

Part 2: Cognitive impairment and exploitation

In this toolkit we use the term “cognitive impairment” as an umbrella term to cover conditions which affect every-day functioning and decision-making. The term also reflects wording in the Mental Capacity Act 2005 which refers to impacts on capacity due to an “impairment” of the mind or brain. However, we recognise that many people may use other terms to describe their circumstances, such as neurodiversity, difference, disability or illness.

What do people working with vulnerable adults need to know about types of cognitive impairment?

Here we present some definitions for different types of impairment that vulnerable adults might experience. However, this list is not exhaustive. It is also important to note that assessments of mental capacity are decision and time specific and should be **functional**, rather than based on pre-existing clinical diagnosis (**see Part 3**). Some people may also lack any formal diagnosis.

Sensitivity to how people identify should be borne in mind when investigating impairments and carrying out assessments.

For some people, impacts on mental capacity will be long term and stable. However, others may experience **fluctuating capacity** to make decisions.

Spectrum conditions – such as autism – can lead to **diverse impacts**. Many people with a diagnosis of autism will not consider themselves to have an impairment, and have advanced functioning ability in everyday life, meaning that risks for exploitation could be mitigated by education and raising awareness. On the other hand, other people with autism may need significant support in everyday life.

Issue	Definition
Dementia	Impairment affecting one or more of executive function, learning and memory, perceptual-motor function, language, complex attention, and social cognition (American Psychiatric Association, 2013).
Brain Injury	Acquired brain injury is when damage to the brain occurs during or after birth. This can be traumatic (from physical injury to the head) or non-traumatic (from an illness, such as meningitis). Brain injury may be undiagnosed and has been referred to as a ‘hidden disability’, that can impact on multiple areas of functioning (Headway, 2025).
Autism	Autism covers a broad-spectrum characterised by 1) differences or impairments around social interaction and communication, and 2) restrictive and/or repetitive behaviours including sensory differences (National Autistic Society, n.d.).
Mental health issues	Mental illness is “clinically significant disturbance in an individual’s cognition, emotional regulation, or behaviour” (World Health Organisation, 2022). It can cause issues with functioning in everyday life including distress and/or problems functioning in social, work or family activities, although these problems may be transient. Medication taken for mental health issues may also cause a cognitive impairment.
Substance misuse affecting decision-making	Substance misuse may have a transient effect on cognition when an individual is directly under the influence of drugs or alcohol (Bruijnen et al, 2019). Chronic substance use can also lead to clinical cognitive impairment through alcohol related dementia or acquired brain damage.
Learning disability	Learning disability is defined as a significantly reduced ability to understand new or complex information and learn new skills (impaired intelligence) with a reduced ability to cope independently (impaired social functioning). This would have started before adulthood, with a lasting effect on development (Department of Health, 2001).
Foetal Alcohol Spectrum Disorder	Foetal Alcohol Spectrum Disorder (FASD) is a term used to describe the permanent impacts on the brain and body of individuals prenatally exposed to alcohol during pregnancy, resulting in a spectrum of physical, neurological, emotional and behavioural regulation characteristics. Between 2 and 5 percent of the population is estimated to be affected (FASD Network UK, 2025).

Our research noted that in many cases, people who experienced exploitation had more than one form of cognitive impairment, often combined with other social risk factors. Evidence of previous trauma and adverse childhood experiences was also frequently observed.

How does cognitive impairment increase risks for exploitation?

Risks for exploitation arise not just from cognitive impairment, but from their social impacts (Gardner et al. 2024):

- Clinical factors associated with impairments could place people at higher risk of exploitation. For example, addiction to substances is frequently used as a means of debt-bondage and control.
- The social impacts of cognitive impairment may also increase risks. These include social isolation or harmful social networks, limited or absent family support, and the impact of social stigma, discrimination and hate crime.
- The impact of trauma through adverse life experiences should also be considered, remembering that this may not be recorded as a formal diagnosis of Post Traumatic Stress Disorder (PTSD).

Our research also showed that social stigma can sometimes also affect whether people with cognitive impairments are identified by safeguarding professionals as potential victims of exploitation, or viewed as responsible for their decisions. This is particularly the case for impairments relating to substance misuse. **See Part 4** for further considerations on this issue.

The complexity of these issues means that Mental Capacity Assessments and related safeguarding decisions should frequently involve multiple professionals and include extensive information gathering. **See Part 3** for Mental Capacity Assessment Principles.

Should I consider a Mental Capacity Assessment?

The Mental Capacity Act starts from a presumption of capacity. Section 3 sets out requirements of the Act and the Code of Practice. However, a capacity assessment may be considered where:

- The person’s behaviour causes doubt as to their capacity to make a specific decision
- Others have raised concerns about capacity
- The person lacks capacity for decisions in another area of their life
- The person repeatedly makes decisions that could cause a safeguarding risk
- The person is making decisions which are out of character
- The suspected victim is unwilling or unable to cooperate with safeguarding measures from services, as an assessment may open additional avenues for safeguarding.

Protecting and supporting rights

It is also important to note that most people want to, and are able to, live fulfilling lives (even where support is required). This includes forming relationships, working, and making mistakes or unwise decisions. Research has suggested that sometimes, people with impairments can be ‘overprotected’ to the extent they can come under a disproportionate amount of control (Franklin & Smeaton, 2017). Therefore, another important purpose of capacity assessments is to ensure that careful discussion, assessment, recording, and even court involvement take place before decisions are made on behalf of another.

See Part 3 for further details on Mental Capacity Assessments.