



Dudley Safeguarding  
People Partnership

## **Safeguarding vulnerable dependent drinkers**

Amongst the population of dependent drinkers is a smaller group of drinkers whose alcohol dependency is particularly entrenched and chronic.

However, an even smaller sub-group is particularly vulnerable and faces significant safeguarding risks, to themselves and others.

Without action, these people and those around them can experience serious dangers, including neglect, abuse, and untimely deaths. This group of people often requires more robust support, by using legal powers.

Practitioners have consistently reported that they are aware that certain legal frameworks, such as the Care Act 2014, Mental Capacity Act 2005 and Mental Health Act 2007, could be used to help these people, but that they are unsure how to use those powers properly, proportionately and confidently.

There are three pieces of legislation that can be applied to chronic, highly vulnerable, dependent drinkers so as to improve outcomes for them, their families and their communities.

### **Who we are talking about**

By dependent drinkers, we are talking about those people with an alcohol addiction and who are, primarily, drinking at levels that mean they are physically dependent and would require managed withdrawal.

By chronic dependent drinkers, we are talking about people who have been alcohol dependent for a long time, often decades.

By highly vulnerable chronic dependent drinkers, we mean those people who present a very

high level of risk to themselves and others partly as a result of their drinking and its long-term negative effects on their well-being.

### **The importance of challenging alcohol dependence as a 'lifestyle choice'**

Since 2017, Safeguarding Adult Reviews (SARs) have regularly identified the problematic tendency amongst some professionals and practitioners to assume that the people who died had made 'a lifestyle choice'. This assumption can lead to a failure to explore the deeper problems driving their patterns of behaviour. Chronic, highly vulnerable, dependent drinkers may not have a diagnosed mental illness such as schizophrenia, but they are often functionally mentally disordered at a level where freedom of choice over their behaviours is largely absent.

Not using legal powers may be seen as respecting their personal choice, but in reality it may be allowing them to “*die with their rights on*”

Alcohol dependence is a significant factor in serious case reviews. Alcohol features in over 50% of domestic homicide reviews and up to 70% of inquiries into homicides by mentally ill people.

Alcohol Change UK’s report [Learning from Tragedies](#) highlighted 11 deaths of vulnerable adults from 2017 where alcohol misuse was a significant issue. These people were often highly vulnerable, dependent drinkers and the reviews highlighted their vulnerability and social exclusion.

Better use of legal powers could enable us to intervene, safeguard and save lives.

In one example a man was estimated to have cost the health and fire services £138,000 in just one year.

An alcohol outreach service in the south east of England identified someone who was costing public services £250,000 in a year.

The three main pieces of legislation that can be used to protect and support chronic, highly vulnerable, dependent drinkers:

- The Care Act 2014 (England) or the Social Services and Well-being (Wales) Act 2014
- The Mental Capacity Act 2005 (England and Wales)
- The Mental Health Act 1983 (amended 2007) (England and Wales)

### **How does the Care Act 2014 apply to dependent drinkers?**

- The Care Act 2014 applies to people with alcohol problems.
- Dependent drinkers with care and support needs have a right to assessment under the Act and, if they meet certain criteria, the right to have those needs met.
- Dependent drinkers with care and support needs who are, or at risk of being, abused or neglected, or being victims of self-neglect, require safeguarding by local authorities.
- Self-neglect (and/or living with abuse and exploitation) should never be regarded as a ‘lifestyle choice’.
- Safeguarding alerts should be submitted to the local authority about such cases.
- Local authorities have a duty to make enquiries, or cause others to do so, if they believe an adult is experiencing, or is at risk of, abuse or neglect.
- An enquiry should establish whether any action needs to be taken to stop or prevent abuse or neglect, and if
- so, by whom.
- In the wake of a serious incident, a Safeguarding Adult Board (SAB) may arrange for a Safeguarding Adults
- Review involving an adult in its area with needs for care and support. In certain circumstances an SAB has a duty to do so.

## How could The Mental Capacity Act 2005 be used?

- The Mental Capacity Act 2005 does apply to people with mental impairments due to the symptoms of alcohol or drug use.
- The compulsion associated with an addictive behaviour can be seen as overriding someone's understanding of information about the impact of their drinking. This can imply a lack of capacity.
- Executive capacity should be included explicitly in assessments, linked to the person's ability to use and weigh information.
- The presence of coercion may render a person unable to make a material decision at a relevant point in time. Both the Mental Capacity Act 2005 and the High Court's inherent jurisdiction should be considered in such circumstances.
- If uncertain whether and how to proceed in a person's best interests, the case should be presented before a judge, with care and safeguarding plan options.

## The Mental Health Act 1983 (amended 2007)

- The Mental Health Act (2007) defines a mental disorder as "*any disorder or disability of the mind*".
- The Act's definition of a mental disorder includes: "*Mental and behaviour disorders caused by psychoactive substances*".
- It is possible to detain someone under the Act if they have disordered mental functioning due to chronic drinking.
- Such actions are likely to be rare and current practice does not make much use of this option. It should be a last resort and represent the least restrictive option now available to meet the person's treatment needs.
- Models of interventions in the detained setting are available in other countries.
- The challenge in England and Wales is that there needs to be a facility in which this treatment can occur.
- This may need to be purchased from the private sector if places cannot be made available in the local context.

Read the full report at:

<https://alcoholchange.org.uk/publication/how-to-use-legal-powers-to-safeguard-highly-vulnerable-dependent-drinkers>