

Consultation Response

Reporting and acting on child abuse and neglect: Home Office and Department for Education

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richard.powley@ageuk.org.uk

Age UK
Tavis House
1-6 Tavistock Square
London WC1H 9NA
T 0800 169 80 80 F 020 3033 1000
E policy@ageuk.org.uk
www.ageuk.org.uk

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About this consultation

At Age UK we hear regularly from older adults, neighbours, friends and family who have own homes. We are also aware that some older people may be less likely to raise complaints or disclose concerns, wherever they may arise.

It is widely acknowledged that there is a significant mismatch in figures around the abuse of older people, with prevalence surveys indicating higher levels of abuse and neglect than those collected via local authority reporting. Against this background the need to ensure that concerns are identified is clear, however we believe that a mandatory duty to report may be incompatible with rights based approaches to

3. A 'Duty to Act'

The consultation outlines a duty to act, which would require certain practitioners or organisations to take appropriate action (which could include reporting) in relation to abuse or neglect if they knew or had reasonable cause to suspect it was taking place. Age UK believes that this is a more compelling proposal in relation to the safeguarding of adults.

A duty to act would be more closely aligned with the developing, and promising, decision making or, where the adult lacks the mental capacity to engage with the safeguarding process, promote action under principles of the Mental Capacity Act. A duty to act would avoid the risk of organisations and individuals outside of the local authority taking a very limited view of their wider role in adult safeguarding. A duty to act would require a more developed understanding of the principles of adult safeguarding, in accordance with the law and local policy and procedures. Some practitioners may feel, particularly in cases involving a capacitous person who self

The role of local Safeguarding Adults Boards would be strengthened as they will need to ensure high standards for training, and review compliance, with all those mandated to act

Currently adult safeguarding training, across all sectors, lacks common standards and accreditation. Ensuring that high quality training is available to all those under a duty to act will increase the identification of concerns and enable better outcomes.

5. Who would the new duty apply to?

Previously we have referred to the crucial roles of health and social care workers in identifying abuse. However not all abuse takes place in regulated settings, and not all abuse is carried out by health or social care staff.

The duty to act should therefore apply to:

- Social care workers in residential and community settings

- Health workers in hospital and community settings, including doctors, nurses and healthcare assistants

- Care Quality Commission Inspectors, Assistant Inspectors, Inspection Managers and Enforcement Inspectors

- Police officers

- Instructors in adult education settings

- All other statutory and non-statutory members of local Safeguarding Adults Boards

Serious consideration should also be given as to whether it should apply to:

- Frontline bank staff

- Financial advisors

- Solicitors

- Instructors in adult education settings

- Faith leaders

(As a minimum local Safeguarding Adults Boards should have clear plans in place to engage with and train key individuals in these sectors).

6. Conclusion

Good adult safeguarding outcomes are most likely to be achieved from the effective application of the principles of empowerment, prevention, proportionality, protection, partnership and accountability. Age UK concludes that, on balance, a duty to act will enable greater adherence to these principles than a duty to report.

In addition there should be continuing efforts and investment in raising awareness, supporting inter-agency working and developing person centred adult safeguarding responses.

This would need to be supported by common training standards, with sufficient

It is often said that safeguarding that no-one should stand by. The duty to act would support this, enabling a greater range of relevant people to develop skills in adult safeguarding which would, in turn, raise awareness and help to prevent abuse across our wider society.