

Bridget Penhale and Margaret Flynn

Welcome to this sixth and final issue of the journal for 2021, and well over a year into our experience(s) of living with a pandemic. Despite the fact most media coverage remains largely focused on the pandemic crisis globally, in the UK, we have seen continued coverage of safeguarding-related issues. In the first part of the editorial, we therefore provide a selection of some of the most topical of these before introducing the papers in this issue.

All credit to opportunism – as we have seen, fraud has blossomed and flourished during the pandemic. Online fraud has increased by a third [1], and it is no surprise that the Association of Certified Fraud Examiners anticipates its continued proliferation because of the economic stresses which follow catastrophes [2]. If you are not prepared to throw away your smart phones, ignore recorded phone messages from impersonators and you continue to remove daily emails telling you to log on to spurious websites and/or send money to dear friends who are unaccountably unable to fund essential travel or gifts, then the findings of the UK's National Cyber Security Centre are a must-read [3]. Targeting children via social media platforms as money mules is a growing means of laundering stolen money [4].

Beginning with children and young people, it seems that across the UK, record numbers are seeking access to mental health services [5]. According to the Royal College of Psychiatrists, in three months, the 200,000 referrals that services received had almost doubled the number of pre-pandemic referrals. This includes a rise in “urgent” referrals. Crisis lines and digital health guidance appear inadequate substitutes for young people whose days are characterised by eating disorders, self-harm and abuse, for example. Where does this leave children in care? Article 39 [6] was unsuccessful in its bid to ensure protection for young people of 16 and 17 years (of whom there are around 6,000) who are placed by local authorities in unregulated care settings. There it is – a new means of rationing young people's care, based on age.

There is a lot of heart sink around these days, but it seems precious little heart-searching happens. “The UK's failure to do more to stop Covid spreading early in the pandemic was one of the country's worst public health failures[7].” Although according to the Health and Social Care Committee and the Science and Technology Committee, the research and development that led to the rollout of the vaccination programme was “one of the most effective initiatives in UK history”; the early failures cost lives. Notably, the successful test, trace and isolate approach of South Korea was dismissed by Public Health England, and “the tragic scale of loss was among the worst in Europe and could have been mitigated [...] the first 10 NHS staff to die from Covid-19 were from black, Asian and minority ethnic (BAME) backgrounds, and evidence has since confirmed that the impact of Covid 19 on this section of the workforce has been significant”. It remains to be seen whether predictions concerning child poverty which will result from the removal in October of the £20 per week universal credit uplift (introduced in 2020 during the initial stages of the pandemic) will lead to the admission of more debt, additional stresses for families [8] and more children going into care[9].

Let us turn to the legally and socially sanctioned union of marriage because lots of us do it. While strong cultural pressures suggest that romantic love may not always be the primary motive, the anticipated socioeconomic advantages feature to different degrees. The rights of partners and children to inheritance, for example, generally do not tend to be centre stage in

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such considerations. So, when Joan Blass, an 87-year-old widow with dementia was befriended by 63-year-old Colman Folan, who married her without informing her family, inherited her estate when she died and buried her in an unmarked grave, then re-married and remained living in Joan Blass' home, it would be negligent not to question the groom's actions or intentions.[10] As her daughter, Daphne Franks, noted:

“Changing a will would have been impossible for someone like my mum, as the bar for ‘mental capacity’ is high...I had power of attorney, because she couldn't pay the milkman, she couldn't recognise a pound coin. Yet she was able to marry and, in England – though not in Scotland, for example, and not in Holland, where my brother lives – marriage revokes a will.”

Since 2017, Daphne Franks has been campaigning to remove the incentive to predatory marriage.[11] The aims of Predatory Marriage UK step away from assertions that the victims “seem happy enough...they're being well looked after” and, perhaps rather more typically, “this is just about protecting your inheritance”, for example. The organisation's campaign aims to:

- change the law such that a marriage does not automatically revoke a will;
- create an offence of predatory marriage, perhaps as a subset of forced marriage;
- publish notices/banns on the internet;
- train registrars to look for signs of insufficient mental capacity to marry;
- add a robust set of questions for registrars to ask at marriage, with clear procedures for them to follow if correct answers are not given;
- ensure registrars will stop a marriage ceremony if there are any doubts about capacity to marry; and
- add “The marriage was fraudulent” to the permitted reasons to annul a marriage after one party has died.

Perhaps, flexing the safeguarding antennae of registrars and such sound actions would sort the unscrupulous opportunism of all aspiring grooms and brides?[12]

We have also in recent months been pondering the question: what is social about social media? During July 2021, Nigel Farage referred to the Royal National Lifeboat Institution as a “taxi service for illegal immigration” on Facebook. That is, he brought digital attention to the fact that the RNLI was rescuing desperate people at risk of dying as they crossed the Channel in remnants of boats. The outcome of such attention was remarkable. The RNLI was inundated with messages of support, it received £200,000.00 in donations in a single day and there has been a surge in the numbers of people viewing volunteering opportunities on its website.[13] Mark Dowie, the RNLI Chief Executive, has challenged the abuse ensured by its volunteers and asserts RNLI's role of saving lives. The charity's work has since been praised on social media. There can be no retreat from kindness and trans-national association, despite the failure of social media platforms to question misleading and provocative assertions that appear designed to lead to further dissent and societal division.

It is the turn of the French Catholic church to express shame and regret for the “massive phenomenon” of sexual abusers operating for decades within the protection of its faith. Between 1950 and 2020, around 216,000 children, mostly pre-adolescent boys, were subjected to sexual assaults and violence.[14] “The lead-weight of silence smothering the crimes” requires no elaboration. Most cases are believed to be too old to prosecute under French law.[15]

During September 2021 we learned that care home workers are leaving their employment in homes for better paid employment in Amazon warehouses and the NHS, for example.[16] Realistically, who would not favour £13.50 per hour over the minimum wage? In addition to

overseas workers departing, mandatory vaccination for those working in care homes, which comes into effect on 11 November, is believed to be a driver of staff resignations. The National Care Association warned that as of the time of writing (October), there were around 170,000 vacancies in England's care homes.

Continuing with issues relating to adults in institutional care settings (albeit in this instance a privately run hospital), we ask the following question. Have the deaths of three adults within 27 months at the Cawston Park Hospital in Norfolk moved the dial decisively on Assessment and Treatment units for adults with learning disabilities and autism? At the launch of the "Safeguarding Adults Review: Joanna, Jon & Ben", review author Margaret Flynn compared its findings with those of her report concerning Winterbourne View Hospital^[17] which was published 10 years ago. That is, 10 years after the launch and promise of Transforming Care programme (and its investment of around £10m), Margaret detailed the similarities between the two hospitals:

- people's families were faced with the option of managing their crisis or handing over care to the NHS.
- the low thresholds of the Mental Health Act for people with learning disabilities and autism;
- the absence of clinical commissioning – effectively just place-hunting;
- indefensibly high weekly fees which were not reflected in the service provided;
- boredom, unstructured and the mostly sedentary lifestyles that characterised people's days;
- observations, medication, restraint and seclusion featured prominently in the treatment of individuals by hospital staff;
- families were discouraged from (i) visiting and (ii) contributing their knowledge of their relatives' biographies and health histories that would have helped to develop the understanding of clinicians and support staff;
- people's physical health care was not prioritised and there were delays in securing emergency treatment;
- certain staff members were cruel; and
- there was poor oversight/stewardship of public resources by commissioners and the regulator.

Although Cawston Park Hospital was not support-worker led, it will be remembered as the service in which three young adults died. It is remarkable that the punitive and unsafe methods of restraint adopted at Winterbourne View Hospital did not result in tragedies.

Now, it remains to be seen whether:

- mental health provision for people with learning disabilities and autism is enabled to continue, placing even greater strain on NHS budgets and without reference to families' knowledge of what *would* work for them;
- people's families secure a human rights platform and are able to influence the care and support of their relatives without being dismissed as "over-protective";
- the conflicts of interest of clinicians employed by private hospitals, whose decision-making is critical to people's admission and discharge, is subject to scrutiny and challenge;
- the corporate structures of private sector businesses which have been so effective in undermining accountability and responsibility become liable for the cultures they sustain;
- company director disqualification becomes a reality;

- compulsory professional director registration is introduced to parallel that of nurses and doctors, for example;
- changes to the CQC's regulatory system take place to ensure the suitability of providers and punish corporate wrongdoing; and
- arm's length dealings are introduced. This is not possible to achieve when the Care Quality Commission is engaged in parallel improvement and enforcement/prosecution activities. These functions must be made structurally separate.

As a result of this review, this wish list has been shared with the Department of Health and Social Care and the Law Commission. Fingers crossed that some attention will finally be given to this much neglected area. . .

The first paper in this issue is a research paper by Jonathan Parker and Kelly Veasey (Universities of Bournemouth and Kent) that concerns issues of structural abuse and gendered discrimination within the Universal Credit element of the UK Benefits system. The study explored issues relating to payments made to couples (as joint payments) which predominantly benefit male partners and examined situations in which female partners could become trapped in violent relationships. This was achieved through a series of interviews with third sector support workers as well as critical examination of the literature in this area. In this interesting paper, a strong case for further consideration of structural abuse is made.

Our second paper is also a research paper, which details the results of a systematic review of theoretical approaches to elder abuse, undertaken by Joao Fundinho and colleagues from the University of Minho in Braga, Portugal. The review explored available research evidence for six different (but commonly cited) theories of elder abuse; this included evidence that was in opposition to a specific theory, as well as that which was supportive. The review found that five of the theories were supported by the evidence obtained, with only one theory (social learning theory) in which there were multiple possible interpretations. The authors conclude that the five supported theoretical explanations could determine different aspects of elder abuse, but that further research is needed to establish how these perspectives might interact with each other.

The following research paper is by Lorna Montgomery of Queen's University, Belfast, together with colleagues from several third sector organisations in Northern Ireland. The paper details a participatory disability research project that was undertaken across the UK concerning the empowerment of adults with learning disabilities to influence and contribute to the development of policy in relation to adult safeguarding. The project sought the perspectives of policymakers and those who work to include and empower individuals with lived experiences of learning disability about processes of policy development; peer researchers with such lived experience formed part of the research team. One of the key findings of the project was the identification of the factors that might either promote or inhibit the involvement of individuals and/or their supporting organisation in such developments. A number of useful recommendations for inclusive participation and involvement were also developed and are included in the paper.

The final paper in this issue is a research paper by Jaime Lindsey and Mary O'Reardon from the Universities of Essex and East London that concerns the potential role of social work expertise within the law relating to mental capacity. The particular focus of the paper is social work involvement in legal processes concerning the Court of Protection. The paper considers evidence from (published) judgements from the Court of Protection and pre-existing empirical evidence to explore the potential for social work expertise in this context to contribute to best-interests decision-making in legal proceedings. It concludes that the inclusion of such professional expertise could be very valuable in this way, particularly in relation to court hearings concerned with welfare decisions and care planning.

We hope that you will find this issue of interest and use to you within the context of your safeguarding work and associated relevant interests. As normally stated at this point in an editorial, we are always interested to receive contributions to the journal and would like to invite readers to continue to contribute papers in relation to adult safeguarding in its broadest sense. If you are potentially interested and wish to discuss this further before beginning to draft a paper, do get in touch with one of us to progress this further. Finally, we do hope everyone has been able to stay safe and well during these complex times and wish everyone a successful end to this year. We look forward to sharing future issues of the journal with you during the year to come.

Notes

- 1 www.ft.com/content/e820cc8a-090c-4632-95f3-cb295d3d31ad (accessed 1 August 2021).
- 2 www.acfe.com/press-release.aspx?id=4295010491 (accessed 1 August 2021).
- 3 www.bbc.com/future/article/20210611-how-fraudsters-exploited-our-fears-during-the-pandemic (accessed 30 September 2021).
- 4 www.pressreader.com/uk/the-guardian/20210923/282097754849100 (30 September 2021).
- 5 www.theguardian.com/society/2021/sep/23/childrens-nhs-mental-health-referrals-double-in-pandemic (accessed 30 September 2021).
- 6 <https://article39.org.uk/2021/05/18/legal-action-launched-to-protect-teenagers-in-care/> (accessed 13 October 2021).
- 7 www.bbc.co.uk/news/health-58876089 (accessed 13 October 2021).
- 8 www.bbc.co.uk/news/uk-41487126 (accessed 13 October 2021).
- 9 www.pressreader.com/uk/the-guardian/20210927/281917366230302 (accessed 13 October 2021).
- 10 www.theguardian.com/society/2021/sep/15/daphne-franks-the-woman-who-lost-her-much-loved-mother-to-a-predatory-marriage (accessed 20 September 2021).
- 11 www.bbc.co.uk/news/uk-england-leeds-57405590 (accessed 20 September 2021).
- 12 <https://inews.co.uk/news/predatory-marriages-elderly-groomed-wed-for-money-inheritance-hunters-families-warned-1071385> (accessed 20 September 2021).
- 13 <https://inews.co.uk/news/rnli-donations-soar-migrant-crossing-nigel-farage-comments-1126885> (accessed 12 August 2021).
- 14 www.economist.com/europe/2021/10/09/the-french-catholic-church-acknowledges-a-staggering-pattern-of-sexual-abuse (accessed 13 October 2021).
- 15 www.bbc.co.uk/news/world-europe-58801183 (accessed 13 October 2021).
- 16 www.theguardian.com/society/2021/sep/04/care-workers-in-england-leaving-for-amazon-and-other-better-paid-jobs (accessed 20 September 2021).
- 17 www.norfolksafeguardingadultsboard.info/publications-info-resources/safeguarding-adults-reviews/joanna-jon-and-ben-published-september-2021/ (accessed 11 October 2021).

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