



**Older People's Commissioner for Wales**  
**Comisiynydd Pobl Hŷn Cymru**

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# Navigating Social Services

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**Factsheet 7: Protecting people  
from abuse & neglect**



# The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

## How to contact the Commissioner:

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# Protecting people from abuse and neglect

A person is considered an 'adult at risk' if they are experiencing (or they are at risk of experiencing) abuse or neglect, are unable to protect themselves and have care and support needs (it doesn't matter if the LA is currently meeting these needs or not).

The Act defines 'abuse' as physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether a private home, an institution or any other place) and 'financial abuse' includes:

- Having money or other property stolen
- Being defrauded
- Being put under pressure in relation to money or other property
- Having money or other property misused.

'Neglect' means a failure to meet a person's basic, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being.

Examples of abuse and neglect include:

- physical abuse - hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions
- sexual abuse - rape and sexual assault or sexual acts to which the vulnerable adult has not or could not consent and/or was pressured into consenting
- psychological abuse - threats of harm or abandonment, coercive control, humiliation, verbal abuse, or racial abuse, isolation or withdrawal from services or supportive networks (coercive control is an act or pattern of acts of assault, threats, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim)
- neglect - failure to access medical care or services, negligence in the face of risk taking, failure to give prescribed medication, failure to assist in personal hygiene or the provision of food, shelter, clothing; emotional neglect

- financial abuse in relation to people who may have needs for care and support

If a Local Authority suspects that an adult is at risk, it must investigate it in order to decide what action should be taken. Any action to be taken must be recorded in the person's Care and Support Plan

If the Local Authority suspects that an adult is at risk, it must make inquiries within seven working days. The Statutory Guidance on Safeguarding gives further information on the areas that should be looked at when a Local Authority is carrying out an inquiry

A Local Authority can decide to meet a person's needs for care and support in order to protect them from abuse and neglect, regardless of whether they meet the National Eligibility Criteria (Section 32 of the Act).

For further information, please refer to Section 126 of the Act and the Together to Safeguard People Volume 1 - Introduction and Overview, Page 6.

## Adult Protection and Support Orders

An Adult Protection and Support Order allows officer of the Local Authority (known as an Authorised Officer) to speak in private with a person who is suspected of being an 'adult at risk' to find out whether the person is able to make decisions freely and to allow them to assess whether any action needs to be taken.

An Authorised Officer can apply to a judicial officer for an Adult Protection Support Order to allow them to enter a premises (e.g. a private home, care home, or hospital) in order to carry out their investigations.

For further information, please refer to The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 and the Working Together to Safeguard People Volume 1 - Introduction and Overview, Page 14 .

### Safeguarding Adults Boards

Under the Act, there will be six Safeguarding Adults Boards across Wales that will protect adults within their area who have needs for care and support and are experiencing (or are at risk of experiencing) abuse and neglect. The Boards will also aim to prevent people with care and support needs from becoming at risk of abuse and neglect.

For further information on Safeguarding Adults Boards, please refer to The Safeguarding Boards (General) (Wales) Regulations 2015, The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015 and the Working Together to Safeguard People Volume 1 - Introduction and Overview, Page 24 .

## National Independent Safeguarding Board

The National Independent Safeguarding Board provides advice and support to Safeguarding Boards with a view to ensuring that they are effective. They will report on the adequacy and effectiveness of arrangements to safeguard adults (and children) in Wales and they will make recommendations to the Welsh Government on areas that can be improved.

For further information on the National Independent Safeguarding Board, please refer to The National Independent Safeguarding Board (Wales) (No. 2) Regulations 2015 and the Working Together to Safeguard People Volume 1 - Introduction and Overview, Page 58.

## What can you do if you don't receive the help you need?

The new Act not only sets what you are entitled to in relation to care and support (or support for carers) but it also states how Local Authorities must behave.

If you feel that your rights have not been upheld or you feel that a Local Authority had not acted in the way that it should (for example they haven't listened to your views, wishes and feelings), you can make a complaint.

You can use the Local Authority's complaints procedure if you are unhappy about the service you have received from your Local Authority social services department. You can use the complaints procedure to complain about:

- any social service that the Local Authority provides, or has refused to provide
- a social service provided by another organisation for the Local Authority.

You can also complain about a staff member involved in social services or if there is a failure to keep you informed about decisions which affect you.

You may also wish to complain about the decision a Local Authority has made in relation the National Eligibility Criteria and meeting your needs. If a Local Authority has decided that your needs do not meet the National Eligibility Criteria, they should inform you of your right to access the complaints process. If the Local Authority knows that you may need help to complain, it must decide what help, if any, it will provide. The Local Authority should inform you about the availability of advice and assistance, which can include advocacy services. If you are not happy with the decision about help, you can complain make a complaint about that decision too.

For more information on complaints, please refer to Part 10 of the Act. You may also wish to look at your Local Authorities Authority's complaints procedure. Additional, further information on making a complaint to social services can be found at [www.citizensadvice.org.uk/wales/relationships/looking-after-people/social-services-complaints-w/](http://www.citizensadvice.org.uk/wales/relationships/looking-after-people/social-services-complaints-w/)

