



SAFEGUARDING ADULT LEARNING EVENT

LEARNING BRIEF: EVIDENCE, LEGAL POWERS AND SAFEGUARDING INTERVENTIONS

Where to find us:



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www.bristolsafeguarding.org



[Keeping Bristol Safe Partnership](#)

Safeguarding Adult Review (SAR) criteria

The Care Act 2014 states that a Safeguarding Adult Board must commission a Safeguarding Adult Review when:

(1) an adult in its area dies as a result of abuse or neglect, whether known or suspected, and there is a concern that partner agencies could have worked more or effectively to protect the adult,

(2) an adult in its area has not died, but the adult has experienced significant abuse or neglect, whether known or suspected.

Background Information

In 2025, the KBSP received a SAR referral relating to a resident of Bristol. Although the case did not meet the statutory criteria for a SAR, it highlighted several recurring themes that have been discussed across KBSP subgroups, raised at the Keeping Adults Safe Board, and reflected in previous reviews.

A multi-agency learning event was held in November 2025 to explore the following key themes:

- Evidence-led prosecutions and the role of professionals.
- Self-neglect and professional responses, sources of support and intervention.
- Information sharing under inherent jurisdiction and the Mental Capacity Act.
- Legal powers, including those related to anti-social behaviour, and Court of Protection proceedings.
- Overriding consent in safeguarding contexts.

A comprehensive learning brief has been created to assist practitioners in embedding the learning arising from the event.

Key Themes of the Learning Event

Evidence-led Prosecutions

Evidence-Led Prosecutions (ELP), formerly known as Victimless Led prosecutions, allow criminal cases to proceed without relying on the victim's testimony, using other forms of evidence such as body-worn video, 999 calls, photographs, and professional witness statements. This approach can be used in cases of domestic abuse, coercive control, cuckooing, and exploitation, where victims may be too frightened or vulnerable to testify. Under the Criminal Justice Act 2003, hearsay evidence can be admitted when victims cannot attend court, provided it is fair and in the interests of justice.

Professionals' statements can provide crucial evidence about the victim's behaviour and disclosures, environmental factors, and patterns of exploitation and abuse. Best practice includes keeping clear, factual notes, recording disclosures and decisions, and sharing concerns promptly. Practitioners do not request an ELP but instead ensure that any information they hold is recorded, shared, and accessible, so that police can identify viable evidence even when the victim is unable to. This allows police to identify whether there is enough independent evidence to proceed without the victim's support.

Self-neglect, resources and sources of support

Self-neglect is when an adult cannot or will not meet their basic needs, placing their health or safety at risk. This may include poor personal care, inadequate food or hydration, unmanaged medical needs, unsafe or unhygienic living conditions, or hoarding.

Under the Care Act, practitioners can request support by completing an [Adult Social Care referral form](#), such as

- A **Care and Support Needs Assessment** by clearly outlining the presenting risks, indicators of self-neglect, any known care and support needs, and whether the practitioner believes that a Section 42 safeguarding enquiry may be required.
- A **Multi-Agency Safeguarding Hub (MASH)** discussion, providing relevant context and concerns.
- [Occupational Therapy \(OT\)](#), noting when an OT assessment or practical support is required.
- If a safeguarding referral is closed but risks persist, practitioners should submit a **new referral**.

Bristol City Council – Adult Social Care provide a dedicated Safeguarding Enquiry Line (0117 903 6629) for professionals seeking advice or guidance regarding a vulnerable adult's safety or wellbeing. Professionals do not need to provide personal details about the individual when seeking advice.

When professional views differ, the [KBSP Resolution of Professional Disagreements](#) procedure should be used to support escalation and ensure safe, coordinated decision-making.

Fire Risks and Home Fire Safety Visits

Hoarding significantly increases fire risk, especially when combined with smoking, substance use, or cognitive impairment. Clutter can block exits and speed up fire spread. Practitioners should use the Avon Fire & Rescue Service [Clutter Image Rating](#) to describe the level of hoarding, make a [Home Fire Safety Visit \(HFSV\)](#) referral, and notify the [Fire Service](#) of any concerns. Avon Fire & Rescue can provide free safety equipment, advice, onward referrals, and offer [free monthly training for professionals](#).

Mental Capacity Act

The [Mental Capacity Act \(2005\)](#) provides a legal framework for decision-making on behalf of individuals aged 16 and over who lack capacity. It is built on five key principles:

- **presumption of capacity**
- **support** to make decisions
- **respect** for unwise decisions
- **act in their best interests**
- **choose the least restrictive option.**

Importantly, an unwise decision does not automatically mean a lack of capacity. Practitioners should explore underlying factors such as coercion, undue influence, the impact of alcohol or substance use, and executive functioning challenges, document reasoning and offer appropriate support.

Professionals must apply the Mental Capacity Act's principles, record decisions, and seek advice when needed.

Where appropriate, an [independent advocate](#) should be used to support decision-making.

Inherent Jurisdiction and Court of Protection

[Inherent Jurisdiction](#) allows the High Court to intervene in exceptional cases where adults with capacity are vulnerable to harm, such as exploitation or coercion.

The High Court's Inherent Jurisdiction aims to protect vulnerable adults who have capacity but are unable to make free choices due to coercion, undue influence, or other constraints. Inherent jurisdiction applies where statutory frameworks do not provide adequate protection and allows the High Court to issue injunctions, declarations, or protective orders.

In comparison, [Court of Protection](#) operates under the [Mental Capacity Act \(2005\)](#) for individuals who lack capacity. The Court of Protection is a specialist court which makes decisions when a person lacks capacity for a specific decision. The [Court of Protection](#) makes decisions in the individual's best interests, appoints deputies, and authorises serious medical treatment or financial arrangements. For example, the Court may approve or reject serious medical treatment decisions.

For more information on Inherent Jurisdiction and Court of Protection, [please speak to your agency's legal team.](#)

Anti-Social Behaviour Powers

Anti-Social Behaviour (ASB) refers to '...behaviour which causes, or is likely to cause, harassment, alarm or distress to any person, or behaviour capable of causing nuisance or annoyance or behaviour that has a detrimental effect on communities that is unreasonable and persistent' ([Crime and Policing Act \(2014\)](#)).

Under the **Crime and Policing Act 2014**, local authorities can use a range of powers to respond to ASB, including:

- **Civil injunctions** to stop specific behaviours.
- **Ouster orders** to remove individuals from a property.
- **Closure orders** to restrict or prevent access to premises causing harm.

Community Safety Partnerships also have a [statutory duty](#) to review ASB cases. When an **ASB Case Review** (formerly the Community Trigger) is requested, relevant agencies must decide whether the threshold is met and inform the victim of the outcome.

Professionals should clearly record ASB concerns, including behaviours, frequency and impact, and encourage individuals to report incidents promptly; consider any vulnerabilities or support needs and signpost individuals to appropriate support; share relevant information with partner agencies when there is risk of harm; and use local ASB pathways such as housing teams or ASB Case Reviews.

Compliance with bail conditions

The responsibility for monitoring compliance with bail conditions, including the suitability of bail addresses, sits with the Police Officer in Charge (OIC) and investigative teams, who arrange any necessary address checks. Unlike Domestic Violence Protection Orders (DVPOs), there is no routine or auditable process for Neighbourhood Policing Teams (NPT) to monitor bail address compliance, although the bail process is currently under review. Police awareness of risks at a bail address is largely limited to reported information or concerns identified during an investigation. The Probation Service may raise concerns with the court on a case-by-case basis, but this is not a routine safeguard. Where partner agencies hold relevant information or concerns about a bail address, they can provide this directly to the [court](#) in writing.

When can consent be overridden?

Adults with capacity have the right to make decisions, even unwise ones. Consent should only be overridden in **exceptional circumstances** where there is a serious risk of harm and a lawful framework allows intervention. Any action must be necessary, proportionate, and the least restrictive option.

- **Mental Capacity Act 2005:** Consent can be overridden when a person lacks capacity for a specific decision. Professionals may act in the person's best interests where capacity is absent.
- **Care Act 2014 – Section 42:** Consent is not required for a safeguarding enquiry when an adult: has care and support needs, is at risk of abuse or neglect, and cannot protect themselves.
- Other frameworks—such as the **Mental Health Act 1983**, the **High Court's inherent jurisdiction**, and certain **public safety or police powers**—may apply when risks are immediate or when coercion, undue influence, or severe mental disorder affect a person's ability to make free decisions.