

Editorial

Bridget Penhale and Margaret Flynn

Welcome to this penultimate issue of the journal for this year. Although much media coverage remains focused on more global issues such as war as well as Covid-19, which also continues to be present in the UK, there has also been continued coverage of safeguarding related issues here, including those related to migration and human trafficking. Further safeguarding problems arise that are related to ongoing problems at societal level which are experienced by individuals but that are caused by a combination of the cost of living and energy crises, as well as ongoing issues relating to the pandemic. We are also faced with the legacy and outcome(s) of over a decade of austerity measures implemented by successive governments. This includes of course repeated cuts to service provision, particularly in relation to health and social care services. This Editorial will look at some recent media items that touch on safeguarding concerns before providing information about the contents of the issue.

Generally, safeguarding tends to have a limited view of what constitutes institutional abuse. However, fact-finding about this topic is certainly enlivened by referencing the decision-making of companies' directors. For example, the Post Office (PO) is now indelibly associated with Horizon, its flawed IT system which resulted in more than 700 sub-postmasters being wrongly accused of theft and false accounting. Most recently, the bonuses of senior executives have been challenged because these were payments for meeting the target incentive of supporting the inquiry [1] into the PO's long-running miscarriage of justice. This was a surprise to the inquiry – but arguably not to the sub-postmasters and mistresses. No real surprise that the offer of £600k compensation for the men and women who lost their jobs, homes and reputations, some of whom were imprisoned, has been roundly criticised [2]. The saga rumbles along.

Here's a further non-surprise: the corporate conduct of 1,200 directors during Covid was less than exemplary. Although these directors have been disqualified, their legacies are incalculable. For example, were their employees party to the abuse of the financial support schemes during the pandemic? Did their families know that they were the potential beneficiaries of fraudulent behaviour? Needless to say, efforts to prevent fraud were wanting and estimates of losses amount to c.£1.1bn. Good to know that the Insolvency Service has received additional funding to deal with directors who deliberately short-changed the public purse [3].

So, in other news, over half of the UK public are not confident that their relatives will be well looked after in care homes [4]. This decrease in confidence coincided with the pandemic. As the Associate Director at Ipsos stated:

There is a strong consensus that there are too few care workers relative to the need for care in Britain, underscoring the need for investment in the workforce to address the challenges of high staff turnover and vacancy rates [5].

The consensus is backed up by the sums. There are 165,000 vacancies in the social care workforce, “a new care workforce pathway” is to be backed by £250m which, regrettably, is only half the sum promised during 2021. And we know that restrictions on people entering the health and care workforces as a result of Brexit have had and continue to have an impact on these sectors, as well as others.

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Age UK's "The State of Health and Care of Older People in England 2023" is blunt: 36,000 fewer people a year are receiving long-term care, and significant number of hospital admissions are avoidable. Unless and until politicians address the crisis in social care, such numbers will increase [6]. As Richard Humphries (Humphries, 2021) asserts:

The crisis [...] is not a single calamitous national event but the invisible accretion of many thousands of individual crises experienced in homes, hospitals and other places [...] The goal of a humane, effective and sustainable care system – something that is set to touch the lives of millions of us – continues to defy resolution and in some respects we have gone backwards. (p. 17)

One "solution" that has been proffered is an army of volunteers building on the NHS Volunteer Responder Programme and that would be put in place to check on people who are feeling lonely and who may need help with shopping [7]. This derisory sticking plaster doesn't engage with the pressing social care workforce pressures; the low pay; and, most critically, the necessity of a long-term approach to funding reform.

The Royal College of Psychiatrists has revealed that the practice of using out of area placements for individuals with mental health problems is very much alive – and hugely expensive [8]. During 2020–2021, the number of days spent inappropriately out of area was 205,909 with an average of 12 new inappropriate placements a day. Typically, the damaging practice of place-hunting for vacancies persists because "there's nowhere else for them to go [...]" Accessing competent community services should not be a memory. Odd that precarious funding, short-term contract, revenge evictions and services run by conglomerates and hedge funds didn't feature in the debates had all those years ago about the separation of purchasing and providing.

We are immersed in an era of untruths. Neither David Cameron nor George Osborne, a former PM and Chancellor, respectively – believes that their decision to impose austerity could bring themselves to agree with undeniable evidence that the UK was ill-prepared for the pandemic [9]. Yet for those of us with relatives with support needs, and those of us who work with people with support needs, this does not ring true in any way.

The 75th anniversary of Windrush has not occasioned unbridled festivity despite the contributions to the UK of people from the Caribbean and their descendants. It is eclipsed by the ongoing hostility of the UK's immigration policy and Windrush scandal [10]. The latter questioned their citizenship of people, their access to health care and other entitlements and even led to the lives of people with support needs being uprooted and individuals deported, some to countries they barely knew [11]. It seems hardly the most auspicious time to disband the Windrush reform unit tasked with reforming the Home Office to avoid repeating the scandal [12].

We are informed that two more vessels have been acquisitioned to accommodate asylum seekers. These will supplement the one berthed in Portland Port and are expected to be moored in Teesside and Liverpool [13]. It's a sledgehammer response to the UK's 74,751 asylum applications made during 2022 [14]. By demonising people arriving on boats, the contrast with the welcoming Homes for Ukrainians scheme could hardly be stronger. Little wonder that a parallel "Homes for Afghans" scheme is being considered. However, the UK's Immigration Bill is to become law [15]. Despite international as well as UK criticism, and amendments made by the House of Lords, its crude rationale is to "stop the boats". The hostile environment of the "Go home" era is alive, enduring and tenacious. The backlog of asylum claims is disgraceful.

We now know that the UK government is responsible for the forced adoptions of babies during the 1950s, 1960s and 1970s – insofar as the government is responsible for the conduct of employees of the state. Between 1949 and 1976, an estimated 185,000 women, many of whom were unmarried teenagers were forced to give up their babies for adoption [16].

It is well known that women's bodies are a battleground, most particularly during conflicts when sexual assault is commonplace. The north eastern state of Manipur, India, which is

subject to ethnic violence, is a bleak example. The gang rape of a mother and daughter who were attacked after being paraded naked through the community has triggered widespread condemnation – only two months after the event and when footage was shared on social media [17]. It seems clear that the protection of women is not a priority. And despite efforts to counter violence against women in Italy [18], new organisations are compelled to denounce aggression in all its manifestations.

The Local Government Association has identified a funding gap of £3bn arising from soaring demand, wage and fuel inflation. Austerity measures mean that there have been 13 years of cuts and without a long-term funding settlement, care services feel broken [...] [19]

Earlier this year, The Guardian revealed that five of the largest private care chains are taking £150m per annum in taxpayer money for places in England's care homes for older people that are rated inadequate or requiring improvement [20]. So, here's an idea – why not seek personal accountability for the companies that profit richly and yet provide appalling services? We know that some unsafe services have been found to be radically unaccountable by virtue of their offshore status and their ability to evade responsibility for harmful care by dissolving their companies. Surely the failing water companies have helped to make such a case – so perhaps the time is ripe for Bob Hudson's ideas concerning “ethical commissioning” to soar?

During April 2023, the Department of Health and Social Care stated that “the Government had taken the difficult decision to delay the implementation of the Liberty Protection Safeguards beyond the life of this Parliament [...]” Nine years after Liberty Protection Safeguards were recommended by the House of Lords Select Committee, this delay has major and significant implications for people's right to liberty. It impacts on service systems and those who are working on improvements. It means that all involved are required to continue to operate a system already deemed unfit for purpose. The Joint Committee on Human Rights put this into perspective:

We know that an estimated 270,650 applications for DoLS [Deprivation of Liberty Safeguards] were received in 2021 to 2022. The number of cases has increased very significantly since 2013–14 when there were only 13,500. There was a sharp increase to 137,540 in 2014–15 following the Cheshire West judgement and in subsequent years there has been average year on year increase of 12%. We also know that an estimated 124,145 cases were not completed in 2021–22, and that only 20% of standard applications were completed within the statutory timeframe of 21 days [...] Prior to the implementation of LPS, [Liberty Protection Safeguards] we will continue to work with local authorities to assess the nature of delays in the system and will continue to encourage local authorities to fulfil their legal duties under these vital safeguards. (p. 11) [21]

The DoLS annual data collection for the year 2021–2022 reveals that there were 140,800 applications for authorisation that could not be granted. Of these, 41,365 people had died in care homes or hospitals waiting for their applications to be processed by local authorities and, as a result, were deprived of their liberty [22]. The delayed LPS implementation stalls training, preparations and progress and risks undermining the significance of the Mental Capacity Act itself [23]. This topic has yet to garner mainstream attention. We're on the case!

And from the macro to the micro, just as we were thinking that adult abuse couldn't become more complicated, during August we learned that a Saudi court has sentenced a man to death because of his peaceful Twitter and YouTube activity [24].

Our first paper of this issue is a research paper by Karl Mason of Royal Holloway, University of London, and is a further exploration of discriminatory abuse considered through a study from an analysis of Safeguarding Adult Reviews (SARs). The aim of this overall piece of work is to further develop the concept of discriminatory abuse in practice and policy, beyond the focus of the current definition. The analysis included SARs that referred to discriminatory abuse within safeguarding practice with adults with care and support needs and protected

characteristics to try and determine how discriminatory abuse was experienced and dealt with (or not). The findings from the analysis established both institutional and practitioner biases were present as well as a lack of attention to broader contextual, social and structural factors. The paper provides much food for thought and a strong argument for a more inclusive and structural framing for individuals with protected characteristics who have needs relating to safeguarding.

The following paper is also research focused and is by Deborah Foss of Keele University. The paper also concerns an analysis of SAR reports, this time in relation to the role of the Mental Health Act within safeguarding. A thematic review of SARs and Adult Practice Reviews (from Wales) in which use of mental health legislation (or not) was a central feature was undertaken, together with findings from a literature review on the topic. One of the key findings of this study was the interaction of legislation, in particular the Mental Health Act and the Care Act leads to certain challenges for professionals and that application of the mental health legislation in particular was variable in practice. The paper draws attention to the current review of legislation relating to mental health and provides findings of relevance to the review (although the results of the review are as yet unpublished and the timeframe for this now appears uncertain).

The third paper of the issue concerns a study from India by Rishi Kumar and Durgesh Pathak from BITS Pilani in Hyderabad. The topic of this paper relates to intimate partner violence (IPV) within the context of India. The study aimed to identify relevant key factors concerning IPV through use of secondary analysis of data contained in the National Family Health Survey which is undertaken periodically across the country. Through the quantitative analysis, two main models were estimated and developed – these were in relation to physical violence and sexual violence. The paper contains several interesting findings about the key factors associated with IPV and will be of interest to readers whose remit is broader than a focus on adult social care within a UK context.

The fourth and final paper of the issue is also an international contribution, this time from Uganda. The paper is by Dianah Aharimpisya and colleagues from Nkumba University in Entebbe and reports on a study that took place in south-western Uganda. The study explored the issue of elder abuse and the intersection with welfare status of individuals across specific districts of south-western Uganda. A survey on aspects of this topic was completed by both caregivers and officials/professionals who worked with older people, and a quantitative analysis of the data was undertaken. The findings from the analysis established that physical abuse, emotional abuse, financial abuse and neglect significantly predicted welfare status of older individuals. Conversely, neither social abuse nor sexual abuse established such levels of prediction. The results strongly suggest that practices that don't result in such abuse occurring need to be used by both caregivers and officials and that policies to promote welfare responses for those in need of support should be developed.

We hope that you will find papers in this issue that are of interest and use in your safeguarding work. Regular readers of the journal will know that we are always interested in receiving contributions and that readers (and others of course) are invited to continue to submit papers about all aspects of adult safeguarding, and across the policy, research and practice spectrum. This includes papers on matters relating to safeguarding and Covid-19, which as we have acknowledged is still with us. If you might be interested in contributing a paper and you want to find out more or discuss further before committing to writing and submitting a paper, please do get in touch with one of the editors. Our contact details can be found on the inside cover of the journal or on the specific webpage on the publisher (Emerald) website. Finally, we hope that everyone has been able to stay both well and safe in recent difficult months and look forward to providing the final issue of this volume towards the end of the year.

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Notes

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