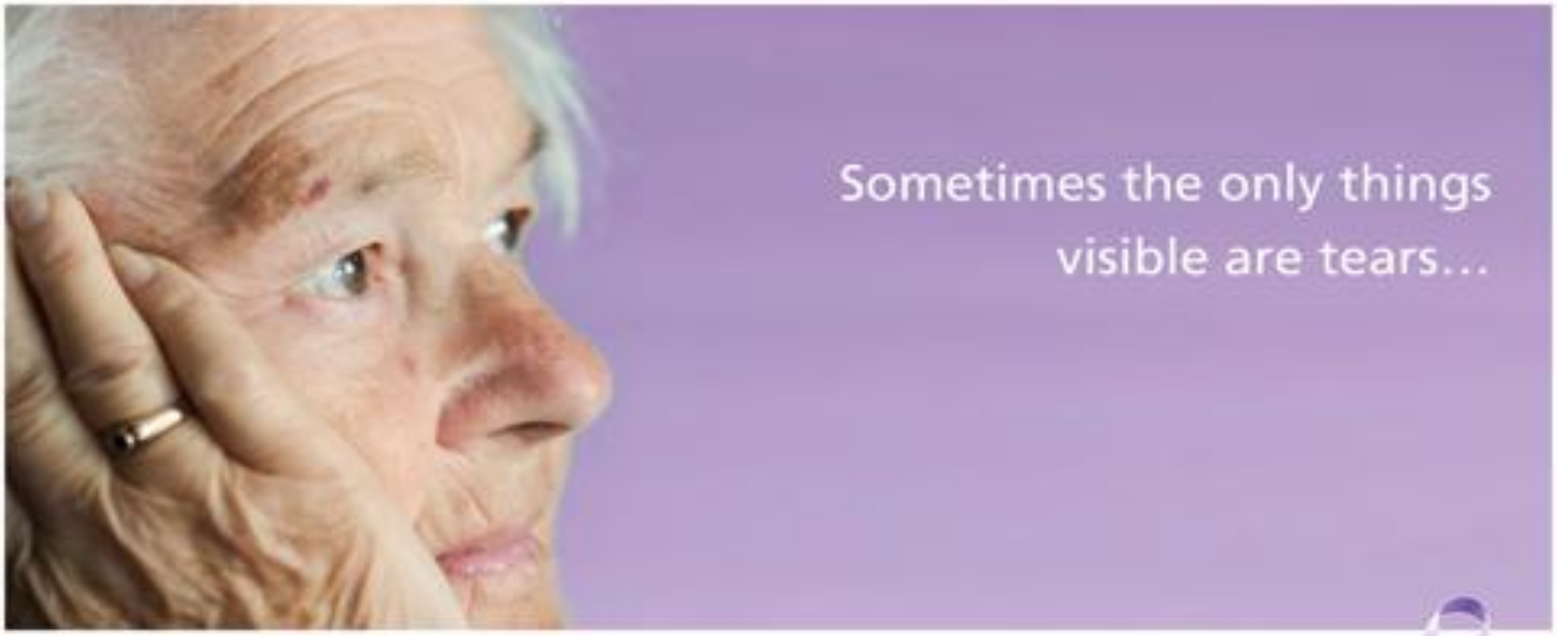
Action on elder abuse



Action on Elder Abuse

Action on elder abuse

Adult Safeguarding and Adult Protection are concepts that seem reasonably straightforward at face value; they involve protecting vulnerable adults from harm or abuse.

But they can be complex and challenging constructs in reality - both in terms of practical implementation but also in terms of the degree to which society is willing to address them.

Who are victims

78% are over the age of 70 years; 16% over the age of 90 years.

Over 67% are women; 11% have partners

Most, 64%, live in their own home; with 23% in care homes

51% of abuse involved at home involves a spouse, 49% other family, 13% care worker, 5% friend

53% of victims live with their abuser

Who can be victims – risk factors

Lack of capacity to know what's happening

Dependency on others to manage care or finances

Cognitive impairment impacting on decision making

Low levels of financial capability

Bereavement/social isolation/ loneliness

Gullibility/Over trusting

Increased assets/low appreciation

Who can be victims – risk factors institutions

Poor staffing levels and working conditions

Lack of training, supervision and support

No procedures or policies on abuse

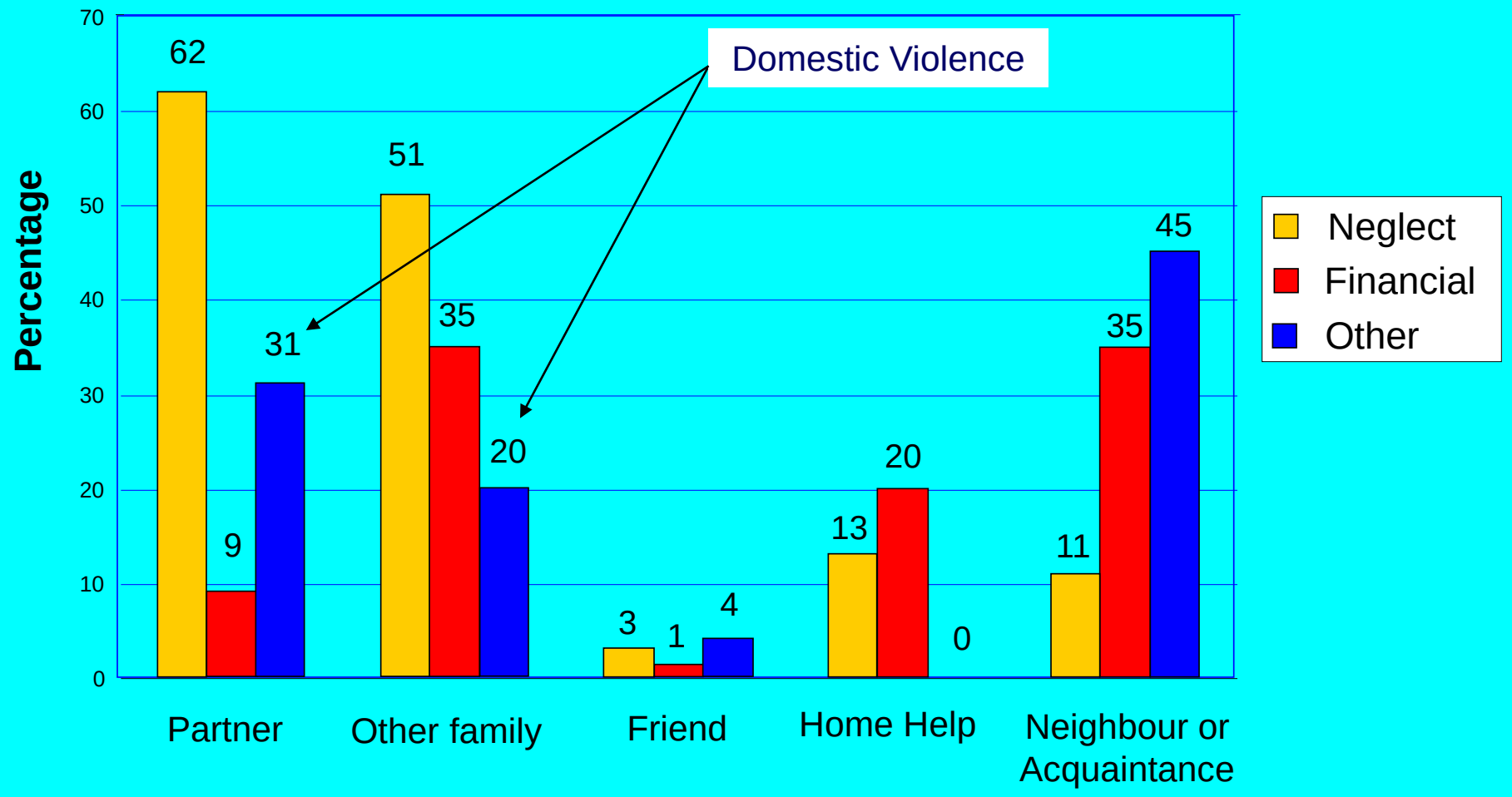
Poor communication

Funding

Inability and/or refusal to engage with local multi agency adult safeguarding procedures

UK Study of Abuse and Neglect of Older People - 2007

Community Abusers and Type



UK Study of Abuse and Neglect of Older People - 2007

The overall prevalence of abuse, defined by 'expectation of trust' in the year preceding the survey was **8.6%**

This equates to over **500,000** people aged 66 and over.

Reality of Abuse and neglect – Mid Staffordshire

- People left in excrement in soiled bed clothes;
- Assistance not provided for people who cannot eat without help;
- Water left out of reach;
- Despite persistent requests, people not assisted in toileting;
- Medication with-held or wrongly given

- Wards and toilet facilities left in a filthy condition;
- Privacy and dignity, even in death, denied;
- Triage in A&E undertaken by untrained staff;
- Patients and families treated with callous indifference.

No mention in Frances Report of adult safeguarding systems or interaction. Terminology avoids abuse.

Reality of Abuse and neglect – Panorama

2012

2014

Reality of Abuse and neglect – Francis Hales

Primary Adult Safeguarding Mechanisms

Professional Regulatory bodies e.g. NMC, GMC

Regulation/Inspection of Care and Health Services i.e. CQC

Police/Criminal Justice e.g. Mental Capacity Act

Adult Safeguarding systems

Primary Adult Safeguarding Mechanisms:
Professional Regulatory bodies

Professional Regulatory bodies have not demonstrated a willingness to be either robust in addressing abuse, or in leading a culture of no tolerance.

Example: Guidance produced by the BMA, RCN and Resuscitation Council (2007) on the use of DNAR.

Example: NCEPOD 2011 report into hospital deaths of older people.

Equally importantly, they do not regulate major sectors of care and health workers i.e. Health Care Assistants, Domiciliary Care Workers, or Residential Care Workers

Primary Adult Safeguarding Mechanisms:
Industry regulator CQC

Care quality cannot be regulated into service provision. The CQC has a poor record of prioritising the needs of vulnerable people, and is limited by vague standards and lowered expectations.

Example: The standards make it impossible for a service user to challenge staff ratios, or the level of training that a worker might need. They are at times so conceptual as to be impossible for the public to practically use.

Primary Adult Safeguarding Mechanisms:
The Law: MCA

Section 127 Mental Health Act or Section 44 Mental Capacity Act – ill-treatment or willful neglect offences

Since 2007 871 offences reached a magistrates court

218 people charged, 112 convicted, and 40 jailed.

Most victims were older people in care homes. Just 5 prosecutions of family members.

Maximum sentence imposed was two years and nine months.

Dave Sheppard, former social worker, MHA and MCA Law training

Primary Adult Safeguarding Mechanisms:

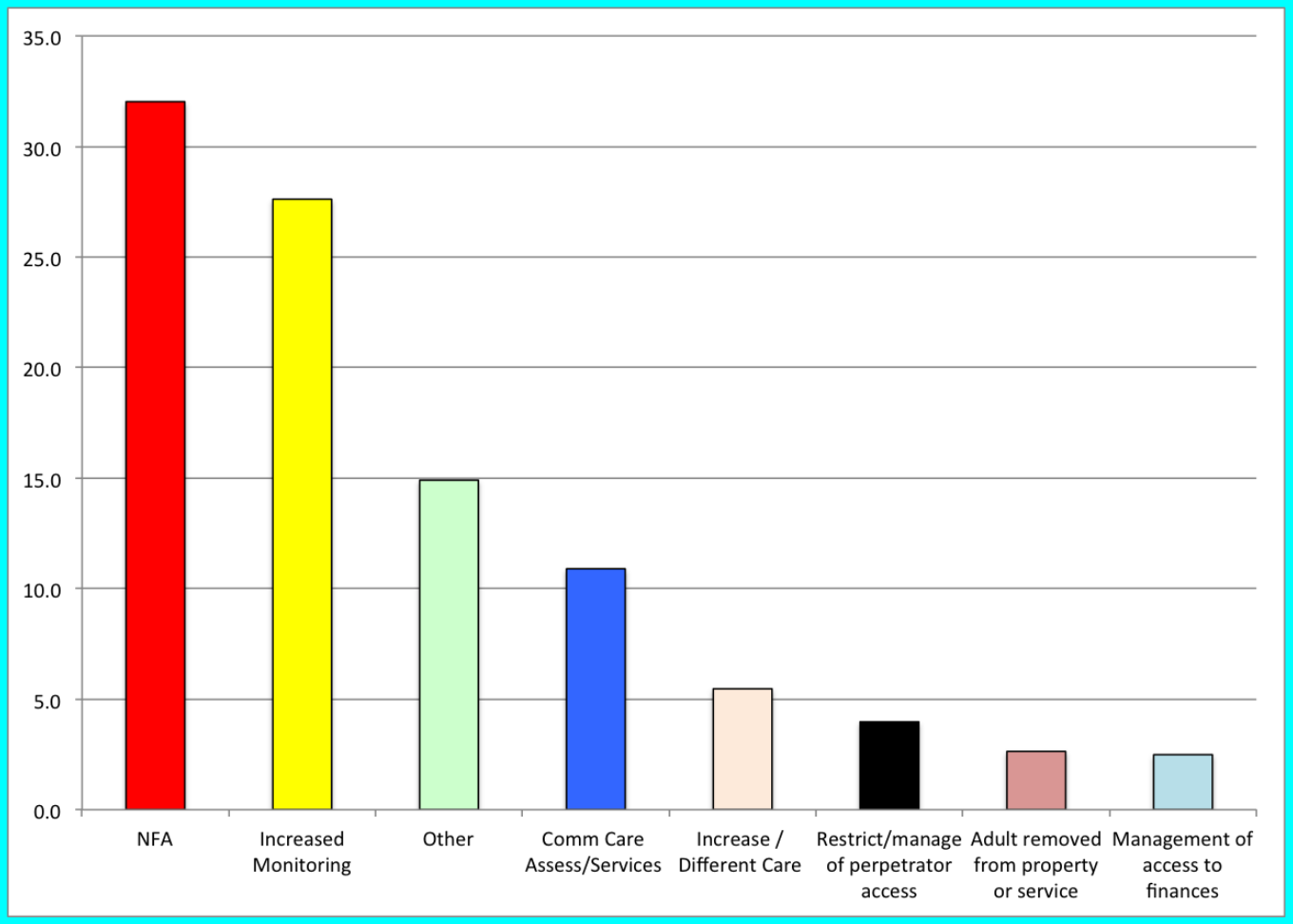
The Law: MCA

Vulnerable adults are being failed by the Act designed to protect and empower them. Social workers, healthcare professionals and others involved in the care of vulnerable adults are not aware of the Mental Capacity Act, and are failing to implement it.

(House of Lords March 2014).

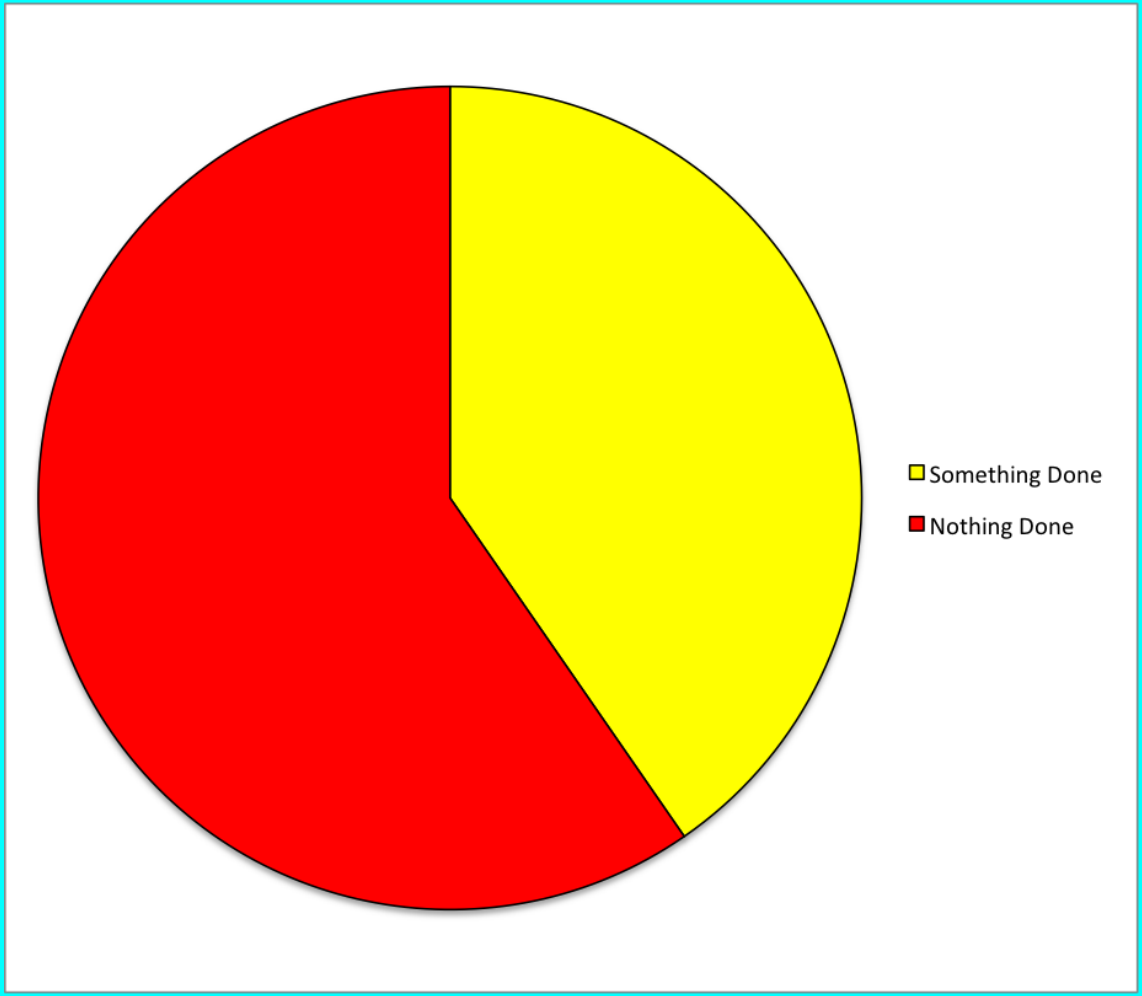
Primary Adult Safeguarding Mechanisms:

Adult Safeguarding 2013



Primary Adult Safeguarding Mechanisms:

Adult Safeguarding 2013



Primary Adult Safeguarding Mechanisms:

Adult Safeguarding: Care Bill

Safeguarding is currently a non-statutory policy directive, in No Secrets, and functions through the use of community care legal provisions (such as assessment and care planning), referrals between agencies, and the use of lawful information sharing.

The Community Care Act, and concepts within the Mental Capacity Act 2005 and Human Rights Act 1998, have remained the legal underpinning to safeguarding

Primary Adult Safeguarding Mechanisms:

Adult Safeguarding: Care Bill

The Care Bill is said by government to put safeguarding on a statutory footing; but councils' powers to make safeguarding enquiries will still be predicated upon adult social care powers to provide care and support, for which one must be eligible.

The decisions to be taken in safeguarding cases will have to be derived from assessment functions, not free-standing duties that actually provide any alternative means to investigate or manage risk.

Adult Safeguarding:
What do we need

Honesty, with the needs of the victim paramount. And an equality of approach between older people, other adult victims, domestic abuse, and children *(…or at least to match that of cats and dogs)*

A societal change in attitudes toward old age, disability and dependency

A focus on abuse in the home, by family members – with a threefold strategy: public awareness, legislation, and organisational change in thinking by key agencies

A recognition that inspection/regulation cannot ensure quality. But for standards to be sufficiently specific that care providers can be held to account by the public

Adult Safeguarding:
What do we need

A review of the basis of care and health provision, to allow for robust action to be taken that does not negatively impact on residents/service users.

An approach to care work that includes standards of training, appropriate levels of pay, a positive register for health care assistants and care workers, and barring that is not based on future potential risk.

Professional accountability in law to identify, report and protect adults at risk of abuse.

Adult Safeguarding:
What do we need

Legislation that is proportionate and consistent, that gives powers to respond and protect, supported by educated police investigation, and backed by a judicial system that applies principles of justice equally to all citizens.

An end to hierarchies of vulnerability that places children and animals at the apex, domestic abuse in the middle, and everyone else to the side.

National standards for Adult Safeguarding, including training, timescales, and an understanding of outcomes

Action on elder abuse

Elder Abuse Helpline 080 8808 8141

Admin telephone: 020 8835 9280

WEBSITE: WWW.ELDERABUSE.ORG.UK