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2 **Policy, legislation, regulation and commissioning**

3 Legislation particularly relevant to this guideline includes:

- 4 • the Human Rights Act 1998
- 5 • the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards (as of
6 November 2018, this is the subject of parliamentary debate through a
7 proposed amendment to the Mental Capacity Act)
- 8 • the Mental Health Acts 1983 and 2007
- 9 • the Health and Social Care Act 2008.

10 Despite the legal framework for adult safeguarding introduced by the Care Act
11 2014 and the associated statutory guidance, there is still variation in
12 safeguarding procedures and practice at the local level.

13 Six principles underpin the safeguarding framework: empowerment,
14 prevention, proportionality, protection, partnership and accountability.

15 As well as these 6 principles, this guideline will recognise the important
16 context of:

- 17 • the 'wellbeing principle' from the Care Act 2014
- 18 • a concept of safeguarding based on [Making Safeguarding Personal](#), which
19 emphasises the need to prioritise changes that are meaningful to the
20 individual rather than simply following a process.

21 Section 42 of the Care Act places a statutory duty on local authorities to make
22 an enquiry when there is reasonable cause to suspect that an adult with care
23 and support needs:

- 24 • is experiencing or at risk of experiencing abuse and neglect **and**
- 25 • is unable to safeguard themselves because of their care and support
26 needs.

27 The local authority is the lead agency for adult safeguarding and should be
28 alerted whenever abuse or neglect is suspected. They will determine whether

1 an investigation is necessary, and if so who will conduct it. The decision to
2 investigate depends on the criteria set out above, and not on whether a
3 person is eligible for or receiving services funded by the local authority.

4 Statutory guidance for the Care Act states that:

5 '... safeguarding means protecting an adult's right to live in safety, free
6 from abuse and neglect. It is about people and organisations working
7 together to prevent and stop both the risks and experience of abuse or
8 neglect, while at the same time making sure that the adult's wellbeing is
9 promoted including, where appropriate, having regard to their views,
10 wishes, feelings and beliefs in deciding on any action. This must
11 recognise that adults sometimes have complex interpersonal
12 relationships and may be ambivalent, unclear or unrealistic about their
13 personal circumstances.'

14 This guideline will cover a broad population of adults accessing care and
15 support in care homes, including older people, people with learning and/or
16 physical disabilities, people living with dementia, people with communication
17 difficulties, people with mental health issues and people who may lack
18 capacity now or in the future. It will also consider the particular safeguarding
19 needs of people without relatives, friends or advocates.

20 The guideline will use the definitions of abuse and neglect in the Care Act,
21 which cover:

- 22 • physical abuse
- 23 • domestic violence
- 24 • sexual abuse
- 25 • psychological abuse
- 26 • financial or material abuse
- 27 • modern slavery (such as forced labour)
- 28 • discriminatory abuse
- 29 • organisational abuse
- 30 • neglect and acts of omission

- 1 • self-neglect.

2 **2 Who the guideline is for**

3 This guideline is for:

- 4 • care home providers, managers, staff and volunteers
5 • other health and social care practitioners working with adults in care homes
6 • health and social care commissioners of residential care for adults
7 • adults living in care homes, their families, friends, carers and advocates,
8 and the public.

9 It may also be relevant for:

- 10 • Safeguarding Adults Boards
11 • practitioners working within other residential settings where care and
12 support is provided, for example unregistered settings such as supported
13 living services
14 • advocacy and user-led organisations, including Healthwatch
15 • providers of services within care homes (for example hairdressers or
16 activity coordinators).

17 NICE guidelines cover health and care in England. Decisions on how they
18 apply in other UK countries are made by ministers in the [Welsh Government](#),
19 [Scottish Government](#), and [Northern Ireland Executive](#).

20 ***Equality considerations***

21 NICE has carried out [an equality impact assessment](#) during scoping. The
22 assessment:

- 23 • lists equality issues identified, and how they have been addressed
24 • explains why any groups are excluded from the scope.

25 The guideline will look at inequalities caused by barriers to communication
26 that make it more difficult to identify risks or report abuse or neglect. We will
27 make recommendations that:

- 1 • do not make assumptions (based on the protected characteristics within the
2 Equality Act 2010) about what is or isn't acceptable behaviour or care
3 within care homes
- 4 • do not make assumptions about the capacity of individuals to make
5 decisions for themselves
- 6 • promote a person-centred approach to safeguarding practices.

7 **3 What the guideline will cover**

8 **3.1 *Who is the focus?***

9 **Groups that will be covered**

- 10 • Adults aged 18 and over who are accessing care and support in care
11 homes that are registered with the Care Quality Commission.

12 **3.2 *Settings***

13 **Settings that will be covered**

- 14 • Care homes (with or without nursing) that are registered with the Care
15 Quality Commission.

16 **3.3 *Activities, services or aspects of care***

17 **Key areas that will be covered**

18 We will look at evidence in the areas below when developing the guideline,
19 but it may not be possible to make recommendations in all the areas.

- 20 1 Identifying abuse in care homes
- 21 2 Identifying neglect in care homes
- 22 3 Managing safeguarding concerns about abuse and neglect
- 23 4 Supporting people directly affected
- 24 5 Multi-agency working and communication
- 25 6 Training and skills for safeguarding
- 26 7 Embedding learning in organisations to prevent abuse and neglect

1 **Areas that will not be covered**

- 2 1 Criminal investigations and court proceedings
3 2 The role of Safeguarding Adults Boards
4 3 The role of the Care Quality Commission

5 **Related NICE guidance**

6 ***Published***

- 7 • [Decision-making and mental capacity](#) (2018) NICE guideline NG108
8 • [Dementia: assessment, management and support for people living with
9 dementia and their carers](#) (2018) NICE guideline NG97
10 • [Care and support of people growing older with learning disabilities](#) (2018)
11 NICE guideline NG96
12 • [Learning disabilities and behaviour that challenges: service design and
13 delivery](#) (2018) NICE guideline NG93
14 • [People's experience in adult social care services: improving the experience
15 of care and support for people using adult social care services](#) (2018) NICE
16 guideline NG86
17 • [Transition between inpatient mental health settings and
18 community or care home settings](#) (2017) NICE quality standard 159
19 • [Transition between inpatient hospital settings and community or care home
20 settings for adults with social care needs](#) (2016) NICE quality standard 136
21 • [Transition between inpatient mental health settings and community or care
22 home settings](#) (2016) NICE guideline NG53
23 • [Home care: delivering personal care and practical support to older people
24 living in their own homes](#) (2015) NICE guideline NG21
25 • [Transition between inpatient hospital settings and community or care home
26 settings for adults with social care needs](#) (2015) NICE guideline NG27
27 • [Managing medicines in care homes](#) (2014) NICE guideline SC1
28 • [Mental wellbeing of older people in care homes](#) (2013) NICE quality
29 standard 50
30 • [Self-harm](#) (2013) NICE quality standard 34
31 • [Patient experience in adult NHS services](#) (2012) NICE guideline CG138
32 • [Nutrition support for adults: oral nutrition support, enteral tube feeding and
parenteral nutrition](#) (2006) NICE guideline CG32

1 **3.4 Economic aspects**

2 We will take economic aspects into account when making recommendations.
3 We will develop an economic plan that states for each review question (or key
4 area in the scope) whether economic considerations are relevant, and if so
5 whether this is an area that should be prioritised for economic modelling and
6 analysis. We will review the economic evidence and carry out economic
7 analyses, using a public sector perspective. However, we may also use a
8 wider perspective including additional costs and outcomes related to the
9 people using services and their carers, as appropriate.

10 **3.5 Key issues and draft questions**

11 While writing this scope, we have identified the following key issues and draft
12 questions related to them. We have used ‘abuse’ and ‘neglect’ to refer to acts
13 or omissions by individuals and organisations, and includes self-neglect.

14 1 Identifying abuse in care homes:

15 1.1 What physical, emotional, behavioural and social indicators should
16 alert practitioners to the possibility of abuse in care homes?

17 1.2 What are the barriers and facilitators to identifying the risk or
18 incidence of abuse in care homes?

19 2 Identifying neglect in care homes:

20 2.1 What physical, emotional, behavioural and social indicators should
21 alert practitioners to the possibility of neglect in care homes?

22 2.2 What are the barriers and facilitators to identifying the risk or
23 incidence of neglect in care homes?

24 3 Managing safeguarding concerns about abuse and neglect:

25 3.1 What tools and ways of working support effective recognition and
26 reporting of safeguarding concerns in care homes?

27 3.2 What approaches are effective in responding to abuse in care
28 homes?

29 3.3 What approaches are effective in responding to neglect in care
30 homes?

1 3.4 What is the acceptability of approaches to managing and responding
2 to safeguarding concerns for practitioners, people in care homes, and
3 families and carers?

4 4 Supporting people directly affected:

5 4.1 What support and information is needed by adults accessing care
6 and support in care homes, and by practitioners and families, when a
7 safeguarding concern is raised?

8 5 Multi-agency working and communication:

9 5.1 What are the barriers and facilitators to effective strategic partnership
10 working, information sharing and communication involving care homes,
11 local authorities, Safeguarding Adults Boards and local health
12 organisations?

13 5.2 What are the barriers and facilitators to effective multi-agency
14 working at the individual operational level?

15 6 Training and skills for safeguarding:

16 6.1 What is the effectiveness of different models of training for
17 safeguarding in care homes?

18 7 Embedding learning in organisations to prevent abuse and neglect:

19 7.1 What is the effectiveness and acceptability of approaches to embed
20 learning in organisations about safeguarding in care homes in order to
21 prevent abuse?

22 7.2 What is the effectiveness and acceptability of approaches to embed
23 learning in organisations about safeguarding in care homes in order to
24 prevent neglect?

25

26 The key issues and draft questions will be used to develop more detailed
27 review questions, which guide the systematic review of the literature.

28 **3.6 Main outcomes**

29 The main outcomes that may be considered when searching for and
30 assessing the evidence are:

31 1 Morbidity (including physical and mental health, avoidable harm and
32 injuries)

- 1 2 Mortality
- 2 3 Quality of life (including social care, mental health and health-related
- 3 outcomes)
- 4 4 Views and experiences of people using care homes, staff, friends and
- 5 families (for example, gathered qualitatively or through the Making
- 6 Safeguarding Personal Outcomes Framework)
- 7 5 Workforce skills
- 8 6 Unnecessary transfers between settings
- 9 7 Economic outcomes (including resource use and impact on other
- 10 services)
- 11

12 **4 NICE quality standards and NICE Pathways**

13 **4.1 NICE quality standards**

14 **NICE quality standards that may need to be revised or updated when** 15 **this guideline is published**

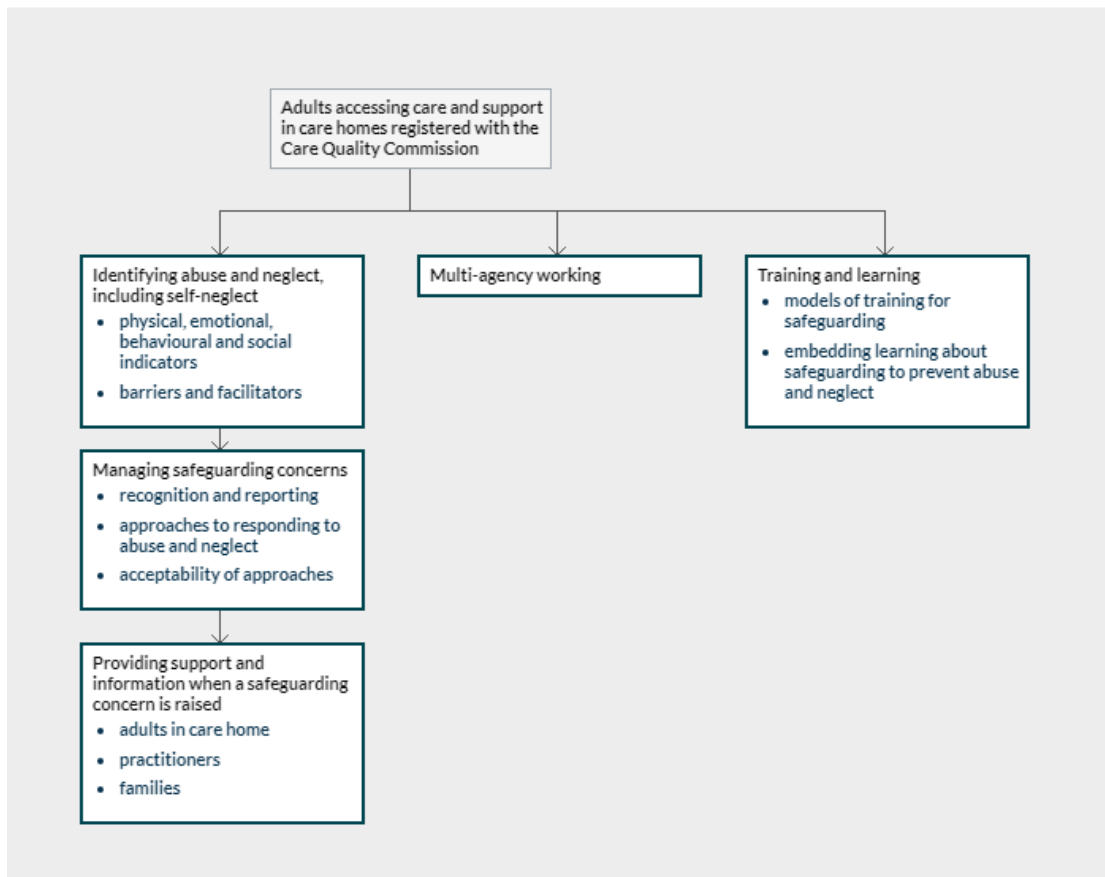
- 16 • [Transition between inpatient mental health settings and community or care](#)
17 [home settings](#) (2017) NICE quality standard 159
- 18 • [Transition between inpatient hospital settings and community or care home](#)
19 [settings for adults with social care needs](#) (2016) NICE quality standard 136
- 20 • [Mental wellbeing of older people in care homes](#) (2013) NICE quality
21 standard 50

22 **4.2 NICE Pathways**

23 NICE Pathways bring together everything we have said on a topic in an
24 interactive flowchart. When this guideline is published, the recommendations
25 will be included in the NICE Pathway on safeguarding adults in care homes (in
26 development).

27 An outline based on this scope is included below. It will be adapted and more
28 detail added as the recommendations are written during guideline
29 development. Links will be added to relevant NICE Pathways.

Safeguarding adults in care homes overview



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4 **5 Further information**

The guideline is expected to be published in October 2020.

You can follow progress of the [guideline](#).

Our website has information about how [NICE guidelines](#) are developed.

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