

Briefing note for adults at risk: initial response and safeguarding

Key considerations

Exercise professional curiosity to understand the person's vulnerability and risk of harm.

Investigate fully to identify abuse or neglect.

Take effective action to ensure the person at risk is supported and safeguarded, irrespective of criminal justice outcomes.

Understand your statutory responsibilities for safeguarding adults under the Care Act 2014. Make referrals where appropriate and work with other professionals.

In line with the Code of Practice for Victims of Crime, carry out a needs assessment at the earliest opportunity as a vulnerable or intimidated victim may be entitled to enhanced services.

There should be an assumption of mental capacity to understand and make decisions unless there is formal evidence to the contrary.

Seek support from relevant partners and agencies to assist with safeguarding, support, enquiries and investigation.

This advice is to assist officers and staff responsible for initial contact with the public to identify and respond effectively to adults at risk of harm.

Identifying vulnerability

Anyone could become vulnerable to harm if they find themselves in situations where they are unable to protect themselves. In many cases where police are involved, the risk of harm or exploitation will normally come from a perpetrator. Positive action to remove the risk presented by them will be required to safeguard the victim.

The current College national definition for vulnerability is as follows:

'A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care or protect themselves, or others, from harm or exploitation'.

The definition is broad, which enables us to identify and intervene at the earliest possible stage. This can help us to prevent or protect against victimisation or harm and respond to the specific needs of the victim, which may range from advice

and support, to helping to resolve their situation, to full statutory adult safeguarding interventions.

The **THRIVE** model provides a framework to help establish vulnerability needs and risk at the point of contact.

Some perpetrators may use a pattern of abuse through controlling, coercive, grooming, stalking, or threatening behaviours to target very vulnerable people. Careful assessment based on best information will be required to identify such potentially dangerous people.

Policing has the unique opportunity to identify those adults at risk who require safeguarding and to access the help they require as we are often the first agency the vulnerable reach out to. The College of Policing **National Agencies Booklet** provides details of specific services with 24/7 helplines. You will benefit from understanding local referral pathways to help victims navigate through available services. The following advice will assist in safeguarding those adults at risk who fall under the Care Act 2014 or otherwise.

Policing responsibilities under the Care Act 2014

The Care Act 2014 created a legal framework to ensure that key organisations with responsibilities for adult safeguarding work together.

Adult safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. Adult safeguarding procedures under the Care Act 2014 apply to adults at risk with care and support needs.

Adults at risk – Under the Act, an adult at risk is an adult who has needs for care and support, who is experiencing, or is at risk of, abuse or neglect and as a result of those needs is unable to protect themselves against the abuse or neglect or the risk of it.

Care and support needs – Care and support needs include those who require practical, financial and emotional support to help manage their lives and be independent. Not all adults at risk of harm identified by police will require referral to the local authority. However, policing will still have a safeguarding role in relevant cases and activity relating to safety and protection, which may require a multi-agency response.

Safety and wellbeing – When it is appropriate for policing to take steps to support the care needs of an adult, interventions should be in line with their wishes as far as possible. This approach is in line with the Care Act 2014 overarching principle of **Making Safeguarding Personal (MSP)**. **‘Wellbeing’ principles** are linked to the MSP when carrying out any care and support, or safeguarding actions, in respect of an adult with care and support needs.

Safety and wellbeing will always be the first priority.

Abuse or neglect may include but is not limited to:

- psychological
- physical
- sexual
- financial or material
- neglect or acts of omission
- hate crime
- institutional abuse
- modern slavery
- domestic abuse
- self-neglect
- elder abuse
- radicalisation and extremism
- ‘cuckooing’

Individual carers or care providers may be involved in the neglect of an adult and officers should be aware of the specific behaviours and offences.

The issue of pressure sores as a cause for a safeguarding concern often arises for responders and investigators. This matter is covered in depth in the **Department of Health and Social Care Safeguarding Adults Protocol** and will assist you in understanding when the threshold for police intervention is met.

Each of these have indicators to be aware of and pieces of relevant legislation. College advice that addresses the offences committed through such behaviour is outlined in **Annex A**.

Immigration status

Perpetrators may look to target those who are vulnerable through being illegally in the country or with insecure immigration status, for example here on a spousal visa. Officers should deal with crimes being reported separately from any possible immigration offences and ensure perpetrators are held to account. It may be appropriate to refer immigration offences to relevant bodies but this should not obstruct police dealing with people suspected of causing harm.

Homelessness

Under the Homelessness Reduction Act 2017, specified public bodies in England now have a duty to refer a homeless individual's case (with consent) to a housing authority. Although the police do **not** have a specific duty to refer, effective prevention and relief of homelessness requires public bodies to work together to help address the multiple factors that cause an individual's homelessness. Should officers and police staff feel that a referral is required due to the seriousness of an individual's situation, they should do so in line with local procedures.

Initial actions by police responders

- Communicate with the adult away from potential suspects. Where appropriate adults are used to facilitate communication, ensure they are not connected to the behaviour being complained of, to enable safe, autonomous disclosure.
- Use professional curiosity to explore and understand the full circumstances of the matter with which you are dealing.
- Use risk tools to help identify the vulnerabilities within an individual that led to them suffering harm or being at risk of harm.
- Assess the level of risk and decide whether immediate action is required to remove the **risk of harm**.
- There may be suspects within the family or community that collude in the abuse, particularly where notions of **shame and honour** are part of culture: this will pose heightened risk for victims.
- Consider the use of protective orders and/or other safeguarding activities to prevent criminal behaviour by suspects.

- Consider whether to refer to another organisation for ongoing care and support.
- Consent for referral will be needed unless the person lacks mental capacity. Where consent is refused but you have vital concerns for their safety, consider a safeguarding referral.

Once you have assessed the risk of harm to the victim, the following levels of risk will require the accompanying safeguarding approaches in addition to other tactical **options** to manage immediate risk.

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| <p style="text-align: center;">High</p> | <p>Physical, psychological, emotional or financial abuse has taken place, or is immediately imminent.</p> <p>Immediate positive action may be required to safeguard and support the victim and manage the risk posed by the perpetrator.</p> <p>A safeguarding concern referral is required to the local authority.</p> |
| <p style="text-align: center;">Medium</p> | <p>Adults with care and support needs.</p> <p>Positive action to safeguard and support the victim may be required to prevent further harm where abuse or exploitation is suspected. An assessment of needs referral is required, so that the local authority can assess whether care and support of the person is appropriate, or other locally available support services are relevant.</p> |
| <p style="text-align: center;">Standard</p> | <p>No ongoing support needs identified.</p> <p>There is no continuing cause for concern. The actions taken at the point of reporting have likely resolved the situation for the person and there is no identified need for further provision of services. Officers should be aware of local service providers for specific vulnerabilities, for example mental ill health, age or diversity to assist through signposting or referral.</p> |

See flowchart ‘Deciding whether you need to make a safeguarding referral’

Recording

Record findings and risk management activity on local intelligence or crime/incident recording systems. In medium and high-risk cases, the context of the presenting vulnerabilities and risk identified will be important for understanding the totality of the situation and for developing safeguarding plans. Record the following information to assist with safeguarding referral decisions:

- the adult's accommodation type, condition and general circumstances
- details of cohabitees/residing family members, including children
- any existing care arrangements or networks of support and contact details if known
- details of identified vulnerabilities that caused the victim to suffer/be at risk of harm or exploitation
- context and assessment of the risk to the adult based on your professional judgement
- details of current and any previous police involvement
- the relationship with the abuser, if any
- the adult's views of what they would like to happen and whether they are aware and involved in the safeguarding activity and referral process
- details about the adult's care provider and any previous or associated incidents that may indicate institutional abuse

Local authority responsibility

On receipt of a referral from any agency, the local authority has a duty to gather information to evaluate any immediate risk to the adult. They should use this to make a decision as to whether a care needs assessment or an enquiry under **section 42 of the Care Act 2014** is required. Therefore the more information you can provide, the better the decision-making is likely to be.

Mental capacity

There should be an assumption that the victim has the capacity to make decisions, look after their welfare and understand what is being asked of them, unless it is clear that they have an impairment of, or disturbance in the functioning of, the mind or brain. Police officers cannot make formal assessments of capacity but can provide helpful insight for assessors.

The advice in **Annex B** provides further information on the requirements under the Mental Capacity Act 2005 and the role of Independent Mental Capacity Advocates (IMCAs).

For further information, see **APP on mental health**.

Initial investigation

Where it is clear from your enquiries that criminal offences are being alleged/committed, certain actions will be required or need to be considered where the person is at risk of harm or needs support to engage with the criminal justice system (CJS).

- Physical evidence, including photos of injuries, is particularly important in cases where victims and witnesses are unable to provide comprehensive accounts of what happened.
- Restrict questioning to taking an **initial account**, as they may be entitled to a video recorded interview in accordance with **Achieving Best Evidence (ABE)** guidelines. Ensure the person can make disclosures out of earshot of any potential abuser.
- Where there are communication issues, consider the use of body-worn video (and/or an appropriate person, for example a social worker, to aid communication for initial accounts).
- The Care Act 2014 extended the range of situations and people who are eligible for independent advocacy. Local authorities must arrange an independent advocate for any person who would experience substantial difficulty in being involved in their care and support assessment, care planning or safeguarding enquiry/review, when there is no appropriate person (family member or friend) to support their involvement and represent them.
- In cases of neglect in any health and care setting, it is most important to gain access to the care records of that person in their entirety at the earliest opportunity. Consider requesting the attendance of a specialist officer. Vulnerable and intimidated victims of certain crimes have rights to an enhanced service under the **Code of Practice for Victims of Crime 2020**. This includes, but is not limited to:
 - an immediate needs assessment that should be refreshed at significant points in the investigation. The purpose is to make sure the victim has the support they require through the criminal justice process

- a victim personal statement (VPS) will provide the opportunity for the victim to give views about court bail, for example, and describe the impact of the abuse on them
- special measures will likely be appropriate for adults with care and support needs and early discussion to help support them through the CJS will be beneficial to the case
- victims should be updated regularly and at appropriate milestones in the investigation, for example arrest, release from custody, charging

APP for specified crime types, for example **domestic abuse**, **stalking or harassment** and **modern slavery** will be relevant where such crimes are identified.