

Safeguarding and the Care Act case example – Discriminatory abuse

Miss Read is in her twenties, has Down's syndrome and a moderate learning disability. She is from a travelling background and now lives in 24-hour supported accommodation and attends a local day centre. Miss Read reported to the Day Centre Manager that two students in the cookery class had called her "nasty names about her being a traveller".

Miss Read stated this had happened two weeks ago and she had not slept properly since. She said she was frightened of the students because during the lunch break they had sung a song saying "people like you should go back to your own country" and you are "scroungers".

The manager discussed the concerns with Miss Read, and explained that she had a duty to inform Adult Social Care (ASC) as the comments being made were of an abusive nature. Miss Read agreed to this but said she just wanted the "nasty names and singing to stop".

The manager raised a safeguarding concern with ASC as she felt Miss Read had been a victim of discriminatory abuse.

From the presenting information, it was assessed that Miss Read was an adult who has care and support needs in terms of her learning disability, she appeared to be experiencing and was at risk of discriminatory abuse, and may be unable to protect herself.

In response to this the Section 42 duty for a safeguarding enquiry to be undertaken was triggered.

A worker from ASC arranged to meet Miss Read to discuss the concern and what she wanted to happen. It was unclear during this meeting whether Miss Read had capacity to consent to the enquiry. So the worker completed a Mental Capacity Assessment which confirmed she had capacity to consent to the enquiry but did not want to tell her family.

Miss Read said that she was worried about attending the day centre as she may come across the students who were being horrible to her. The outcomes she wanted from the enquiry, which were incorporated into her safeguarding plan, were:

- I want the students to stop "being horrible and be nice to me".
- "I want to tell the students how this has affected me".
- I want to have nice things said about "travellers".

The worker explained to Miss Read that what she had alleged was a hate incident, and she agreed to complete the Hate and Anti-Social Behaviour Risk Assessment (HARA). The outcome of the assessment was that she did not meet the risk threshold that required her to be referred to the Safe from Harm service to represent her at the ASB Multi-Agency Risk Assessment Conference (ASBRAC). However, the information needed to be shared with the police. Initially, Miss Read did not want the police to be involved. However, when the worker explained that a criminal offence could have been committed, she agreed to the police being informed but did not want the students to know.

A safeguarding meeting was held to plan the enquiry. This was chaired by the ASC manager and was attended by Miss Read, the Day Centre Manager, the police and ASC worker. It was agreed that the ASC worker and police would interview the students regarding their version of events, and that they would not attend the day centre until this was completed.

The students admitted they had made the comments, and felt remorse in relation to the allegations made. Following this interview it was concluded by the police that it was not in the public interest to pursue a criminal conviction.

A meeting was then held with all the relevant parties at which it was concluded that the students had been discriminatory towards Miss Read and had caused her distress.

It was agreed that positive changes needed to be made to the day centre environment and its practices. This included culturally aware information about the travelling community, including posters, food and history days.

Miss Read said that she wanted to meet with the students to express how their comments had made her feel. It was agreed that the ASC worker would facilitate this meeting and it would be incorporated into a safeguarding plan review.

The review took place once Miss Read reported she felt enabled to share with the students how the comments and songs had made her feel “frightened, unhappy and worried”. She was grateful that they understood how they had made her feel and apologised. Through speaking with the students Miss Read felt she had some closure and that her desired outcomes had been achieved. She also felt pleased about the changes that had been made to the day centre and that she could celebrate her background.