, where available, to ensure awareness of local practice and procedures and also to develop working relationships.



The Crisis Safeguarding Officer (usually the Skylight Director or Head of Service; see Safeguarding Responsibilities) at each Skylight/Service will be responsible for arranging local LSB training for all relevant staff and for maintaining and updating local training records of all staff's safeguarding training, with support from the Learning and Development team where needed.

The Crisis Safeguarding Officer for Enterprise and Commerce (which includes shops and e-commerce/e-commerce warehouse) will attend relevant training including with an LSB, and ensure Enterprise and Commerce managers and staff (including agency staff) attend relevant training in safeguarding. They will maintain and update relevant training records.

### **Reporting and action**

All allegations of abuse will be taken seriously, acted upon and handled in accordance with the Adult Safeguarding policy and procedure. Crisis will work, when necessary, with appropriate local agencies to ensure that adults at risk are protected through the effective operation of its safeguarding procedures.

Any such partnership work and related information sharing must be in line with [Member Information: Gathering, Recording and Sharing](#). Consent may be required. See [Capacity and consent](#) for more details.

## **Safeguarding Responsibilities**

### **The Board of Trustees**

Trustees have overall responsibility for safeguarding in the organisation. The Trustees delegate the day-to-day operations of the charity to the Senior Management Team and have an obligation to satisfy themselves that these operations are being managed appropriately.

### **The Senior Management Team**

It is the responsibility of the Senior Management Team (SMT) to satisfy itself that appropriate safeguarding policies and procedures are in place, that they have been communicated to all staff (including volunteers and agency staff) and that the policies and procedures are actually working to protect adults at risk.

### **Staff and volunteers**

It is the responsibility of all staff and volunteers working within Crisis to be aware of any potential safeguarding issues and to report concerns where they believe an adult has been or is at risk of abuse or significant harm. Staff must follow the procedure; this may lead to a safeguarding alert being raised with the local authority. This responsibility extends to all and not just those specifically working directly with adults at risk.

### **Crisis Safeguarding Lead Officer**

The Crisis Safeguarding Lead Officer (CSLO) has overall responsibility regarding safeguarding. They are responsible for coordinating action within Crisis and ensuring the application of safe and best practice in safeguarding matters. They are a member of the Senior Management Team.

Crisis Safeguarding Lead Officer is: Executive Director of Client Services

Email: [juliet.mountford@crisis.org.uk](mailto:juliet.mountford@crisis.org.uk)

Tel: 07815 011647

### **Appropriate Crisis Safeguarding Officer (CSO)**



Within Crisis there are a number of Safeguarding Officers whose responsibility it is to lead on safeguarding matters for their area of operations. If a member of staff or volunteer has any concerns for the wellbeing of an adult at risk, then they must follow the procedure, as a result of which all safeguarding concerns will be brought to the attention of the appropriate Crisis Safeguarding Officer (CSO).

The appropriate CSOs are as follows:

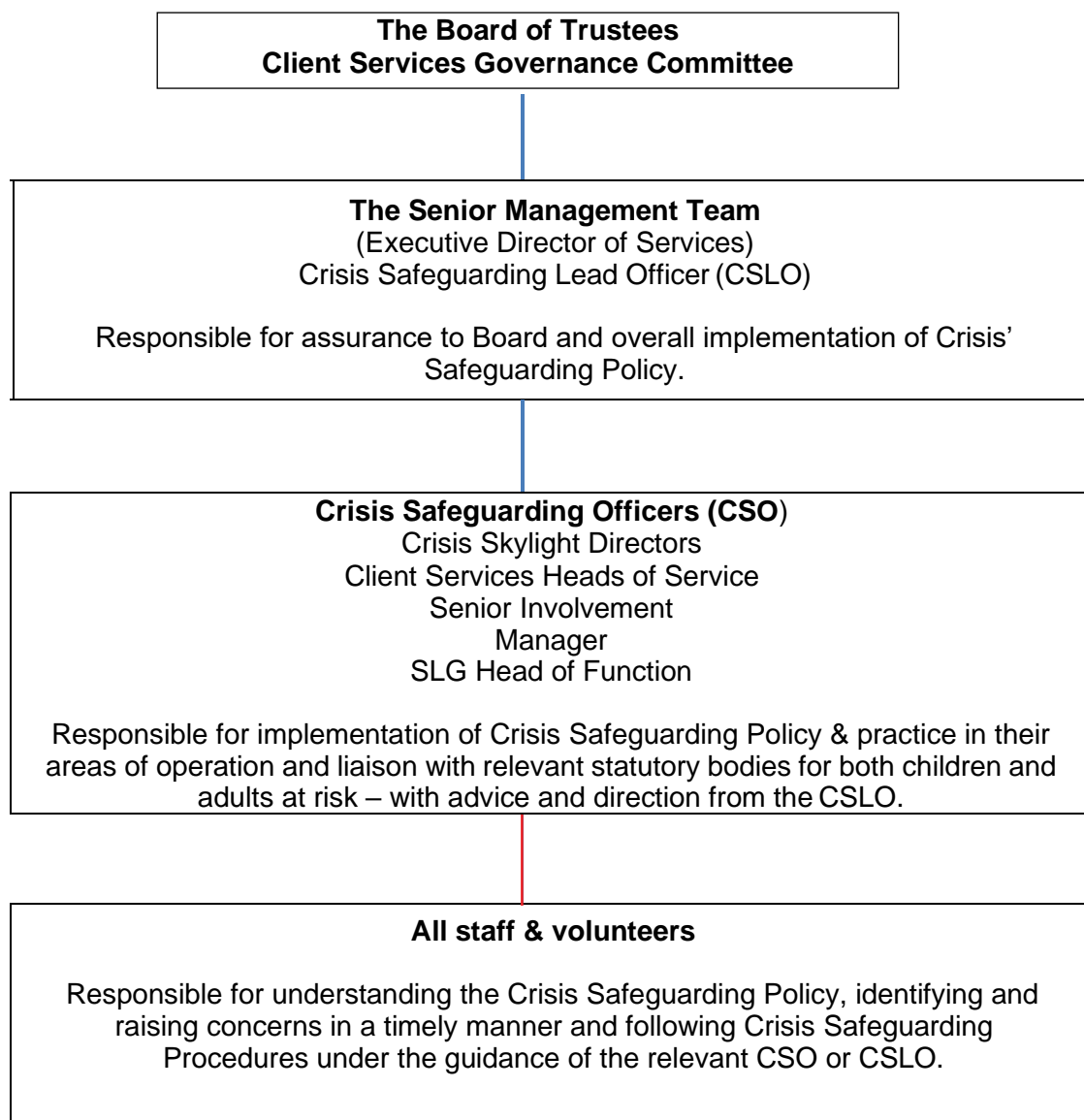
- For staff and volunteers working in Client Services it is the relevant Skylight Director or Head of Service.
- For staff and volunteers in Enterprise and Commerce it is the Senior Involvement Manager.
- For staff and volunteers in other Crisis departments with access to Crisis members or the general public it is the relevant Head of Function, who will be a member of the Strategic Leadership Group.

Responsibility for ensuring safeguarding arrangements are in place and adhered to within Client Services rests with the relevant managers.

Where a Crisis member also volunteers or accesses training in a Crisis shop, the relevant staff should communicate and share relevant information to ensure individuals are safeguarded. For more guidance on this, see [Member Information: Gathering, Recording and Sharing](#).

Any staff who remain unsure about their CSO should report any concerns to their manager who will report it to their CSO. This may be the CSLO.

## Crisis safeguarding responsibilities flow chart



# Monitoring and Reporting

## Monitoring, Reporting and Quality Assurance

Crisis will monitor the effectiveness of the policy and ensure that any learning and good practice is shared and informs policy review and service development.

When a decision has been made to refer a safeguarding concern relating to a member to the ASA, the CSO will ensure that a safeguarding alert is raised on MAPS, which automatically notifies the CSLO by email.

Where safeguarding alerts are raised relating to adults at risk who are not Crisis members, in many cases they will not be raised by Crisis staff as they will not be the best placed to do so. For example, if a report is made to the police or someone is admitted to hospital, the police or NHS would be responsible for making a referral after Crisis have informed them of any concerns they have. Where alerts are raised by Crisis staff in relation to adults at risk who are not members:

- if the reason for raising the alert is due to a Crisis service or a connection with a Crisis service this will be recorded in full in an incident report
- if the alert is being raised for reasons that are not connected to Crisis, an incident report should be completed stating only the date and the nature of the report and to whom it was reported, with no reference to personal data of those concerned.

Safeguarding alerts raised on MAPS should be updated to record the decision of the local authority to investigate (or not). It is the CSO's responsibility to monitor safeguarding records for their service and ensure they are updated. Any further involvement from Crisis in safeguarding activities should be entered onto MAPS as soon as possible and in accordance with the [Case Management Standards](#).

The CSO will provide a report quarterly to the Directors of Operations on the safeguarding alerts raised in the previous period. The reports should be provided at the same time as the monthly KPI report and should include:

- The date the alert was raised
- A summary of the report
- The current status of the alert – open/closed
- If closed - the outcome – accepted or not opened as Safeguarding by the ASA. If not opened as Safeguarding what action is being taken and by whom
- If open – current action being taken.

Individual service reports will be collated into regional reports by Directors of Operations and forwarded to the CSLO who will review and produce the Client Services quarterly Safeguarding Report. This report may consider:

- Adherence to the policy, including meeting the policy deadlines
- Reasons for the alerts/intentions and quality of that decision – did it meet the safeguarding threshold, was this the right course of action
- Quality of the alerts
- Quality of information recorded on MAPS
- Quality of input into safeguarding processes (feedback from police/social services/safeguarding team)
- Outcomes of safeguarding processes
- Any follow up action required
- Training attendance rates for the service
- Whether any incidents highlighted training issues or a need to amend Crisis' procedures.

The report will be reviewed at the Client Services Leadership Group meeting (CSLG). If CSLG consider, from their review of safeguarding alerts, that changes are needed to policy and procedure or training in Client Services this will be referred to the Procedure and Governance Manager for review and to be included in the CSSDG agenda.

The CSLO will provide a quarterly report to the Client Services Governance Committee (CSGC).

### Serious or Notifiable incidents

#### Serious incidents (England and Wales)

The Charity Commission requires charities to report serious incidents. A serious incident is defined by the Charity Commission as an adverse event, whether actual or alleged, which results in or risks significant:

- harm to your charity's beneficiaries, staff, volunteers or others who come into contact with your charity through its work
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation.

See the [Incident Reporting Procedure](#) and [Structured Case Review Guidance](#) for more information.

In dealing with incidents of harm, abuse and neglect, there is potential that a situation could meet the threshold of a serious incident. If this is the case, the CSLO must be informed who will refer to the Chief Operating Officer and a decision will then be made whether it will be referred to the Charity Commission.

Some examples of serious incidents that may be safeguarding and will need to be reported to the Charity Commission are:

- an allegation that a staff member or volunteer has physically or sexually assaulted someone during, or in connection with, their work at Crisis (whether or not that person is a Crisis

- member)
- a Crisis member (or someone else connected to a Crisis service or team) being seriously harmed or dying while participating in a Crisis activity, with a significant contributory factor being the failure to implement a relevant policy, e.g. a health and safety risk assessment is not completed for an external activity led by Crisis staff.

Where a serious incident that may be a safeguarding concern involving a Crisis member of staff or volunteer arises, the CEO will inform the Chair of the Board of Trustees. They will then keep them informed and notify them of the outcome.

#### **Notifiable incidents (Scotland)**

The OCSR requires charities in Scotland to report notifiable events. A notifiable event is defined by the OCSR as an event that has a significant impact on the charity or its assets. Types of notifiable events can be found via the [OCSR Guidance for Notifiable Events](#).

In dealing with incidents of harm, abuse and neglect, there is potential that a situation could meet the threshold of a notifiable event. If this is the case, the CSLO must be informed who will refer to the Chief Operating Officer and a decision will then be made whether it will be referred to the OCSR.

Some examples of notifiable events that may be safeguarding and will need to be reported to the OCSR are:

- an allegation that a staff member or volunteer has physically or sexually assaulted a Crisis member
- A Crisis member being seriously harmed or dying while participating in a Crisis activity, with a significant contributory factor being the failure to implement a relevant policy, e.g. a health and safety risk assessment is not completed for an external activity led by Crisis staff.

Where a notifiable event that may be a safeguarding concern involving a Crisis member of staff or volunteer arises, the CEO will inform the Chair of the Board of Trustees. They will then keep them informed and notify them of the outcome.

# Appendix 1

## Legal & Policy Framework for Safeguarding Adults

### Safeguarding Adults – Statutory bodies with safeguarding responsibilities

#### England, Scotland and Wales

The Human Rights Act (HRA) 1998 had the effect of bringing most of the European Convention on Human Rights into UK law, meaning that UK citizens can take a case to the European Court of Human Rights if they are not satisfied with the outcome of a case in the UK Courts. The rights brought into UK law by the HRA include:

- the right to life.
- the right to be kept safe from torture and cruel treatment
- freedom from slavery
- the right to a fair trial
- the right to respect for private and family life.

#### England and Wales

Local authorities in England and Wales have safeguarding duties for adults and children.

#### Scotland

The Local Authority, Police Scotland and NHS Scotland all have statutory responsibilities for child and adult protection.

The Adult Support and Protection (Scotland) Act 2007 requires Local Authority Council Officers to make enquiries and carry out investigations where it knows or believes that intervention is required to protect an adult at risk.

In normal circumstances the Local Authority social work service should be the first point of contact in matters of child or adult protection.

#### Relevant legislation

##### England

##### The Care Act 2014

<http://www.scie.org.uk/care-act-2014/safeguarding-adults/>

The Care Act 2014 sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

The Care Act 2014 states that people's wellbeing is at the heart of the care and support system and safeguarding from abuse is fundamental to an individual's wellbeing. Safeguarding duties apply to any adult (a person aged 18 or over) who:

- who has needs for care or support (whether or not these needs are being



- met); and
- is experiencing or is at risk of abuse and neglect; and
- is unable to protect him or herself against the abuse or neglect, or the risk of it because of their care and support needs.

The Care Act 2014 states that 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, while at the same time making sure the adult's wellbeing is promoted, including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action.

Local authorities have safeguarding duties. They must:

- lead a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens
- make enquiries, or request others to make them, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- establish Safeguarding Adults Boards, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- carry out Safeguarding Adults Reviews (see the [Death of a Member procedure](#) for more information on these) when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them
- arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

Any relevant person or organisation must provide information to Safeguarding Adults Boards as requested.

#### **Statement of government policy on adult safeguarding: DH 10<sup>th</sup> May 2013**

This sets out the six key principles of adult safeguarding:

- Empowerment (presumption of person-led decisions and informed consent)
- Prevention
- Proportionality
- Protection
- Partnership
- Accountability.

#### **Safeguarding Vulnerable Groups Act 2006**

The Safeguarding Vulnerable Groups Act 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and vulnerable adults from gaining access to them through their work.

Organisations with responsibility for providing services to vulnerable groups have a legal obligation to refer relevant information to the Disclosure and Barring Service.

## **Wales**

### **Social Services and Well-being (Wales) Act 2014**

The Social Services and Well-being (Wales) Act 2014 seeks to promote the well-being of people who need care or support. It states that the well-being of a person should be considered in relation to:

- Physical and mental health and emotional well-being
- Protection from abuse and neglect
- Education, training and recreation
- Domestic, family and personal relationships
- Contribution to society
- Securing rights and entitlements
- Social and economic wellbeing
- Suitability of living accommodation
- Control over day to day life and participation in work.

Part 7 of the Act sets out Safeguarding duties and defines safeguarding as:

“Protecting children and adults from abuse and neglect and educating those around them to recognise the signs and dangers.”

S.126 of the Social Services and Well-being (Wales) Act 2014 defines an adult at risk as any adult (a person aged 18 or over) who:

- (a) is experiencing or is at risk of abuse and neglect
- (b) has needs for care or support (whether or not the authority is meeting any of those needs) and
- (c) as a result of these needs, is unable to protect him or herself against the abuse or neglect, or the risk of it.

Adults at risk of abuse include people with a wide range of disabilities and circumstances. An adult at risk may be experiencing conditions that reduce the choice and control they have, their ability to make decisions or to protect themselves from harm and exploitation.

The Social Services and Well-being Act states there should be a presumption that the adult is best placed to judge the adult’s well-being, and decisions should be made to promote their independence.

Where there are concerns that abuse or neglect (or the risk of this) may exist, but the individual’s ability to protect themselves is NOT affected by their care and support need, then a safeguarding response may not be appropriate.

## **Scotland**

## **Adult Support and Protection (Scotland) Act 2007**

The **Adult Support and Protection (Scotland) Act 2007** defines an 'adult at risk' as someone aged 16 or over who:

- is unable to look after their own well-being, property, rights or other interests; and
- is at risk of harm (either from another person's behaviour or from their own behaviour); and
- because they have a disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than other adults.

In the context of safeguarding adults, the vulnerability of the adult at risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort and to protect themselves from abuse, neglect or exploitation. An adult at risk may be experiencing conditions that reduce the choice and control they have, their ability to make decisions or to protect themselves from harm and exploitation.

It may be difficult to establish if a person might be considered an adult at risk, so it should be assumed that an individual is covered by safeguarding procedures unless and until information suggests this is not the case.

## **Age of Legal Capacity (Scotland) Act 1991**

Under the **Age of Legal Capacity (Scotland) Act 1991** a person has full legal capacity at 16 years of age. This means that a person aged 16 and over can both give and withhold consent and can, without parental consent, legally leave home, get married and sign a contract on their own account. However, where the statutory minimum age is 18 e.g. purchase of alcohol, the position in Scotland is the same as for England and Wales.

## **English guidance that is also useful in Scotland and Wales**

It may be difficult to establish if a person might be considered an adult at risk, so it should be assumed that an individual is covered by safeguarding procedures unless and until information suggests this is not the case. There are no "thresholds" for adult safeguarding, but the key consideration should be:

"is the individual able to protect themselves, despite having care and support needs?" If the answer is yes, then a safeguarding response may not be appropriate ([www.scie.org.uk/care-act-2014/safeguarding-adults/adult-safeguarding-practice-questions/index.asp](http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-safeguarding-practice-questions/index.asp))

The following link – although addressing safeguarding questions arising from the implementation of the Care Act 2014 – offers a useful resource and may assist staff in Wales in interpreting whether an adult is at risk [www.scie.org.uk/care-act-2014/safeguarding-adults/adult-safeguarding-practice-questions/index.asp](http://www.scie.org.uk/care-act-2014/safeguarding-adults/adult-safeguarding-practice-questions/index.asp)

An adult with care and support needs may be:

- An older person
- A person with a physical disability, learning disability or sensory impairment
- Someone with mental health needs including dementia or personality disorders
- Someone with a long term condition
- Someone who misuses substances or alcohol to the extent that it affects their ability to manage day to day living.

An adult may also have care and support needs as a result of sexual exploitation, domestic abuse, modern slavery or being at risk of radicalisation and being drawn into terrorism. In these situations, where a crime has occurred, the police should be informed, as well as making a safeguarding alert.

See the [radicalisation \(safeguarding\) guidance](#) and [modern slavery \(safeguarding\) guidance](#) for more information regarding these specific areas.

In the context of safeguarding adults, the vulnerability of the adult at risk is related to how able they are to protect themselves and make and exercise their own informed choices free from duress, pressure or undue influence of any sort and to protect themselves from abuse, neglect or exploitation.

# Appendix 2

## Mental Capacity Act – key principles

### England and Wales

The Mental Capacity Act (MCA) 2005 sets out the key principles to apply when considering issues related to an individual's mental capacity to make their own informed decisions. Those principles are:

- A person must be assumed to have capacity unless it is established that they lack capacity.
- A person is not to be treated as unable to make a decision unless all practicable steps to help them to do so have been taken without success.
- A person is not to be treated as unable to make a decision merely because they make an unwise decision.
- An act done, or decision made, under the MCA for or on behalf of a person who lacks capacity must be done, or made, in their best interests.
- Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

### Scotland

The Adults with Incapacity (Scotland) Act 2000 sets out the following key principles to apply when making decisions on behalf of someone who lacks capacity.

- Actions taken must benefit the person who is not considered to have capacity and must only be taken where that benefit cannot be achieved without taking that action.
- Any actions or decisions made on behalf of the person should be the least restrictive possible
- In deciding whether to take an action or decision, consideration must be given to:
  - The person's wishes (past and present)
  - The views of other people who have an interest in their welfare.

# Appendix 3

## Training Schedule

**Details of staff training will be added once the Strategic Safeguarding Training Plan has been finalised. Queries about safeguarding training should be directed to [learning.development@crisis.org.uk](mailto:learning.development@crisis.org.uk)**



50-52 Commercial Street, London E1 6LT

Tel 0300 636 1967 Fax 0300 636 2012

Email [enquiries@crisis.org.uk](mailto:enquiries@crisis.org.uk) Website [www.crisis.org.uk](http://www.crisis.org.uk)

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