

Safeguarding Self Neglect Prompt Sheet for Adult Social Care (ASC)

1 A self-neglect and/or hoarding referral is sent to Adult Social Care (ASC).

2 Worker in ASC opens a section 42 (1), information gathering episode in the safeguarding workflow. s42 (1) must be completed upon receipt of a self-neglect and hoarding referral.

Self-Neglect includes concerns about poor self-care, such as not maintaining good personal hygiene or neglecting your home environment. For further information please see the [Camden Self-Neglect toolkit](#).

3 Information gathering

Contact the adult at risk and the referrer to gather their views and determine the level of risk. Any immediate safety needs will need to be addressed.

Do you have reasonable cause to suspect the following:

- The adult at risk appears to have care and support needs
- They appear to be experiencing or are at risk of abuse or neglect
- As a result of their needs, they appear to be unable to protect themselves against the abuse or harm.

The s42 (1) concern must be progressed in a timely manner.

If you have made attempts but are not able speak to the adult at risk and the information obtained is indicating self-neglect; please progress the workflow and make getting the adult at risks views a part of the s42 (2) enquiry.

4 When the information gathering s42(1) has been completed, decide whether the safeguarding referral is being progressing to s42 (2) enquiry

If the adult at risks declines a s42 (2) enquiry, we must consider our Duty of Care, the [principles of the Human Rights Act \(1998\)](#) and [principles of the Mental Capacity Act \(2005\)](#).

If the individual is not consenting to a safeguarding enquiry but the professional perceives the risks as significant you can continue and record under the s42 (2) enquiry document on MOSAIC. Individual consent is to share information/participate and not about what we can document. Information can be shared when there is 'Vital Interest', which is a term used in the [Data Protection Act 1998](#) to permit information sharing in order to prevent serious harm and threat to life. Please note, clear rationale needs to be documented.

No

Yes

5 The s42 (1) enquiry is closed.

- Feedback the outcome of the referral to the referrer.
- Record any risks and how they will be mitigated.

Alternative actions:

- Needs Assessment under s9 of the Care Act 2014.
- Make onward referral to other external services.

Please review decision to close the s42 (1) if the adult at risk disengages with support or there is evidence of abuse or neglect occurring. If risks resurfaces then the safeguarding process should be reopened.

Open s42 (2) enquiry

- Allocated enquiry officer to establish the facts and share information with agencies.
- Confirm the adult at risk's views on the safeguarding and ascertain their desired outcomes.
- Consider whether advocacy is required (For more information please see **Rethink Camden Care Advocacy**).
- Coordinate a Multi-Agency meeting, determine the level of risk and complete a joint action plan.

Multi-Agency Meeting

- Discuss the level of risk and share information.
- Discuss any difficulties you are having when engaging with the adult at risk.
- Involve the adult at risk as much as possible.
- Ensure the multidisciplinary team is clear on each other's roles e.g. Is everyone clear on Housing, Environmental Health and Pest Control responsibilities.
- Identify the most suitable professional to keep in regular contact with the individual and feedback to network.
- Devise shared actions and set time scales.

If non engagement persists and risks remain, compile a chronology of all the support offered by services and escalate the case to senior managers/legal services.

Mental Capacity Act 2005

Complete a formal Mental Capacity Assessment if you have the following concerns:

- The adult at risk is repeatedly declining ASC intervention, other agencies are still repeatedly raising concerns about the adult at risk and highlighting high risks.
- The Adult at risks presenting behaviour is not understood
- There are concerns about the adult at risks cognition and concerns about undiagnosed/underlining Mental Health issues
- Risk are very high and legal intervention is being considered.

Adult at risk assessed as lacking capacity

- Decisions to be made on what is in the best interests of the adult at risk. Actions taken should be the least restrictive option available.
- If there is a dispute between practitioners, dispute with the adult at risk, carers or family members; consult legal services on whether the Local Authority can seek a declaration from the Court of Protection

Court of Protection Case Law:

- [Royal Borough of Greenwich v CDM \[2018\] EW COP 15](#)
- [Re SL \[2017\] EW COP 5](#)
- [Re RG \[2015\] EW COP 66](#)

Other possible Interventions:

- In cases where the adult at risk is not engaging with support, a referral can be made to the Camden Environmental Health Team. The team can support when the property is filthy or verminous. The Public Health Act 1936 gives Local Authority the power to serve notices to remove clutter, clean and disinfect filthy or verminous premises.
- [A London Fire Brigade Fire Safety](#) Visit can be booked.
- Involve the landlord, who can inspect the home and ensure the tenancy conditions are being met. [The Housing Act 2004](#) allows the LA to complete a risk assessment to identify any hazards that could cause harm and they can take enforcement action to mitigate risks.
- If the adult at risk is in the property, there is evidence of danger and they are not responding to outside contact a Police Welfare Check can be requested. Under s17 of the [Police and Criminal Evidence Act 1984](#), the Police can gain entry for the purpose of saving life or limb or preventing serious damage to property.

Adult at risk assessed and deemed to have capacity

- Work together with the adult at risk and implement support.
- [Refer complex high risk cases to the Camden High Risk Panel](#)
- [Refer to the Frailty MDT/Hub](#)
- [Mental Health Act for an AMHP assessment](#) – if an AMHP believes an adult at risk is suffering from a mental disorder, is unable to care for themselves and living alone (or otherwise being ill-treated or neglected) the AMHP can apply for a warrant under s135 MHA to enter a property, using force if necessary, to remove the adult at risk for treatment or care.
- Consult Legal services about powers of the [Inherent Jurisdiction of the High Court](#). It can be used in extreme high risk self-neglect cases where a person is deemed to have capacity but has refused all offers of support and is at serious risk of harm or death.

Case Law

- [Southend-on-Sea Borough Council v Meyers](#)
- [DL v local authority and others \[2012\] EWCA Civ 253](#)
- [London Borough of Croydon v CD \[2019\] EWHC 2943](#)
- [England and Wales High Court \(Family Division\) Decisions](#)