

**Disability Law Service**

Fighting injustice for disabled people

# **SAFEGUARDING FACTSHEET**

## Legal framework for safeguarding

Local authorities are under general duties to promote the well-being of individuals. An individual's well-being relates to for example:

- an individual's personal dignity
- physical and mental health and emotional well-being
- protection from abuse and neglect
- social and economic well-being

## Adults

Under s.42 of the Care Act 2014, the local authority must make whatever enquiries it thinks necessary to enable it to decide if any action should be taken when the local authority has reasonable cause to suspect that an adult has:

- a) needs for care and support;
- b) is experiencing , or is at risk of, abuse or neglect;
- c) as a result of those needs is unable to protect themselves against the abuse or neglect or to the risk of it.

## Children

The government's 2018 guidance *Working Together to Safeguard Children* recognises that children are vulnerable to neglect, abuse and exploitation from individuals they come across in their day to day lives. The guidance advises that local authorities should take a child-centred approach , putting the needs of the child first when determining what action to take.

Abuse and neglect can include:

- Self-abuse – includes actual or threatened self-harm and threatened suicide or evidence of suicidal thoughts
- Psychological – includes emotional abuse / threats of harm or abandonment / deprivation of contact / humiliation / controlling behaviour / exploiting, corrupting/ cyber bullying / exposure to the ill treatment of someone else
- Discriminatory – includes forms of harassment/slurs or similar treatment because of race/gender/gender identity/age/disability/sexual orientation or religion.
- Physical – includes assault/ hitting/ slapping/ pushing/ restraint/ inappropriate punishment/ shaking/ burning etc.
- Misuse of medication and/ or physical harm caused when a parent/carer fabricates the symptoms of or deliberately induces illness in a child.

- Financial/material – includes theft/fraud/internet scams/coercion/misuse or misappropriation of property or possessions etc.
- Neglect/acts of omission – persistent ignoring of medical, emotional or physical care needs / failure to provide access to appropriate healthcare / withholding the necessities of life / unsupervised in inappropriate situations.
- Sexual – Includes rape / indecent exposure / sexual harassment / exposure to pornography against the person’s will / other sexual acts without consent etc.
- Organisational – covers neglect and poor practice within an institution or specific care setting or in someone’s own home. Can be through neglect or poor professional practice resulting from policies/culture/systems.
- Self-neglect – covers a wide range of behaviour e.g. neglecting to care for one’s own health/hygiene/surroundings/hoarding etc.
- Modern slavery - covers human trafficking / forced labour / domestic servitude / forcing individuals into a life of abuse or inhumane treatment.
- Domestic abuse –any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial, or emotional, controlling and coercive) between those aged 16 and over who are or have been intimate partners or family members, regardless of gender and sexuality. This includes issues such as so-called ‘honour’ killings.

If you have safeguarding concerns for an individual as described above, you can contact the safeguarding team at the relevant local authority to inform it of your concerns. The safeguarding team should open a safeguarding investigation into the individual’s welfare to determine what steps if any should be taken by the team.

Disability Law Service is able to make safeguarding referrals on individuals’ behalf where we deem it to be appropriate.

If an individual is in immediate danger or there are criminal matters, you should contact the police on 999 immediately for an emergency and 101 for a non-emergency.

With regards to criminal matters involving fraud and cybercrime, you can also report to Action Fraud by phone on 0300 123 2040 or online via <https://www.actionfraud.police.uk/reporting-fraud-and-cyber-crime>.

## **Legal Disclaimer**

Although great care has been taken in the compilation and preparation of this Factsheet to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education/informative purposes and is not a substitute for legal advice.

Any links to external websites have been carefully selected but are provided without any endorsement of the content of those sites.

**[If you wish to contact us for advice or legal aid representation, please refer to our website for further details.](#)**

**Website:** [www.dls.org.uk](http://www.dls.org.uk)

**Legal Aid (you are eligible and require representation)**

**Tel:** 0207 791 9820

**Email:** [legalaid@dls.org.uk](mailto:legalaid@dls.org.uk)

**Advice**

**Tel:** 0207 791 9809

**Email:** [helpline@dls.org.uk](mailto:helpline@dls.org.uk)

**Address:**

Disability Law Service  
The Foundry, 17 Oval Way, London  
SE11 5RR.

**Please support the great work that the Disability Law Service does for Disabled people and their carers by donating and making sure this service continues. You can donate in the confidence that 97.2% of all money raised is spent on our work.**