

1 Background

As the Teeswide Safeguarding Adults Board (TSAB) has considered a number of Safeguarding Adults Review (SAR) Notifications since 2015 where alcohol dependency was a factor it was agreed that the TSAB would adapt the Somerset Safeguarding Adults Board Learning Briefing (with their permission) which outlines the legislation that can be used to support staff who are working with people who are dependant drinkers.

Alcohol Change UK have produced a guide on '[How to use legal powers to safeguard highly vulnerable dependent drinkers](#).' This guide provides an introduction to legislation that can be applied to chronic, highly vulnerable, dependent drinkers so as to improve outcomes for them, their families and their communities. The guide also outlines the limits of these legal frameworks and when they should not be used. TSAB also considered this guide and subsequently commissioned Mike Ward from Alcohol Change to provide training on Vulnerable Dependant Drinkers. This learning briefing sets out the legislation and considerations to support work with dependent drinkers.

2 Myths and Misconceptions

The guide outlines many misconceptions including:

- If someone says they do not have a problem and do not want help, there is nothing we can do
- If they are choosing to live like this, or like living like this, we can not define them as vulnerable
- They have mental capacity so they are not vulnerable or self-neglecting and there is nothing we can do
- A person has the right to make unwise decisions
- Alcohol dependency is not covered by the Mental Health Act; mental health services do not need to assess someone if their main problem is alcohol
- Assessment is impossible if they never turn up for appointments

3 Mental Capacity

There are many published SARs that identify that dependant drinkers' contact with support agencies can be sporadic and ongoing engagement with services may not be maintained. Adults may be deemed to have capacity to make decisions but may or may not be intoxicated when assessments take place: alcohol dependency leads to changes in the brain associated with impaired executive functioning. This may impact on the ability of the adult to effectively engage with services and if combined with other issues, such as domestic abuse, mental capacity is possibly severely impacted.

4 Key Legislation

The **Care Act 2014** does apply to people with alcohol problems and includes self-neglect as a form of abuse which applies to people who are dependant on alcohol. TSAB have developed [Self-Neglect Guidance](#) to assist practitioners in working with people who self-neglect.

The **Mental Capacity Act** can be used with people who are impaired by the effects of alcohol. There are challenges of applying this Act to chronic dependent drinkers because of a lack of specific guidance. However, the concept of executive capacity can be useful.

The **Mental Health Act** should be used as a last resort. It specifically excludes people who are solely dependent on alcohol, but there are circumstances in which the Act may be used with people who have other mental or behavioural disorders arising from alcohol dependency.

5 Other frameworks

There are other pieces of legislation that can be used when working with vulnerable, dependent drinkers, such as the Human Rights Act and various pieces of environmental health legislation.

The four Tees Local Authorities have arrangements in place to manage high risk safeguarding cases, including those where self-neglect is evident. In the first instance a care management approach is taken and if this is unsuccessful in managing the risk and the risk escalates then the Local Authority will refer the case to their high risk management arrangements, sometimes called The Team Around the Individual. This provides a multi-agency approach to supporting the individual and ensures that information is shared across relevant agencies. This approach reflects the recommendations within the Alcohol Change guide.

6 What to do now

Reflect on how the above themes link with your direct work with adults, families and other professionals

Think about how you can adapt your practice based on this learning

Discuss within your team meetings and consider any team learning and development needs

7 What to do next

Check out this information and share with your teams:

- [How to use legal powers to safeguard highly vulnerable dependent drinkers](#)
- The TSAB [Self-Neglect Guidance](#)
- [TSAB](#) SAR/LLR cases
- The process for referring to [Team Around the Individual](#)
- Safeguarding E-Learning (including Self-Neglect and Dementia Awareness), Self-Neglect Workbook and Safeguarding Adults training courses via www.tsab.org.uk
- Look at some relevant SARs: [Alan](#) and [Howard](#)

You can also find up to date, policies, procedures and guidance including: Inter-Agency Safeguarding Adults Policy and Procedure, Decision Support Guidance, Mental Capacity Act and Deprivation of Liberty

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