



Adults at Risk: Police Referral Criteria

Introduction

This advice is drafted to assist Local Authorities, Adult Safeguarding Lead Managers and social work practitioners when considering making a referral to police. Cleveland Police is a committed partner in Safeguarding Adults at Risk and the intention of this advice is to assist in decision making so that police resources are targeted towards those most in need.

Police continue to receive a large number of referrals which do not have any criminal nature to the allegation. However our clear message is that if in doubt please telephone the Child Abuse/Vulnerable Adults Team (CAVA) for guidance on how to proceed. (Appendix A - Telephone numbers)

All safeguarding alerts/referrals to police should be reported to police via the 101 contact number in non-emergency situations, if there is a significant risk to an individual there and then and urgent assistance is required please contact via 999.

All reports of 'Hate Crime' are a priority for Cleveland Police. Any allegations of assault or targeting of a vulnerable adult within the community will be investigated by the relevant local policing area. If a coordinator or team manager receives information that the vulnerable adult is being targeted or at risk then they should contact Cleveland police via 101.

2. Information provided

In order to provide an appropriate response, police require as much information during the call for service to allow a suitable THRIVE assessment to be carried. The incident will then be despatched to the appropriate officer to carry-out a thorough investigation.

3. Referral criteria

It is not the responsibility of police to assess every untoward incident within the care system to establish if a crime has occurred. A gate keeping service is required within the Local Authority. If in doubt police will of course be available for advice but in many cases it is apparent from the outset that no criminal investigation is required. Poor practice and procedures does not automatically mean a crime has occurred.

The Care Act 2014 identifies key areas as to what constitutes abuse and neglect, however not all cases will have a criminal element to them. There are also other areas such as Domestic Violence, which can cover a range of criminal offences such as sexual/physical assaults and Controlling and Coercive behaviour etc.

Section 14 of The Care and Support Statutory Guidance, provides advice and examples of what constitutes certain types of abuse. Although there are several categories of abuse CAVA deal specifically with five main types of abuse. These five categories are detailed in 3.2 below.

There are often concerns relating to issues that constitute hate crime, modern slavery, HBV, forced marriage etc under the definitions of abuse in the Care Act. Cleveland Police have dedicated departments that deal with specific concerns and a list of these other key departments is documented in Appendix 2.

There five main areas which CAVA investigate are:

- (i) Sexual abuse
- (ii) Financial abuse
- (iii) Physical assault
- (iv) Medication
- (v) Neglect

This list is not exhaustive however and consideration will be given to all incidents brought to our attention following reporting.

(i) SEXUAL ABUSE

All cases of alleged sexual abuse are complex with significant trauma to the victim. All cases of sexual abuse should be referred to police irrespective of whether the suspect is a carer or another service user.

Reports of sexual exploitation of any adult should be reported to Cleveland Police through the 101 service. If the victim expressly indicates that they do not wish the police to be involved, a referral should be made to the SARC for provision of counselling and support services, sexual health advice and the opportunity to provide medical evidence independent of the police.

(ii) FINANCIAL ABUSE

Allegations of financial abuse can be complex. The safeguarding of the victims finances is imperative at this stage. It is unlikely there will be sufficient information at the point of reporting to make an informed decision on whether a crime has been committed. Police will make a decision on whether a criminal investigation is to be conducted after facts have been established. All safeguarding alerts relating to financial matters should be supported with information from the referrer as to what enquires have been conducted that identify a crime is suspected and that this matter is not a civil issue, i.e. Lasting Power of Attorney breach of contract. In the case of a breach of LPA contract this should be reported direct to the Office of Public Guardian (OPG) as they are the governing body.

(iii) PHYSICAL ASSAULT

In all cases of alleged physical assault by a carer on a service user then a report should be made to police irrespective of whether injury has been caused, the company employer should ensure immediate safeguarding is addressed. These circumstances should be reported to police via the 101 system to ensure we secure and preserve evidence i.e photographic evidence of an injury.

A joint investigation should be considered and the level of enquiry by partner agencies/employers if there is a question as to whether an incident is a criminal act, or whether it is an inappropriate handling/training/disciplinary issue.

For allegations of assault by **one service user on another service user** then a report should be made via 101. At the point of making the call, call takers need to be informed of the capacity of the individuals.

(iv) MEDICATION

The Adult Protection Coordinator or team manager will need to be aware of '**mens rea**' and '**consequence**'. If no major illness or injury has resulted from wrongly administered medication then police should **NOT BE** involved unless there are extraordinary circumstances.

Police will need to consider issues of accidental/reckless/malice. Each case should be considered by the Coordinator or team leader on its own merits but if this was an isolated incident with no lasting ill effects then it is **NOT** a matter for police, unless the actions suggest malicious action. Repeated mistakes may be a training issue but can of course also indicate whether recklessness was an issue. If the scale moves along from accidental to reckless or malice then police should be contacted to discuss whether this would meet the criminal 'points to prove'.

For cases involving serious illness or death then police should be notified immediately by the 101 system. This is to secure and preserve potential evidence which may be needed at a later stage and to safeguard and other potential victims.

(v) The Mental Capacity Act 2005 introduced the offence of ill treatment/wilful neglect. The legislation was introduced to protect those service users who lack capacity. Case law to assist and refer to in relation to this area is relatively low. The new Criminal Justice and Courts Act 2015 introduces new offences under Section 20-15 and Schedule 4, of offences involving ill-treatment or wilful neglect. The new offences under the Criminal Justice and Courts Act 2015 were brought about to fill the gap following the Mid staffs enquiry. Under the new offences the CPS would expect a statement of complaint, i.e. a competent witness, a service user that has capacity. Although full definitions/interpretations of wilful are not available, the spirit of the Act is the behaviour should be intentional or deliberate. If in doubt please telephone the Vulnerable Adults Unit for advice. A case of neglect does not automatically mean **wilful neglect** has occurred. Neglect is a matter for safeguarding, commissioning of safe services, staff discipline or improved training/procedures. Wilful neglect is a matter for the police.

The essential fact to establish to prove any offence of wilful neglect (Section 44) is that the victim lacked capacity at the time of the incident. The coordinator or team manager should confirm this at the earliest opportunity. If the victim has capacity then there can be no offence under Section 44 MCA, however consideration can now be given the offences using the new legislation under the

Criminal Justice and Courts Act 2015 of ill treatment or wilful neglect or alternative offences such as assault, theft, fraud etc.

Consideration should be given to incidents which involve verbal abuse towards a service user by a care worker. Ascertain whether they could be dealt with more appropriately via the disciplinary route and DBS and not by reporting to police. However each case should be assessed on its own merits and if in doubt contact the CAVA Unit to discuss before a referral is made.

Wilful neglect can also include an 'omission', such as failure to seek medical help or failing to facilitate mediation. However once again these cases should be considered on a case by case basis.

(vi) HUMAN TRAFFICKING AND MODERN DAY SLAVERY

Offences involving human trafficking or modern day slavery should be reported to police via the 101 service. This includes offences of sexual exploitation, forced labour, domestic servitude and criminal exploitation.

All safeguarding agencies have a responsibility as first responders to human trafficking and modern day slavery to provide support for victims through use of the National Referral Mechanism. Support for child victims is the responsibility of local authorities. The following are available for advice:

Salvation Army national referral helpline – 0300 303 8151

UK Human Trafficking Centre – 0844 7782406 Information regarding human trafficking and modern day slavery should be passed to the police using the partnership information form available through the Tees Procedures Website. Cleveland Police have a dedicated VEMT department (Vulnerable, Exploited, Missing and Trafficked) dealing with such cases along with CSE offences.

4. SUMMARY

Cleveland Police is committed to working in partnership in line with the new Care Act 2014. Therefore it is hoped that if this referral criteria is applied it should result in the most appropriate safeguarding alerts being made to police and thus allow the police to concentrate on the cases that require a criminal investigation.

Detective Inspector 754 Deb Fenny

Child Abuse/Vulnerable Adults

APPENDIX 1

PROTECTING VULNERABLE PEOPLE UNIT

CAVA

Detective Inspector Deborah FENNY – 01642 306754

Detective Inspector Steve Rowland – 01642 306773

Detective Sergeant Suzanne MILLS – 01642 306792

Detective Sergeant Emma Bedford – 01642 302147

Detective Sergeant Joanne Wright – 01642 302146

Detective Sergeant Paul West – 01642 306794

pvpchildprotection/Vulnerableadults@cleveland.pnn.police.uk

NOTE : The PVP team are operational officers, if police attention requires an immediate response please contact 101 to report or 999 in cases of emergency

APPENDIX 2

Useful contact details

101 – Control Room – to report any incident that is not an emergency (an event will be created and forwarded to the relevant team)

999 – Emergency calls

DOMESTIC ABUSE UNIT

Detective Inspector Matthew Hollingsworth – 01642 306770

Detective Sergeant Paul WHITEHOUSE – 01642 306771

Detective Sergeant Patricia FENBY - 01642 302739

Detective Sergeant Rebecca Harland – 01642 306772

Detective Sergeant John Stephenson – 01642 306784

pvpdomesticabuse@cleveland.pnn.police.uk

VEMT

Detective Inspector Steve Bell – 01642 302311

Detective Sergeant Janette Turnbull – 01642 303322

Detective Sergeant Martin Weston - 01642 303322

Detective Sergeant Michelle ROXBY - 01642 303240

vemt@cleveland.pnn.police.uk

COMMUNITIES AND PARTNERSHIPS (Hate crime, mental health)

Inspector Faye Cole - 01642 302027

Communities&partnerships@cleveland.pnn.police.uk

Integrated Neighbourhood Teams (anti social issues, neighbour concerns – not related to custody/care/control)

Middlesbrough – mnpt1@cleveland.pnn.police.uk, mnpt2....., mnpt3.....

Redcar – rcnpt1@cleveland.pnn.police.uk, rcnpt2....., rcnpt3.....

Stockton – snpt1@cleveland.pnn.police.uk, snpt2....., snpt3.....

Hartlepool – hnpt1@cleveland.pnn.police.uk