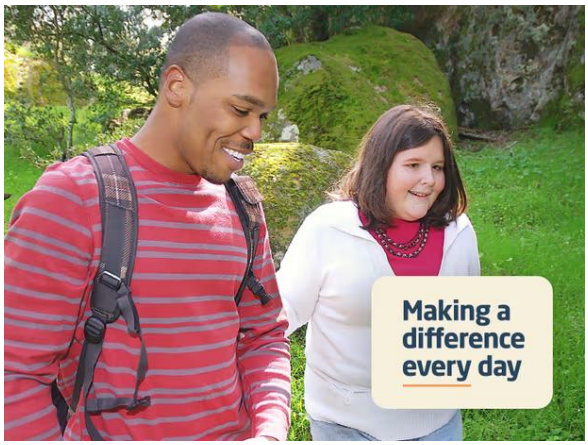
Safeguarding vs safeguarding in Kent

Understanding thresholds, low-level incidents and professional judgement



Introduction

The term *safeguarding* is used in different ways, which can create confusion for people when deciding the most appropriate course of action if they have concerns about someone. In practice, *safeguarding* can refer either to a **formal safeguarding response under section 42 of the Care Act 2014**, or to a **broader set of actions to keep someone safe and ensure their eligible needs are met**.

These two approaches are often described as **Safeguarding with a capital "S"**, meaning the statutory safeguarding process, and **safeguarding with a small "s"**, meaning everyday professional practice focused on a person's welfare, prevention, risk management, and support.

Safeguarding with a capital "S" – Care Act (2014) Section 42

Safeguarding with a capital "S" is a statutory response focused on **preventing or stopping abuse or neglect, reducing risk, and supporting outcomes that matter to the person**, in line with *Making Safeguarding Personal*. Understanding this distinction helps ensure that concerns are responded to **proportionately**, that people receive the **right level of support**, and that safeguarding systems are used appropriately.

A **Section 42 safeguarding enquiry** is required when Kent County Council has reasonable cause to suspect that;

- An adult is **aged 18 or over,**
- They have **care and support needs (whether or not the Local Authority is meeting any of those needs),**
- They are **experiencing, or at risk of, abuse or neglect,**
- As a result of those care and support needs, they are **unable to protect themselves.**

For further information, please use this link;
https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/safeguarding-adults-at-risk-of-abuse-or-neglect.

When the above criteria has been met, Kent County Council has a **statutory duty** to make enquiries, or to ensure enquiries are made on their behalf and to decide what action is necessary and by whom. This process can often involve **multi-agency working** with various agencies, such as, health services, the police, housing, or regulatory bodies. Enquiries focus on preventing harm to a person , reducing risk, and supporting personal outcomes aligned with Making Safeguarding Personal.

To **assist with decision making** in relation to raising a safeguarding concern, please refer to the **Kent and Medway Threshold Tool.** To make a referral please use the online form **Tell us about an adult safeguarding concern**.

Safeguarding with a small "s" – keeping people safe

Safeguarding with a small "s" refers to the wide range of **professional practice responses** used to support people who may be at risk of harm, or living in complex circumstances, **but who are not experiencing abuse or neglect**. This can include referrals for:

- Care Act Assessments or Reviews,
- Risk assessment and risk mitigation,
- Health or mental health support,
- Housing, equipment, or environmental interventions,
- Support for carers,
- Coordinated multi-agency planning.

A decision that Section 42 safeguarding does not apply **does not mean no action** is taken for the person**.** In Kent, small "s" safeguarding ensures that adults receive **timely, person-centred, and proportionate support** to reduce risk and promote wellbeing. It may be more appropriate to make a referral for a **Care Needs Assessment**, if you feel the person has unmet eligible care and support needs.

Professional Responsibilities - Professionals should consider individual circumstances, risk, wishes, and share concerns or seek advice from safeguarding leads when in doubt. If a person is not currently open to services you may want to consider holding a Multi-Agency Risk Meeting (MARM**).** Please see this link for further information; **KMSAB_multi-agency_management_framework.**

Low-Level Incidents, Poor Practice and Safeguarding

The distinction between **poor practice, lower-level incidents, and safeguarding** is not always clear and can lead to referrals for people being misdirected. Low-level incidents, when no harm is caused while important, do not automatically indicate abuse or neglect has or will occur.
Different partners or agencies may hold more appropriate pathways to manage low level incidents including;

- Providers' who deliver **safe and high-quality care,**
- Commissioners' who have a role in **quality assurance,**
- The Care Quality Commission's role in **regulating and enforcing standards,**
- The police's responsibility to **prevent and investigate crime.**

If the quality of care falls below expected standards, adults may be placed at risk of harm. However, this may indicate **poor practice or quality issues rather than abuse or neglect**. Examples include issues such as medication errors, pressure ulcers, falls, manual handling concerns, restrictive practices, or staffing pressures, where the underlying issue relates to **processes and service quality**.

In Kent, the **Provider Incidents – Low-Level Threshold Decision Making Guidance,** supports professionals to assess and manage lower-level risk appropriately.

Notification to the Care Quality Commission should also be completed as appropriate, please see following links for more information;

- **https://www.cqc.org.uk/guidance-regulation/providers/notifications/allegations-abuse-safeguarding-notification-form**
- **https://www.cqc.org.uk/about-us/how-we-do-our-job/safeguarding-people**

Key principle for safeguarding practice

Statutory Section 42 Safeguarding should be used when abuse or neglect is suspected and criteria is met—not as an alternative for managing quality, performance, or practice issues.
Professionals should always consider the **individual circumstances**, use **professional judgement**, and choose the pathway that will best reduce risk, protect the person, and achieve positive outcomes.

The **Kent and Medway Threshold Tool** should be used, and a discussion with your organisational safeguarding lead is suggested before a referral is made.

However, if it is an emergency, as the person is at immediate risk, call 999 to contact the Police.