

Safeguarding adults with 'no recourse to public funds'

Presented by
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Welcome to our monthly Lunch and Learn session

Webinar house keeping

- Please put all microphones on **MUTE**
- If you would like to ask a question, please use the **CHAT** function
- **RESPECT** the stories you hear and protect the identity of adults at risk through **CONFIDENTIALITY**
- Take care of your own **WELLBEING** throughout this session



How to report concerns in Barnet

Social care direct at Barnet council are the point of first contact

- **Tel 020 8359 5000 text (SMS) 07506 693707**
email socialcaredirect@barnet.Gov.Uk

Police community safety unit in an **emergency 999**

- **Tel 020 8200 1212 email sxmailbox-tib@met.Pnn.Police.Uk**

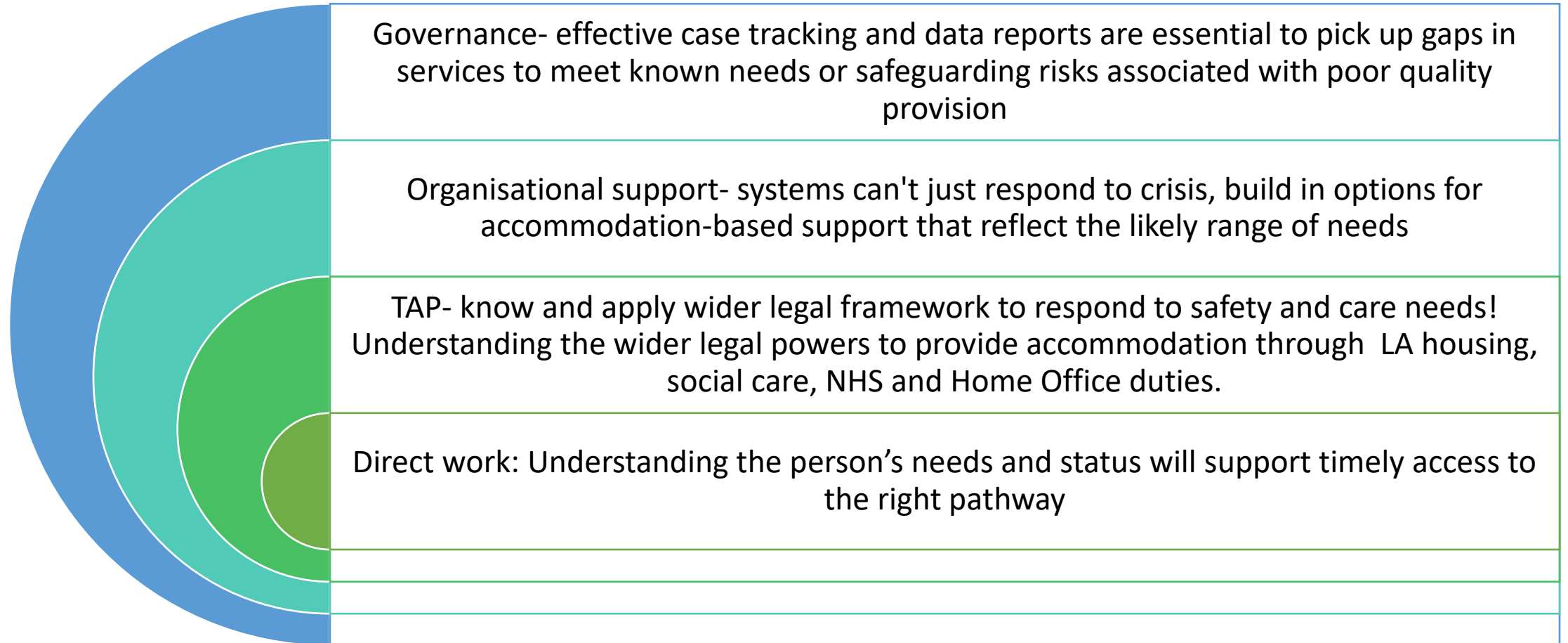
- What happens after you report abuse:

<https://www.Barnet.Gov.Uk/sites/default/files/assets/citizenportal/documents/adultsocialcare/whathappensafteryoureportabusebookletmay12.Pdf>

- Your concern should always be taken seriously and acknowledged. Usually, the adult at risk will be consulted and you should always be told if the concern will be investigated.
- If you haven't had this- it is ok to ask again!



Learning from Safeguarding review-What good looks like!





The importance of fact finding: Multiple exclusion homelessness and Safeguarding. A toolkit for practitioners

- This was designed to support fact finding, thinking, communication, and decision-making when there are safeguarding concerns about a person experiencing multiple exclusion homelessness.
- Completing the document will help set out the known facts and support recognition of concerns or likely responses. It is intended to aid communication across multi-disciplinary teams, but does not replace local risk management pathways or safeguarding policies so please make use of the resources highlighted within the guidance sections of the toolkit.
- It is designed to answer 3 key questions:
 - Have you somewhere safe to sleep tonight?
 - Do you understand why I am concerned about the level of risk to your wellbeing?
 - What help do you need to protect you?
- The toolkit is available at:
<https://www.qni.org.uk/wp-content/uploads/2020/05/SafeguardingToolkitDRAFT-PDF.pdf>

Duty to assist with accommodation- based care

The need for accommodation is not a "*need for care and support*" for the purposes of Care Act responsibilities (see *R (GS) v Camden London Borough Council* [2016]), however it can be provided under the care act if the person has a need to be 'looked-after' and the effective delivery of care requires accommodation. *R (SG) v Haringey LBC* [2015] '*in most cases the matter is best left to the good judgment and common sense of the local authority...accommodation-related care and attention means care and attention of a sort which is normally provided in the home or will be "effectively useless" if the claimant has no home.*

Where there is an urgent need, accommodation-based support can be provided pending completion of an assessment- s19(3) Care Act 2014

A person with restricted eligibility to accommodation, but who has been detained for treatment under the Mental Health Act will likely qualify for accommodation support under s117 MHA if they can demonstrate it is to meet MH aftercare needs. So s.117/PSIC assessments should still look to follow judgments in:

- *R (Mwanza) v LB Greenwich and Bromley* (2010)
- *SL (FC) v Westminster City Council* [2013] UKSC 27

Remember the accommodation/ care plan must be reasonable in the legal sense, so can't ignore known risks: *R (Zarzour) v LB Hillingdon* (2009). Failure to meet legal duties could amount to organisational abuse: **Yi SAR**



Duties to assist if there is a risk of abuse, neglect or exploitation

- Duties under s20 (accommodation) s.31 Children Act (safeguard a child by applying to the Court for a care or supervision order) are not affected by immigration status
- S.52 of Modern Day Slavery Act 2015 require public bodies to alert the Home Office of victims with their consent. Support for victims may be provided if the person is willing to refer through the National Referral Mechanism.
 - *R (on the application of AK) v Bristol City Council* (2016)
- s42 Care Act: an adult doesn't have to be in receipt of social care for safeguarding duties to arise, but the prohibition in s21 applies to that function. However, if a PFA may be at risk this MUST be treated as relevant information for the purposes of the enquiry and any protection plan. So, unless LA demonstrate that alternative, safe provision is available within a reasonable timescale, any foreseeable risk of abuse should amount to evidence that s54 NIAA exception applies on HRA grounds. Similarly, evidence of neglect/ abuse likely to justify need for care and support and eligibility for provision as P will be "*materially more vulnerable and less able to survive, than if he were merely destitute*".

Discussion

How often are you asked to assess or provide advice/ information on accessing services to someone with restricted eligibility to accommodation because of their immigration status?

How do you ensure that risks of abuse, neglect or exploitation form part of those discussions/ assessments?



