

Understanding existing definitions of ‘vulnerable/vulnerability’ related to Adult Safeguarding:

Prior to the introduction of the Care Act in 2014, the No Secrets statutory Guidance which covered adult safeguarding, used a broad definition of a ‘vulnerable adult’ as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

The Care Act 2014 has superseded this, and s42 now identifies ‘an adult at risk.’ An adult at risk of abuse or neglect is defined as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs - is unable to protect themselves. All partners should be using this definition when raising a concern about abuse/neglect of an adult. Please see Appendix 1 for further details.

The Lambeth Safeguarding Adults Board however has noted that despite the change in definitions within legislation to clarify the work around adult safeguarding, there are a number of different agencies who use different definitions because these are referenced within other pieces of legislation that are relevant to their working context.

This document therefore sets out to clarify what these definitions are and how they are used across LSAB partners. The aim is to reduce any confusion that may arise out of the different language used.

Context/other legislation:	Detail/relevance to LSAB members:
Safeguarding Vulnerable Groups Act (2006)	<p>The Safeguarding Vulnerable Groups Act (SVGA) 2006 was passed to help avoid harm, or risk of harm, by preventing people who are deemed unsuitable to work with children and ‘vulnerable adults’ from gaining access to them through their work. Organisations with responsibility for providing services or personnel to vulnerable groups have a legal obligation to refer relevant information to the Disclosure and Barring service (DBS).</p> <p>It describes how an adult is vulnerable in the context of the setting in which they are situated or the service they receive – such as;</p> <ul style="list-style-type: none">• Those in residential accommodation provided in connection with care or nursing or in receipt of domiciliary care services• Those receiving healthcare• Those in lawful custody or under the supervision of probation services• Those receiving a welfare service of a prescribed description or direct payments from a social services authority

	<ul style="list-style-type: none"> • Those receiving services or taking part in activities aimed at people with disabilities or special needs because of their age or state of health • Those who need assistance in the conduct of their affairs
The Housing Act 1996 (Section 218A)	This legislation requires local authorities and registered providers to publish a policy on anti-social behaviour, explaining how the landlord will deal with it. The term ' vulnerable victim ' is used for people experiencing repeat victimisation/anti-social behaviour (these adults will not all meet the section 42 threshold within the Care Act).
The Housing Act 1996 (section 189 (i))	Under the Housing Act 1996 local authorities have a duty to secure that accommodation is made available for applicants who are homeless and in priority need. Section 189 (1) of the 1996 Act defines priority need, and section 189 (1)(c) outlines that priority need includes " a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside."
Metropolitan Police Service' Vulnerability Assessment Framework	<p>Metropolitan Police Service (MPS) use this framework to identify those most vulnerable/at risk (now extended to include assessment for referrals to Chanel panel).</p> <p><i>MPS definition for vulnerability within this states:</i></p> <p><i>Vulnerability may result from an environmental or individual's circumstance or behaviour indicating that there may be a risk to that person or another. Those who come to notice of the police as vulnerable will require an appropriate response and should include appropriate multi-agency intervention especially where they come to repeat notice of police. Additional factors to vulnerability may include mental health, disability, age or illness. All MPS personnel that have contact with the public will use the VAF to identify vulnerability in any persons they have contact with. This includes victims, witnesses, suspects or members of the public. The purpose of applying the VAF at the earliest stage is to maximize opportunities for early intervention and to prevent someone from becoming a victim or suspect at a later stage. The VAF must be recorded as a narrative by the reporting officer on the circumstances section on MERLIN reports.</i></p>
The Safeguarding Vulnerable People in the NHS Accountability and Assurance Framework (NHS England 2015)	This provides guidance for the health service on their responsibilities for safeguarding children, young people and adults from harm, neglect or abuse. It outlines that safeguarding must be a core function of any NHS Organisations business.
NHS England Safeguarding Policy 2015	<p>In this policy document, it states the following:</p> <p>NHS England, as with all other NHS bodies has a statutory duty to ensure that it makes arrangements to safeguard and promote the welfare of children and young people, to protect adults at risk from</p>

	<p>abuse or the risk of abuse and support the Home Office Counter Terrorism strategy CONTEST, which includes a specific focus on PREVENT (preventing violent extremism / radicalisation). Throughout this document, safeguarding children, young people and adults at risk includes those vulnerable to violent extremism/ radicalisation</p> <p>The PREVENT agenda requires healthcare organisations to work with partner organisations to contribute to prevention of terrorism by Safeguarding and protecting vulnerable individuals and making safety a shared endeavour.</p>
<p>South London and Maudsley (SLaM) Safeguarding Policy</p>	<p><i>In the context of safeguarding adults, the vulnerability of the adult at risk is related to how able they are to make and exercise their own informed choices free from duress, pressure or undue influence of any sort and to protect themselves from abuse, neglect and exploitation. Vulnerability can be seen as a continuum – this approach reflects the shifting nature of vulnerability and encourages practitioners to identify the potential of acquired vulnerability due to wider circumstances – in that a client can be temporarily vulnerable. Vulnerability may be an important factor in safeguarding concerns relating to Domestic Abuse. Staff should refer to additional guidance ‘Adult Safeguarding and Domestic Abuse – A guide to support practitioners and managers’ (ADASS 2015). This guidance and the Trust Domestic Violence Policy are available on the SLAM Intranet.</i></p>
<p>Context/other legislation:</p>	<p>Detail/relevance to other organisations:</p>
<p>Safeguarding and Clergy Discipline Measure 2016</p>	<p>Archbishop’s Council of the Church of England <i>‘In this Measure, “vulnerable adult” means a person aged 18 or over whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.’</i></p>

Appendix 1: Social Care response to LSAB on query regarding use of the word “vulnerable”

- Since the Care Act 2014 came in to force on 1/4/2015, ASC do not use the work “Vulnerable”
- The word “vulnerable” does not appear in s9, s42 or s43 of the Care Act, so our view is that neither we nor any other LSAB partners should be using the word in the context of adult safeguarding work

Two key duties on local authorities

Section 9 Care Act 2014: Duty to assess needs for care and support

Where it appears to a local authority that an adult **may have needs for care and support**, the authority **must** assess

- a) whether the adult does have needs for care and support, and
- b) if the adult does, what those needs are.

Section 42: Adult Safeguarding Enquiries

The Council is under a duty to undertake, or cause others to undertake, an adult safeguarding enquiry when it has a reasonable belief that an adult in its area

- a) Has care and support needs;
- b) Is experiencing or is at risk of abuse or neglect; and
- c) Is unable to protect themselves from that abuse or neglect because of their care and support needs

The role of Safeguarding Adults Board

Section 43 Care Act 2014: Safeguarding Adults Boards

1. Each local authority must establish a Safeguarding Adults Board (an “SAB”) for its area.
2. The objective of an SAB is to help and protect adults in its area in cases of the kind described in section 42(1).
3. The way in which an SAB must seek to achieve its objective is by co-ordinating and ensuring the effectiveness of what each of its members does.
4. An SAB may do anything which appears to it to be necessary or desirable for the purpose of achieving its objective