

Ensuring our safeguarding arrangements act to
help and protect adults

INTER-AGENCY SAFEGUARDING ADULTS POLICY

SELF-NEGLECT AND HOARDING

Version 2



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Revision Number	Date Approved by the Board	Change Record	Links to Other Policies	Review Date:
One	28 June 2017		All other Teeswide Safeguarding Adults Policies	May 2018
Two	24 April 2018	Reference to 'Think Family' added	All other Teeswide Safeguarding Adults Policies	April 2020

Acknowledgements

In preparing this policy, the Teeswide Safeguarding Adults Board referred to the following papers and procedures:

- SCIE Report 69 – Self-neglect policy and practice: building an evidence base for adult social care, published November 2014
- SCIE – Self-neglect policy and practice: key research messages, published March 2015
- SCIE – Self-neglect policy and practice: research messages for managers, published March 2015
- SCIE – Self-neglect policy and practice: research messages for practitioners, published March 2015
- Department of Health, Care Act 2014, Care and support statutory guidance, updated February 2014
- The Law Commission, Adult Social Care Report, published May 2011
- Working with people who self-neglect, Research in Practice for Adults (RIPFA)
- Hoarding and self-neglect – what social workers need to know, Community Care (2016), Deborah Barnett
- North Tyneside Safeguarding Adults Board and Northumberland Safeguarding Adults Board, Self-neglect Guidance
- Kent and Medway Multi-agency Policy and Procedures to Support People who Self-neglect.

1. Introduction

The Teeswide Safeguarding Adults Board (TSAB) is the statutory body that sets the strategic direction for safeguarding and is responsible for protecting adults who are experiencing, or who are at risk of abuse or neglect living in the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees. This includes adults that self-neglect.

The Care Act 2014¹, created a new legal framework for Adult Safeguarding. The supporting statutory guidance, issued by the Department of Health in October 2014, updated in March 2016 and revised in February 2017²; recognised self-neglect as a category of abuse and neglect, and within that category further identified the behaviour of hoarding. This followed a series of scoping studies in Adult Social Care by the Law Commission in 2011, which identified an ‘historic lack of understanding of self-neglect, resulting in inconsistent approaches to support and care.’³

This policy will be referred to where an adult at risk, with care and support needs, is believed to be self-neglecting.

2. Purpose

The purpose of this policy is to outline the principles and definitions that underpin safeguarding work as set out under the Care Act 2014 and the DH Care and Support Statutory Guidance 2017; and to outline what is required of partners of the Teeswide Safeguarding Adults Board in ensuring that all staff and relevant commissioned services adhere to their statutory duties and responsibilities. This policy is supported by the **Inter-Agency Safeguarding Adults Policy 2016-17** <https://www.tsab.org.uk/key-information/policies-strategies/> and the individual safeguarding policies of each partner agency.

3. Scope

The safeguarding duties apply to any adult who:
has needs for care and support (whether or not the local authority is meeting any of those needs) and;
is experiencing, or at risk of, abuse or neglect; and
as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

¹ The Care Act 2014, Sections 42-46

² Care and Support Statutory Guidance, updated 24 February 2017

³ The Law Commission, Adult Social Care Report, May 2011

This definition of adults at risk of abuse or neglect includes:

- Those who are at a greater risk of suffering abuse or neglect because of physical, mental, sensory, learning or cognitive illnesses or disabilities; and substance misuse or brain injury
- Those who purchase their care through personal budgets, those whose care is funded by local authorities and/or health services and those who fund their own care
- Informal carers, family and friends who provide care on an unpaid basis.

Local Authority Adult safeguarding duties apply in whatever setting people live, with the exception of prisons and approved premises such as bail hostels, where inmates are the responsibility of the specific institution.

Whilst this policy relates to adults with care and support needs where there is a child living in the household where self-neglect concerns exist, reference must be made to Local Safeguarding Children Boards procedures.

4. Mental Capacity

The safeguarding duties apply equally whether an adult lacks mental capacity or not and enquiries may take place even when the adult has capacity and does not wish information to be shared. This is to ensure that abuse and neglect is not affecting other people, that a crime has not been committed, and that the adult is making an autonomous decision and is not being coerced or harassed into that decision. Consideration therefore needs to be given at an early stage to determine if the adult has the mental capacity to understand and make informed decisions about their responses to concerns about their self-neglecting behaviour. The Mental Capacity Act 2005 provides the statutory framework to promote and safeguard decision making for people who lack capacity to make decisions for themselves.

5. Policy Statement

The Teeswide Safeguarding Adults Board works in partnership to safeguard and promote the well-being and independence of adults living in the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees, who are experiencing, or at risk of abuse or neglect, including those adults that self-neglect.

Everyone has a responsibility to take a 'Think Family' approach. 'Think Family' is an approach that requires all agencies to consider the needs of the whole family from working with individual members of it, making sure that support provided by children's, adults and family services is coordinated and takes account of how individual problems effect the whole family.

6. Legal Framework

This policy has been developed within the context of the law and guidance that seeks to protect adults including:

[The Care Act 2014](#)

[Care Act: Care and Support Statutory Guidance](#)

The [Mental Capacity Act 2005](#) (including Deprivation of Liberty Safeguards)

The [Mental Capacity Act 2005: Code of Practice 2007](#)

[The Equality Act 2010](#)

[Mental Health Act 1983](#) and the [New Code of Practice 2015](#)

[The Human Rights Act 1998](#)

[Convention on Human Rights \(ECHR\)](#)

In addition the following legislation may be relevant to specific organisations when working with adults that self-neglect.

Environmental Health

- Public Health Act 1936, Sections 83, 239, 240 and 287

- Prevention of Damage by Pests Act 1949, Section 4
- Environmental Protection Act 1990, Sections 79, 80 and 92a
- Housing Act 2004
- Animal Welfare Act 2006

Fire Service

- The Fire and Rescue Services Act 2004, Part 6, Section 44; Power of Entry
- Prohibition or Restriction of Use (Regulatory Reform (Fire Safety) Order) 2005

Police

- The Police and Criminal Evidence Act 1984, Section 17; Power of Entry

Social Landlords (including Councils and Housing Associations)

- Housing Act 2004
- Anti-social Behaviour, Crime and Policing Act 2014

Further links to useful websites can be seen at page 7.

7. Information Sharing

The Care Act 2014, Section 45, creates a **legal duty** for any agency or person to share what they know with the Safeguarding Adults Board (SAB). The test is that the information requested by the SAB must be for the purpose of enabling or assisting it to perform its functions. This means that if a SAB requests information from an organisation or individual who is likely to have information, which is relevant to the SAB's functions, they **must** share what they know with the SAB. Further details on information sharing locally can be found in the **TSAB Information Sharing Agreement**: <https://www.tsab.org.uk/key-information/policies-strategies/>

8. Who this Policy applies to

This policy applies to all partners of the Teeswide Safeguarding Adults Board who have collective responsibility for ensuring that the Board is able to meet its statutory duties. Specific detail of the partnership is outlined in the Teeswide Safeguarding Adults Board's Inter-agency Safeguarding Adults Policy.

9. What We Mean by Adult Safeguarding

The Care Act 2014 DH Care and Support Statutory Guidance 2017, describes safeguarding as the means of protecting an adult's right to live in safety, free from abuse and neglect. It also states that it is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feelings and beliefs in deciding on any action. Within this context, the guidance recognises that adults sometimes have complex interpersonal relationships and may be ambivalent, unclear or unrealistic about their personal circumstances.

10. Self-neglect

Self-neglect is one of ten types (categories) of abuse and neglect set out in the DH's Care and Support Statutory Guidance 2017, thereby linking self-neglect to statutory safeguarding duties. Self-neglect is described as covering 'a wide range of behaviour including neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding'^{*.4}

This policy supports engagement with adults who self-neglect through:

- Lack of self-care (e.g. neglecting personal care, hygiene and health; poor diet and nutrition) and/or,
- Lack of care of their domestic environment (e.g. neglecting home environment, hoarding and excessive clutter) and/or,

⁴ Department of Health, Care and Support Statutory Guidance, February 2017

- Refusal of services that could mitigate the risk to safety and well-being (e.g. lack of engagement with health and/or social care staff and other services/agencies)

This policy aims to ensure that:

- There is a shared multi-agency understanding and recognition of the issues involved in working with adults who self-neglect
- There is effective multi-agency working and practice
- There is a proportionate response to the level of risk to the individual and others, and that individuals are empowered to understand the implications of their actions.

Creating good relationships with people, together with agencies co-operating and working in partnership, is widely acknowledged as a key factor in addressing issues of self-neglect and hoarding;⁵ and the Care Act (Section 7) 2014 provides an express duty for the local authority and partners to ask each other for co-operation in individual cases. Where a local authority or partner requests co-operation in relation to a particular case, the local authority or relevant partner **must** co-operate, unless to do so would be incompatible with their own duties, or have an adverse effect on the exercise of their functions.

In accordance with the Care Act 2014, DH Care and Support Statutory Guidance 2017, ‘self-neglect may **not** prompt a section 42 enquiry’ and ‘an assessment should be made on a case-by-case basis’ with a decision on whether a response is required under safeguarding dependent on the adult’s ability to protect themselves by controlling their own behaviour.

11. Principles

Six key principles underpin all safeguarding adult work:

The Care Act 2014, DH Care and Support Statutory Guidance 2017, describes six principles that underpin all safeguarding adult work, which applies to all sectors and settings including care and support services, further education colleges, commissioning, regulation and provision of health and care services, social work, healthcare, welfare benefits, housing, wider Local Authority functions and the criminal justice system. These principles should always inform the ways in which professionals and other staff work with adults.

Empowerment	People being supported and encouraged to make their own decisions and informed consent. <i>“I am asked what I want as the outcomes from the safeguarding process and these directly inform what happens.”</i>
Prevention	It is better to take action before harm occurs. <i>“I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”</i>
Proportionality	The least intrusive response appropriate to the risk presented. <i>“I am sure that the professionals will work in my interest, as I see them and they will only get involved as much as needed.”</i>
Protection	Support and representation for those in greatest need. <i>“I get help and support to report abuse and neglect. I get help so that I am able to take part in the safeguarding process to the extent to which I want.”</i>
Partnership	Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse. <i>“I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”</i>
Accountability	Accountability and transparency in delivering safeguarding. <i>“I understand the role of everyone involved in my life and so do they.”</i>

⁵ SCIE Self-neglect policy and practice: key research messages, March 2015

12. Making Safeguarding Personal

In addition to these principles, Making Safeguarding Personal (MSP)⁶ aims to ensure that the safeguarding process:

- Is person-led and outcome-focussed
- Enhances the individual's involvement, choice and control, and
- Seeks to improve the quality of life, wellbeing and safety of the individual.

13. Key Roles and Responsibilities

The duties of the Teeswide Safeguarding Adults Board and responsibilities of its partners are set out in the Teeswide Inter-agency Safeguarding Adults Policy.

Adult who is self-neglecting

The adult must be involved from the beginning of safeguarding procedures unless there are exceptional circumstances, and where possible their consent should be sought prior to concerns being shared on an inter-agency basis. The adult's (or their representative's) views and wishes including their desired outcomes must be considered as part of the on-going procedures (Enquiry).

Involvement of Others

Where the adult has mental capacity, involvement of family, friends or informal carers should be agreed with the adult. In any case where the adult does not have mental capacity, family, friends or informal carers must be consulted in accordance with the Mental Capacity Act 2005.

The Local Authority has a duty to involve an appropriate person to facilitate an adult's involvement in the safeguarding adult's process if it is deemed that they would have substantial difficulty in participating themselves.

Advocacy

As part of the safeguarding adults' procedure, consideration must be given as to whether the adult may benefit from the support of an independent advocate. Where the adult has substantial difficulty in participating in the safeguarding adults' process, and there is no other appropriate person to assist them, independent advocacy must be arranged by the Local Authority in accordance with the Care Act 2014 (Sections 67 and 68). The details of local arrangements for advocacy are held by each Local Authority.

14. Inter-Agency Arrangements

Each partner agency has its own internal safeguarding adult's policy, which describes their interconnection with the Teeswide Inter-Agency Safeguarding Adults Policy. The roles and responsibilities of each partner organisation and their staff are described and contained within these documents.

Where the adult is placed out of the area for their care and support and a safeguarding concern is raised, the hosting authority will take responsibility for leading on the Section 42 enquiry. [Out of Area Arrangements](#)

15. Policy Review

The Teeswide Safeguarding Adults Board seeks to examine lessons learned from Safeguarding Adults Reviews involving cases of self-neglect, and to review and revise policies and procedures accordingly, in order that it may assure itself of the protection of adults from the risk of, or experience of neglect.

⁶ Making Safeguarding Personal: Guide 2014, LGA ADASS

16. Links to Useful Websites

SCIE: Adult Safeguarding – Self neglect

<https://www.scie.org.uk/adults/safeguarding/selfneglect/>

Making Safeguarding Personal: Guide 2014

<http://www.local.gov.uk/documents/10180/5854661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>

Research in Practice for Adults (RIPFA)

<https://www.ripfa.org.uk/resources/publications/practice-tools-and-guides/working-with-people-who-selfneglect-practice-tool-updated-2016>

Making sure the Care Act works

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365345/Making_Sure_the_Care_Act_Works_EASY_READ.pdf

'What the Care Act 2014 will mean for safeguarding - a legal view'

<http://www.communitycare.co.uk/2014/03/03/care-act-2014-will-mean-safeguarding-legal-view/>

Age UK fact sheet: Safeguarding Older People from Abuse

http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS78_Safeguarding_older_people_from_abuse_fcs.pdf?dtrk=true

North East Safeguarding Adults Network

<http://www.safeguardingadultsne.com/>

Links to Safeguarding Adult Boards around Britain

<http://www.childprotectioncompany.com/CPC/local-safeguarding-adults-boards>

The Office of the Public Guardian's policy on protecting adults at risk of abuse or neglect

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349100/OPG_safeguarding_policy.pdf

Safeguarding vulnerable adults – a tool kit for general practitioners

http://bma.org.uk/-/media/Files/PDFs/Practical%advice_at_work/Ethics/safeguardingvulnerableadults.pdf

Tees Local Safeguarding Children Boards' Procedures

<http://www.teescpp.org.uk/>