



## Safeguarding Adults Partnership Board Briefing

### Briefing Number 4: Who is an Adult at Risk and The MARM.

This briefing aims to assist practitioners to identify who is considered to be an Adult at Risk and how this forms part of potential referrals either to adult social care or to other organisations to support the individual concerned. An outline of the Multi-Agency Risk Management Process is also included to assist practitioners with those cases where an individual is an adult at risk but is not engaging with services.

#### Who is an Adult at Risk? As defined by the Care Act 2014

**An Adult at Risk** (sometimes referred to as AAR) is an adult (someone aged 18 or older) who:

- (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.

The term 'Adult at Risk', is a short form of the phrase 'An adult at risk of abuse or neglect', and refers to adults who may have safeguarding needs according to the Care Act (2014).

As set out in the Care Act 2014, statutory Adult Safeguarding duties exist when adults who are experiencing, or at risk of, abuse or neglect cannot protect themselves due to their care and support needs.

#### What is a Section 42 Enquiry?

**Section 42 Enquiries:** Specifically, Section 42 of the Care Act requires the local authority to make whatever enquiries it thinks are necessary to decide what action should be taken in an individual's case when that adult:

- (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.

This is why when Adult Social Care (the local authority) are involved in investigating a safeguarding adult at risk referral they may refer to this as a 'Section 42 Enquiry'.

#### What are Care and Support Needs?

Injury, illness, or impairment, either mental or physical, can mean that a person needs help or support to live well. For example, a person may have care and support needs as a result of:

- physical disability, learning disability or sensory impairment
- mental health needs, including dementia or a personality disorder

- long-term health conditions
- Substances or alcohol misuse to the extent that it affects ability to manage day-to-day living

However, there are exceptions to the rule:

1. An adult *may be* considered to be at risk, even if:

- A formal assessment of care needs **has not** been carried out
- The adult pays for their care and support themselves
- Care and support needs are being met by family or friends.

2. Having care and support needs does not automatically mean that an adult cannot protect him or herself from abuse; it is important **not to make assumptions** about an adult's vulnerability based on the presence of care and support needs alone.

### What is Adult Abuse?

Abuse is behaviour towards a person that, either deliberately or unknowingly, causes them harm or endangers their life or their human or civil rights. The [Cambridgeshire and Peterborough Multi-Agency Safeguarding Procedures](#) provide examples of the many different forms adult abuse might take, based on the 10 types of abuse outlined in the Care and Support Statutory Guidance.

The ten types of adult abuse include:

- |                  |                  |
|------------------|------------------|
| • Physical       | • Sexual         |
| • Psychological  | • Neglect        |
| • Financial      | • Domestic       |
| • Discriminatory | • Modern-Slavery |
| • Organisational | • Self-Neglect   |

**Abuse or Neglect can take many forms**, and it does not need to fit neatly into one of these categories. It can be a one-off incident, or a regular occurrence. It can be perpetrated by a stranger, but more often an adult is abused by someone they know.

### Some Examples of Adults at Risk

This list is not exhaustive, but here are a few examples of adults with care and support needs who may be unable to protect themselves from abuse *and could be deemed an adult at risk*:

- A young woman with learning disabilities, living in supported housing, being forced into sexual activity by someone she describes as her boyfriend and is her support worker.
- An older man with advanced dementia being regularly shouted at, slapped and pushed by his wife, who is his primary carer.
- Residents of a nursing home being threatened, shoved, improperly handled and not having their needs met by the staff.
- A woman with borderline personality disorder who is unable to meet her own needs for day to day living, being exploited and forced to work for little pay and being kept in squalid conditions.

- Residents in a care home being forced to take psychotic medication to keep them quiet.
- A young man in his twenties with physical disabilities being unable to care for himself and left, by his carer, in used incontinence pads for days.

### What about adults who do not have care and support needs?

An adult may have needs unrelated to their physical or mental health, for example, housing or financial support. When there are **no** associated care needs, the situation would not be considered an Adult Safeguarding issue and a section 42 enquiry would not be appropriate.

For example:

- An adult experiencing domestic abuse at home, who has no care and support needs, would not benefit from a s.42 enquiry, but could be supported by the [Cambridgeshire and Peterborough Domestic Abuse and Sexual Violence Partnership](#) and police enquiries if criminal offences are being considered
- A homeless adult with no care and support needs who has been assaulted by someone, may seek support from the police as well as other voluntary organisations
- An elderly person falling over in the street and breaking her leg would need help possibly from the ambulance service and a hospital to x ray and put her leg in plaster

No adult should experience abuse or neglect, and there are a number of organisations and agencies that work to prevent abuse, as well as to provide specialist support for adults who have experienced abuse. Depending on the experience of the adult and the support needs identified, consider contacting the adult's GP or other health practitioners, the police, mental health services, citizen's advice, drug and alcohol services, and local or national charitable organisations.

### Further Information:

Safeguarding Board Website: <http://www.safeguardingcambspeterborough.org.uk/adults-board/>

Reporting a Safeguarding Concern: <http://www.safeguardingcambspeterborough.org.uk/adults-board/reporting-a-concern/>

Adult Safeguarding Board Leaflets: <http://www.safeguardingcambspeterborough.org.uk/adults-board/about-the-adults-board/leaflets/>

Multi-Agency Safeguarding Training: <http://www.safeguardingcambspeterborough.org.uk/adults-board/adult-safeguarding-training/>

The Care and Support Statutory Guidance: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

The website of the Social Care Institute for Excellence:

<https://www.scie.org.uk/>

**For very specific cases, where an adult has mental capacity but continues to place themselves at risk and is not engaging with services, you should refer to the Multi-Agency Risk Assessment Management (MARM) Guidance**

The guidance must only to be used where the adult:

- **has the mental capacity** to understand the risks posed to them
- continues to place themselves at risk of serious harm or death
- refuses or is unable to engage with necessary care and support services.

The adult must be considered to have need for care and support in line with the definition contained within the Care Act (2014); Care & Support Statutory Guidance (09/07/2018) and the Care & Support (Eligibility Criteria) Regulations (2015):

- (a) the adult's needs arise from or are related to a physical or mental impairment or illness
- (b) as a result of the adult's needs the adult is unable to achieve two or more of the outcomes specified as a consequence there is, or is likely to be, a significant impact on the adult's well-being.

If the risk(s) is not at a level which may lead to serious harm or death the MARM process does not apply and should not be followed.

If you think you have a case which meets the criteria above, you should refer to the applicable Adult Social Care (ASC) service via the local Multi-Agency Safeguarding Hub (MASH) in order that the MARM process can be considered:

Reporting a Safeguarding Concern:

<http://www.safeguardingcambspeterborough.org.uk/adults-board/reporting-a-concern/>

At this point a lead ASC Social Worker will be allocated to coordinate the process and the key agencies who are required to be involved in the Risk Action Planning Meeting will be identified. It is important to note that ASC will lead and coordinate the MARM process; the Chair of the Risk Action Planning Meeting will be an ASC Team Manager or more senior representative.

The full guidance, which included case studies, can be found at:

<http://www.safeguardingcambspeterborough.org.uk/adults-board/information-for-professionals/cpsabprocedures/multi-agency-risk-management-guidance/>

**Remember:** Where the adult lacks capacity the Mental Capacity Act (2005) should take over and action should be taken under Best Interests.