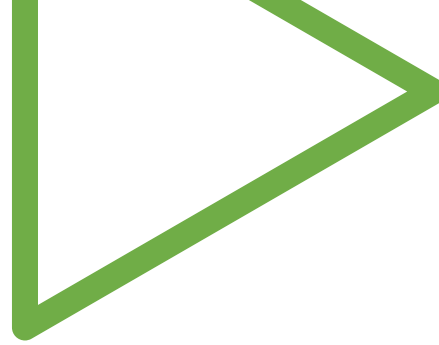


Discriminatory Abuse Briefing for Bolton SAB Safeguarding Adults Week 2023

Karl Mason



Aim of Briefing Session



- Provide an overview of the National Reference Group and background to the work
- Examine how the Care Act 2014 and Protected Characteristics link to this theme
- Determine what you understand about Discrimination and Discriminatory Abuse?
- Practice Guidance
- Update on National and Local Picture
- Questions for consideration moving forward





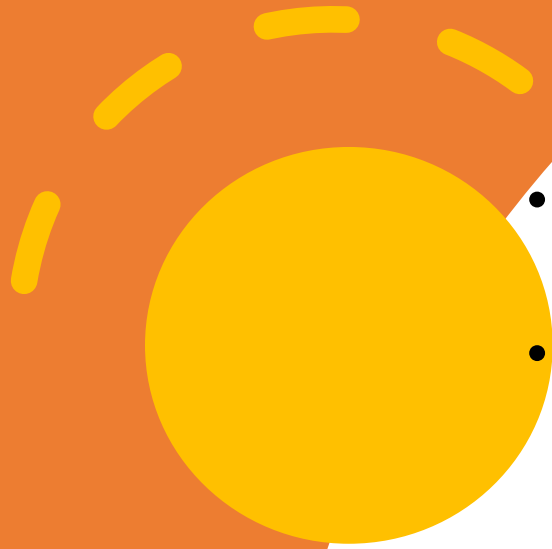
Equality Act 2010

Protected Characteristics

*Equality Act 2010, UK Public General Acts 2010 c. 15 Part 2, Chapter 1,
Section 4*

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

How do you understand issues of Discriminatory Abuse in your area / organisation?



- Abuse of people with needs for care and support
- Forms of harassment, bullying, slurs, isolation, neglect, denial of access to services or similar treatment; because of race, gender and gender identity, age, disability, religion or because someone is lesbian, gay, bisexual or transgender. This includes racism, sexism, ageism, homophobia or any other form of hate incident or crime
- Far right discrimination, Hate Crime and Mate crime – fit with Black Lives Matter?



Discrimination and Discriminatory Abuse

Discrimination is abuse that focuses on a difference or perceived difference.

This may involve race, gender, disability, or any of the [protected characteristics of the Equality Act](#).

In UK law, it's illegal to discriminate against anyone based on the protected characteristics



What Does Discriminatory Abuse Look Like?

Discrimination may take on a number of forms.

Direct Discrimination. Treating someone with a protected characteristic less favourably than others.

Indirect Discrimination. Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.

Harassment. Unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates a hostile environment for them.

Victimisation. Treating someone unfairly because they've complained about discrimination or harassment.

Anything else? ...

Discrimination can happen at work, on the streets, or even in an environment that's supposed to be "safe", such as a school or a care home.

The Stark Reality

Less than 1 per cent of the 149,540 Section 42 safeguarding enquiries raised in 2020/21 were linked to Discriminatory Abuse (Safeguarding Adults, England, 2020-21: Experimental Statistics).

Only two Safeguarding Adults Reviews from 2017-19 were completed under the category of Discriminatory Abuse (Analysis of Safeguarding Adult Reviews April 2017 – March 2019).


Rates of reported disability hate crime – an allied form of abuse – have increased in recent years. A total of 9,208 disability hate crimes were reported in 2020/21 (an increase of 9 per cent on the year before and an increase of 449 per cent since 2012) (Hate Crime Statistics).

National SAR Analysis Findings



Improvement Priority Twenty: This research highlights the need for better recording of ethnicity in SARs. Terms of reference for all SARs must include consideration of how race, culture, ethnicity and other protected characteristics as codified by the Equality Act 2010 may have impacted on case management, including recognition of unconscious bias.

Improvement Priority Twenty-One: Consideration should be given to the dissemination of briefings on good practice regarding all forms of abuse and neglect but especially those newly highlighted by the Care Act 2014 within adult safeguarding, such as domestic abuse, modern slavery and discriminatory abuse (hate and mate crime).



National Reference Group – the journey so far

Discriminatory abuse workstream stemmed from a combination of two improvement priorities (20 and 21) from the National Analysis of Safeguarding Adult Reviews: April 2017- March 2019

Group is facilitated by LGA/ADASS and members of the reference group from a range of SAB's / Adult Safeguarding partners (national)

Various Resources and Events provided via this group.

What work are you undertaking around this type of abuse?

- Understanding the interface between reporting of hate incidents/crimes and safeguarding adults procedures
- Review data and the makeup of discriminatory abuse, (does it relate to a protected characteristic) assists in gaining a truer reflection. Creation of sub-category information related to this form of abuse.
- Difficult to recognise, often secondary form of abuse or even hidden; necessity to include in training and tackling issues such as extremism through education in schools
- Closed environments have the potential for discriminatory abuse to occur, focus for SAB's and wider partnerships to promote safer cultures.

SAR Analysis: Illustrations

SAR	Details
Carol (Teeswide SAB, 2017)	58-year-old woman living with schizophrenia. Ongoing anti-social behaviour reports raised. Attacked and murdered in her home by two teenage girls
Mr V (Tower Hamlets SAB, 2019)	84-year-old black Caribbean man with chronic health issues and sensory disability, targeted by a student social worker who financial abused him
Lee Irving (Newcastle SAB, 2019)	24-year-old man with learning disabilities. Exploited and targeted over several years and murdered at home by a man he lived with
Vicky (Hampshire SAB, 2021)	34-year-old woman in B&B accommodation with acquired brain injury and personality disorder. Concerns included sexual assault, cuckooing, disengagement with services. Discharged from hospital without assessment and later found dead at home
Kamil and Mr. X (Bristol SAB, 2018)	Both men lived in supported accommodation, where multiple incidents of racist targeting led to the murder of one man who was Kurdish

Direct Work with Discriminatory Abuse

- Professional readiness to discuss what protected characteristics mean for care and support needs or wellbeing and safeguarding – fear of offending is raised frequently but leaves people exposed and unable to share concerns
- Practitioner bias – thinking about impact of language that others people
- Recognise additional barriers for people with protected characteristics – language barriers are one example but shame, embarrassment, stigma might also prevent reporting
- Consider possibility of discrimination from those in close proximity to the person (family, neighbours, flatmates, co-residents etc) – and the increased risk of targeting in care or supported living (including hostel) settings
- Recognise the impact of long-term and patterned abuse
- Distinguish between general anti-social behaviour, harassment and hate crime
- Consider if independent advocacy is required or desirable where a protected characteristic might mean that an adult will have difficulty engaging

Inter-Agency Work with Discriminatory Abuse

- Make appropriate and regular use of multi-agency panels such as MARAC, MAPPA and other forums
- Research local voluntary sector services who work with people facing hate crime or discrimination AND those that support people with particular protected characteristics and involving these organisations in safeguarding or assessment work
- Safeguarding teams should engage with the police re: potential hate crimes where there is clear evidence or an episode but should be aware that the attrition rate between report and conviction is very low in hate crime, so should only be one part of a safeguarding action (with consent) but should also have strategies for addressing abuse where there is no consent or no clear evidence or identifiable episode, which is often the case
- Police referral of hate crime to safeguarding teams as 'discriminatory abuse' appears to be a missing link
- Voluntary sector hate crime services report few safeguarding referrals into their services

Organisational and SAB Governance issues in working with Discriminatory Abuse

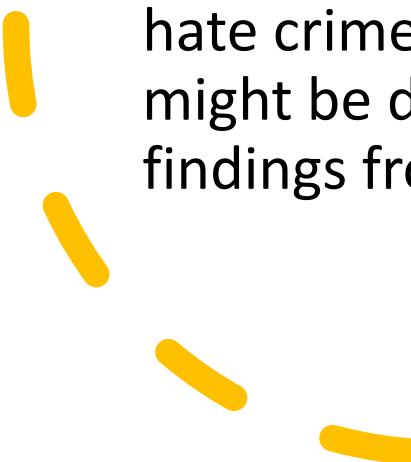
- Training on discriminatory abuse should be commissioned and this should include looking at the impacts of unconscious bias – training is not a panacea and most professionals in Lee Irving’s case had attended hate crime training but unfortunately still did not recognise it – case studies and opportunities to apply to casework are important (ongoing)
- Supervision in cases that involve protected characteristics should surface and unpack attitudes and values held by practitioners
- SABs should engage the local community safety partnership (or partners involved in community safety if the SAB has a community safety remit) around the issue of hate crime and discriminatory abuse
- Funding issues for services addressing hate crime and discriminatory abuse could be escalated via SAB managers group

Structural Issues in Addressing Discriminatory Abuse

- Necessarily, discriminatory abuse engages with structural issues in terms of ageism, ableism, racism, sexism, homo/bi-phobia, transphobia and other targeted discrimination
- People who have experienced disappointing or negative service responses in the past are less likely to trust those supporting them – this does not mean they do not want support
- Poverty, destitution, NRPF, inadequate housing or homelessness are often correlated with conditions where discriminatory abuse thrives
- Political and ideological moves to the right produce discourses that are in themselves harmful, but these also impact on service provision and public attitudes
- Inadequate funding signals an absence of preventative services, culturally specific services, a thriving voluntary sector and can mean that statutory services are quicker to close casework down – all big challenges framing the previous domains in this context



What we don't/can't know from SARs

- SARs represent important learning from 'worst case' situations – it can be difficult to accurately track this learning to everyday practice, but in the absence of reporting and other data they do provide data on what may be working less well
 - Related to this, it is difficult to tell what approaches might indicate 'best practice' as SARs usually relate to practice that could have been more effective
 - SARs report on individual cases (usually – we have no thematic reviews relating to hate crime/discriminatory abuse) so it can be difficult to understand how there might be different responses to different characteristics – this is likely based on findings from SARs and literature to date relating to practitioner bias and values
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Background

Low identification – what might this mean for practice?

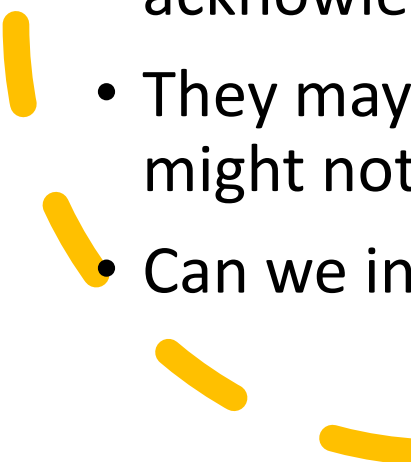
- We might be working with discriminatory abuse as forms of physical abuse or financial abuse – but if discriminatory dynamics are not acknowledged, have we fully appreciated impact and wellbeing issues?
- Low reporting may also be due to stigma given protected characteristics are involved – how do we open and build relationships to allow these conversations to occur?

Workshops with practitioners – what did they say about practice?

- Difference in confidence levels might depend on the group affected – working with ageism, disability discrimination or mental health stigma more familiar, more concern about working with religion, LGBTQ+, race
- Practitioner concern re lack of knowledge, concern about causing offence: How can we draw transferrable skills across




Identification Discriminatory Abuse 1

- How do you identify if a person participating in a safeguarding enquiry has protected characteristics? (Visible / Hidden)
 - People may have multiple protected characteristics. Intersectional approaches are therefore essential.
 - These conversations are sensitive – people may not feel able to acknowledge discriminatory experiences due to shame or embarrassment.
 - They may have experienced discrimination from professionals too – and might not trust you.
 - Can we involve advocacy, peer support, others?
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Identification Discriminatory Abuse 2

- Discrimination is experienced by many people on an everyday basis, its part of daily life. It might therefore be hard to pinpoint an experience as discriminatory or abuse. This can only be opened up in conversations about daily life, interactions in the community, relationships with others (neighbours, friends, family, professionals etc).
- Discrimination is nested within social contexts. For example, poor neighbourhood safety, poor housing or poverty may mean that people with protected characteristics do not feel able to participate or access their community safely.



Skills for Working
with
Discriminatory
Abuse:
Making
Safeguarding
Personal

‘Making Safeguarding Personal’ emphasises a person-led approach, and this can provide a vehicle for effective work with people who have protected characteristics and experience forms of abuse or neglect, where discrimination may have motivated this. This should be culturally informed, affirmative and respectful of people's protected characteristics



Skills for Working with Discriminatory Abuse: Communication Skills

This work is extremely sensitive and may be difficult to talk about (stigma / shame). This requires practitioners to engage with empathy, show understanding this sensitivity, and build rapport and supportive relationships. Some possible approaches may include:

- “People may be targeted by others because they are seen as different – possibly because of (e.g., ethnicity, sexuality, age, disability etc.). Do you think this might connect with what has happened to you?”
- “Have you ever felt unsafe because of your (e.g., ethnicity, sexuality, age, disability etc.)?”
- “You have told me that you believe (e.g., racism, homophobia, ageism, ableism etc.) may have motivated the abuse you experienced. Does this (e.g., racism, homophobia, ageism, ableism etc.) affect your ability to feel safe and to participate in your community?”
- Tell me about a day in your life... how accessible and friendly is your neighbourhood...

For all of above: Can you tell me about a time when you felt this way? Do you think this might still be happening? Do you think this might this happen in the future? Tell me more about this?

These are suggestions for starting a conversation, not a script. In discussion, if a person indicates that discrimination did not take place, practitioners should think about any barriers to disclosing this (stigma, shame, etc.) before discounting it.



Awareness of local (and national) support services

Ensure that you are aware of community services that support those with protected characteristics in your local area. Some examples include:

- Black, Asian and minority ethnic (BAME) includes a range of services that support people from Black, Asian and other minoritised ethnic communities with their mental health across the country
<https://www.mentalhealth.org.uk/a-to-z/b/black-asian-and-minority-ethnic-bame-communities>
- Lesbian, gay, bisexual and trans (LGBT+) includes information and advice, and some specialist support services for older people who are LGBTQ+ <https://www.ageuk.org.uk/information-advice/health-wellbeing/relationships-family/lgbt/>
- Disability hate crime links provides information about disability hate crime and some of the services that can help
<https://www.disabilityrightsuk.org/reporting-disability-hate-crime-links>

Take some time to find out about other services that you have locally, to support those with protected characteristics

Skills for Working with Discriminatory Abuse: Reflective Practice

- Working with discrimination involves engaging with macro and micro power dynamics, rights and inclusion – what it feels like to be able to fully participate in society without fear of othering or discrimination
- Therefore links with professional (and personal) ethics and values, as well as being open and curious about experiences you are not familiar with and change familiar ways of thinking and working
- Reflecting on our own role in potentially underestimating the importance of protected characteristics, our own values and biases and the ways in which organisational factors impact on this is important – our own practice and organisation can itself reinforce stigma – how can we guard against this?

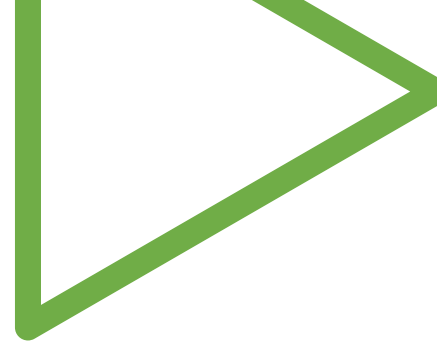



Reasonable Adjustments

People with disabilities have exactly the same rights as everyone else. Employers are legally required to make “reasonable adjustments” to help any workers or applicants with disabilities.

These reasonable adjustments may include:

- Application forms (for example, providing forms in Braille or audio formats)
- Aptitude tests (for example giving extra time to complete the tests)
- Interview arrangements (such as providing wheelchair access or communicator support)
- Making sure the workplace has the right facilities and equipment for workers with disabilities
- Terms of employment, including pay
- Work-related benefits, such as access to recreation or refreshment facilities





Discriminatory abuse is a category of abuse in safeguarding adults work, but it is rarely reported in practice.

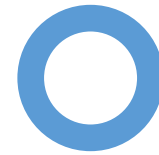
Messages from research and safeguarding adults' reviews highlight that discrimination might be obscured in practice and reporting may be low due to stigma.

This has implications for practice skills and how we approach safeguarding work where those affected by abuse or neglect also have protected characteristics.

Karl Mason

Senior Lecturer in Social Work

Department of Law and Criminology,
Royal Holloway, University of London





Ways forward?

- Scale up practitioner and organisational awareness through training, outreach and strategic activity
- Know what services exist for different groups in your local community and highlight gaps in service locally
- Understand that there is significant intersectionality and diversity within groups who experience discrimination and a one size fits all approach is not appropriate – relationship-based and person-centred care help to apply the principles of Making Safeguarding Personal so that people feel heard and understood as a first step
- Restorative justice practices may provide a vocabulary for working with people around the impact that abuse has on them holistically rather than interpersonally
- Contextual safeguarding practices can interrogate the community context in which abuse occurs rather than interrogating the person about their safety
- Categorisation is an administrative concern but using ‘discriminatory abuse’ as a category can sharpen attention to the specific dynamics underpinning physical or financial abuse AND can help us to understand the prevalence at a strategic level in order to argue for more policy attention

Good Practice Moving Forward

- Get involved with the conversation
- Ask the questions:

How do you understand issues of Discriminatory Abuse in your area / organisation?

Which communities are most affected / at risk and how?

What work are you undertaking around this type of abuse?

- Consider how you start to disseminate key messages and incorporate
across learning
- Is the Safeguarding Adults System in itself Discriminatory and if so what can you do to create change and safer cultures?

Questions?



References and Resources

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Thank you! Contact karl.mason@rhul.ac.uk for further info



Thank you!