

## Glossary of Safeguarding Adults Terms

### Adult at risk

A person aged 18 or over who is in need of care and support (regardless of whether they are receiving them), and because of those needs is unable to protect themselves against abuse or neglect.

### Adult safeguarding

Protecting a person's right to live in safety, free from abuse and neglect.

### Advocacy

Supporting a person to understand information, express their needs and wishes, secure their rights, represent their interests and obtain the care and support they need.

### Best Interest

the Mental Capacity Act 2005 (MCA) states that if a person lacks mental capacity to make a particular decision then whoever is making that decision or taking any action on that person's behalf must do so in the person's best interest. This is one of the principles of the MCA.

### Care Act 2014

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. Local authorities have new 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. These are known as **Section 42 enquiries**.
- **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** 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. These are referred to as **Section 44 reviews**.
- **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.

### Deprivation of Liberty Safeguards (DoLS)

The Deprivation of Liberty Safeguards (DoLS) are an amendment of the Mental Capacity Act 2005. The safeguards aim to make sure that people in care homes and hospitals are looked after in a way that does not inappropriately restrict their freedom. The safeguards set out a process that hospitals and care homes must follow if they believe it is in the person's best interests to deprive a person them of their liberty, in order to provide a particular care plan. The Deprivation of Liberty Safeguards can only be used if the person will be deprived of their liberty in a care home or hospital. In other settings the Court of Protection can authorise a deprivation of liberty.

Care homes or hospitals must ask a local authority if they can deprive a person of their liberty. This is called requesting a standard authorisation. A recent court decision determined that a deprivation of liberty occurs when:

- a person is under continuous supervision and control in a care home or hospital, and
- is not free to leave, and
- the person lacks capacity to consent to these arrangements.

There are six assessments which have to take place before a standard authorisation can be given.

If a standard authorisation is given, one key safeguard is that the person has someone appointed with legal powers to represent them. This is called the relevant person's representative and will usually be a family member or friend.

Other safeguards include rights to challenge authorisations in the Court of Protection, and access to Independent Mental Capacity Advocates (IMCAs).

## **Equality Act 2010**

Legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone.

## **General Data Protection Regulation (GDPR)**

A legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU). The GDPR sets out the principles for data management and the rights of the individual, while also imposing fines that can be revenue-based. The GDPR came into effect across the EU on May 25, 2018 and its requirements are part of English law under the Data Protection Act 2018.

## **Independent Mental Capacity Advocate (IMCA)**

Established by the Mental Capacity Act (MCA) 2005 IMCAs are mainly instructed to represent people where there is no one independent of services, such as family or friend, who is able to represent them. IMCAs are a legal safeguard for people who lack the mental capacity to make specific important decisions about where they live, serious medical treatment options, care reviews or adult safeguarding concerns.

## **Making Safeguarding Personal**

A sector led initiative which is about person centred and outcome focussed practice. It is how professionals are assured by adults at risk that they have made a difference to people by taking action on what matters to people and is personal and meaningful to them.

## **Person/organisation alleged to have caused harm**

The person/organisation suspected to be the source of risk to an adult at risk.

## **PREVENT**

PREVENT is part of the government's counter-terrorism strategy which aims to stop people becoming terrorists or supporting terrorism. Its relevance to the work of the Board is that safeguarding work can play a part in protecting people at risk of harm from being drawn into terrorism-related activity against their will. All government department have been required to carry to training through approved Workshops to

raise Awareness of prevent (WRAP). Compliance with this training and ensuring that the local referral mechanisms are working is a key part of the work of the Board.

### **Safeguarding Adult Manager**

The person, who manages, makes decisions, provides guidance and has oversight of safeguarding concerns that are raised to the Local Authority.

### **Safeguarding Concern**

This is the term used to describe when there is or might be an incident of abuse or neglect and it replaces the previously use term of 'alert'.

### **Safeguarding Enquiry (Section 42 enquiry)**

Establishes whether any action needs to be taken to stop or prevent abuse or neglect, and if so, what action and by whom the action is taken. Previously this may have been referred to as a 'referral' .

### **Safeguarding Enquiry Officer**

The member of staff who undertakes and co-ordinates the actions under Section 42 (Care Act 2015) enquiries.

### **Safeguarding Outcome**

An Outcome is what the person who has experienced abuse or neglect wants from any work that is done with them. This may be that they feel safer but it also may mean that they feel that their choices and wishes have been respected. Measuring outcomes helps the Board to answer the question "What difference did we make?" rather than "What did we do?"

### **Self-neglect**

Where someone demonstrates lack of care for themselves and or their environment and refuses assistance or services. It can be long-standing or recent.