

EXTRACT FROM THE DEPARTMENT OF HEALTH DOCUMENT SAFEGUARDING ADULTS – A CONSULTATION ON THE REVIEW OF THE "NO SECRETS" GUIDANCE

INTRODUCTION

What is the consultation about?

This consultation document is about how society enables adults to be safe from abuse or harm. In particular, it asks how we need to change and develop the *No secrets*¹ guidance – the key piece of policy guidance in this area – and how we combine keeping people safe with three sets of wider Government policy goals. These are the vision of increasing

(i) independence, choice and control for users of services; (ii) access to meaningful community empowerment and safer housing in wider society; and (iii) access to criminal justice for all.

The Department of Health and the Home Office issued joint guidance in 2000 on keeping adults safe, called *No secrets*. The guidance is reviewed in chapter 2. The focus of *No secrets* was on ‘adult protection’. Since then there has been a move towards using the broader term ‘safeguarding adults’.

In this review we make no distinctions between the three terms ‘adult protection’, ‘safeguarding’ and ‘keeping people safe’ and we use each to refer to the same activities and outcomes.

Often, in keeping people safe, the focus is on people who may be vulnerable or in vulnerable situations. There are people who are at risk of harm or abuse because they are perceived as easy targets, owing to their age or disabilities; others live with few or no social contacts or in situations where they rely on others for daily support, or they lack the mental capacity to be aware of what may be happening to them. However, keeping people safe is a universal government objective and applies equally to all adults. In this consultation we therefore have a dual focus – on all citizens and also on those groups where practice and research have shown that specific public policy and professional responses may be needed in order to keep them safe.

Why have a consultation?

In the summer of 2007, Ivan Lewis, Minister for Care Services, announced that *No secrets* was to be reviewed. This announcement was made in the context of the publication of the first ever study of the prevalence of abuse in people’s own homes. He said:

“Seven years on, and in the light of several serious incidences of adult abuse, it is timely to review this guidance and to consult with other government departments that have an interest in this field. New guidance is necessary to reflect the evidence in today’s report and respond to the new demographic realities which are affecting our society. We will also consider the case for legislation as part of the review process.”

There are therefore three main reasons for this review. The first is the major changes in the Government’s vision of the kind of society it envisages for the future. The policy environment has changed considerably since 2000, when *No secrets* was published, and it is important that policies on safeguarding are fit for this new environment, i.e. that they are fit for purpose and fit for the future. The second reason is that many stakeholders, including researchers on safeguarding, have identified weaknesses in implementation of the *No secrets* guidance and

have suggested that various parts of it should be reviewed and strengthened. *No secrets* was a good start but, almost ten years later, it is time to take stock and consider how it might be updated. The third reason is that some people have expressed the view that we need legislative powers in this area. They have drawn attention to the lack of legislative provisions around safeguarding adults and have compared this unfavourably with the legislative provisions around safeguarding children. Equally, other people feel that the top priority should be to change culture and practice rather than to legislate. A specific objective of this consultation is therefore to examine the case for legislative change.

Numerous extensive changes since 2000 have impacted on people's lives and on the systems which are designed to keep us well and safe. There has been much new legislation, such as the Mental Capacity Act 2005 and the Safeguarding Vulnerable Groups Act 2006, which we discuss later. We begin, however, by highlighting three sets of important policy changes.

First, there are the Department of Health's initiatives around choice, control and promoting independence. Second, there is Communities and Local Government's focus on creating a new relationship between the Government and its citizens – making community Empowerment and lifetime housing a reality for everyone. Third, there are the combined efforts of the Home Office, the police service and the Ministry of Justice to increase access to criminal justice for everyone, including those who are described as vulnerable.

Safeguarding adults is an important and complex area. Before we launched this consultation we felt it was important to listen to people's views on the strengths and weaknesses of the current arrangements. The Department of Health, the Home Office and the Ministry of Justice launched the listening phase of the review of *No secrets* on 20 February 2008. In the subsequent months, we have held 'listening events' across the country to inform us of the specific questions to ask about how to improve safeguarding. We have established an advisory group of about 40 experienced representatives from voluntary organisations, advocacy groups, service providers, professional groups and the social care regulator, and a programme board is steering this work. We have spoken at small and large events to some 600 people – people with experience of regulating, providing and using social care and healthcare services. This consultation incorporates many of the views, questions and debates that we listened to. In this consultation document, we have asked a large number of questions and we invite you to answer some or all of the questions – whichever are most relevant to you.

The consultation document is divided into nine chapters:

Chapter 1 describes the main messages about *No secrets* and sets the scene for mainstreaming safeguarding – making it everyone's business.

Chapter 2 describes the policy background against which this review is taking place, and looks at personalisation, empowerment and access to criminal justice.

Chapter 3 examines three issues which the early consultations events considered important: leadership, prevention and outcomes.

Chapter 4 both reflects, and invites, a debate about what aspects of safeguarding can be built into personalisation and what aspects of choice and control can be built into safeguarding.

Chapter 5 identifies some of the levers which are leading the development of safeguarding in health services and asks what more needs to be done to integrate safeguarding into high-quality healthcare for all.

Chapter 6 asks whether safeguarding, housing responsibilities and community empowerment should be better integrated, and what housing providers should do to enable tenants and residents to live safer lives.

Chapter 7 reflects the questions asked about how safeguarding vulnerable adults can become core police business and what more the courts can do to increase access to justice. **Chapter 8** asks whether we need more guidance and if so what kind, and/or whether we need new legislation, and if so what would make the big difference to making safeguarding more effective. **Chapter 9** raises questions of definitions, eligibility criteria, language and principles.

This page is intentionally left blank