Part 1: Introduction and overview

This guidance draws upon research into the intersection between cognitive impairment and exploitation funded by the Nuffield Foundation and undertaken by the University of Nottingham and the University of Birmingham between 2022 and 2025.

Our research included a wide-ranging review of literature, statistical analysis of data relating to adult safeguarding enquiries, surveys and interviews with practitioners, interviews with people who had lived-experience of cognitive impairment and analysis of 58 Safeguarding Adults Reviews. The full report of our study, alongside an easy read summary can be found at exploitationandci.org.uk

The problem: assessing capacity to consent in contexts of coercion

One key finding from our study was that the possibility or presence of coercion was not consistently taken into account when assessing whether vulnerable adults had capacity to 'consent' to situations that were abusive or exploitative:

- Sometimes capacity assessments were not undertaken in situations where they were required, meaning a holistic view of the person and their needs was not obtained.

- At other times capacity assessments were undertaken, but the possibility of coercion was not reviewed in assessing whether an individual is able to exercise genuine choice in their decisions.

- Interviewees and Safeguarding Adult Reviews showed us that capacity assessments were sometimes used as a 'gatekeeping' mechanism, to determine whether support services should remain engaged when adults appeared to be 'choosing' situations of exploitation.

These problems meant that adults at risk of, or experiencing exploitation sometimes did not receive appropriate safeguarding support. This toolkit aims to address some of the challenges faced by practitioners when they are dealing with these complex cases.

Who is this resource for?

This toolkit aims to provide advice and resources for professionals in England and Wales who are working with adults at risk of exploitation. It is aimed at health staff, social workers, police, care support staff, people working in housing and drug and alcohol services and other relevant services, recognising that assessing needs arising from exploitation is a complex process and may necessitate a multi-agency approach.

The guidance provided is not statutory guidance nor legal advice. It should be read in conjunction with your own professional guidelines and case law on adult safeguarding.

Structure of this toolkit

This toolkit consists of a number of discreet parts which can be referred to separately or read together.

1. This introductory section which introduces and sets out the scope of the toolkit

2. Cognitive impairment and exploitation. This section outlines commonly-encountered forms of impairment, how cognitive impairment may connect with other factors to increase exploitation risks, and when to consider a mental capacity assessment.

3. Mental Capacity Act: Principles and Practice

4. What else can impact on judgements about 'consent'? Exploring the impact of stigma and coercion.

5. I suspect exploitation – what next? Practical safeguarding actions to consider.

6. A set of case study examples, featuring different types of cognitive impairment and forms of exploitation, for use in reflection and training.

7. Types of exploitation and relevant legal instruments.

8. Further reading and useful resources on this topic.

All parts of the toolkit are available online at our project site, exploitationandci.org.uk.

We welcome feedback on these resources, please contact alison.gardner@nottingham.ac.uk if you would like to discuss any aspect of this work.

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