



**NSSCP**  
NORTH SOMERSET  
Safeguarding Children Partnership

## **Safeguarding Younger Adults**

### **POSITION STATEMENT**

<b>Reference Number:</b> NSSB 004
<b>Target Audience:</b> Multi Agency
<b>Sources of advice in relation to this document:</b> Multi Agency
<b>Replaces if appropriate:</b>
<b>Approved by:</b> LSAB
<b>Date:</b> September 2020
<b>Date displayed on NS Safeguarding web site:</b> September 2020
<b>Date due to be reviewed by responsible person or body:</b> Sept 2024

#### **Purpose**

The intended audience for this document are all staff in North Somerset Council and partner agencies who work with young adults or those approaching 18 years of age.

The position statement will provide the reader with an understanding of the role and function of **safeguarding adults procedures**.

It is intended to offer clarity around the statutory responsibilities toward adults at risk of abuse and to support appropriate concerns being raised.

#### **Safeguarding Adults remit**

##### **Safeguarding Adults Duties apply to people over the age of 18**

Safeguarding Adults is legislated for by the Care Act 2014. In order for a local authority to have a duty to undertake enquiries the statutory criteria of Care Act S.42(1) must be met.

The Safeguarding duty arises:

*“where a local authority has reasonable cause to suspect that an adult in its area:*

*(a) has needs for care and support (whether or not the authority is meeting any of those needs),*

*(b) is experiencing, or is at risk of, abuse or neglect, and*

*(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.”*

If a person has capacity to do so, they decide whether or not to engage in the safeguarding process. The Care Act does not give a local authority any powers to intervene against the wishes of a capacitated individual. If the individual chooses not to do so, Police may still pursue criminal proceedings if a crime has been committed.

If the individual lacks capacity to make a decision about safeguarding then a ‘best interests’ decision is made under the Mental Capacity Act 2005 by the best placed person as to whether and how to proceed with the matter. The Care Act places a duty on local authorities to provide independent advocacy for people who have substantial difficulty in representing themselves *and do not have* any other appropriate representation such as through would be through friends or family.

Self-neglect is not a Safeguarding issue necessarily. It would depend upon the severity of the self-neglect and whether the individual can protect themselves by controlling their own behaviour. Decisions as to whether to use Safeguarding proceedings for such individuals are made on a case-by-case basis in conjunction with the local self-neglect protocol.

### **Adult Care remit**

The remit of Adult Care is determined by the Care Act 2014. To be eligible for support from Adult Care an individual aged 18 or over must be in need of care or support. It is important to note that Adult Care does not have a remit to support people on the grounds of risk arising solely from their behavioural choices.

### **LINK TO NORTH SOMERSET SAFEGUARDING ADULTS BOARD STRUCTURE:**

<https://www.northsomersetsafeguarding.co.uk/userfiles/downloads/465/structure-chart-0519.pdf>

## **Types of transitions**

Different types of transitions for children and young people from Children's Services to Adult Social Care exist. This document forms solely a Position Statement regarding their Safeguarding beyond 18 years of age.

### **Disabled Children**

Transition describes a planned situation, where a young person has assessed eligible needs and there is a planned transfer of care – this is most common in the case of physical and learning disability. A transitions pathway exists to support a young person's transition from children's to adult services.

Any Safeguarding issues which arise once these individuals become 18 will be considered against the statutory criteria of S.42(1) as above.

### **Care Leavers**

These are young people known to Children's Services as they are leaving or have left the care of the LA. The council has an ongoing duty of care to them until the age of 25. Issues can arise both as a result of physical, mental, intellectual impairment, impairment through addiction or unwise or risky choices the individual may make.

An issue arising as a result of behaviour and lifestyle would not bring a care leaver within the remit of Safeguarding Adults. Therefore, care leavers with such issues will continue to be supported by the council's Leaving Care and After Care Team within the Resource Service.

Where there is a concern that a young adult, whether a care leaver or not, 'may' meet the statutory criteria, a safeguarding adults concern should be raised by referring the individual to Care Connect. In order to establish whether the local authority has a duty under the Care Act, Adult Care services will then make a decision as to whether the criteria are met. This will involve assessing whether the young adult has care and support needs, is experiencing or at risk of abuse or neglect and due to their care and support needs are *unable* to protect themselves.

### **Care and support for young adults formerly known to Children's Services**

When an individual previously known to Children's Services is over 18 and is referred into Adult Care due to a potential need for care and support this is essentially a 'business as usual' referral to Adult Care to which the Care Act would apply i.e. does the individual appear to be in need of care and support?

### **Safeguarding young adults formerly known to Children's Services**

These are young people known to Children's Services due to Safeguarding issues for whom safeguarding issues continue to exist or further arise once they are aged 18 years or over.

If a young person continues to be at risk of harm once they are aged 18 or over then subject to a concern being raised through Care Connect, Adult Care would consider whether they came within the duty to safeguard adults under the Care Act by applying the statutory criteria.

### **Referring to Adult Care**

A young person who is due to turn or has turned 18 can be referred to Adult Care via Care Connect, Adult Care's 'front door'.

Adult Care will provide consultation and advice to Children's Services staff who are considering referring a young person to Adult Care. This will enable pre-referral discussions which will ensure referrals are appropriate.

Children's Services will share chronologies with Adult Care when making a referral to give Adult Care the context of the young person's situation.

Adult Care will inform the referrer from Children's Services:

- a) if they are going to close a referral for a young person, and/ or
- b) provide details of further referrals they are going to make.

### **NORTH SOMERSET SAFEGUARDING ADULTS BOARD MEMBERSHIP (SEPTEMBER 2020):**

<b>Organisation</b>
Independent Chair
Independent Deputy Chair
Alliance Homes
Avon Fire and Rescue (Correspondent member)
Avon and Somerset Police: C.I. North Somerset Policing Area Commander
Avon and Somerset Police: Partnership Liaison Manager, Lighthouse and Safeguarding Unit.
Avon and Wiltshire NHS Partnership Trust
BNSSG CCG: Head of Adult Safeguarding
Care Home Provider's Rep
CQC: Inspection Manager, North Somerset and B&NES
Domiciliary Care Provider's Rep
DWP
Healthwatch; Strategy Manager
Housing Provider: Curo Group Ltd
Housing Provider

**Organisation**

Marie Curie

National Probation Service: Head of LDU Somerset Cluster South West South Central Division National Offender Management Service

NHS England

North Somerset Council: Executive Member Adult Social Services

North Somerset Council: Assistant Director Adult's Support and Safeguarding

North Somerset Council: Director People and Communities

North Somerset Council: Head of Commissioning

North Somerset Council Trading Standards: Principal Officer

North Somerset Council: Service Leader, Strategic Safeguarding and Quality Assurance and Chair of Sub-Group Chairs

North Somerset Council: Safeguarding Adults Manager

Public Health: Registrar

Safe Link: Service Manager

Sirona health and care CIC: Head of Integrated Safeguarding

University Hospitals Bristol and Weston NHS Foundation Trust: Named Nurse Safeguarding Adults at Risk

We are With You: Service Manager