

# SAFEGUARDING AND HOMELESSNESS

London Safeguarding Adults Board  
Conference

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# OBJECTIVES AND SESSION STRUCTURE

## **Objectives:**

- Explore interface between homelessness and Safeguarding
- Provide brief update on national work in this area
- Consider local and regional next steps

## **Session Structure:**

Introduce and present slides

Discuss ‘what are your local opportunities and barriers?’

What might support you?’ for feedback to LSAB programme and/ or  
CHIP national work programme

6 key Safeguarding Principles	Legal principles and obligations	Reflected in Pan London Policy
Empowerment  Accountability  Proportionality	Human Rights Act 1998  Equality Act 2010 Public Law Principles	Duty to promote wellbeing and MSP principles [1.2] Supporting adults at risk across disciplines (accessible information standard) and throughout process (within criminal justice system) Proactive duty to uphold human rights, incl. right to liberty Duties re Record Keeping [3.4]
Prevention  Protection	Duty of Care Mental Capacity Act 2005 and Impaired decision making	Recognition of duty to provide information and advice [2.1.4-5], prevent abuse and neglect [2.1.2] and set up agreed processes [4.3] to ensure effective: <ul style="list-style-type: none"> <li>• Risk assessment &amp; management [2.10]</li> <li>• Assessment &amp; care planning responsibilities, incl to self-funders and those on PHB or direct payments [2.2.1] 'think family' and to young people [2.2.2-6]</li> <li>• Assess and act on impaired decision making capacity [3.1 and 3.3.3.-6]</li> <li>• Provide Advocacy [pg 3.2]</li> </ul> According to agreed indicative timescales [4.3.11]
Partnership	Duty of Care- linked to prof. standards Duty to cooperate and share information Duty to consult	Duty to report concerns applies to all employees and volunteers and 'whistleblowing' affords them protection [5.4.5] and address concerns cross boundary [4.3.10] Understanding partner's duty of care, Powers (and limitations) to cooperate AND escalation processes [4.3.9] Procedural expectations, employment law obligations or organisational responsibilities [5.1 and p81] Consent and when can override capacitated refusal to share information [1.1.4-5]

# CHRONIC HOMELESSNESS: SAFEGUARDING ISSUE?

Prolonged periods of rough sleeping increases the likelihood that individuals develop:

additional  
mental and  
physical  
health needs

contact with  
the criminal  
justice  
system

substance  
misuse  
issues

increased  
risk of  
physical  
assault

This dramatically reduces life expectancy for those experiencing chronic homelessness. The rise in the rough sleeping population with complex needs across London raises significant challenges for services. It is accepted that it will require a multi-agency, partnership approach which utilises statutory, voluntary workforces and community resources applying a proper understanding and application of personalised, asset-based approach to individuals' needs which is aligned with equality and human rights principles.

## OVERVIEW: LEGISLATIVE ASSESSMENT DUTIES

Staff from SAB partner agencies must be mindful of the wider duties to assess and meet need that sit alongside the duty to enquire and take action when an adult at risk is experiencing abuse/neglect and can't protect themselves. s6-7 and s45 Care Act 2014 require that practitioners are aware of the referral mechanisms within organisations to ensure cooperation with other depts. and partner agencies. Practitioners must understand obligations owed to individuals and their carers under:

- The Children Act 1989 and Care Act 2014,
- Mental Capacity Act 2005 and Mental Health Act 1983

You must also recognise when statutory partners' duties to assist arise. Given what we know about characteristics of those experiencing chronic homelessness, of particular importance will be:

- Prison Governors, Probation and CRC staff to support those with care needs on release from prison
- Home Office duties (to determine status and provide support during assessment process)
- Access to education or work,
- Access health, public health and social care support
- Access to housing and welfare benefit eligibility

# COMMON BARRIERS TO EFFECTIVE INTERVENTIONS

- Level of risk or type of abuse is 'normalised' for people facing chronic homelessness.
- Understanding impact of trauma or tri-morbidity conditions on a person's capacity to make decisions or protect themselves from harm requires skill and time!
- Transient population increases complexity; statutory responsibilities are organised around concepts of 'local connection' or 'ordinary residence'. This made harder by austerity, though disputes shouldn't obstruct timely provision of care and support [pg 19.11]

Each case is decided on the facts of that specific case, taking into account the relevant legislative framework, but governed by overarching legal principles that:

- Public law decision making is lawful, reasonable and fair
- Protect against breaches of a person's human rights and advanced the principles of the Equality Act 2010, mindful of information governance requirements!
- Respect autonomy, but where reasonable cause to believe a person lacks capacity ensure decisions have regard to duties set out in the Mental Capacity Act 2005



# SECURING APPROPRIATE MULTI-AGENCY INPUT INTO SUPPORTING HOMELESS ADULTS AT RISK



Within reasonable timescales practitioners must gather sufficient information to understand what legal duties to assess and provide support are owed to the adult at risk by the relevant agencies

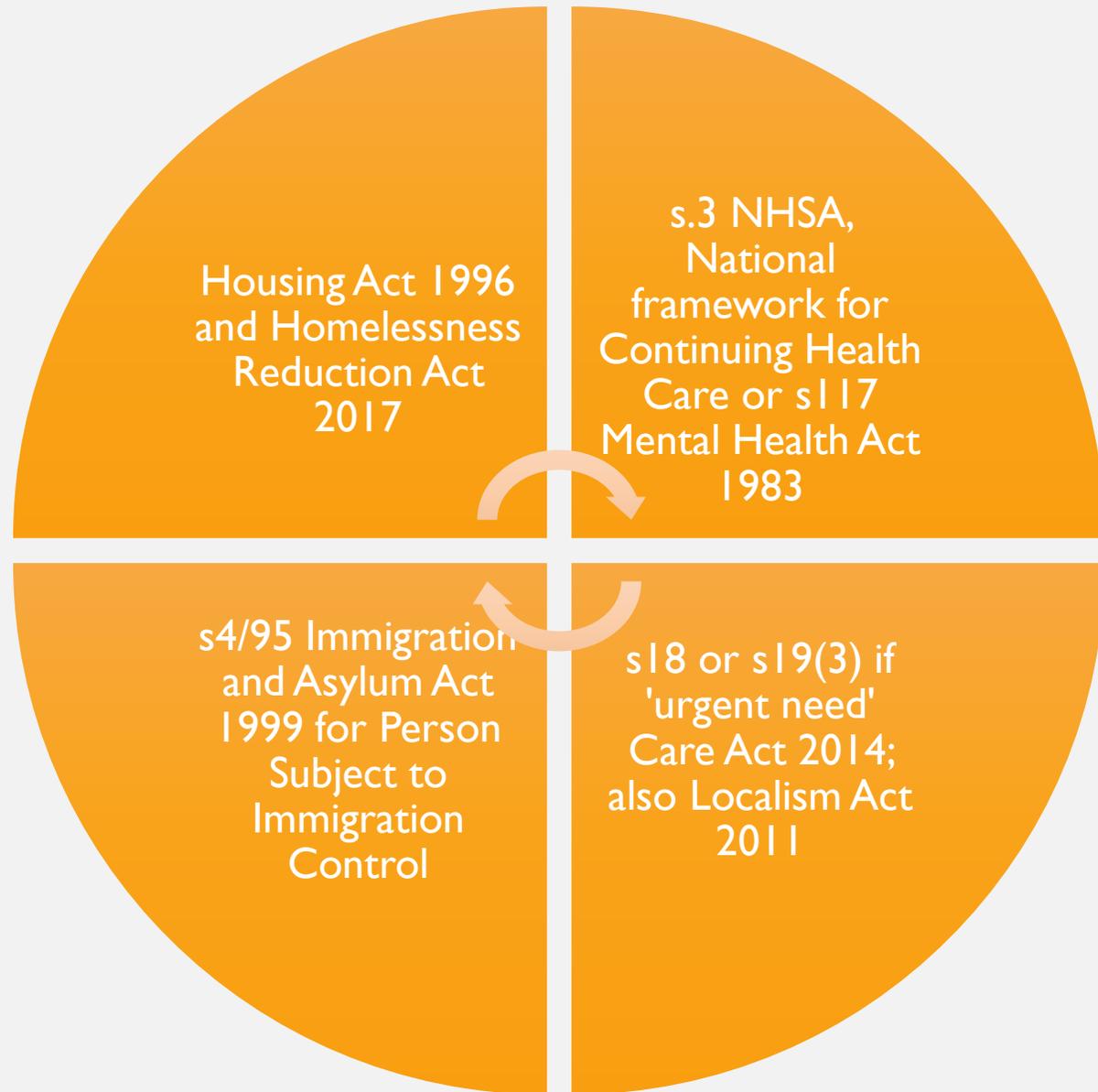


AND

Identify how the facts of a specific case impact on each agency's duties so that partners engage effectively and can be held to account.



**DUTIES TO  
ACCOMMODATE:  
HOUSING,  
HEALTH AND  
SOCIAL CARE  
RESPONSIBILITIES**



## LEARNING FROM SAFEGUARDING ADULTS REVIEWS

- Isle of Wight (2018) – Howard: silo working; absence of multi-agency risk management meetings; judged not to be in priority need for housing; lack of resources for treatment for alcohol abuse; no formal mental capacity assessments; no recognition of trauma and impact of life events; no assessment of care and support needs; no key worker.
- Doncaster (2018) – Adult G: disengagement policies not followed; missed opportunities to share information; no completed care and support needs assessment; no multi-agency response; no key worker or lead agency.

# NATIONAL WORK STREAMS

Care and Health Improvement Programme 2019/20: Making Safeguarding Personal

3 national workshops on safeguarding and homelessness to share examples of good practice and inform a briefing

Kings College: Research on SARs and other reviews of the deaths of people who are homeless (DHSC commissioned) with an event (through the CHIP programme)

RiPfA (for Members): Strategic briefing – social care support for people sleeping rough, Leaders briefing on housing options, Practice tool, Brief guide to legislation and policy, workshop – on working with complexity

# INTERFACE WITH SAFEGUARDING

S42- enquiry may be an effective mechanism for multi-agency risk assessment and management, but isn't intended to duplicate partner's assessment/ care planning duties or replace other risk management pathways (e.g. MARAC or MAPPA).

s.44 of the Care Act requires the SAB arrange a Safeguarding Adults Review when an adult in its area dies as a result of abuse or neglect, or suffers serious abuse or neglect, and there is concern that partner agencies could have worked more effectively to protect the adult.

Today we will explore safeguarding issues for those rough sleeping and/or experiencing chronic homelessness to consider what could be done at local and regional levels to improve partnership working, services and outcomes.



## MORE INFORMATION IS AVAILABLE AT:

- <https://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers>: Children act guidance on planning transition to adulthood for care leavers
- <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#AnnexH>: Statutory guidance on care planning duties and ordinary residence
- [https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness\\_code\\_of\\_guidance.pdf](https://assets.publishing.service.gov.uk/media/5a969da940f0b67aa5087b93/Homelessness_code_of_guidance.pdf): Homelessness Code of Practice and [https://www.local.gov.uk/sites/default/files/documents/PROCEDURES%20FOR%20REFERRALS%20OF%20HOMELESS%20APPLICANTS%20TO%20ANOTHER%20LOCAL%20AUTHORITY\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/PROCEDURES%20FOR%20REFERRALS%20OF%20HOMELESS%20APPLICANTS%20TO%20ANOTHER%20LOCAL%20AUTHORITY_1.pdf): LGA procedure when referring homeless applicants to another local authority
- [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_103162](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_103162): revised national framework for NHSCHC
- <https://www.england.nhs.uk/wp-content/uploads/2014/05/who-pays.pdf>: responsible NHS commissioner guidance
- <https://www.rethink.org/diagnosis-treatment/treatment-and-support/cpa>: Information on the Care programme approach
- [www.bailii.org](http://www.bailii.org) Good search engine for UK and European case law