

Domestic Abuse and Adult Safeguarding The Care Act (2014)

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Wokingham Borough Council

Safeguarding Adults Week 2023



Real voices,
real people

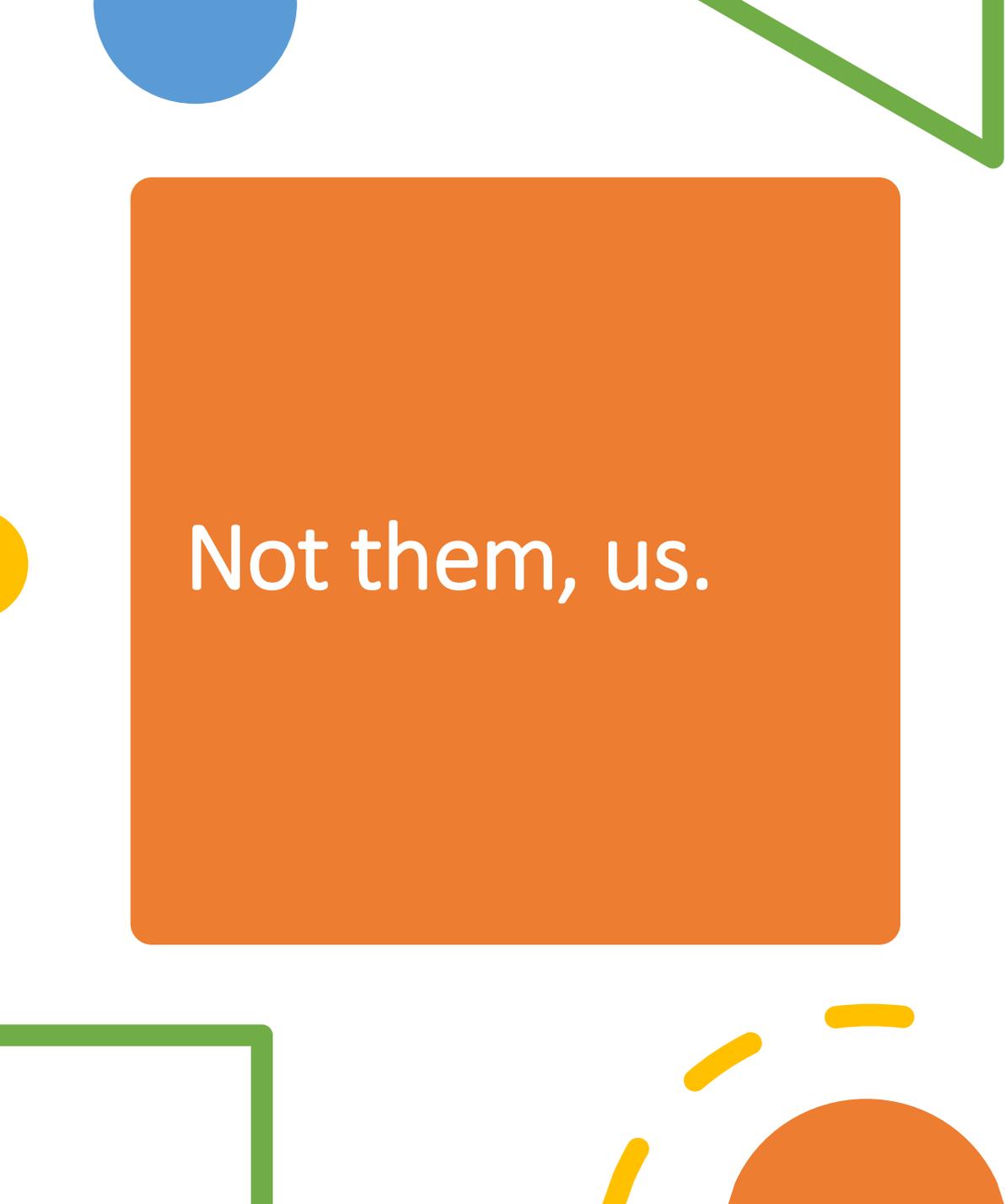
Voices of survivors with
care and support needs

Real life examples

Domestic Homicide Review

The content of this presentation
is emotive & challenging please
look after yourselves by taking
time-out & seeking appropriate
support





Not them, us.

Domestic abuse is pervasive, chances are that you or someone you know has experienced or is currently living with domestic abuse.

Local Services

Wokingham

Cranstoun 0118 402 1921; email dass@cranstoun.org.uk;
www.cranstoun.org.

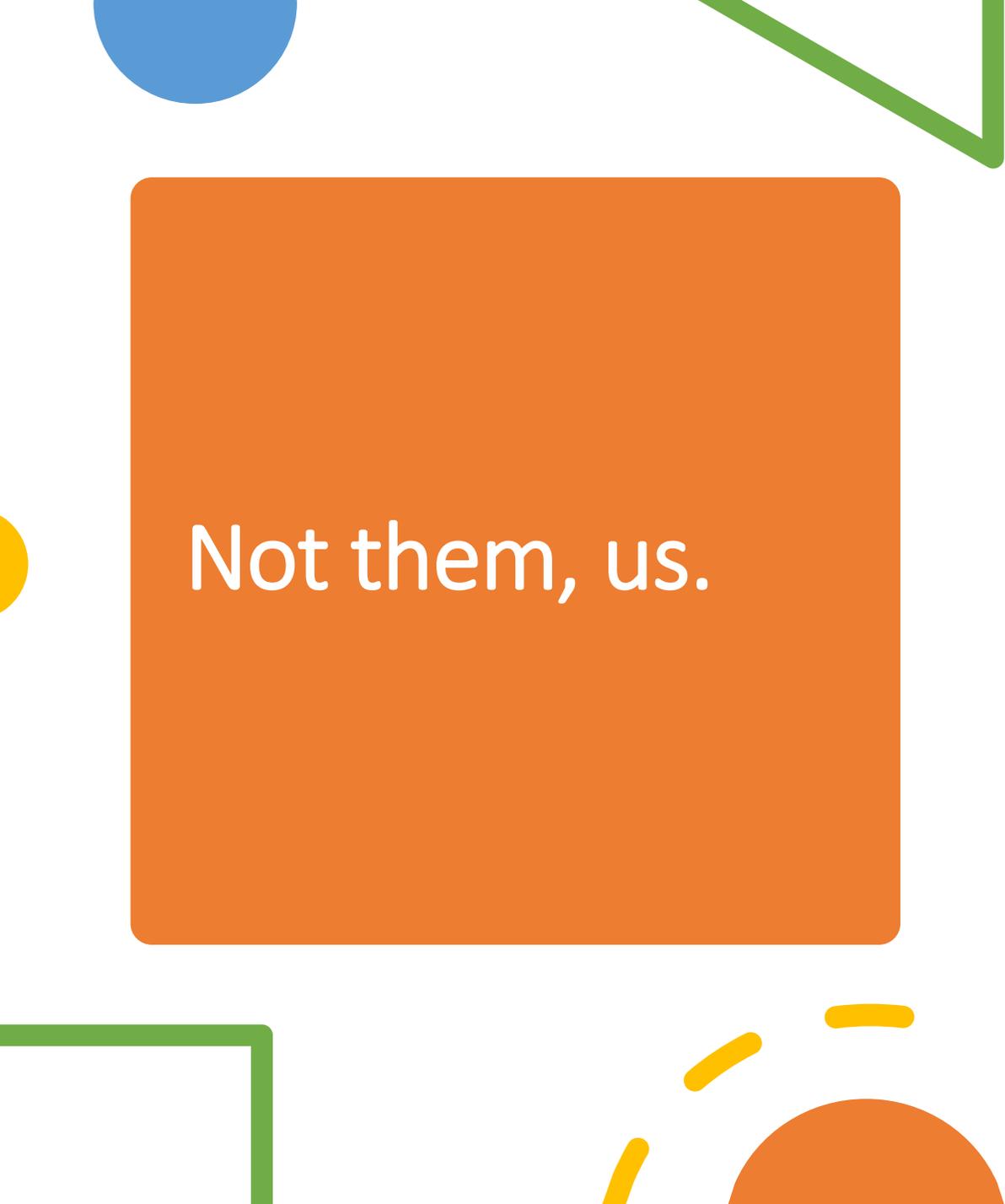
West Berkshire and Reading

Berkshire Women's Aid (*supporting all genders*)

- (0808 801 0882 (24 hours)
- : www.berkshirewomensaid.org.uk

These services operate an out of hours response through the above numbers





Not them, us.

Domestic abuse is pervasive, chances are that you or someone you know has experienced or is currently living with domestic abuse.

Refuge

[Home | Refuge National Domestic Abuse Helpline \(nationaldahelpline.org.uk\)](https://www.refuge.org.uk) **0808 2000 247**

Men's Advice Line

0808 801 0327

Confidential helpline for male victims of domestic violence and abuse

LGBT

[National LGBT Domestic Abuse Helpline](https://www.lgbtdomesticabuse.org.uk) **0800 999 5428**

– Emotional and practical support for LGBT+ people experiencing domestic abuse

Stalking

[National Stalking Helpline](https://www.stalkinghelpline.org.uk) **0808 802 0300**



NEVER ALONE

NSPCC
0808 800 5000
(24hrs)

National Domestic Abuse Helpline
0808 2000 247
(24hrs free)

Mind
0300 123 3393
(Mon-Fri 9-6)

Victim Support
0808 168 9111
(24hrs)

Cruse Bereavement
0800 808 1677
(Mon-Fri 9-5)

ChildLine
0800 1111
(24hrs)

Action on Elder Abuse
0808 808 8141
(Mon-Fri 9-5)

Respect - Men's Advice Line
0808 801 0327
(Mon-Fri 9-5or8pm)

Samaritans
116 123
(24hrs free)

National Centre for Domestic Violence
0207 186 8270

THE UK'S ONLY NATIONAL LESBIAN, GAY, BISEXUAL AND TRANS DOMESTIC ABUSE HELPLINE

@galopuk

end abuse

NEED SUPPORT? WE'RE HERE FOR YOU!

Domestic abuse can be psychological, financial, sexual, physical and/or emotional.

PHONE: 0300 999 5428 or 0800 999 5428*
EMAIL: help@galop.org.uk

*Call the number cheapest for you: 0300 numbers are billed as 01 and 02 landline numbers and are usually included in mobile phone package minutes. 0800 numbers are free from landlines and included in some mobile provider inclusive minutes.

Aims

To have a greater understanding of how care and support needs impact experience of Domestic Abuse



To know what we mean by “care and support needs”



To understand the law in Adult Safeguarding



To know when to make a referral or progress to S42 enquiry

Domestic Abuse Act (2021)

- ▶ **Definition of “domestic abuse”**
 - ▶ (1) This section defines “domestic abuse” for the purposes of this Act.
 - ▶ (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
 - (a) A and B are each aged 16 or over and are **personally connected to each other**, and
 - (b) the behaviour is abusive.
 - ▶ (3) Behaviour is “abusive” if it consists of **any** of the following—
 - (a) physical or sexual abuse;
 - (b) violent or threatening behaviour;
 - (c) controlling or coercive behaviour;
 - (d) economic abuse (see subsection (4));
 - (e) psychological, emotional or other abuse;
- and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- ▶ (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—
 - (a) acquire, use or maintain money or other property, or
 - (b) obtain goods or services.

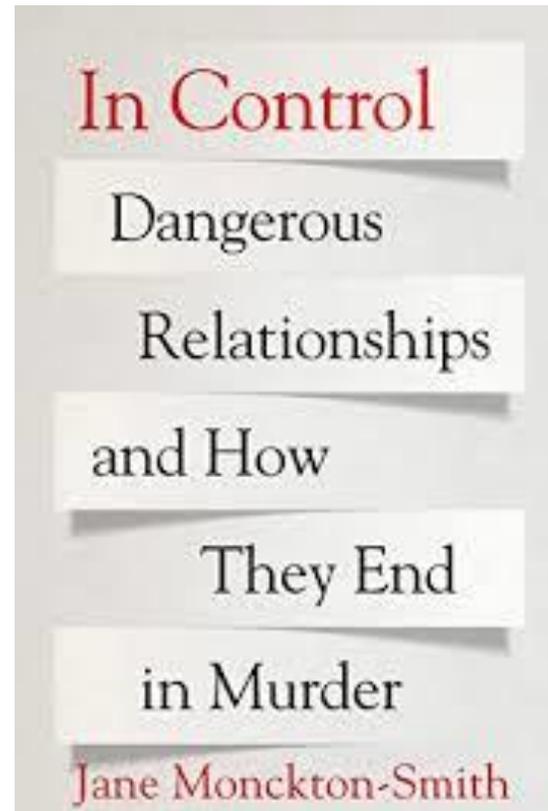
What is Controlling and Coercive Behaviour?

Controlling or Coercive Behaviour is now a Criminal offence under **Serious Crime Act 2015 Section 76**

Coercive control is now recognised as the most prominent behaviour that underpins the majority of domestic abuse cases

It is a pattern of behaviour which seeks to take away the victim's sense of self, minimising their freedom of action and violating their human rights

Coercive Control



“Not only is coercive control the most common context in which [women] are abused, it is also the most dangerous”

Evan Stark (2007) *Coercive Control. How Men Entrap Women in Personal Life.* New York: Oxford University Press

What does it look like in reality?

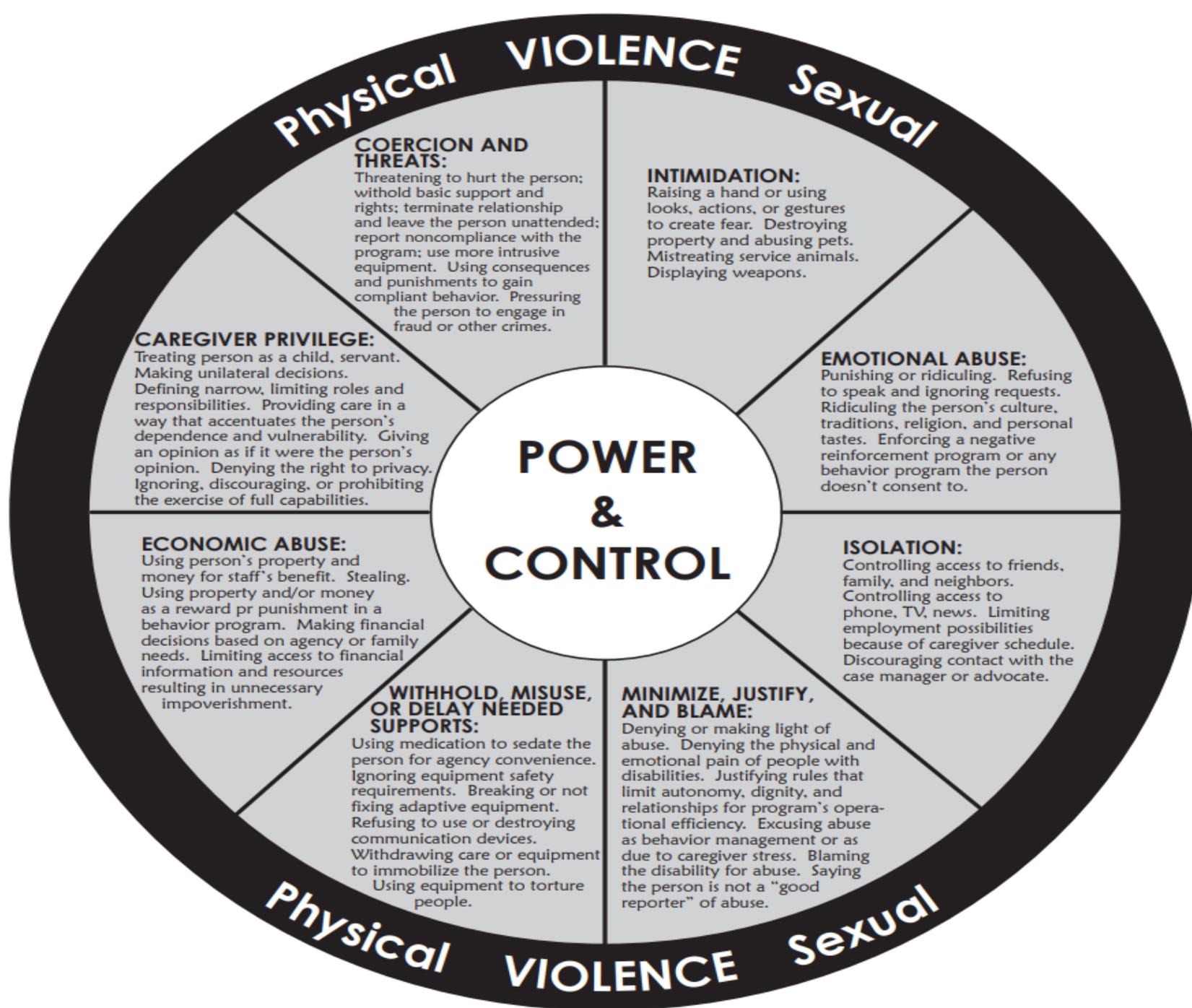
- Is a continuous course of conduct
- Its aim is to oppress / restrict survivors' free will
- It is measured by the level of entrapment achieved
- The abuse is 'personalised'
- It is most often committed by men
- Survivors may not be aware that it is abuse.

How do perpetrators use care and support needs against someone

- ▶ Belittling - “No one else would want you” “She has mental health problems”
- ▶ Restrict access to medication
- ▶ Not support or allow support with washing and dressing
- ▶ Take away continence products
- ▶ Not take to health appointments
- ▶ Gaslighting - exacerbating mental health
- ▶ Not allowing equipment in the house
- ▶ Taking full control of care services - Grooming professionals
- ▶ “You couldn’t look after the children alone”

Survivor voice

“I didn’t think of myself as being vulnerable or having needs.”



Survivor voice

“Talking about how I cannot care for myself is difficult and embarrassing”

Spotlight #1

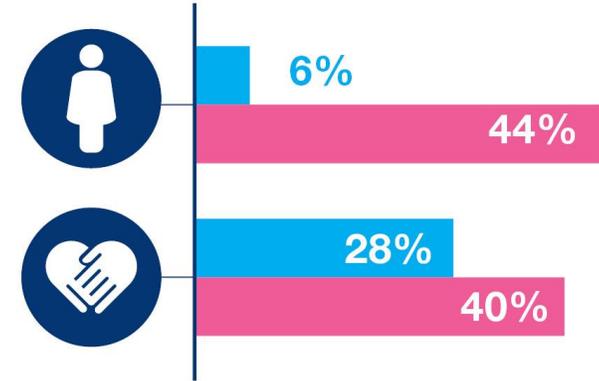
Older people and domestic abuse

Source: SafeLives Insights, 2015-16

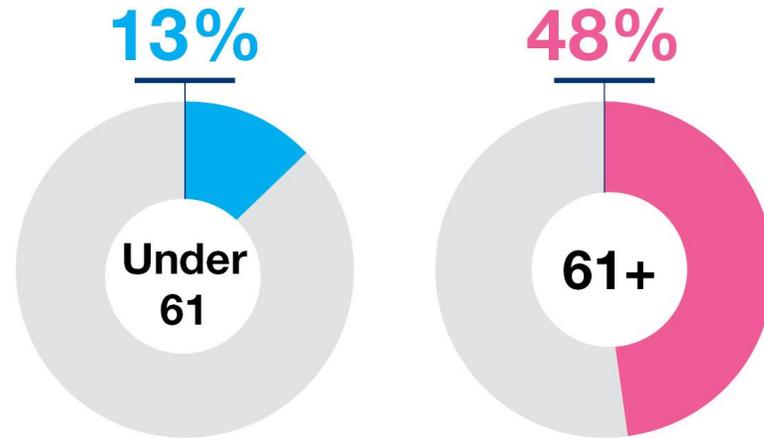
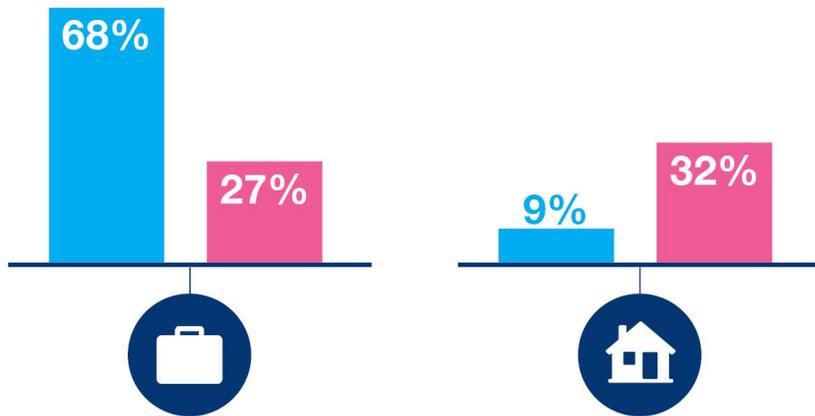


Victims aged 61+ are much more likely to experience abuse from an **adult family member** or **current intimate partner** than those 60 and under

- Victims aged 60 and under
- Victims aged 61+



Older victims are **less likely to attempt to leave** in the year before accessing help, and **more likely to be living with the perpetrator** after getting support



Older victims are significantly **more likely to have a disability** – for a third, this is physical (34%)

SafeLives

Ending domestic abuse

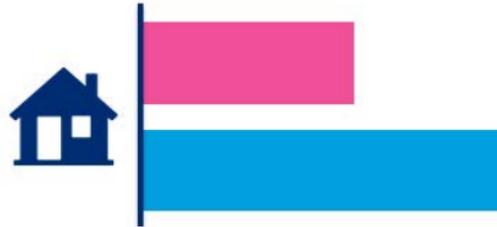
Disabled victims are more likely to report abuse from **multiple perpetrators**: **one in five (19%)** compared with **one in twenty (6%)**



Spotlight Report #HiddenVictims

Disabled Survivors Too:
Disabled people and domestic abuse

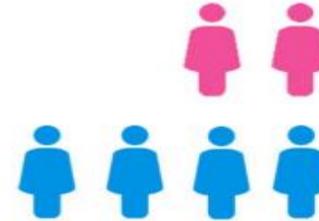
Almost a third of disabled victims (**31%**) were **living with the perpetrator** of the abuse compared to **18%** for non-disabled victims



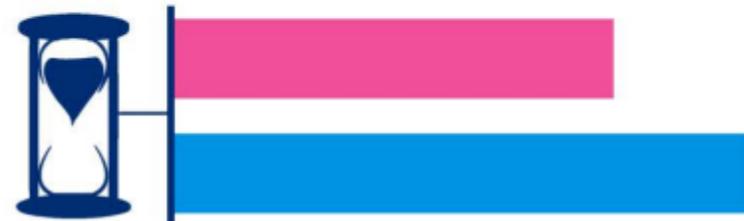
Disabled people who are experiencing domestic abuse are **twice as likely** to have previously planned or attempted suicide (**22%** vs **11%**)



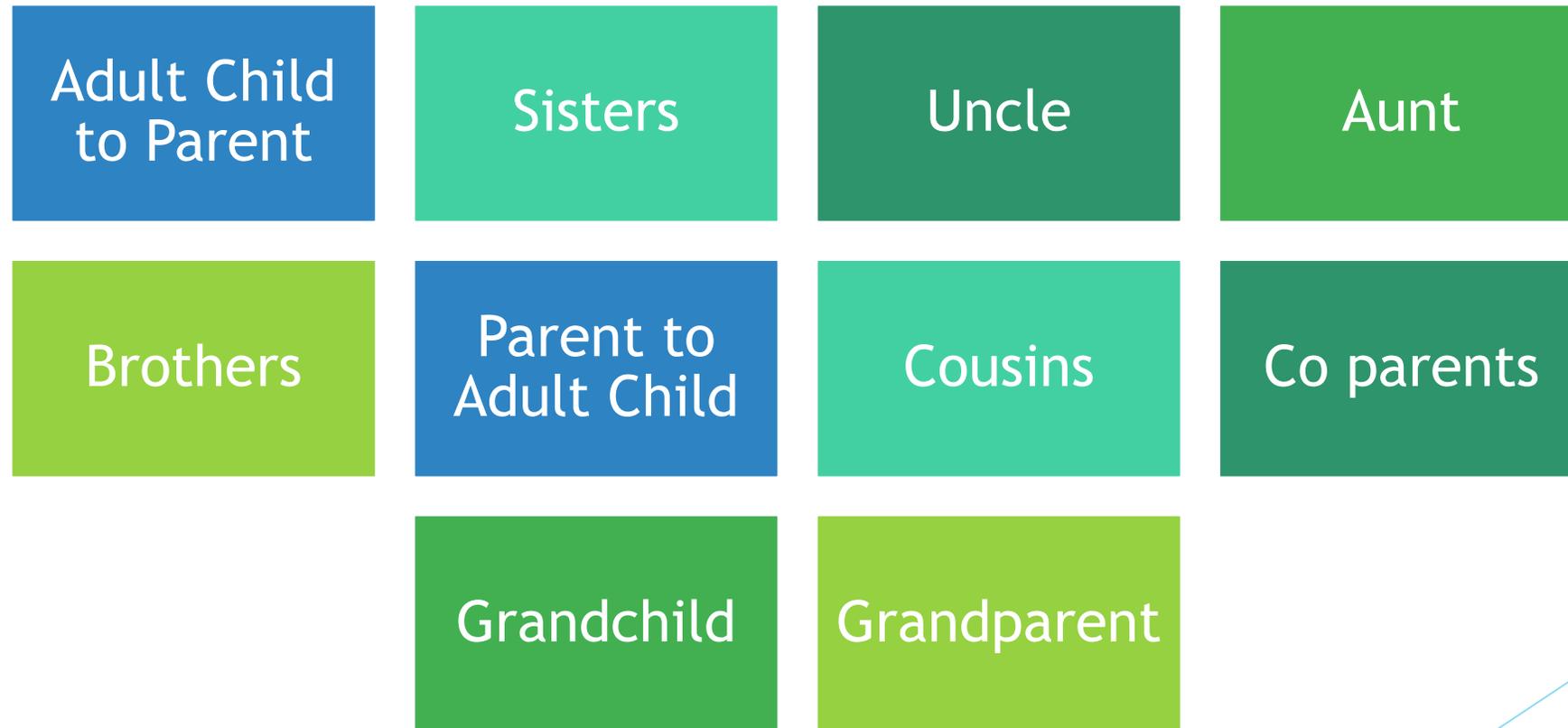
Disabled women are **twice as likely** to experience domestic abuse than non-disabled women.



Disabled victims typically experience abuse for a **longer period of time** before accessing support (**3.3 years'** average length of abuse vs **2.3 years**)



“personally connected to each other” Domestic Abuse Act (2021)



Adult Family Abuse

Jan 2020 - Thematic Review of Homicides across London

Completed by SCIE, commissioned by Mayor's Office for Policing And Crime (MOPAC)

- ▶ In **all but two cases**, the relationship between victim and perpetrator was that of **parent-child**. Four were mothers killed by sons, two were fathers killed by sons, and one father was killed by his daughter. The remaining **two cases were of siblings**.
- ▶ victims in this category had a considerably higher average age than any of the other categories, with the **majority being over 65**.
- ▶ Nearly all the **perpetrators** in the cases of adult family violence we reviewed had **serious mental health problems**, and in one case the perpetrator also had a learning disability
- ▶ In six of the cases reviewed, there was a **caring relationship between the victim and perpetrator**. In five cases the victim was the main carer for the perpetrator
- ▶ The cases of adult family violence often featured **behaviours meeting the definition of domestic abuse**, including destruction of property, emotional and physical abuse, and financial abuse. However, these were **rarely recognised by practitioners** as such, and **specialist domestic abuse support was not involved** in any of the cases we reviewed

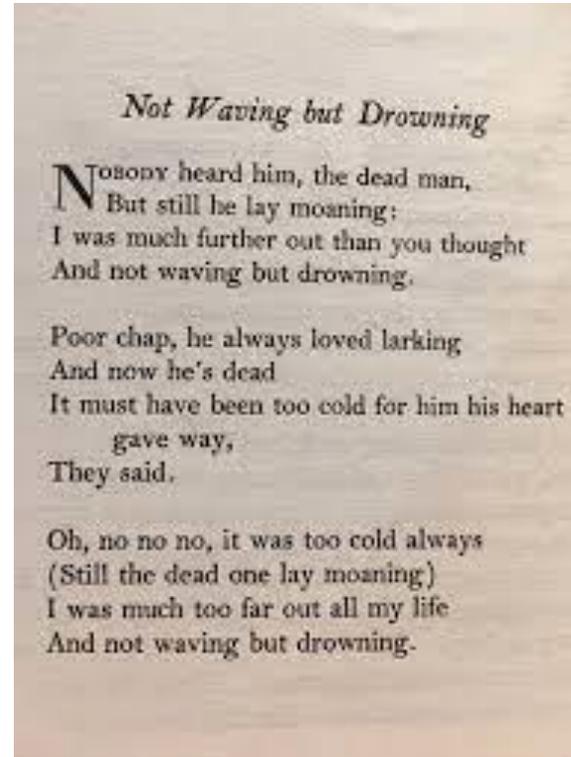
How does this fit into Adult Safeguarding?

Care and Support statutory guidance

“Safeguarding means protecting an adult’s **right to live in safety**, free from **abuse and neglect**. It is about people and organisations **working together** to prevent and stop both the **risks and experience** of abuse or neglect” (paragraph 14.7)

Section 42 Care Act 2014

- ▶ *Where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)*
 - ▶ *has needs for care and support (whether or not the authority is meeting any of those needs),*
 - ▶ *is experiencing, or is at risk of, abuse or neglect, and*
 - ▶ *as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.*
- ▶ The local authority **must** make (or cause to be made) **whatever enquiries it thinks necessary** to enable it to **decide whether any action should be taken** in the adult's case (whether under this Part or otherwise) and, if so, **what and by whom**



Not waving but drowning

Does being able to call the police mean you are able to protect yourself?

Categories of abuse in the Care and Support guidance

- ▶ Physical
- ▶ Sexual
- ▶ **Domestic Violence**
- ▶ Psychological
- ▶ Financial or material
- ▶ Modern slavery
- ▶ Discriminatory
- ▶ Organisational
- ▶ Neglect and acts of omission
- ▶ Self-neglect

Survivor voice

“Police and other agencies did not recognise me as being vulnerable”

Who has Care and Support needs?

‘An adult with care and support needs may be

- ▶ an older person
- ▶ a person with a physical disability, a learning difficulty or a sensory impairment
- ▶ someone with mental health needs, including dementia or a personality disorder
- ▶ a person with a long-term health condition
- ▶ someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.’

SCIE “Adult Safeguarding Practice Questions”

This definition also appears in LGA / ADASS “Understanding what constitutes a safeguarding concern ...” guidance

“Care and Support”

The mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent - including older people, people with a disability or long-term illness, people with mental health problems, and carers.

Care and Support statutory guidance -Appendix F - Glossary

Care and Support (Eligibility Criteria) Regulations

Care and support needs have an impact on the following outcomes:

- ▶ Managing and maintaining nutrition
- ▶ Maintaining personal hygiene
- ▶ Managing toilet needs
- ▶ Being appropriately clothed
- ▶ Being able to make use of the home safely
- ▶ Maintaining a habitable home environment
- ▶ Developing and maintaining family or other personal relationships
- ▶ Accessing and engaging in work, training, education or volunteering
- ▶ Making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- ▶ Carrying out any caring responsibilities the adult has for a child”

Survivor voice

“I thought that if I told people how much I struggled that they would say I couldn’t look after my child”

An adult safeguarding enquiry has to meet the objectives

Paragraph 14.94 of the Care and Support statutory guidance

- ▶ **Establish facts**
 - ▶ Ascertain the adult's **views and wishes**
 - ▶ Assess the **needs of the adult for protection, support and redress** and how they might be met
 - ▶ **Protect** from the abuse and neglect, in accordance with the wishes of the adult
 - ▶ Make decisions as to what **follow-up action** should be taken with regard to the **person or organisation responsible** for the abuse or neglect
 - ▶ Enable the adult to achieve **resolution and recovery**

Care Act (2014)

Section 11

- ▶ **S11 Refusal of assessment**
- ▶ **1** Where an adult **refuses a needs assessment**, the local authority concerned is not required to carry out the assessment
- ▶ But the local authority may not rely on subsection (1) (and so **must carry out a needs assessment**) if
 - ▶ the adult **lacks capacity to refuse** the assessment and the authority is satisfied that carrying out the assessment would be in the adult's best interests, or
 - ▶ the adult is **experiencing, or is at risk of, abuse or neglect.**

What does that mean?

- ▶ Paragraph 6.20 of the Care and Support statutory guidance says “Where the adult who is or is at risk of abuse or neglect has capacity and is still refusing an assessment, local authorities must undertake an assessment so far as possible and document this. They should continue to keep in contact with the adult and carry out an assessment if the adult changes their mind, and asks them to do so.”

Survivor voice

“I want to be helped to advocate for myself within a system that is often adversarial rather than supportive”

Change that Lasts

Women's Aid has introduced the

Change that Lasts approach and Trusted Professional intervention to increase the opportunities of support available to survivors of abuse.

Needs led, strengths based.

Two elements to Adult Social Care response to an adult safeguarding concern

Deciding what others do

- ▶ S42 Care Act adult safeguarding enquiry
- ▶ If the s42(1) criteria are met, there must be an enquiry
- ▶ Purpose of the enquiry is for us to decide what actions, if any, are required and if so by whom

Deciding what they do

- ▶ Assessment under s9 Care Act 2014
- ▶ S11(2)(b) Care Act applies: If an adult with care and support needs is experiencing or at risk of abuse or neglect
 - ▶ They cannot refuse the s9 assessment
 - ▶ We must assess
- ▶ Doesn't include "unable to protect themselves" test

What can adult social care do?

Adult Safeguarding Enquiry - Section 42

Assessment of needs - Section 9

Assessment of needs as a carer - Section 10

Provide care - through care agencies or personal assistants paid for by direct payments.

Equipment - to assist with daily living.

Day Services

Supported living

Residential or nursing care

Signposting to other services

Survivor voice

“I didn’t want a care agency with lots of people in and out, knowing where I lived. Our safety was the priority”

Example

- ▶ An OT visits a woman who has MS, she lives with her ex partner, they jointly own the house and neither wish to sell the house or move out. He provides care for her, meal preparation and administers her medication. She discloses to the OT that he has been leaving her in soiled clothes, withholding her medication and food. He was controlling and had a terrible temper before she became unwell but things have become worse. Making SG personal her desired outcomes were explored, a needs led approach was adopted. A DFG was secured to adapt her kitchen to allow her to make her own meals and a support plan put in place to provide care so she was not reliant on her ex partner, her outcomes were met and the situation improved for her.

Survivor voice

“Don’t assume that I cannot do anything, don’t take over everything, find my strengths.”

Example

A woman in her 20s with both existing health needs and further needs caused by the abuse from her husband, flees with her child. She has contact with children's services, police, mental health services, DA outreach services and health services. All of whom are aware that she is fleeing domestic abuse and are aware of the impact of her health needs on her daily life. No professionals recognised her as having care and support needs, no referrals are made to Adult Social Care and no Safeguarding Enquiry is undertaken. There was a significant delay in her receiving the support she needed. She was then supported by a personal assistant 28 hours a week who provided support with personal care, nutrition, cleaning, and all other activities of daily life allowing her to parent her child.

Survivor voice

“being eloquent was a barrier, people thought that because I could express myself that I didn’t need help.”

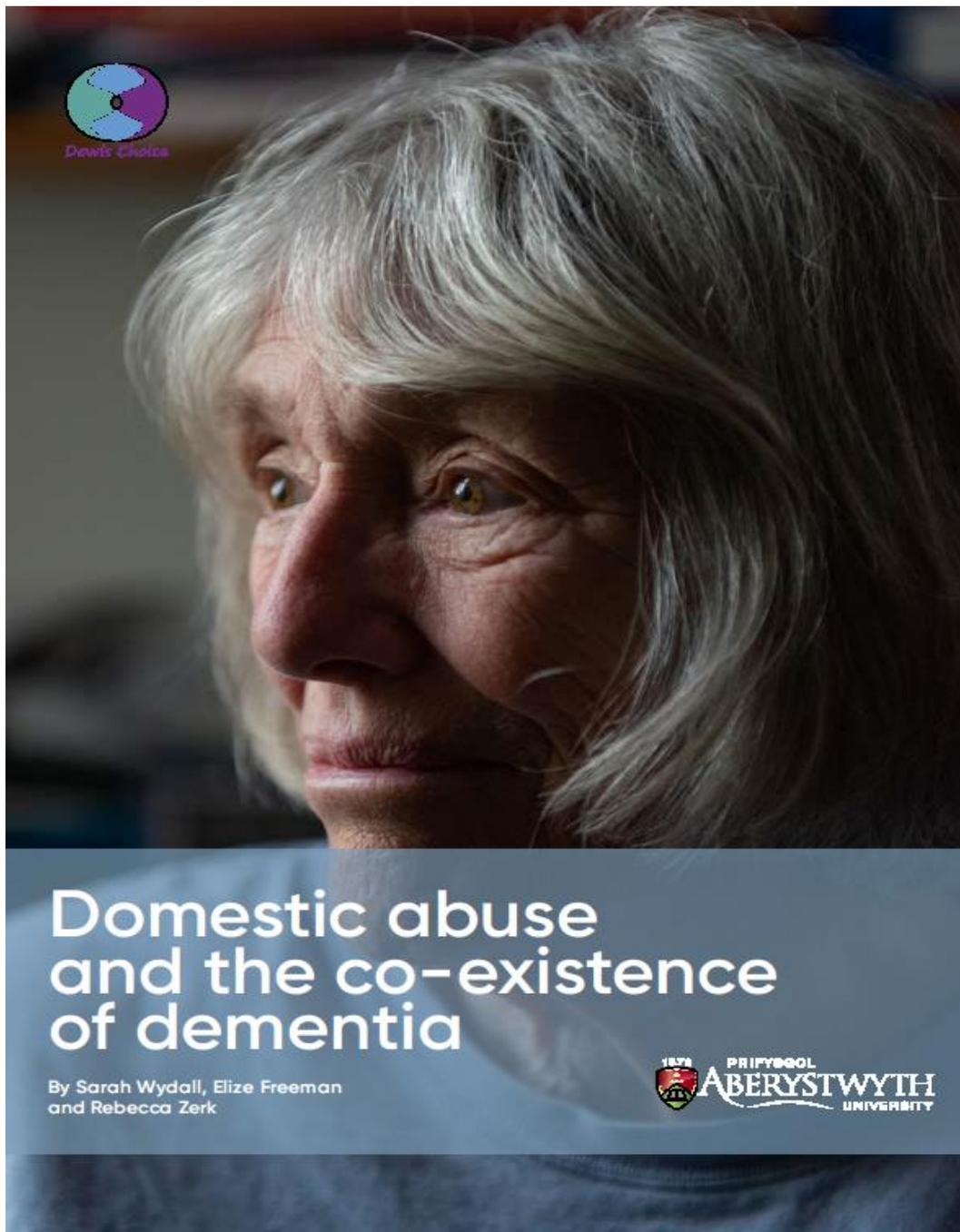
Survivor voice

“It was exhausting, they said “ring us tomorrow and let us know how you are getting on.”

Example

- ▶ Two men, both with Learning Disabilities are married and live together in Supported living accommodation with 24 hour support. The mother of one of them has control of her son's finances, calls constantly, dictates to the support workers where and when her son and husband go out. She does not approve of their same sex relationship and visits the home to check if they have been sharing a bed. If she is challenged she can become verbally abusive to staff, her son and his husband. ASC, police, outreach and support workers have supported the couple to set clear boundaries with the mother and explain what is important to them and what they want to do, including in terms of their relationship.

Domestic Abuse and Dementia



Domestic Abuse and Dementia

Across the world, domestic abuse affects one in three women, and every three seconds, someone develops dementia. Yet despite the prevalence of both these issues, little attention is given to what happens when they are combined. As a result, older people living with dementia are often the forgotten survivors of domestic abuse.

Dementia can result in a lack of inhibition. So whereas previously a victim-survivor may have deliberately hidden their abuse from people, having developed dementia they may talk openly about their experiences, causing a perpetrator to be fearful of public exposure or prosecution. -

Domestic abuse and the co-existence of dementia, Sarah Wydall, Elize Freeman and Rebecca Zerk 2022

Example

- ▶ The day centre for people with dementia reported that a woman's husband and carer appeared overbearing, would not let her out of his sight and declined any services which meant them being separate. He spoke about her disrespectfully and at times had become aggressive with staff. She presented as having advanced dementia and limited speech. Her husband was very resistant and would not let workers speak to her alone. ASC established a relationship with her husband as a carer and established trust to the point that they were able to drive her to look at some other day services without him present. During these journeys she disclosed high levels of coercion and control and violence from her husband. Her presentation was a way to keep herself safe. Plans were made with her to go into "respite care" and not return to the home. ASC supported her to make contact with her estranged family. On the day she planned to leave her husband refused her to go, this resulted in ASC and police attending and supporting her to leave.

Domestic Abuse and Dementia

“survivor with dementia, perpetrators of domestic abuse can deliberately act to cause confusion and disorientation, undermine capacity and promote fears that the individual will not be believed if they disclose abuse.”

“A perpetrator with increased physical frailty and dependency should not be viewed as posing less risk to a victim-survivor. “

Domestic abuse and the co-existence of dementia, Sarah Wydall, Elize Freeman and Rebecca Zerk 2022

Survivor voice

“People think he is caring and attentive. They think he is under stress because of looking after me.”

SCIE “Adult Safeguarding Practice Questions”

‘An adult with care and support needs may be

- ▶ an older person
- ▶ a person with a physical disability, a learning difficulty or a sensory impairment
- ▶ someone with mental health needs, including dementia or a personality disorder
- ▶ a person with a long-term health condition
- ▶ someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.’

*This definition also appears in LGA / ADASS
“Understanding what constitutes a safeguarding concern ...” guidance*

Case example

- ▶ A woman was being abused by her then partner. They both drank and took drugs. She was not an addict when she met him. He very much encouraged her intake. When she realised she was being abused, she was an addict. She has said numerous times that when she tried to disclose, she was seen as 'that problem woman', rather than a woman with a problem. she disclosed to 16 GP's in a 13 month period. No one ever saw past her addiction. She was highly vulnerable and trying to get clean when she left. However, she was given accommodation in a mixed hostel and was sexually assaulted whilst there. She now lives clean, sober and is an outreach worker.

Survivor voice

“alcohol and drug addiction is a barrier to people seeing and acknowledging the coexistence of domestic abuse”

Commissioned by
Surrey SAB and Reigate
and Banstead Borough
Council

Published July 2021

“Mary” Domestic Homicide Review / Safeguarding Adults Review

What happened?

- ▶ “Mary” died in 2017. At an inquest into her death the Coroner found “She had tied a ligature around her neck and died by hanging. She had drunk considerable amounts of alcohol and taken cocaine. It is not possible to determine whether she intended to kill herself.”
- ▶ In the months leading up to her death, she had contacted the police on fourteen occasions in 2017 reporting that her relationship had become abusive and violent.
- ▶ In the period before she died, her oldest child went to live with his father and her two youngest children were taken in to foster care

Learning for Adult Social Care: Recognising an adult safeguarding concern

- ▶ There were five occasions events were reported to ASC that they should have recognised as an adult safeguarding concern which met the s42(1) criteria so there should have been an adult safeguarding enquiry
- ▶ Two of the referrals explicitly mentioned coercion and control

Learning for Adult Social Care: The decisions they made

- ▶ ASC decision making conflated three different decisions
 - ▶ Is this an adult safeguarding concern?
 - ▶ Have the statutory criteria for a s42 enquiry been met?
 - ▶ Was there abuse or neglect?
- ▶ ASC treated a referral of an adult safeguarding concern as a referral for an assessment. The person turned down the assessment when ASC contacted them. They did not carry out an assessment even though they knew they were experiencing or at risk of abuse. ASC should have carried out an assessment even though they did not want one.

Survivor voice

“Ask the questions. Do you have any health or mental health needs? Are there things you struggle with?”

What can I do?

- ▶ Get training in Domestic Abuse.
- ▶ Notice the signs and be aware how to make a “safe enquiry” Safe enquiry means ensuring the potential perpetrator is not and will not easily become aware of the concerns
- ▶ Make sure that you ask survivors about any health conditions or care and support needs.
- ▶ If you think someone **may** have care and support needs and **may** be experiencing domestic abuse make a referral to Adult Social Care.
- ▶ Make sure referrals to Adult Social care describe care and support needs clearly.
- ▶ Be prepared to challenge, use the knowledge you now have about the statutory duty of Adult Social Care under Section 42 and Section 11(2)(b) Care Act (2014)
- ▶ In Adult Social Care be alert to care and support needs that are less obvious.
- ▶ Recognise the different needs for people with who need care and support e.g. more time, communication methods.
- ▶ Work with other organisations, seek advice from outreach services or Adult Social Care or police.
- ▶ Adult Social Care and Childrens Services recognising each other’s statutory duties.

Thank you!

Any Questions?



Further resources

- ▶ [Home | Safelives](#)
- ▶ [Understanding Coercive Control with Professor Evan Stark - YouTube](#)
- ▶ [CountingDeadWomen \(@CountDeadWomen\) / Twitter](#)
- ▶ [Home | Luke and Ryan Hart \(cocoawareness.co.uk\)](#)
- ▶ [www.esdas.org.uk](#)
- ▶ [Our approach: Change That Lasts - Womens Aid](#)

Further resources

- ▶ [Dash risk checklist quick start guidance FINAL.pdf \(safelives.org.uk\)](#)
- ▶ [MARAC FAQs General FINAL.pdf \(safelives.org.uk\)](#)
- ▶ [Domestic Violence Protection Notices \(DVPNs\) and Domestic Violence Protection Orders \(DVPOs\) guidance - GOV.UK \(www.gov.uk\)](#)
- ▶ [Stalking Protection Orders | The Crown Prosecution Service \(cps.gov.uk\)](#)
- ▶ [Refuge Against Domestic Violence - Help for women & children.](#)
- ▶ [Help For Domestic Violence Perpetrators | Respect Phonenumber UK](#)

Further resources

- ▶ [A survivor's plea to end child marriage | Payzee Mahmood | TEDxLondonWomen - YouTube](#)
- ▶ [A survivor's plea to end child marriage | Payzee Mahmood | TEDxLondonWomen - YouTube](#)
- ▶ [BASW England releases new Domestic Abuse Guidance for social workers](#)
- ▶ [Banaz Mahmood - An Honour Killing \(Crime Documentary\) - video Dailymotion](#)
- ▶ [Southall Black Sisters - Southall Black Sisters](#)
- ▶ [Karma Nirvana](#)
- ▶ [Male Victims of Domestic Abuse - Please call 01823 334244 to speak to us confidentially - \(mankind.org.uk\)](#)