

MESSAGES FOR PRACTICE: Self-Neglect, Capacity and Consent, Duty to Report, Reflecting on Decision Making

A Multi Agency Practitioner Forum took place in 2019 following the death of an adult in their late seventies. Some of the themes that emerged from this case are highlighted below as reminder of best practice for multiagency practitioners.

Duty to Report

A report should be made whenever there are concerns for an adult at risk who: is experiencing or is at risk of abuse or neglect, has needs for care and support and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. If any person has concerns of this nature it is their responsibility to ensure that the concerns are referred to Social Services or the Police who have statutory duties and powers to make enquiries and intervene when necessary: **THIS IS NOT A MATTER OF PERSONAL CHOICE**

If you believe an adult is at immediate risk of harm contact the Police immediately on 999.

Self-Neglect

Description

- Lack of self-care to an extent that it threatens personal health and safety
- Neglecting to care for one's personal hygiene, health or surroundings
- Inability to avoid self-harm
- Failure to seek help or access services to meet health and social care needs
- Inability or unwillingness to manage one's personal affairs

Indicators

- *Very poor personal hygiene*
- *Unkempt appearance*
- *Lack of essential food, clothing or shelter*
- *Malnutrition and/or dehydration*
- *Living in squalid or unsanitary conditions*
- *Neglecting household maintenance*
- *Hoarding*
- *Collecting a large number of animals in inappropriate conditions*
- *Non-compliance with health or care services*
- *Inability or unwillingness to take medication or treat illness or injury*

Capacity and Consent

When assessing whether an adult at risk can give consent the following should be considered amongst other questions found in the Wales Safeguarding Procedures <https://www.safeguarding.wales/>

- What evidence is there that the adult at risk of harm does not have mental capacity? Has the two-stage test of capacity been applied? Have the 5 principles of the Mental Capacity Act been considered?
- Are presumptions being made about capacity based on age, appearance, condition or behaviour? Has the two-stage test of capacity been applied? Have the 5 principles of the Mental Capacity Act been considered?
- What do we know about the adult at risk's past history? (Have we completed all appropriate lateral checks, e.g. contacted the G.P?)

You can find more information by accessing the following link: [Mental Capacity Act Code of Practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If you have reasonable cause to suspect the adult is at risk of abuse and or neglect, **you do not need consent** to discuss or report a concern with the Local Authority.

Reflecting on Decision Making

There are no excuses for failing to carry out the duty to report an adult at risk of abuse or neglect. However, subjective factors can influence decision-making at this stage. These might include:

- Worries that the report will result in considerable distress for the adult at risk but no meaningful help and support will be provided because of a lack of resources;
- Normalising a particular form of abuse or neglect because of the commonality of a particular situation. For example, alcohol or drug misuse may be common in particular areas.
- Over-optimism about a situation: seeing it as a one-off or accident.
- Relying on others to complete an action including submitting a duty to report and making the assumption that it will be or has been completed.

It is essential that practitioners reflect on the way in which subjective factors may be influencing decision-making.

If you have any concerns about whether to complete a duty to report form, it is always wise to seek advice from the designated safeguarding person in your agency or from Safeguarding teams within Social Services. Assistance in applying professional judgment can be found in the Gwent Adult Safeguarding Threshold Guidance: [Threshold Practice Guidance \(gwentsafeguarding.org.uk\)](http://gwentsafeguarding.org.uk)

Some Principles for Information Sharing

All professionals **share appropriate information in a timely way**, and have direct access to advice to discuss any concerns about an individual.

All professionals **work in a multi-agency and co-operative way** to safeguard and promote an adult at risk's well-being