



Safeguarding Adults Review

Shared Learning Brief

Adult K

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FOREWORD

The author would like to formally thank all those who contributed to the review for their honesty, openness and transparency throughout the process.

1. INTRODUCTION AND BACKGROUND

1.1 The purpose of this briefing paper is to outline the multi-agency lessons learned arising from the death in August 2018 of Adult K (referred to as K from hereon). A Coroner's Inquest in April 2019 concluded that her death was drug related. Please refer to the Safeguarding Adults Review Report for Adult K for a full report of the findings and recommendations.

1.2 In response to this an independent consultant was commissioned by the Doncaster Adult Safeguarding Board. The author is a consultant on all aspects of child protection and safeguarding children - specialising in roles as Independent Chair or Overview Report Author for Serious Case Reviews and was deemed to have the appropriate knowledge, skills and experience to carry out the review.

1.3 The aim was to identify any lessons that could be learnt by agencies that safeguard young people and adults at risk. It was agreed at the outset that the focus of the Review would be on examining the effectiveness of multi-agency working and processes in responding to sexual exploitation both pre and post 18 years of age. In particular, the SAR would seek to draw out the wider learning in respect of:-

- any differences in the response to sexual exploitation which flow from the change in legal status when victims reach 18 years of age including how this can affect professionals' engagement and information sharing;
- the arrangements to support transition into adulthood, and how current referral pathways and application of eligibility criteria affect access to future support;
- multi-agency processes for assessing risk, protection planning, and co-ordination of action to disrupt or pursue alleged perpetrators both in respect of adult and child victims.

2. HOW THE REVIEW WAS CARRIED OUT

2.1 The following agencies were involved by supplying reports of their involvement and participation in workshops involving senior officers on the SAR Panel, and practitioners who were working with Adult K:-

- Doncaster MBC Adult Safeguarding
- Doncaster Children's Services Trust
- Rotherham Doncaster and South Humber NHS Foundation Trust
- Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust
- Doncaster CCG (Primary Care)
- South Yorkshire Police
- South Yorkshire Ambulance Service

Involvement of Family Members

2.2 Information about the SAR process was sent to Adult K's mother and grandmother to provide information about the SAR process with an invitation to contribute their perspectives. A letter has also been sent prior to the publication of this Shared Learning Brief and Report. However no response has been received.

3. KEY FINDINGS

The SAR findings identified learning around the following nine issues:-

3.1 Use of language

There were several instances where inappropriate descriptions were used by professionals, or accepted without challenge, which referred to K being a "street worker as she had been seen out", being engaged in "prostitution", and "targeting" males in bars and clubs.

It was acknowledged that there may be occasions when professionals may need to use terms which should usually be avoided, in order to describe the activity a person is caught up in and the risky behaviour. What is important is that any use of such terms, either verbally or in writing, is qualified, and accompanied by an explanation about the circumstances and causal factors.

3.2 Consent to sexual activity

The inappropriate use of language sometimes to describe K's situation leads into the issue as to the extent both professionals and young people understand the concept of consent in respect of sexual activity which is abusive.

Although applying the law on sexual offences ultimately requires a view as to whether consent was sought or given, the issues around this can be complex. Factors to be taken into account include whether victims have been groomed through being given gifts, have been supplied with drugs or alcohol to break down their resistance, or have experienced actual coercion or threats of violence either towards themselves or people they are close to. Where coercion is a factor, it is important to consider whether the victim's mental capacity to give consent has been impaired.

The "social model of consent" developed by Professor Jenny Pearce and the University of Bedfordshire provides a framework for understanding why children and young people might appear to be consenting to sexual activity that is abusive and / or unlawful. While their research is focused on children, the thrust of their approach is equally applicable to adults.

3.3 Contextual safeguarding

First developed by Carlene Firmin of the University of Bedfordshire, contextual safeguarding provides a framework to guide responses to a range of extra-familial risks that compromise the safety and welfare of young people. This explains that young people are vulnerable to abuse in a range of social contexts, for example from peer groups, through social media, and within neighbourhoods or schools.

The advantage of applying this framework is that it enables partner agencies that deliver, or manage, services in these settings, to design strategies and take action that provide essential complementary work to approaches focused on victims and their families.

3.4 Use of the National Referral Mechanism for victims of human trafficking

The fact that there were many occasions when K was observed being driven off in cars, or asking to be collected from locations outside of the area, raises the question as to whether she was being trafficked. If this was the case, consideration would have needed to be given to making a referral through the National Referral Mechanism (NRM).

It is important to note that the consent of adult victims is required for a referral to be made. Where this is not forthcoming, but professionals have a reasonable belief that the person is being trafficked, they are required to submit an MS1 form to the Home Office within a month of encountering a potential victim, unless there are exceptional

circumstances. The form should be completely anonymised if the potential victim does not consent to their details being shared.

3.5 Information sharing in respect of adults

A professional can reasonably override a person's decision not to give consent where other people may be at risk, a serious crime has been committed, or might be prevented, or where coercion appears to be influencing the decision not to give consent. In these circumstances, sharing information would be considered legally proportionate, and avoids the risk of data protection concerns being used as an excuse to withhold information.

Given that there appears to be some continuing uncertainty around this issue, there would be value in the Safeguarding Adults Board seeking assurance that local information sharing agreements provide the necessary clarity, and provide a framework for swift information sharing without the need to negotiate access to information on an individual case-by-case basis.

3.6 Multi-agency arrangements to respond to sexual exploitation post 18 years of age

The most significant areas of learning centre around the change in agency responses and multi-agency working which flow from the change in victims' legal status once they reach 18 years of age, and the challenges faced by both victims and professionals in trying to access support.

One immediate consequence in K's case was that no strategy meetings were held once K reached 18 years of age even though professionals still had concerns that K remained at risk of sexual exploitation and domestic abuse. The meetings ended because there are no specific multi-agency processes within DSAB's procedures to address the risks of sexual exploitation experienced by adults.

The absence of such processes is not unique to Doncaster and reflects the fact that there is no national policy, or statutory framework covering the response to adult victims of sexual exploitation because their plight has in the past not attracted sufficient attention.

This has begun to change in the last 2 years through the work of the NWG Exploitation Response Unit and the findings from a number of safeguarding reviews across the UK. These have highlighted that sexual exploitation does not stop when children reach 18 years of age, and that while children may have become adults in

the eyes of the law, their situation has not suddenly changed in terms of the risks they are exposed to or their ability to keep themselves safe. The 2018 Newcastle review made the key point that perpetrators target vulnerability not age, and it is likely that extensive abuse of vulnerable adults is taking place across the country.

3,7 Transition Process

Research has shown how adverse experiences during childhood leaves victims vulnerable to further exploitation, and can have long term consequences in terms of their experiencing poorer outcomes across the lifespan. Difficulties can include the impact on their mental health, their parenting ability, and their increased chances of becoming homeless, and / or drawn into the criminal justice system.

However, reports published in 2018 by the NWG and Research in Practice for Adults (RIPFA) described how child victims can experience a “cliff edge” in terms of support as they enter adulthood which can see them fall through the gaps between children’s and adults’ services.

A key issue is the lack of robustness in the transition pathways for child victims unless they are “looked after” children where there are statutory responsibilities entitling them to continued support up to the age of 25 from the local authority. For other young people, who may have experienced high levels of trauma and harm, their circumstances and needs do not readily fall into the existing transition arrangements and referral routes into adult services – those provided by all agencies not just the local authority.

National reports have shown that there are often difficulties in achieving transition for young people from child and adolescent mental health services (CAMHS). While CAMHS provide support around a wide range of mental health issues, AMHS tend to focus on services for people with severe and enduring illnesses such as psychosis or severe depression. A further difficulty is that commissioning of CAMHS and AMH services often takes place within different frameworks which can result in care pathways being developed separately.

Increasingly, concern is being voiced by a range of professionals nationally that a strict interpretation of the eligibility criteria set out in the Care Act 2014 is too often resulting in adult victims of sexual exploitation not qualifying for services because they are judged not to have care and support needs. This can result in young people who are experiencing various developmental or mental health difficulties being denied support unless they have previously received a formal mental health diagnosis.

3.8 Safeguarding response to adult victims

A strict application of the Care Act eligibility criteria can also result in adult victims of sexual exploitation being denied a safeguarding response because they are judged not to have care and support needs, and also because of issues around consent. In contrast to the position in respect of a child, consent would usually need to be sought from an adult victim because of the underlying principles underpinning the Care Act 2014 and the Mental Capacity Act 2005 which emphasise that adults have the right to make informed decisions about their lives, care and protection even where decisions they are making appear unwise.

However professionals need to be alert to the possibility that coercion or other factors become so significant that they have a serious adverse impact on how this 'right / ability' is exercised, and victims may not be able to make free informed choices about their safeguarding needs

3.9 Partnership Working in respect of adult victims

The absence of a national framework means that there are gaps in the current local arrangements for partnership working in respect of adult victims of sexual exploitation. Unlike the position in relation to children's cases, there is no statutory requirement for the police to engage in wider partnership working in respect of adult victims.

A further issue which limits police involvement is that sexual exploitation of adults is not an offence in itself, unless it involves trafficking. Therefore, unless an offence is reported, the police are unable to commence an investigation.

4. THE DONCASTER POSITION

- 4.1 The Review received anecdotal evidence from practitioners about a number of high risk cases where it has not proved possible to identify future support at the point the involvement of children's services is about to end. Where transition to adult services has been achieved, this has largely been due to the good will and creative solutions of some teams in finding ways of providing support because of an ongoing concern to safeguard young adults at risk. However, the processes followed, and arrangements made, are not currently set down in a formal pathway or covered by any governance framework.

The Review findings also suggest that there are limited support options available following initial involvement with the Sexual Assault Referral Centre (SARC) to provide therapeutic support for adults experiencing some form of post traumatic stress disorder (PTSD).

In addition, some services experience difficulty in securing victims' engagement because these are not sufficiently flexible. National reports have highlighted that the availability of outreach services has proved effective in achieving more effective engagement with young people whose lives are often chaotic due to the nature of the exploitation they are experiencing, which can make it difficult for them to access clinic based services.

5. PRIORITY ACTIONS TO ADDRESS THE REVIEW FINDINGS

The priority actions to address the Review findings and learning are centred around 4 inter-related themes.

1. Evaluating the effectiveness of transition processes for children at risk of sexual exploitation as they move into adulthood.

The Review recommended that this could be progressed through the production of an informed position statement drawn from the results of multi-agency case audits which examine the experience of child victims as they approach adulthood, and how the Care Act 2014 eligibility criteria are being applied in respect of victims of sexual exploitation both in terms of providing a safeguarding response to concerns raised, and to enable them to access support to assist recovery from trauma, or to address other mental health or substance misuse issues.

The position statement will identify what further action is required to strengthen the existing protocols covering transition, the multi-agency processes to consider individual cases, and to ensure the prevention duty in the Care Act is being used as a means of developing more flexible approaches to help young adult victims.

2. Strengthening partnership working to improve recognition and the response to sexual exploitation of young adults

The Review recommended that this could be progressed by:-

- (i) a major awareness raising programme across the adult and children's safeguarding partnerships to address the different perceptions of risk which

currently exist in respect of children and adults victims of sexual exploitation, and reinforce the key message that the risk of sexual exploitation does not stop when a child reached 18 years of age.

- (ii) identifying what multi-agency arrangements are required to co-ordinate protective interventions where it is judged that a young adult is still at risk, and to enable information to be shared to support action to disrupt and pursue their alleged perpetrators.
- (iii) the development of an All Age Multi-Agency Safeguarding Hub (MASH) to promote joint working and information sharing across the age divide;
- (iv) Exploring the potential to promote multi-agency support for adult victims through referral to:-
 - Vulnerable People Panel (VPP)
 - Community MARAC (CMARAC)
 - Complex Lives Alliance / Complex Lives Team
 - Amber Project supporting “street sex workers”.

3. Extending the range of support for adult victims

The Review recommended that this could be achieved by:-

- (i) Mapping the existing support that is available in both the public and voluntary sector, and clarifying the referral pathways;
- (ii) Using the results to develop a commissioning strategy which sets out affordable options to fill any gaps identified and to extend the range of support. This might include the development of a business case for a specialist support service for young adult victims of sexual exploitation which would mirror the support available to children through the CSE team.

4. Strengthening the Governance Arrangements covering multi agency work to protect child and adult victims of sexual exploitation.

The Review's recommendation is that the remit of the Child Exploitation and Missing Sub Group be extended to to become a cross age joint strategic group to co-ordinate activity and development in respect of both child and adult victims of sexual exploitation up to 21 years of age.

This recommended change reflects the fact that the issues around transition into adulthood for victims of sexual exploitation is a shared agenda for the adults and children's safeguarding partnerships, and requires a joint approach across the age divide.