



Keeping Swindon **Safe**



Discriminatory Abuse

28/9/22 developed by Swindon Safeguarding Partnership BSU

What is Discriminatory Abuse?

- Discriminatory abuse exists when values, beliefs or culture result in a misuse of power that denies opportunity to some groups or individuals. It can be a feature of any form of abuse of an adult.
- Discriminatory abuse is when someone picks on you or treats you unfairly because something about you is different. This can include unfair or less favourable treatment due to a person's race, gender, gender identity, age, disability, religion, sexuality, appearance or cultural background.
- It can result from situations that exploit a person's vulnerability by treating the person in a way that excludes them from opportunities they should have as equal citizens, for example, education, health, justice and access to services and protection.
- Everyone has the right to be treated equally and express and practice their beliefs and values.
- The [Care and Support Statutory Guidance](#) supports the implementation of the Care Act, 2014. This document defines discriminatory abuse as:
 - [. . .] forms of harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation, religion". (Section 14.17)
 - Discriminatory abuse is a category within the safeguarding adults policy referring to forms of abuse motivated by prejudice or bias, including against those who have [protected characteristics](#).
 - A very similar definition is used by the [Safeguarding Adults Collection](#) (which is the basis for data collection) who add that discriminatory abuse also links with [hate crime or mate crime](#). However, discrimination may be a feature or dimension of any other form of abuse (e.g., neglect arising from ageist attitudes or financial abuse due to homophobic views).

What does Discriminatory Abuse look like?

Symptoms and signs can be, but are not limited to:

- ✓ unequal treatment due to race, gender, religion, age, sexuality or disability
- ✓ verbal abuse, inappropriate language, slurs, harassment and deliberate exclusion
- ✓ denial of basic human and civil rights e.g. allowing people to follow their own spiritual or cultural beliefs or choice about their own sexuality
- ✓ failure to meet and take into account religious and cultural needs of an individual
- ✓ racist graffiti or bringing racist material (magazines, leaflets) into the vulnerable individuals home
- ✓ lack of choice
- ✓ lack of privacy and dignity
- ✓ lack of personal belongings
- ✓ use of punishment – withholding food and drink
- ✓ tendency for withdrawal and isolation
- ✓ expression of anger or frustration or fear and anxiety
- ✓ lack of disabled access
- ✓ being refused access to services or being excluded inappropriately
- ✓ Unequal treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (known as 'protected characteristics' under the Equality Act 2010)
- ✓ Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic
- ✓ Denying access to communication aids, not allowing access to an interpreter, signer or lip-reader
- ✓ Harassment or deliberate exclusion on the grounds of a protected characteristic
- ✓ Denying basic rights to healthcare, education, employment and criminal justice relating to a protected characteristic
- ✓ Substandard service provision relating to a protected characteristic
- ✓ The person appears withdrawn and isolated
- ✓ Expressions of anger, frustration, fear or anxiety
- ✓ The support on offer does not take account of the person's individual needs in terms of a protected characteristic

The examples and indicators of discriminatory abuse may take the form of any of the other types of abuse. The difference is that the abuse is motivated by discriminatory attitudes, feelings or behaviour towards an individual.



For further information view this short video clip (duration 2 minutes). Click on the image or this link to play [Safeguarding Adults - Discriminatory Abuse 2020 – YouTube](#) (March 2020)

How to deal with discriminatory abuse

- If you or someone you know faces discrimination at work based on their disability, your first port of call should be to sort out the issue informally. So talk to the employer directly. And if you can't reach a resolution this way, contact a third party such as [Citizens Advice](#).
- The process for dealing with other forms of discriminatory abuse should be similar. If you want to make a complaint, you should first approach directly the person responsible for the discrimination. You may want to use an impartial mediator to help you settle the dispute. And if this approach doesn't get you anywhere, it's time to escalate things.
- If you or someone close to you has been a victim of discrimination based on a disability, [we can advise you on where to find the support you need](#). Call us on **0115 951 5400**.

Source: [What is Discriminatory Abuse? - Ann Craft Trust](#)

- Anyone that suspects another professional or adult of abuse or neglect has a duty to refer it to the relevant employer or safeguarding agency to be investigated.
- If you need to raise a Safeguarding Adults concern, please refer to information on the SSP website - [Report a concern - Swindon Safeguarding Partnership](#) and SSP Safeguarding Adults Policy and Procedures
https://safeguardingpartnership.swindon.gov.uk/downloads/file/976/adult_safeguarding_policy_and_procedures

Learning from Safeguarding Adult Reviews

The information in the following slides is taken from [Discriminatory abuse: a briefing for practitioners | Local Government Association](#) and is based on a literature review, [Discriminatory Abuse: Time to Revive a Forgotten Form of Abuse](#), published in the Journal of Adult Protection in March 2022.

Key messages

- 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.
- This report concludes with some ideas as to how practitioners can improve their confidence when working with discrimination in safeguarding adults work.

How common is discriminatory abuse?

- There is a low rate of reporting for discriminatory abuse.
- 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 of the 399 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](#)).

Discriminatory abuse in Safeguarding Adults Reviews and Serious Case Reviews

- Several Safeguarding Adults Reviews, previously known as Serious Case Reviews, have dealt with situations where discrimination led to, or was a feature of abuse and the death of adults with care and support needs.
- The next slide provides five case summaries. These examples relate to real people's lives and are therefore sensitive, but they also provide important illustrations of why recognition of discrimination is important in safeguarding adult's work.
- This is important in view of the disparity between safeguarding adults' data and disability hate crime statistics. For a full appreciation of what happened, practitioners are encouraged to read the reports in full.

Case summaries

- ❖ **Fiona Pilkington and Francessa Hardwick:** Following ten years of severe harassment by local youths, [Fiona Pilkington](#) ended her own life and that of her 18-year-old daughter, [Francessa Hardwick](#), who had learning disabilities. The Serious Case Review was undertaken in Leicester, Leicestershire and Rutland in 2008 and pointed to multi-agency failures to identify this family as vulnerable and being targeted.
- ❖ [Steven Hoskin](#) was a 39-year-old man with learning disabilities, who was tortured and murdered in 2006 by a local gang. The Serious Case Review was undertaken in 2007 in Cornwall, and found that in spite of numerous calls to health and social care services, housing and the police, there were issues of communication and information sharing, and action was not taken to prevent his abuse and death. His decision to stop his support package was not discussed or reviewed.
- ❖ [Gemma Hayter](#) was a 27-year-old woman with learning disabilities, who experienced frequent exploitation by people known to her. Although she was known to numerous services, none of these had a full picture of her situation. A Serious Case Review was conducted in Warwickshire after her death in 2010, as a result of murder by those who she thought were her friends.
- ❖ [Peter Farquhar](#) was a retired teacher, who formed a relationship with a man he met through the local church. Although a Safeguarding Adults Review was not completed, a high-profile case review was undertaken in the Diocese of Oxford. This review discussed the lack of an open, inclusive culture around LGBTQ+ relationships in the church community. In this context, Peter was targeted by his abuser, who defrauded, emotionally manipulated and poisoned him, resulting in his murder.
- ❖ [Winterbourne View](#) : Widespread abuse of residents with learning disabilities and autism at **Winterbourne View** was uncovered in a BBC Panorama programme. The subsequent Serious Case Review highlighted an organisational culture where this abuse was permissible and highlighted multi-agency, commissioning and inspection issues.

What can we learn from the literature and research on discriminatory abuse?

Research indicates that low reporting may link with low recognition of discrimination in practice. There are several reasons why this might occur:

- Discrimination includes slurs and harassment based on protected characteristics, as per the official policy definition, but broader societal issues also make discriminatory abuse more likely, due to widening societal inequalities – for example inadequate housing or experiences of poverty ([‘Keeping control’: a user-led exploratory study of mental health service user experiences of targeted violence and abuse in the context of adult safeguarding in England](#)).
- Discrimination may not be recognised as abuse ‘in its own right’, because it manifests itself alongside/within other abuse types. As a result, the dynamics of discriminatory motives may be less recognisable than the abusive acts that are experienced, (an assault motivated by racism or homophobia may be seen as physical abuse because discriminatory motivations are difficult to identify).
- Discrimination links with protected characteristics, so fears of stigmatisation or feelings of shame may prevent people from reporting this form of abuse ([Abuse and older lesbian, gay bisexual, and trans \(LGBT\) people: a commentary and research agenda](#)).
- Discrimination is commonplace in society, and some people experience forms of discrimination on an everyday basis. Therefore, abuse may be normalised or difficult to distinguish from everyday experience, leading to low reporting ([Adult protection and effective action in tackling violence and hostility against disabled people: some tensions and challenges](#)).
- Dealing with discriminatory abuse through one-off interventions may not be effective, follow-up/preventative work regarding the potential for repeat incidences are crucial. This is because protected characteristics are usually a static factor, and the person may be targeted in a patterned way, so may remain at further risk in the community ([‘It spreads like a creeping disease’: experiences of victims of disability hate crimes in austerity Britain](#)).

Emerging messages for practice

Several messages have emerged for practitioners from this initial literature review:

- ✓ How do you identify if a person participating in a safeguarding enquiry has protected characteristics? Some of these may be visible, but others such as religion, disability or sexual orientation, may be hidden or unknown.
- ✓ Actively consider that people may have multiple protected characteristics, for example, an older person from a Black, Asian or other minoritised ethnic background who is also a gay woman with disabilities. An [intersectional approach](#) that appreciates the interaction between these characteristics is therefore essential.
- ✓ When undertaking safeguarding work with a person who has protected characteristics, it is important to sensitively identify, in partnership with the person experiencing abuse or neglect, what significance these protected characteristics may have in terms of the motivation for abuse, everyday experiences of discrimination and future risk of abuse or barriers to safety, recovery, leading a fulfilled life and overall wellbeing.
- ✓ Differences related to protected characteristics may mean that adverse experiences are more difficult to talk about or identify due to shame, stigma, language barriers or a mistrust of statutory services. Specialist, culturally specific or local voluntary sector services can be important here. This includes services offering advocacy and peer support, which should enable a person-centred and sensitive approach, that people may find more accessible.

Emerging messages for practice continued.

- ✓ Taking an inclusive approach to how discrimination manifests itself is important. Although people may experience overt and interpersonal examples of discrimination, such as the slurs or harassment mentioned in the statutory guidance, more subtle examples may occur. For example, an absence of culturally appropriate meals in a formal care setting, may indicate a lack of care about the person's needs based on ethnicity, religion, culture practice and ideological beliefs, which may be underpinned by institutional racism.
- ✓ 'Othering' attitudes, as seen above in the 'Winterbourne View' case, which seek to distance people who do not fit an assumed societal norm (such as those with protected characteristics) can be prevalent or normalised in organisations. Paying attention to this, discussing it in teams, through supervision or other forums is important.
- ✓ Consider how 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.
- ✓ '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.

Focus on Skills - How might I put this into practice?

Communication skills

Think about how to discuss protected characteristics and their interaction with safeguarding in practice, bearing in mind that this may be extremely sensitive or difficult to talk about – for example, some people will not want to draw attention to their protected characteristic due to stigma or shame. Doing this effectively requires practitioners to engage with empathy, show understanding of how this may be difficult to speak about, and to build rapport and supportive relationships to support the work.

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 your own experience and what has happened to you? (If relevant) Can you tell me more about this?”
- ✓ “Have you ever felt unsafe because of your (e.g., ethnicity, sexuality, age, disability etc.)? Can you tell me more about that? Can you remember a time when this happened? Do you think this might be true of what has happened this time?”
- ✓ “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, or meet your needs on a more general basis? Can you tell me about a time when you felt this way? (If relevant) Do you think this might still be happening? Do you think this might happen in the future?”
- ✓ Given the sensitive nature of this work, these are suggestions for starting a conversation, they should not be treated as a script, but to think about your skills. 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.

Knowledge of specialist 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.
- [Lesbian, gay, bisexual and trans \(LGBT+\)](#) includes information and advice, and some specialist support services for older people who are LGBTQ+.
- [Disability hate crime links](#) provides information about disability hate crime and some of the services that can help.

Reflective practice

Reflective practice involves reviewing your practice experiences, including the emotional content of these, and considering how you can improve your practice in future. This can be undertaken privately, in supervision or in small groups or teams. Discriminatory abuse requires thinking about power, rights and inclusion and therefore links to ethics and values. Reflecting on our practice in discriminatory abuse involves professional curiosity and a willingness to challenge familiar ways of working.

It may involve thinking through, talking about and acting on questions such as:

- ✓ How do we identify or work with those who have protected characteristics, so that discriminatory acts of abuse are explicitly addressed in our safeguarding practice?
- ✓ In what ways might discrimination be obscured in our work, and how can we use hypotheses and curiosity to uncover and consider the possibility that discrimination is motivating safeguarding issues?
- ✓ Is it possible that a person's protected characteristics could have motivated the abuse and how can we address this?
- ✓ What support do we need to improve our practice, including our knowledge of the daily experience of people from Black, Asian and minoritised ethnic communities, or groups or skills to hold the sensitive conversation that this work requires?
- ✓ How do our own values and biases influence our work, and are there areas that we feel less familiar or comfortable – how can we overcome this in order to work effectively with people who have these characteristics and identities?
- ✓ In what ways might our own practice exclude or reinforce stereotypes or stigma, faced by people with protected characteristics and what can we do to prevent this?

Further Resources

- ✓ Swindon Safeguarding Partnership Adult Safeguarding Policy and Procedure: https://safeguardingpartnership.swindon.gov.uk/downloads/file/976/adult_safeguarding_policy_and_procedures
- ✓ [Discrimination: your rights: Types of discrimination \('protected characteristics'\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/urls/discrimination-your-rights-types-of-discrimination-protected-characteristics)
- ✓ [Types of abuse: Safeguarding adults | SCIE](https://www.scie.ac.uk/resources/publications/types-of-abuse-safeguarding-adults)
- ✓ [Discriminatory abuse: a briefing for practitioners | Local Government Association](https://www.local.gov.uk/resources/publications/discriminatory-abuse-a-briefing-for-practitioners)
- ✓ [Discriminatory Abuse | Thurrock SafeGuarding Adults \(thurrocksab.org.uk\)](https://www.thurrocksab.org.uk/resources/publications/discriminatory-abuse)
- ✓ [Discriminatory abuse – Safeguarding Adults York](https://www.york.gov.uk/resources/publications/discriminatory-abuse-safeguarding-adults)
- ✓ [What is Discriminatory Abuse? - Ann Craft Trust](https://www.anncrafttrust.org.uk/resources/publications/what-is-discriminatory-abuse)
- ✓ [SaferNEL | Discriminatory abuse - SaferNEL](https://www.safernel.org.uk/resources/publications/discriminatory-abuse)