

Norfolk Safeguarding Adults Board

Child & Adult Safeguarding – an overview

FINAL

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Introduction

Children and adults can be subject to different types of abuse, in different contexts, and with different impacts, however, there are a number of similarities.

Due to the differences, training, policy information etc., tend to be kept very separate between child and adult safeguarding, and this extends to many teams, partnerships and strategic groups.

This can lead to a situation where a young person with some level of care need under child legislation can turn 18 and find that they do not meet thresholds for adult care and support or adult safeguarding.

It can therefore be a challenge for agencies who usually work with adults to completely understand the perspectives of child services/law, and vice versa. In very simple terms, there are duties to safeguard all children – but not all adults will need safeguarding.

The voice of the child is essential and must be central to safeguarding practice. Making Safeguarding Personal promotes the same approach for adults at risk. However, the difference here between safeguarding adults and safeguarding children is an adult's right to self-determination.

The law and guidance around safeguarding adults is clear that adults may make unwise choices about risk in their lives or choose not to act at all to protect themselves; it is only in extreme circumstances that the law intervenes. This will often only happen when an adult is assessed to lack capacity in that area, or where the concerns may extend to children, such as when they are living in the same household.

The Law

Protection of children has been part of the law since the Children Act 1989, which first established the legislative framework for child protection in England. Here, the key principles were: the welfare of the child is paramount and there are expectations and requirements around duties of care to children.

In the Children Act 2004, Section 11 places a duty on key persons and agencies to make arrangements in any local area to safeguarding, promoting the welfare of children and improving outcomes for children.

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's mental and physical health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

Whilst it is parents and carers who have primary care for their children, local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children in their area. The Children Acts of 1989 and 2004 set out specific duties: section 17 of the Children Act 1989 puts a duty on the local authority to provide services to children in need¹ in their area, regardless of where they are found; section 47 of the same Act requires local authorities to undertake enquiries if they believe a child has suffered or is likely to suffer significant harm. These duties placed on the local authority can only be discharged with the full co-operation of other partners. This co-operation should exist and be effective at all levels of an organisation, from strategic level through to operational delivery. Everyone who comes into contact with children and families has a role to play.

A child is anyone who has not reached their 18th birthday. All children who leave care continue to receive support up to age 25 (Children (Leaving Care) Act 2000/ Children and Social Work Act 2017) however any safeguarding concern would be progressed under the Care Act duties, in adult social care teams.

An adult is anyone 18 and above. Protection of adults at risk only became formal legislation, and therefore a statutory duty, under section 42 of the Care Act 2014, implemented in April 2015. Before that, safeguarding adults work was a power rather than a duty on local authorities, supported by 'No Secrets' guidance, published in 2000, under Section 7 of the Local Authority Social Services Act 1970. This described how commissioners and providers of health and social care should work together to develop multi-agency policy and practice around the protection of 'vulnerable adults'.

However, there was little consistency in how different local authorities interpreted and implemented the guidance; safeguarding social work was done as part of standard Community Care Act assessments; levels of funding and engagement varied, and there was concern that with the increase in the use of personal budgets

¹ A child in need is defined as: a child who is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, as reasonable standard of health or development without the provision of services by a local authority; or a child whose health or development is likely to be significantly impaired, or further impaired, without the provision of such services, or a child is disabled"

there was less legal protection for those making their own arrangements for care.

The Mental Capacity Act 2005 did make it a criminal offence to ill-treat or wilfully neglect a person who lacks capacity or is likely to lack capacity (s44). But even now it can be difficult to prove in a court of law that the intention to harm was deliberate. S42 of the Care Act clearly sets out how local authorities and other partners should work together to support and protect ‘adults at risk of abuse or neglect’ (this phrase replaces ‘vulnerable adults’).

Thresholds

Adults	Children
<p>Safeguarding duties apply: S42 (1) Where there is “reasonable cause to suspect” that an adult:</p> <ul style="list-style-type: none"> i. has needs for care and support (whether or not those needs are being met) ii. is experiencing, or is at risk abuse or neglect, and iii. as a result of their needs is unable to protect themselves 	<p>Safeguarding runs through all levels of need for all children:</p> <p>Level 1 – universal services</p> <p>Level 2 – children and young people with additional needs (early help)</p> <p>Level 3 – children and young people with complex needs (children in need)</p> <p>Level 4 – children and young people with urgent, and immediate or other high priority needs</p>
<p>S42 (2)</p> <ul style="list-style-type: none"> iv. Making (or causing to be made) whatever enquiries are necessary v. Deciding whether action is necessary and if so what and by whom. 	<p>Definition of safeguarding children defined in Working Together to Safeguard Children:</p> <ul style="list-style-type: none"> i. Protecting children from maltreatment ii. Preventing impairment of children’s health and development iii. Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care iv. Taking action to ensure all children have the best outcomes

Types of Abuse

Adults: Care Act 2014	Children: Working Together to Safeguard Children Guidance
Physical	Physical
Sexual	Sexual
Emotional / psychological	Emotional
Neglect & acts of omission	Neglect
Domestic abuse Including controlling or coercive behaviour	Domestic abuse including controlling or coercive behaviour
Financial / material	Sexual exploitation
Modern day slavery & human trafficking	Exploitation by criminal gangs and organised crime groups
Discriminatory	Trafficking
Self-neglect	Online abuse
Organisational	Radicalisation

Remember for adults the person has to have care and support needs, or the appearance of those needs, for the abuse to come under s42 safeguarding. If not, there are still the usual options for the adult e.g. criminal and civil law, support groups and organisations. This is particularly the case for adults experiencing modern slavery or domestic abuse, many of which will not have a need for care and support but are experiencing harm.

Key Principles: outlined in legislation

Adults: Care Act 2014 Guidance	Children: Children Act 1989
Proportionality – least intrusive intervention appropriate to level of risk identified	Paramourncy of the welfare of the child 'no order' principle (some crossover) 'no delay' principle Human Rights Art 8 right to family life
Protection – support and representation for those in greatest need	Protection from serious harm (s47)
Prevention – better to take action before harm occurs	Preservation (every effort made to preserve child's home and family links); a duty for and provision of services to children in need Although not explicit within Children Act

	1989 prevention and early help is essential to safeguarding children
Empowerment – adults supported and encouraged to make their own decisions; informed consent	Participation – views of children should be sought according to their age and understanding
Accountability - transparency	
Partnership – local solutions, community	Services should work in partnership with parents / those with parental responsibility

Multi Agency Safeguarding Hub (MASH) and Childrens Advice and Duty Service (CADS) in Norfolk

The Multi Agency Safeguarding Hub is a way of bringing statutory and other agencies under ‘one roof’ in terms of information sharing and decision-making, a confidential “bubble”. It aims to ensure that concerns raised are as quickly and holistically assessed as possible, and then action taken to safeguard by the most appropriate agencies.

The MASH is a partnership of organisations, including Norfolk County Council Adult and Children’s Services, Norfolk police, child health services, Leeway and Orwell independent domestic violence advocates, probation, and also has strong links to housing, adult health, education, mental health. Full list of partners can be seen via this link: [Multi-agency safeguarding hub \(MASH\) - Norfolk County Council](#). In 2018 the Children’s Advice and Duty Service was established as the ‘front door’ for anyone with concerns about a child’s safety.

The MASH is increasingly a ‘virtual’ forum, and is not, in practice, an agency in itself. So when people talk of calling the MASH, they will be speaking to one partner in it, e.g. social care staff may ring the police adult safeguarding triage workers to have a strategy discussion about a s42 enquiry, but may say “I have spoken to the MASH’. When someone has a concern about an adult, they raise this to the local authority, Norfolk County Council, who then decide if the information needs to be shared and discussed within the MASH. The same is true for members of the public with concerns about a child. For any professional with a concern about a child a telephone call to CADS is the route to be followed.

Norfolk County Council

For safeguarding adults:

There is one telephone number to call Norfolk County Council for any issue including concerns about an adult at risk. When you call this number, you can choose from several options, and you will speak to a member of the customer service centre

(CSC). They will take brief details, and then route your call to the most appropriate service.

If the person you are calling about already has a social care worker or team working with them, you will usually be put through to them directly, or a message sent for them to call you. That worker will document the concern you are raising and may ask more questions. If the concern appears to meet the criteria for further enquiry under s42 Care Act, the worker will speak to a specialist safeguarding adult social worker (SAPC) based in their local area, who will make a decision about next steps based on the information you have given, and any other relevant information available. If a s42 enquiry is decided upon, at that stage the referral information will be formally shared with the police based in the MASH.

If there is no active worker, you will be put through to the social care community engagement team (SCCE). They will document the concern in the same way as above, and they will speak to a SAPC based in the MASH, who will make the decision about s42 enquiry. Whichever route the call goes, the information will be considered using the same process.

For safeguarding children:

Norfolk Children's Advice and Duty Service (CADS) provides the front door and is made up of a team of consultant social workers who have had specialist training and use a coaching style to empower partners to be more confident in working with families and meeting needs. The consultant social workers will provide advice, support and signposting, identifying the correct services and support for the child or young person.

If you are a professional, i.e. working with a child or young person in a formal or voluntary setting and not a family member or member of the public, you can contact the Children's Advice and Duty Service on their direct line.

Transition

Transition means, in general terms, a process or period of changing from one state or condition to another.

When used in children's social care, it means the period of time where a child prepares for and moves into adulthood, taking on the responsibilities and changes that apply from the point of their 18th birthday, the age at which they are considered an adult in law.

Transition in adult social care can mean two things:

- The process where a child (usually with a physical or learning disability) who has continuing needs for care and support, will turn 18 and will need intervention to ensure that their needs are met when support is provided under adult care rather than children’s services. NCC have a Preparing for Adult Life (PfAL) team which works with 14–17-year-olds with special educational needs and disabilities (SEND). The service will remain involved if the young person is eligible for support under The Care Act, until the case is ready to be handed over to the relevant ASS locality team. This will vary on a case by case basis but can typically be at around age 19.
- The process where a person changes gender

Transitional safeguarding is about recognising that the needs of young people do not change or stop when they reach 18, although the laws and services supporting them often do. It is about making sure they have the help they need to keep themselves safe and as independent as possible. It is an approach to safeguarding that moves through developmental stages, rather than just focusing on chronological age, building on best practice and learning from both adult and children’s services.

Summary

Although the approaches to child and adult safeguarding have a number of similar principles, it is important to understand the differences, because we all have to work within legal frameworks when supporting those children, adults, and families to live lives free from abuse and harm.

Safeguarding, for both children and adults, is also only one part of the support available where individuals are having difficulties in their lives. Even where safeguarding duties do not apply, there are a wide range of other pathways and support networks available.

End.

Date of revision	Detail of revision
16/12/2021	Minor change made page 8 to correct PfAL detail