

# Part 5: I suspect exploitation – what next? Practical safeguarding actions to consider

There are numerous safeguarding interventions available to help support and protect people at risk of exploitation. Many can be pursued regardless of whether an individual is judged to have capacity under the Mental Capacity Act 2005. This section summarises some of the main actions available to frontline practitioners:

- For an overview of actions available see the diagram at Figure 1.
- For more information on the supporting legal instruments, see Part 7.

## Safeguarding

If an individual has some form of cognitive impairment and is experiencing, or at risk of, exploitation, then they are likely to be an adult at risk as outlined by the Care Act 2014. If someone has care and support needs, is at risk of abuse and is not able to protect themselves, under the Care Act 2014, this can trigger a Safeguarding Adults Enquiry to determine a course of action.

There may be local variations in the way that ‘care and support needs’ are interpreted. However, it is important to note the following points:

- In principle, this framework applies regardless of whether the person is in receipt of commissioned social care services, and/or whether the person has mental capacity.
- It is important to note that although the criteria rests on care or support needs, there may not be this support in place, and it does not mean the person needs to be eligible for a commissioned adult social care package from a local authority.

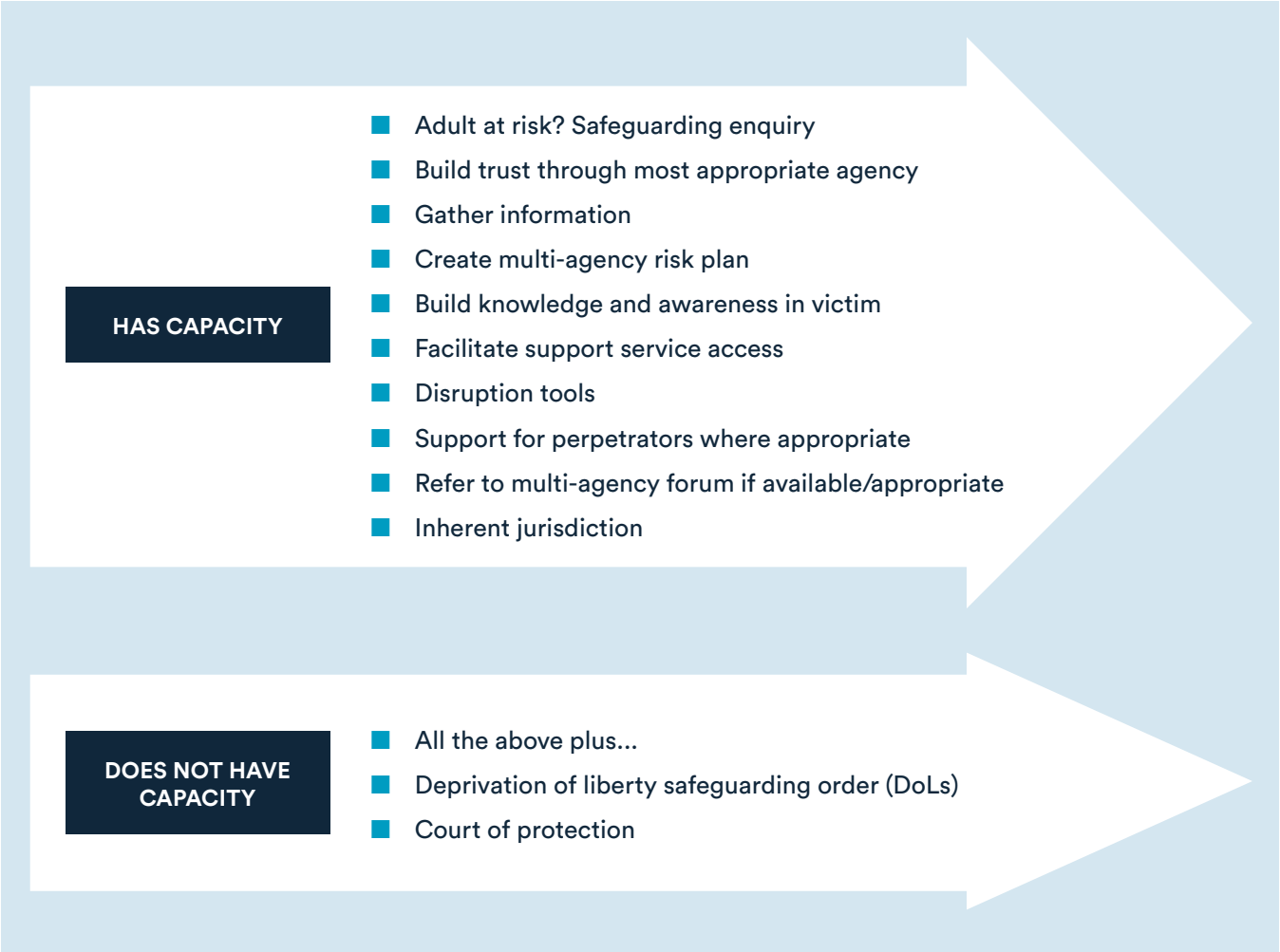
- Safeguarding enquiries can be undertaken without an individual’s consent, if there are concerns about the person lacking capacity, or being subject to abuse such as control and coercion.
- Furthermore, even if an individual may not meet all the criteria for having care and support needs, a local authority and commissioned services still have a duty to engage in prevention of harm and collective responsibility to promote wellbeing.

See section 7 for further discussion of the Care Act 2014.

## Building trust

It is important to build trust, to encourage engagement with support services. It might be useful to consider which agency or organisation is best to engage that person. Many of the interventions and actions addressed below are best undertaken from a position of support. The individual should be at the centre of safeguarding and planning.

Figure 1: Overview of safeguarding intervention



Source: Authors’ illustration based on practitioner insights.

## Information gathering

Gathering relevant information on the suspected victim and perpetrator may give further insight into the nature of the suspected exploitation, and lead to the discovery of other victims and/ or perpetrators. Information review may draw on a wide range of services including police, health and housing providers, but should always be carried out using relevant processes and governance. Establishing clear lines of communication and nurturing inter-agency relationships are vital.

A limited number of local authorities have specialist modern slavery and exploitation multiagency panels/ forums and/or specialist designated workers on modern slavery and exploitation. Refer to these specialist forums if appropriate and available.

## Creating multiagency risk plans

Risk plans should be developed with the support of multiagency input. This might include soliciting reports and assessments from relevant supporting professionals, such as speech and language therapists. If risks cross administrative borders, consider involving services in other boroughs. The fire service, housing and environmental health may be able to contribute assessments on risks relating to property. Risks to others, including friends and family should also be considered. A Multiagency Risk Assessment Conference (MARAC) referral may be appropriate if there is a context of domestic abuse.

## Awareness raising

Support the person who is affected to build awareness and knowledge around exploitation and/or abuse and healthy relationships. If there is a context of domestic abuse, this may be done through programs run by the Violence Against Women and Girls (VAWG) sector, such as ‘The Freedom Program’ (Craven & Fleming, 2008). This knowledge may empower someone to take action against a potential exploiter.

It is however important to remember that, should someone decide to take action against an exploiter or relocate as a result of awareness raising, they may come under increased risk as a perpetrator attempts to regain control. Therefore, safety planning should also be considered during awareness raising.

## Facilitate service access

Support the person to access services and resources that could help keep them safe. Serious case reviews suggests that substance abuse and mental health services, and secure housing are particularly important to people experiencing exploitation. Advocacy particularly and peer-support groups can also assist in building confidence and strategies to avoid exploitation.

## Disruption tools

Disruption actions should take account of where the abuse is happening, and which agency is best-placed to disrupt it. It is important to understand powers of various agencies when planning disruption. There are disruption toolkits available, including NWG network’s disruption toolkit on adults and children, and the UK Home office child exploitation disruption toolkit (See also Part 8: further reading and resources).

It may be necessary to work with the criminal justice system to build a criminal case or put restrictions on perpetrators, such as Multi-Agency Public Protection Arrangements or Trafficking Prevention Orders. If a suspected perpetrator or victim is on probation, consider enforcement of conditions, and potential breaches. If law enforcement or other agencies carry out an intervention, it is important to also include follow up appointments, to help monitor the situation.

## Support potential perpetrators, if appropriate

Potential perpetrators can be supported if they also have risk factors and conditions that impact on their capacity. There may be cases where both a potential perpetrator and victim have impairments or capacity affected in some way, for example through coercive control. In the case of criminal exploitation, exploiters may in turn be exploited by others; for example, a drug dealer caught taking over someone’s home may be exploited themselves. Some of the disruption tools outlined above may also serve to safeguard perpetrators, and perpetrators themselves may need a safeguarding referral.

Potential victims’ safety and wellbeing should, however, always be prioritised.

## NRM referral

In cases of suspected Modern Slavery, you can also consider a referral to the National Referral Mechanism (NRM), which can provide access to services such as safe-housing, subsistence support, mental health support and legal support. Referrals can only be made by ‘first responders’ (including the Police and Local Authorities, as well as specific NGOs) but should be compiled by individuals with appropriate training. You must have an adult’s consent before referral to the NRM.

The NRM may not be the most appropriate means of support if the individual can already access public funds and services, as NRM support sometimes involves moving and being separated from other support networks. It also involves sharing personal case details with the Home Office, which may have implications for other Home Office processes such as Asylum applications. Time should be taken to discuss the implications of NRM referral with those being referred to ensure they are fully understood.

## Inherent jurisdiction

If the above options have been explored (or are not feasible) and there is a very high risk of harm, consider the ‘inherent jurisdiction’ (or power) of the High Court (Essex Chambers, 2020). This provides power to make interventions against someone’s wishes to protect them, even if the person has capacity. However, it is a complex process that can take time.

# If someone does not have capacity to make a specific decision

If someone does not have capacity to make a specific decision, all the above actions should also be considered. It should always be considered that someone may regain capacity or be supported to do so. If someone does not have capacity however, there are additional measures that may be taken:

## Court of Protection

The Court of Protection was created under the MCA 2005 to make decisions for those who lack capacity to make that decision. It follows the principles of the MCA 2005. They can appoint deputies to make decisions on financial matters, give people permission to make one-off decisions, make decisions about lasting powers of attorney and decide if someone can be deprived of their liberty under the MCA 2005. If there is no diagnosis, more information needs to be gathered, or someone is not willing to engage with a capacity assessment, interim orders may be sought from the court. However, cases may be complex and take a long time to decide outcomes, so referees need to bear this in mind.

<sup>1</sup> <https://gov.uk/courts-tribunals/court-of-protection>

## Deprivation of Liberty Orders

Deprivation of Liberty Orders (DoLs) may be considered in limited circumstances if someone is in a care home, hospital or sheltered accommodation – with differing processes needed for the latter. Safeguarding Adults Reviews note that DoLS assessments were sometimes missed, meaning people are deprived of their liberty unlawfully. It is important to apply for an order if seeking to compel someone to remain in a care home or sheltered accommodation.

For case study examples **see Part 6**.