

3. What is Abuse and Neglect?

3.1. Introduction

This section considers the different types and patterns of abuse and neglect and the different circumstances in which abuse or neglect may take place.

Abuse and neglect can take many forms. The RBSAB is not constrained in their view of what constitutes abuse or neglect, and should always consider the circumstances of the individual case.

Abuse and neglect includes:

- Physical abuse
- Sexual abuse
- Psychological abuse
- Exploitation – either opportunistically or premeditated, unfairly manipulating someone for profit or personal gain;
- Financial or material abuse
- Neglect and acts of omission
- Discriminatory abuse
- Organisational abuse
- Modern Slavery
- Self-Neglect
- Domestic Abuse, which can include Forced Marriage, Female Genital Mutilation (FGM) or so-called Honour Based Violence/Abuse (HBV/A).

This is not intended to be an exhaustive list but an illustrative guide as to the sort of behaviour which could give rise to a safeguarding concern.

3.2 Examples of Abuse

3.2.1 Physical abuse

This is the physical ill treatment of an Adult, which may or may not cause physical injury. Examples of physical abuse are hitting, pushing, pinching, shaking, misusing medication, scalding, the misuse or illegal use of restraint, inappropriate physical sanctions.

3.2.2 Restraint

Unlawful or inappropriate use of restraint or physical interventions and/or deprivation of liberty is physical abuse. Physical restraint should always be risk assessed and have care plans in place if it is to be used. There is a distinction to be drawn between restraint, restriction, and deprivation of liberty. A judgement as to whether a person is being deprived of liberty will depend on the particular circumstances of the case,

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taking into account the degree of intensity, type of restriction, duration, the effect and the manner of the implementation of the measure in question. The “acid test” for a deprivation of liberty is that the person is subject to continuous supervision and control, and is not free to leave. In extreme circumstances unlawful or inappropriate use of restraint may constitute a criminal offence. Someone is using restraint if they use force, or threaten to use force, to make someone do something they are resisting, or where a person’s freedom of movement is restricted, whether they are resisting or not. Restraint covers a wide range of actions. It includes the use of active or passive means to ensure that the person concerned does something, or does not do something they want to do, for example, the use of key pads to prevent people from going where they want from a closed environment. Appropriate use of restraint can be justified to prevent harm to a person who lacks capacity as long as it is a proportionate response to the likelihood and seriousness of the harm. Providers of health and social care must have in place internal operational procedures covering the use of physical interventions and restraint incorporating best practice guidance and the Mental Capacity Act, Mental Capacity Act *Code of Practice* and the Deprivation of Liberty Safeguards (DoLS) *Code of Practice*.

3.2.3 Domestic Abuse

The UK government’s definition of domestic abuse is:

“Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:

- A and B are each aged 16 or over and are personally connected to each other, and
- the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse;
- psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Domestic abuse also covers practices such as Forced Marriage, Female Genital Mutilation (FGM) and so-called Honour Based Violence/Abuse (HBV/A).

There is a Rochdale Domestic Abuse Strategy, which is available at www.rochdalesafeguarding.com

There is a strong, evidence-based link between domestic abuse and child abuse. Hearing or seeing domestic abuse is considered to be child abuse. It is essential for practitioners to understand the impact of any domestic abuse on the whole family and to ensure that any dependents are appropriately safeguarded. Exposure to domestic abuse is always abusive to children, although the impact on them may vary. If a child has seen or heard domestic abuse they are a victim and should be referred to child safeguarding.

Controlling or coercive behaviour does not relate to a single incident, it is a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another. Controlling behaviour is defined as:

- Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour; and
- Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Coercion and controlling behaviour was made a crime in 2015.

Types of behaviour

Examples of controlling or coercive behaviour include:

- Controlling or monitoring the victim's daily activities, including making them account for their time, dictating what they can wear, when they can eat;
- Isolating the victim from family and friends, intercepting messages or phone calls or refusing to interpret;
- Intentional undermining of the victim's role as a partner, spouse or parent;
- Preventing the victim from taking medication or over-medicating them, or preventing the victim from accessing health or social care (especially relevant for victims with disabilities or long-term health conditions);
- Using substances to control a partner through dependency;
- Using children to control their partner, e.g. threatening to take the children away or manipulating professionals to increase the risk of children being removed into care;
- Parental alienation, including preventing children from spending time with one parent or grandparents, from visiting friends' houses and from participating in extracurricular activities;
- Threats to expose sensitive information (e.g. sexual activity) or make false allegations to family members, religious or local community including via photos or the internet;
- Preventing the victim from learning a language or making friends outside of their ethnic/ or cultural background;
- Threatening precarious immigration status against the victim, withholding documents, and giving false information to a victim about their visa or visa application;
- Threats of institutionalisation (particularly for disabled or elderly victims); and
- Economic abuse

This is not an exhaustive list.

Controlling or coercive behaviour does not only happen in the home, a person can be monitored by phone or social media from a distance and can be made to fear violence or adapt their everyday behaviour as a result of serious alarm or distress.

3.2.4 Sexual Abuse

This includes

- rape
- indecent exposure
- sexual harassment
- inappropriate looking or touching
- sexual teasing or innuendo
- sexual photography
- subjection to pornography or witnessing sexual acts
- indecent exposure
- sexual assault
- sexual acts to which the adult has not consented or was pressured into consenting
- publication of intimate photographs or videos without consent (cyberviolence).

This category of abuse also covers inter-familial sexual abuse – sexual abuse carried out by family members. Intra-familial sexual abuse can result in long-lasting profound psychological damage and is thought to be more damaging than abuse outside the family due to the breach of trust involved. Specialist support and therapeutic interventions should be accessed in these situations.

Key principles:

- Sexual relationships or inappropriate sexual behaviour between a member of staff and a service user are always abusive and will lead to disciplinary proceedings. This is additional to any criminal action that has been taken. A sexual relationship between the service user and a care worker (other than one which existed legitimately immediately before the worker became involved in the service user's care) would constitute the commission of one or more criminal offences under sections 38 to 42 of the Sexual Offences Act 2003. All such incidents should be reported following the Managing Allegations Procedures.
- There may be Safeguarding Adults concerns that involve sexual innuendo or remarks that will not result in a criminal investigation; however, all Safeguarding Adults concerns that indicate any form of sexual abuse require a risk assessment, intelligence gathering and appropriate information sharing with relevant partners.

3.2.5 Sexual Exploitation

Sexual exploitation is the actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. This includes cyberviolence, which is defined as “the use of computer systems to cause, facilitate, or threaten violence against individuals, that results in (or is likely to result in)

physical, sexual, psychological or economic harm or suffering and may include the exploitation of the individual's circumstance, characteristics or vulnerabilities."

3.2.6 Psychological Abuse including Emotional Abuse

Psychological abuse, including emotional abuse, includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyberbullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Psychological or emotional abuse is the wilful infliction of mental distress by a person who is in a position of power and trust to an Adult. It undermines the Adult's self-esteem and results in them being less able to protect themselves and exercise choice. Some level of emotional abuse is involved in all types of maltreatment, although it may occur alone.

This is behaviour that has a harmful effect on the person's emotional health and development or any form of mental cruelty that results in:

- the denial of basic human and civil rights such as self-expression, privacy and dignity
- negating the right of the Adult to make choices and undermining their self-esteem
- isolation and over-dependence that has a harmful effect on the person's emotional health, development or well-being.

Behaviour that can be shown to be intentionally causing serious psychological and emotional harm may constitute a criminal offence. Specialist advice from the police should be sought.

3.2.7 Financial/ material abuse

Financial abuse is the use of a person's property, assets, income, funds or any resources without their informed consent or authorisation, and may amount to a crime, depending on the circumstances.

It includes:

- theft
- fraud including cybercrime and scams
- exploitation
- undue pressure or coercion in relation to an adult's affairs including wills, property, inheritance or financial transactions
- the misuse or misappropriation of property, possessions or benefits
- doorstep crime

Potential indicators of financial abuse include:

- lack of heating, clothing or food;
- change in living conditions;
- inability to pay bills/unexplained shortage of money;
- unexplained withdrawals from an account;
- unexplained loss/misplacement of financial documents;

- the recent addition of authorised signers on a client or donor's signature card; or sudden or unexpected changes in a will or other financial documents.

This is not an exhaustive list of indicators of financial abuse, nor do these examples prove that there is actual abuse occurring. However, they do indicate that a closer look and possible investigation may be needed.

If someone has concerns about the actions of an attorney acting under a registered Enduring Power of Attorney (EPA) or Lasting Power of Attorney (LPA), or of a Deputy appointed by the Court of Protection, they should contact the Office of the Public Guardian (OPG), and the referring agency must update the OPG on any actions taken locally. The OPG can investigate the actions of a Deputy or Attorney and can also refer concerns to other relevant agencies. When it makes a referral, the OPG will make sure that the relevant agency keeps it informed of the action it takes. The OPG can also make an application to the Court of Protection if it needs to take possible action against the attorney or deputy.

Whilst the OPG primarily investigates financial abuse, it is important to note that that it also has a duty to investigate concerns about the actions of an attorney acting under a health and welfare Lasting Power of Attorney or of a personal welfare deputy. The OPG can investigate concerns about an attorney acting under a registered Enduring or Lasting Power of Attorney, regardless of the Adult's capacity to make decisions.

If anyone has concerns that a Department for Work and Pensions (DWP) appointee is acting incorrectly they should contact the DWP immediately. In addition to a name and address the DWP can get things done more quickly if it also has a National Insurance number. However, people should not delay acting because they do not know the Adult's National Insurance number. If DWP know that the person is also known to the local authority then they should also inform them.

3.2.8 Modern slavery

Modern slavery is defined as the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, abuse of vulnerability, deception or other means for the purpose of exploitation. It is a crime under the [Modern Slavery Act 2015](#) and includes holding a person in a position of slavery, servitude forced or compulsory labour, or facilitating their travel with the intention of exploiting them soon after. It encompasses: slavery, human trafficking, forced labour and domestic servitude, traffickers and slave masters using whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

The Modern Slavery Act 2015 gives the National Crime Agency, the police and other law enforcement agencies the powers they need to pursue, disrupt and bring to justice those engaged in human trafficking and slavery, servitude and forced or compulsory labour. The 2015 Act also introduced measures to enhance the protection of victims of slavery and trafficking.

Under section 52, there is a duty to notify the Secretary of State about suspected victims of slavery or human trafficking. Section 52 requires that where a specified public authority to which the section applies has reasonable grounds to believe that a person may be a victim of slavery or human trafficking, it must notify the Home Office. Further guidance can be found on the Home Office website (<https://www.gov.uk/government/collections/modern-slavery>). Victims should also be reported to the Greater Manchester Victim Services.

3.2.9 Discriminatory Abuse

Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals. It can be a feature of any form of adult abuse but can also be motivated on grounds of race, ethnic origin, gender, gender identity, sexual orientation, age, disability, religion and other discriminatory factors.

It can result from situations that exploit a person's vulnerability by treating the person in a way that excludes them from opportunities they should have as equal citizens, for example, education, health, justice and access to services and protection.

3.2.10 Organisational Abuse

Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Organisational abuse occurs when the routines, systems and regimes of a service provider result in poor or inadequate standards of care and poor practice which affects the whole setting and denies, restricts or curtails the dignity, privacy, choice, independence or fulfilment of adults, resulting in lack of respect for their human rights.

Organisational abuse can occur in any setting providing health and social care. It is most likely to occur when there is poor management and staff are poorly supported, supervised, trained and guided in their work.

The risk of abuse is also greater in service providers:

- with too few staff
- which use rigid routines and inflexible practices
- which do not use person-centred care plans
- where there is a closed culture.

3.2.11 Neglect and acts of omission

Neglect is the failure of any person who has responsibility for the charge, care or custody of an Adult to provide the amount and type of care that a reasonable person would be expected to provide.

Behaviour that can lead to neglect includes including ignoring medical or physical needs, failing to allow access to appropriate health, social care and educational services, and withholding the necessities of life such as medication, adequate nutrition, hydration or heating.

An allegation of abuse or neglect of an Adult who does not have capacity to consent on issues about their own safety will always give rise to action under the Safeguarding Adults process and subsequent decisions made in their best interests in line with the Mental Capacity Act and Mental Capacity Act Code as outlined above.

The Mental Capacity Act 2005 created the criminal offences of ill-treatment and wilful neglect in respect of people who lack the ability to make decisions. The offence may only be committed by certain persons who have a caring or other specified responsibility for the person who lacks capacity. [Section 44](#) of the Act states that these offences are punishable by fines or imprisonment. Ill-treatment covers both deliberate acts of ill-treatment and also those acts which are reckless which results in ill-treatment. Wilful neglect requires a serious departure from the required standards of treatment and usually means that a person has deliberately failed to carry out an act that they knew they were under a duty to perform.

3.2.12 Self-neglect

This covers a wide range of behaviour including neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding. It should be noted that self-neglect may not prompt a section 42 enquiry. An assessment should be made on a case by case basis. A decision on whether a response is required under safeguarding will depend on the adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support. It is important to consider capacity when self-neglect is suspected and to 'think family' by considering how it may impact on other family members including children and whether this gives rise to a safeguarding concern. It is also important to consider the wider context of multiple disadvantage that may be leading to self-neglecting behaviour, and it is consideration should be given to a multi-agency response to help the person recover. Separate Practice Guidance on self-neglect is available on the RBSAB website www.rochdalesafeguarding.com

3.2.13 Radicalisation

Radicalisation or extremism is where someone holds views that are intolerant of people who are of a different ethnicity, culture, religion, gender or sexual identity. Extremists may try to force their views on others and, in some cases, may believe that these views can justify the use of violence in order to achieve certain aims.

Examples of violent extremist causes that have used violence to achieve their ends include white extremists from the far-right, individuals with mixed or unclear ideologies as well as those from Involuntary Celibate Sub-culture (Incel) communities, Islamist fundamentalists and animal rights activists, all of which usually attract people to their cause through a persuasive, sometimes violent narrative.

These kinds of narratives often provide people with answers democracy doesn't give to the various grievances they may have either towards their school, family, missed opportunities in life or other. They then justify violence or criminal actions with the need to impose radical changes or avenge any suffering they themselves or others may have been subjected to.

There is no single distinct pathway of radicalisation towards violent extremism as the process is unique to each individual. However, there are some common elements in the experiences of most people who have become radicalised in the U.K, regardless of their beliefs or motivations. Radicalisation happens when a person's thinking and behaviour become significantly different from how most members of their society and community view social issues and participate politically.

Only small numbers of people become radicalised and they can be from a diverse range of ethnic, national, political and religious groups. However, if someone decides that using fear, terror or violence is justified to achieve ideological, political or social change – this is violent extremism. Exactly what influences individuals to go down a path of using or supporting violence to seek change can be difficult to determine, but there can be a number of factors.

Those who are radicalised and display threatening behaviour, incite hatred or promote the use of violence for their cause require some form of intervention. This may come from family, religious or community leaders, or law enforcement. Communities play a vital role in assisting people to move away from violent extremism and intervening to stop acts of violence before they are committed.

The Counter-Terrorism and Security Act 2015 contains a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism. This is also known as the Prevent duty. The list of specified authorities can be found in the Statutory Guidance.

<https://www.gov.uk/government/publications/prevent-duty-guidance>

Please also see [Rochdale's Channel Panel Policy and Prevent Duty](#) for details of local arrangements and the referral form.

There is a Channel Panel which accepts referrals about people who may be at risk of being radicalised. A referral form can be found on the [Rochdale Borough Council website](#) – and these can be sent to channel@rochdale.gov.uk

3.2.14 Honour Based Violence/Abuse

'Honour' based violence/abuse (HBVA) is a form of domestic abuse which is perpetrated in the name of so called 'honour'. The honour code which it refers to is set at the discretion of male relatives and women who do not abide by the 'rules' are then punished for bringing shame on the family. Infringements may include a woman having a boyfriend; rejecting a forced marriage; pregnancy outside of marriage; interfaith relationships; seeking divorce, inappropriate dress or make-up and even kissing in a public place.

HBVA can exist in any culture or community where males are in a position to establish and enforce women's conduct, examples include: Turkish; Kurdish; Afghani; South Asian; African; Middle Eastern; South and Eastern European; Gypsy and the travelling community (this is not an exhaustive list).

Males can also be victims, sometimes as a consequence of a relationship which is deemed to be inappropriate, if they are gay, have a disability or if they have assisted a victim. More information can be found on the [RBSAB website](#).

3.2.15 Forced marriage

A forced marriage is not the same as an arranged marriage. Arranged marriages are defined as a marital union planned by the families, typically parents, of the couple. A forced marriage is where one or both people do not (or in cases of people with learning disabilities, cannot) consent to the marriage and coercion or abuse is used. A marriage can also become a forced marriage if one or both of the parties are forced into staying in the marriage.

The coercion put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they're bringing shame on their family). Financial abuse (taking wages or not giving any money) can also be a factor.

The Forced Marriage Unit have issued guidance on Forced Marriage and vulnerable adults due to an emerging trend of cases where such marriages involving people with learning difficulties.

The Anti-Social Behaviour, Crime and Policing Act 2014 makes it a criminal offence to force someone to marry.

This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place)
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not)
- Breaching a Forced Marriage Protection Order

The civil remedy of obtaining a Forced Marriage Protection Order through the family courts continues to exist alongside the new criminal offence, so victims can choose how they wish to be assisted.

3.2.16 Intentional/unintentional abuse

Abuse or neglect may be deliberate, or the result of negligence or ignorance. Unintentional abuse or neglect arises, for example, because pressures have built up and/or because of difficult or challenging behaviour which is not being properly addressed.

The intent of the abuse or neglect is likely to inform the type of response - in family situations it is important to consider the impact of stress on a carer's ability to care for another person. Depending on the circumstances the appropriate response

where unintentional abuse takes place could be a support package for a Carer, but in another circumstance in which safeguarding concerns arise from harm suffered as a result of abuse which was intended to cause harm, then it would be necessary to consider whether to refer the matter to the police to consider whether a criminal investigation would be required or appropriate. In organisational settings intentional and unintentional abuse is a safeguarding concern which in most circumstances will require a referral to the Managing Allegations process.

3.3 Who abuses and neglects?

Anyone can carry out abuse or neglect, including, for example, partners, other family members, neighbours, friends, acquaintances, and local residents, organised gangs, paid staff or professionals, volunteers and strangers. For example a stranger may carry out targeted fraud or an internet scam but more often, the person responsible for the abuse is in a position of power and trust.

Incidents of abuse may be one-off or multiple, and affect one person or more, and may be intentional or unintentional. Professionals and others should look beyond single incidents to identify patterns of harm, just as regulators do in understanding quality of care at home, in hospitals and care homes. Repeated instances of poor care may be an indication of more serious problems and of what we now describe as institutional abuse. In order to see these patterns it is important that information is recorded and appropriately shared.

Patterns of abuse vary and include:

- serial abusing in which the perpetrator seeks out and ‘grooms’ individuals. Sexual abuse sometimes falls into this pattern as do some forms of financial abuse;
- long-term abuse in the context of an ongoing family relationship such as domestic violence between spouses or generations or persistent psychological abuse;
- opportunistic abuse such as theft occurring because money or jewellery has been left lying around.

Abuse can happen anywhere: for example, in someone’s own home, in a public place, in hospital, in a care home or in college. It can happen when someone lives alone or with others. It is important to understand the circumstances of abuse, including the wider context such as whether others may be at risk of abuse, whether others have witnessed abuse and the role of family members and paid staff or professionals.

More details of other kinds of abuse can be found on the Rochdale Borough Safeguarding Adults Board website www.rochdalesafeguarding.com

3.4 Spotting signs of abuse and neglect

Workers across a wide range of organisations need to be vigilant about Adult Safeguarding concerns in all walks of life including, amongst others in health and social care, welfare, policing, banking, fire and rescue services and trading standards; leisure services, faith groups, and housing. Findings from Safeguarding Adult Reviews have sometimes stated that if professionals or other staff had acted upon their concerns or sought more information, then death or serious harm might have been prevented.

The adult may say or do things that hint that all is not well. It may come in the form of a complaint, a call for a police response, an expression of concern, or come to light during a needs assessment. Primary Care staff, for example GPs or nurses, may be particularly well-placed to spot abuse and neglect, as in many cases they may be the only professionals with whom the Adult has contact. Regardless of how the safeguarding concern is identified, everyone should understand what to do, and where to go locally to get help and advice. It is vital that professionals, other staff and members of the public are vigilant on behalf of those unable to protect themselves.

This will include:

- knowing about different types of abuse and neglect and their signs;
- supporting Adults to keep safe;
- knowing who to tell about suspected abuse or neglect; and
- supporting Adults to think and weigh

Early sharing of information is the key to providing an effective response where there are emerging concerns.

To ensure effective safeguarding arrangements:

- all organisations in the Rochdale borough must have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals and the Rochdale Borough Safeguarding Adults Board (RBSAB); this could be via the RBSAB Information Sharing Agreement to formalise the arrangements; and,
- no professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the Adult. If a professional has concerns about the Adult's welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.