



Safeguarding Adults Procedures

Multi Agency Procedures for the Protection of Adults with Care and Support Needs in Bournemouth, Dorset and Poole

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Introduction

These procedures have been produced collaboratively between the Local Authorities of Bournemouth, Dorset and Poole together with partner agencies.

They are governed by a set of key principles and themes, to ensure that people who are at risk of abuse, harm, neglect and exploitation have help and support in a way that is sensitive to their individual circumstances, is person centred and outcome focused.

The key principles which will inform the ways in which professionals and other staff work with adults are as follows:

- ▶ Empowerment: people being supported and encouraged to make their own decisions, presumption of person led decisions and informed consent.
- ▶ Prevention: wherever possible the aim will be to take action before harm occurs and ensure early engagement with all relevant people.
- ▶ Proportionate: Response appropriate to the risk presented; least intrusive response where possible
- ▶ Protection: support and representation for those in greatest need.
- ▶ Partnership: local solutions through services working with the individuals communities. Ensure engagement with local communities to prevent, detect and report abuse.
- ▶ Accountability: transparency in delivering safeguarding and of a quality that is worthy of scrutiny, i.e. the Courts, Peer Review etc.

'Wellbeing' principle

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person. This is sometimes referred to as "the wellbeing principle" because it is a guiding principle that puts wellbeing at the heart of care and support.

The wellbeing principle applies whether carrying out care and support functions, or making a decision, or safeguarding. It applies to adults with care and support needs and their carers.

"Wellbeing" is a broad concept, and it is described as relating to the following areas in particular:

- ▶ personal dignity (including treating people with respect);
- ▶ physical and mental health and emotional wellbeing;
- ▶ protection from abuse and neglect;
- ▶ control by the individual over day-to-day life (including care and support and the way it is provided);
- ▶ participation in work, education, training or recreation;
- ▶ social and economic wellbeing;
- ▶ domestic, family and personal relationships;
- ▶ suitability of living accommodation;
- ▶ the individual's contribution to society.

Promoting "wellbeing" means actively seeking improvements, for the adult with care and support needs (regardless of whether they have eligible needs or not) and informal carers.

This approach informs planning of individual care packages, delivery of universal services and strategic planning. Service commissioners and providers should assume that individuals are best placed to judge their own wellbeing and be respectful of their individual views, beliefs, feelings and wishes. The wellbeing principal also applies to carers, and where tension exists this will have to be discussed and reconciled, if possible.

For the purposes of these procedures, promotion of wellbeing should be considered at all times and particularly in cases where the decision is made that a concern may not constitute a statutory Enquiry. Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect and the purpose of this document is to guide people and organisations to identify and respond appropriately when adults may be at risk of harm, abuse or self neglect.

Safeguarding services will promote wellbeing not only in these circumstances but through offering advice and guidance to organisations whose practices could lead to harm about how to prevent this arising in the first place.

A Glossary of Terms can be found at [Appendix 1](#).

Definitions

Criteria

These procedures apply where the Local Authorities make Enquiries or require others to do so on their behalf if they reasonably suspect an adult meets the following criteria;

- ▶ Has needs for care and support (whether or not the Local Authority is meeting any of these needs) and;
- ▶ Is experiencing, or at risk of, abuse or neglect; and
- ▶ As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- ▶ Organisations continue to have a duty of care to adults who purchase their own care independently i.e. self funders.

Harm: For the purpose of these procedures, the term harm is defined as:

- ▶ A single act or repeated acts.
- ▶ An act of neglect or a failure to act.
- ▶ Multiple acts, for example, an adult at risk may be neglected and also being financially harmed.
- ▶ Self neglect (see also Appendix 2)

This can mean:

- ▶ Ill treatment (including sexual harm and forms of ill treatment which are not physical).
- ▶ The impact of not providing care, providing inappropriate care or other actions which are detrimental to health, wellbeing, maintaining independence and choice
- ▶ The impairment of, or an avoidable deterioration in physical or mental health and/or
- ▶ The impairment of physical, intellectual, emotional, social or behavioural development.
- ▶ Allegations against people in positions of trust.

Intent is not an issue at the point of deciding whether an act or a failure to act is harm; it is the impact of the act on the person and the harm or risk of harm to that individual. Harm can take place anywhere. Harmful acts may be crimes and informing the Police must be a key consideration.

Categories of Harm

Physical abuse: including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

Domestic violence and abuse: new definition

The cross-government definition of domestic violence and abuse is; any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

The abuse can encompass, but is not limited to:

- ▶ psychological
- ▶ physical
- ▶ sexual
- ▶ financial
- ▶ emotional

▷ **Controlling Behaviour**

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

▷ **Coercive Behaviour**

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Forced Marriage: Although forcing someone into a marriage and/or luring someone overseas for the purpose of marriage is a criminal offence the civil route and the use of **Forced Marriage Protection Orders** is still available. These can be used as an alternative to entering the criminal justice system. It may be that perpetrators will automatically be prosecuted where it is overwhelmingly in the public interest to do so, however victims should be able to choose how they want to be assisted

Exploitation by radicalisation: The Home Office leads on the anti-terrorism PREVENT strategy, of which CHANNEL is part (refer to www.gov.uk for information). This aims to stop people becoming terrorists or supporting extremism. All local organisations have a role to play in safeguarding people who meet the criteria.

- ▶ Contact should be made with Dorset Police regarding any individuals identified who present concern regarding violent extremism.

Sexual abuse: including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting or does not have the mental capacity to consent.

Sexual exploitation: The term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. It may be very important in specific cases to be clear about the context in which concerns about sexual exploitation arise. Some individuals may have been groomed as children or young people. Others may be engaged as sex workers so are at risk because they are threatened or coerced, have drug dependencies and/or mental health needs. People with learning disabilities may be led into harm because of perceptions they are being offered friendships. (See Safeguarding Adults Board website for detailed report from September 2016).

Psychological abuse: including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Financial or material abuse: including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Modern Slavery

Modern Slavery includes; human trafficking, forced labour and debt bondage, sexual exploitation, criminal exploitation, domestic servitude, descent-based slavery, child labour, slavery in supply chains, and forced and early marriage.

▷ **Human Trafficking**

The definition of human trafficking is the illegal movement of people through forced, fraud or deception with the intention of exploiting them, typically for the purposes of forced labour or sexual exploitation.

Men, women and children are forced into a situation through the use (or threat) of violence, deception or coercion. Victims may enter the UK legally, on forged documentation or secretly under forced hiding, or they may even be a UK citizen living in the UK who is then trafficked within the country however it should not be confused with people smuggling, where the person has the freedom of movement upon arrival in the UK.

There is no 'typical' victim of human trafficking and modern slavery. Victims can be men, women and children of all ages, ethnicities, nationalities and backgrounds. It can however be more prevalent amongst the most vulnerable members of society, and within minority or socially excluded groups.

Discriminatory abuse: including forms of harassment, slurs or similar treatment because of race, gender and gender identity, age, disability, sexual orientation or religion.

Internet/cyberbullying: can be defined as the use of technology, and particularly mobile phones and the internet, to deliberately hurt, upset, harass or embarrass someone else. It can be an extension of face-to-face bullying, with the technology offering the bully another route for harassing their victim, or can be simply without motive.

Cyberbullying can occur using practically any form of connected media, from nasty text and image messages using mobile phones, to unkind blog and social networking posts, or emails and instant messages, to malicious websites created solely for the purpose of intimidating an individual or virtual abuse during an online multiplayer game.

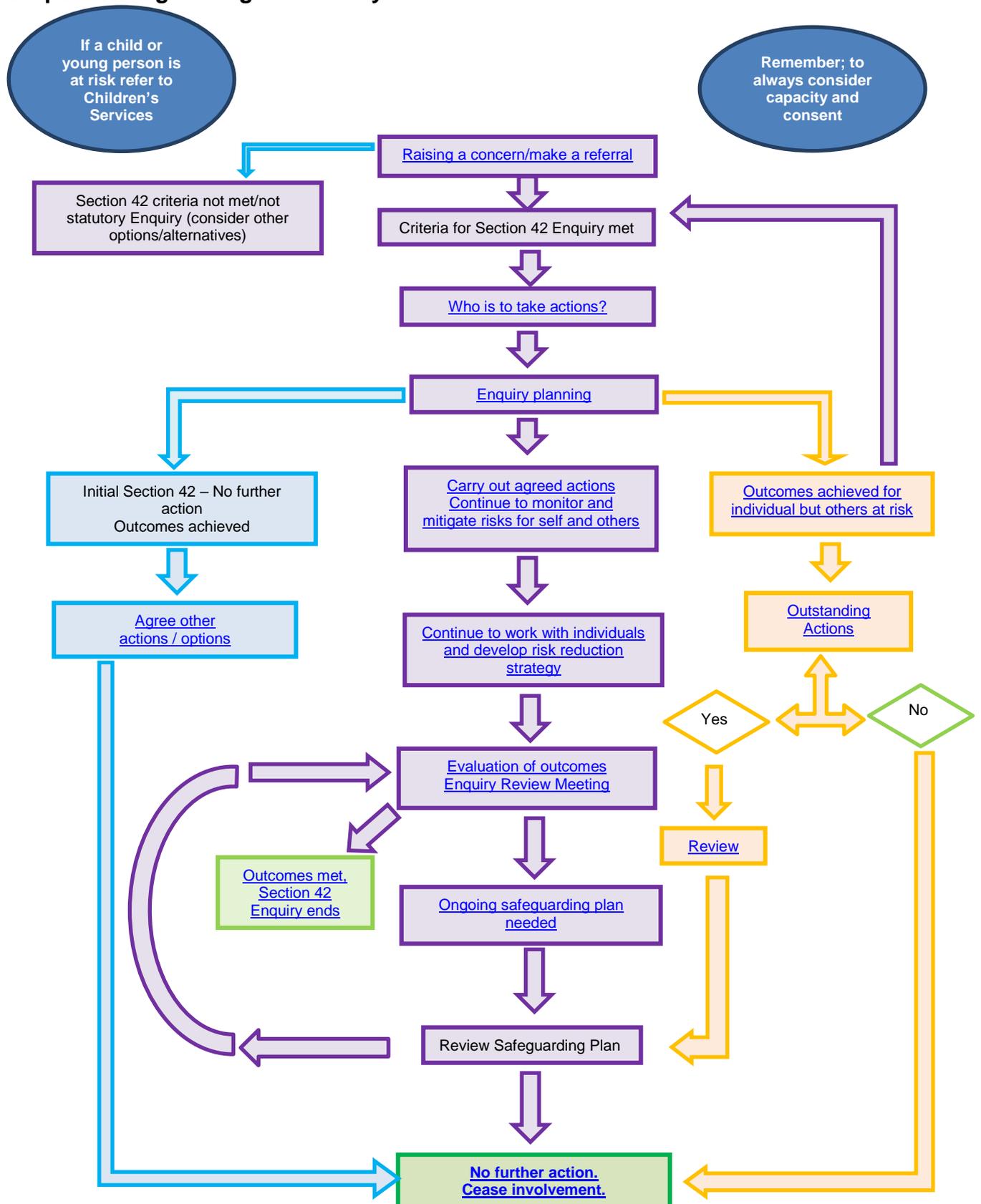
Organisational abuse: including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in a person's own home. This may be a one off incident or on-going ill-treatment. It can refer to neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Neglect and acts of omission: includes ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, equipment, the withholding of the necessities of life, such as medication, adequate nutrition and heating

Self-neglect and hoarding: This includes a broad spectrum of behaviour. The Care Act 2014 statutory guidance defines self neglect as: "a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding". Self neglect is recognised as the failure or unwillingness by an individual to meet their own basic care needs required to maintain health. It should be noted that self-neglect or hoarding may well not prompt a Section 42 Enquiry. An assessment should be made on a case by case basis. A decision on whether a response is required under Safeguarding will depend on an adult's ability to protect themselves by controlling their own behaviour. There may come a point when they are no longer able to do this, without external support.

For more information and guidance about supporting a person who is self-neglecting or hoarding see [Appendix 2](#) – Self Neglect Guidance and suggested templates for screening and assessment and more detailed separate guidance produced by the SABs for organisations who could be involved in responding.

Steps to Safeguarding – Summary Flowchart



► NB: A section 42 Enquiry can be closed at any point where a decision is reached that risks are being managed and the person is satisfied with the outcomes.

Quick guide to flow chart

When to raise a concern

A concern should be raised when there is reason to believe an adult at risk may have been, is, or might be the subject of harm, abuse or neglect by any other person or persons. This may include anyone self neglecting.

Urgent actions will be taken to safeguard anyone at risk of immediate harm if any of the following concerns are apparent:

- ▶ active abuse is witnessed, or
- ▶ an active disclosure is made by an adult or third party, or
- ▶ there is suspicion or
- ▶ fear that something is not right or there is evidence of possible abuse or neglect.

In circumstances where there are significant high immediate risks a response will be followed up within the same day.

Whilst reporting a concern to the local safeguarding team it is important that anyone who is aware of a concern must also consider if the risk or experience of immediate serious harm is so severe that urgent action is required to prevent this.

Dealing with historic allegations of abuse or where the adult is no longer at risk:

One of the criteria for undertaking a statutory Enquiry under the Care Act Section 42 duty is that the adult is “experiencing, or is at risk of, abuse or neglect”. Concerns relating to historic abuse e.g. historic child abuse (historic meaning not previously subject to an Enquiry/followed up) or neglect where the person is no longer at risk will not be the subject of statutory Enquiry under these procedures, but further action under different processes may be needed and also whether they require criminal or other Enquiry through parallel processes (e.g. complaints, inquests, regulatory, commissioning, health and safety investigations).

All such historic concerns will be considered to determine whether they demonstrate a potential current risk of harm to other adults, children or young people; where appropriate these will be referred to the Police or Children’s Services.

Where an adult safeguarding concern is received for an adult who has died the same considerations will apply and an Enquiry will be made where there is a clear belief that other identifiable adults are experiencing, or are at risk of, abuse or neglect.

In cases where an adult has died, suffered serious abuse, neglect or harm, or the Safeguarding Adult Review (SAR) panel deem it appropriate to do so a SAR may be considered. The local Business Manager for each Safeguarding Board can advise.

Section 42 Enquiry.

A statutory Section 42 Enquiry refers to the local authority being in receipt of information about an individual aged 18 or over who has care and support needs (whether or not these needs meet the National Eligibility criteria) and is unable to protect themselves and the local authority is satisfied there are concerns the person is experiencing or at risk of harm, abuse or neglect and therefore an Enquiry is needed in order to ensure the person is enabled to keep safe. This applies to those who are cared for and their carers.

Section 42 Enquiry criteria not met

If not met consider other options such as signposting, assessment of need and referral to other services in order to prevent deterioration and promote independence, health and wellbeing. This could result in an “Other Safeguarding” enquiry. See page 21 for more details.

Who is to take actions?

It is important that at the earliest possible stage the relevant local authority team consults with the person to find out what they want to happen or ensures this is undertaken by another person/agency.

Once the local authority decides a Section 42 Enquiry is required, there are a range of options about who can undertake the Enquiry.

The local authority must decide, after consultation, who will do this; but retains responsibility for coordinating and monitoring the Enquiry in relation to achieving the person's desired outcomes and supporting the management of the risk.

The organisation or individual that is required to undertake the Enquiry should be agreed with the adult concerned where possible. The person/s appointed will be known as the [Nominated Enquirer/s](#) (NE) in each case.

There is no definitive list of who can be required to undertake an Enquiry, but could include:

- ▶ The local authority
- ▶ Employer
- ▶ Care Quality Commission
- ▶ Contracts monitoring
- ▶ Police
- ▶ Health Care Professionals
- ▶ Support workers
- ▶ Other providers in a persons life
- ▶ Housing
- ▶ Any other agency as deemed appropriate

The local Trading Standards Services: It should be noted that the Trading Standards in Bournemouth, Dorset and Poole and Dorset Police have jointly produced a Protocol approved by the Safeguarding Adults' Boards which sets out how they will work together on safeguarding concerns. Agencies will find it helpful to refer to Page 7 of the Memorandum of Understanding particularly which sets out when the local authority should refer to both Trading Standards and the Police. See [Appendix 21](#).

In all Section 42 Enquiries the Local Authority will allocate a [Safeguarding Adults Practitioner](#) (SAP) This person is likely to be a local authority employee and will fulfil the council's responsibilities for monitoring and coordination as necessary. This person may also be the NE for specific actions and there may also be other NE's.

For local NHS Services provision the local authority will contact the Safeguarding Adults lead for the NHS service provider to request that they make arrangements for the most appropriate member of staff to carry out the enquiry and produce a report. The local authority will indicate where possible the person's mental capacity and views about the issue being enquired about, the themes and specific concerns which need to be addressed and provide information about the dates or period to be considered by person appointed

The NE will be expected to complete an NE report detailing the findings of this part of the enquiry. This report will be shared with the appropriate Safeguarding Adults SAP who has been appointed to the enquiry.

Next steps plannedEnquiry planning

It is imperative to directly consult with the person to confirm what outcomes they want to achieve and what support they may need to keep safe and to manage risks. This is the initial Safeguarding Plan, depending on the circumstances the format for recording this will vary, i.e. practitioners may use a Nominated Enquirer Report, Risk Assessment or other suitable documents.

Through this discussion, the SAP/NE (as appropriate) may agree with the person that other individuals and/or agencies need to be involved in the planning discussions and to take forward the responses.

It may be possible to plan responses through a series of telephone calls or one to one discussions but it may be necessary to convene an Enquiry Planning Meeting (EPM) to agree a clear response plan and actions. See [Appendix 3](#)

The NE's (person/people nominated to undertake the Enquiry) must keep appropriate records (i.e. chronological notes) and ensure the SAP is updated.

If the person does not wish to proceed with the Enquiry or their desired outcomes can be met at this point the Enquiry can be closed. If an agency thinks that others are at risk of harm or abuse, the Enquiry continues.

Carry out agreed actions, continue to monitor and mitigate risks to the adult at risk and others

Whilst the list is not exhaustive some actions that may be relevant and must be agreed with the person and/or their representative/advocate are:

- ▶ Seek consent/agreement from the person at risk of harm, where possible.
- ▶ Capacity assessment if deemed necessary
- ▶ Invoke interim safeguarding plan e.g. safe haven, person alleged to have caused harm arrested.
- ▶ Joint interview with police. If further information is required on achieving best evidence in criminal proceedings refer to http://www.cps.gov.uk/publications/docs/best_evidence_in_criminal_proceedings.pdf
- ▶ Consider if other procedures need action at the same time e.g. complaints process, disciplinary process, contracts monitoring, assessment/review, referral to Children's Services

It is necessary for the NE and/or the allocated SAP to periodically review the situation and interim safeguarding plan with the person and others involved to:

- ▶ ensure risks are managed as effectively as possible
- ▶ ensure agreed actions are progressing
- ▶ to agree further actions as necessary
- ▶ to make a record of the actions decided

It may be possible to achieve this through a series of telephone calls or small meetings; the need for larger multi agency meetings is left to professional judgement.

To develop strategies to reduce/manage risk whilst continuing to work with the individual

Continue to work with the person to meet their desired outcomes. It is important to emphasise that the person may choose not to engage with services or plans even though the agencies involved think they could help keep the person safe.

Whilst it is vital to respect the person's views other factors may have to be considered such as whether a capacity assessment is necessary.

Expect to plan for and convene an Enquiry Review Meeting (ERM) at which all relevant reports/accounts can be considered.

Evaluation of outcomes – Enquiry Review Meeting

Either at or following the ERM the NE or allocated SAP must evaluate with the person the extent to which desired outcomes have been met and review if an ongoing safeguarding plan is needed. The person must be given every opportunity to say what she/ he thinks about their experience of this Enquiry.

The local authority and other agencies involved in the Enquiry must also be satisfied that the individual(s) are safe and that risks to others are minimised, reduced or removed.

Review plan

Agree with the person when it is appropriate to review the safeguarding plan and who needs to be involved. Agree timescales including a decision to convene a further ERM.

Closing a Safeguarding Section 42 Enquiry

If no further action is required regarding the specific Safeguarding Enquiry then the [case should be closed](#). A decision to close the Section 42 Enquiry will be made by the Local Authority or the Police. Ensure the person who raised the concern is aware of the outcome within the limits demanded by confidentiality.

Outcome achieved for individual but others at risk

Individual's outcomes have been met and they are safe.

If there are other people at risk or outstanding actions further steps need to be taken by the local authority and Section 42 duty should continue.

If other people are at risk, consideration needs to be given to whether further Section 42 Enquiries need to be made for those individuals and there may need to be a whole service review under a Section 42 Enquiry. See [Appendix 13](#).

Outstanding actions

It may be necessary to convene an EPM to consider and evaluate further actions required, to agree who will undertake these and to ensure the person/people are in agreement. Mechanisms for reviewing and monitoring must also be agreed.

Other actions requiring local authority or other agency involvement may include the following:

- ▶ CQC inspection
- ▶ Contract monitoring
- ▶ Care management
- ▶ Disciplinary action
- ▶ Trading standards
- ▶ Multi Agency Risk Assessment Conference (MARAC) referral

This list is not exhaustive.

Review

It may be necessary to convene an ERM to review outcomes of actions taken. Monitoring must continue until all agreed actions are achieved.

Section 42 Enquiry ends, outcomes achieved

In circumstances where the person decides that they do not want a formal Enquiry to proceed and no other person is at risk and the council is satisfied that no further action needs to be taken the Section 42 Enquiry can be closed.

Outcomes may be met through a variety of ways and risks will have been addressed. The proper advice will be given to people about the options available to them.

Below is a list of possible options, interventions or actions that could be considered. There may be others depending upon the individual circumstances. It is important for practitioners to use their professional judgement when thinking about what is best for the individual:

- ▶ Advice and signposting ([My life my care](#))
- ▶ Assessment and care and support planning under Section 9 of the Care Act 2014 including the use of individualised budgets
- ▶ Referral to other agencies e.g. housing, IDVA, health, advocacy, etc.
- ▶ Guardianship/use of Mental Health Act 2007
- ▶ Restriction/management of access to person alleged to have caused harm
- ▶ Referral to Multi Agency Risk Assessment Conference (MARAC)
- ▶ DoLS authorisation
- ▶ Use of complaints procedure
- ▶ A safeguarding plan should be discussed, agreed (where possible) and given to the adult at risk to try to ensure they remain safe and that their wellbeing is promoted. The individual may choose not to accept or follow this plan.

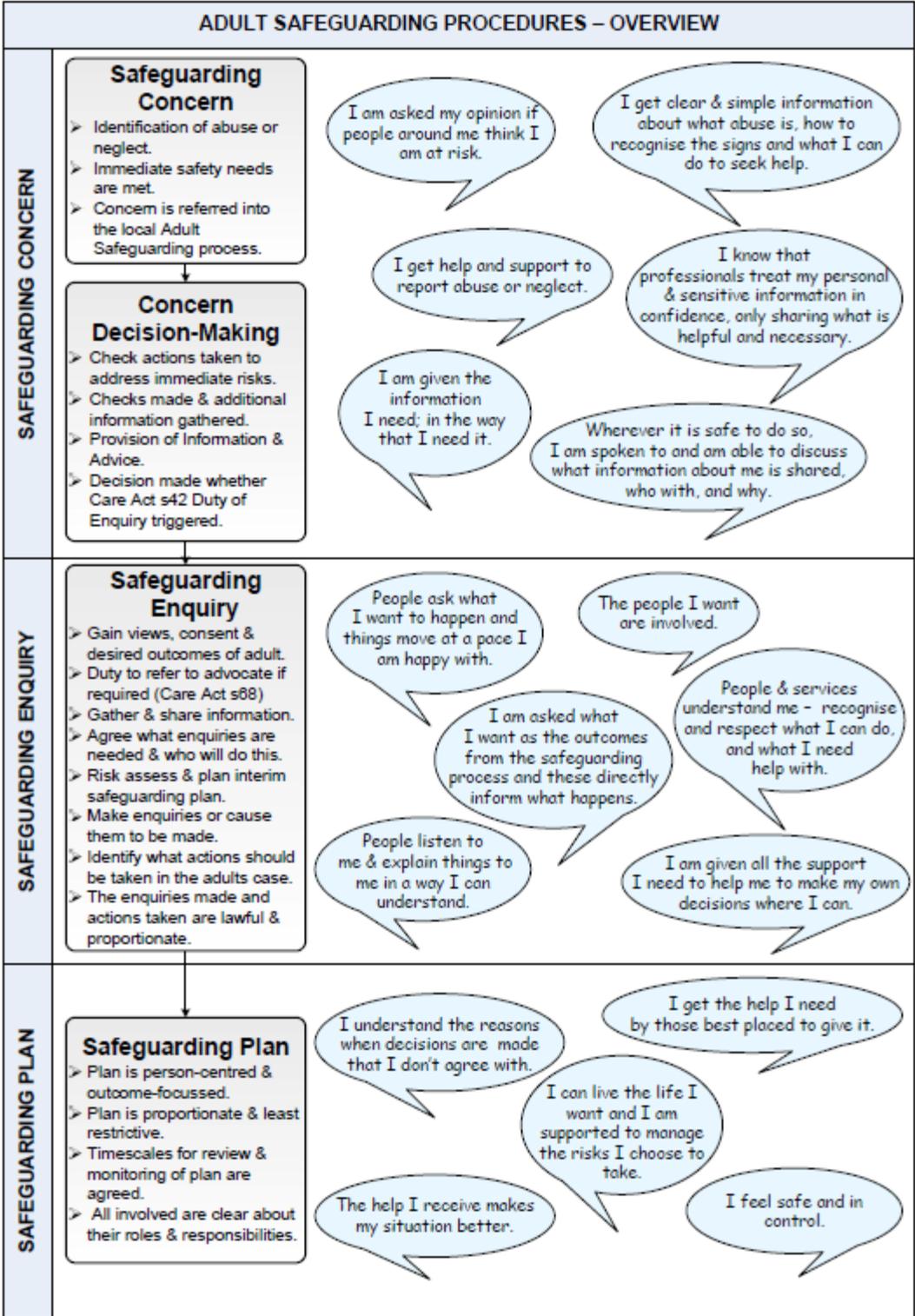
- ▶ Consideration will need to be given about how the safeguarding plan can be shared.
- ▶ Whenever possible provide feedback, even if only in outline, to the person or organisation who reports the concern in the first place.

Complaints

It is possible that the adult at risk or their representative may be dissatisfied with the safeguarding process. If they complain this should be considered by the relevant local authority that will signpost to the appropriate agency or have responsibility to deal with it themselves.

Overview Flowchart – The Persons Perspective

This flowchart sets out a series of prompts both relating to the actions which agencies and organisations are responsible at each stage of the safeguarding activity shown on the left and what the individual/s can expect shown on the right. It can be used as a reference tool.



Thank you to West Midlands Safeguarding Adults Policy and Procedures Group for sharing the above flow chart with us.

Detailed Guidance on Progressing Safeguarding Enquiries

Raising a Concern

A concern will be raised when there is reason to believe an adult at risk may have been, is, or might be the subject of harm, abuse or neglect by any other person or persons. Self neglect can be reported as a concern but may well not be dealt with via Safeguarding - see Appendix 2 and separate Guidance issued by the SABs. The local authority will determine if the concern meets the criteria for a Section 42 Enquiry and if not, what other actions may be taken. It is acknowledged that the route this information is received by the Local Authority could vary and for example may come from a third party source where no action has been taken. **However doing nothing is not an option.**

Actions to be taken when harm is directly observed or disclosed by the individual

When harm is directly observed, effort should be made by the observer to ensure the individual is safe and then urgent steps taken to report to the Local Authority. Also the Police if a crime appears to have been committed.

It is vital to listen carefully to what the person is saying, reassure them they will be involved in decisions about what will happen and get as clear a picture as possible but avoid asking too many questions at this stage. Then you must be assured the individual is safe from harm or any further harm. This may mean contacting any/all of the emergency services.

- ▶ Accept what the person is saying – do not question the person or get them to justify what they are saying – reassure the person that you take what they have said seriously.
- ▶ Don't 'interview' the person; just listen carefully and calmly to what they are saying. If the person wants to give you lots of information, let them. Try to remember what the person is saying in their own words so that you can make a record.
- ▶ You can ask questions to establish the basic facts, but try to avoid asking the same questions more than once or asking the person to repeat what they have said- this can make them feel they are not being believed.
- ▶ Don't promise the person or others that you'll keep what they tell you confidential or "secret". Explain that you will need to tell another person but you'll only tell people who need to know so that they can help.
- ▶ Reassure the person that they will be involved in decisions about what will happen.
- ▶ Do not be judgemental or jump to conclusions.
- ▶ If the person has specific communication needs, provide support and information in a way that is most appropriate to them.
- ▶ There must be an assumption that the individual has capacity. Where there is doubt it may be necessary to undertake a full capacity assessment including issues of duress and coercion.

Careful consideration will need to be given regarding who else needs to know about the concern. The concern should not be discussed with the person alleged to have caused harm.

Making a Written Record

As soon as possible on the same day, make a chronological written record of what you have seen, been told or have concerns about. Try to make sure anyone else who saw or heard anything relating to the concern also makes a written record.

The written record will need to include:

- ▶ the date and time of the disclosure, or when you were told about or witnessed the incident/s,
- ▶ who was involved, any other witnesses including service-users and other staff,
- ▶ exactly what happened or what you were told, in the person's own words, keeping it factual and not interpreting what you saw or were told,
- ▶ the views and wishes of the adult,
- ▶ the appearance and behaviour of the adult and/or the person making the disclosure,
- ▶ any injuries observed,
- ▶ any actions and decisions taken at this point,

- ▶ any other relevant information, e.g. previous incidents that have caused you concern.

Remember to:

- ▶ Wherever possible and practicable seek the persons consent to raise the concern. Where the person raises objections and there are significant risks, or if other adults or children could be at risk, it may be necessary to override their expressed wish not to consent.
- ▶ include as much detail as possible,
- ▶ make sure the written record is legible, written or printed in black ink, and is of a quality that can be photocopied,
- ▶ make sure you have printed your name on the record and that it is signed and dated,
- ▶ keep the record factual as far as possible. However, if it contains your opinion or an assessment, it should be clearly stated as such and be backed up by factual evidence. Information from another person should be clearly attributed to them.
- ▶ keep the record/s confidential, storing them in a safe & secure place until needed.

When a Crime is suspected

If a crime is suspected it is critical that the Police are informed. Try not to disturb the scene as it may be important for the Police to collect forensic evidence. If in any doubt ask the Police for advice.

In cases where there may be physical evidence of crimes (e.g. physical or sexual assault), **contact the Police immediately**. Ask their advice about what to do to preserve evidence.

See [Appendix 9](#) – Information Sharing

As a guide:

- ▶ Where possible leave things as and where they are. If anything has to be handled, keep this to an absolute minimum;
- ▶ Do not clean up. Do not touch anything you do not have to. Do not throw anything away which could be evidence;
- ▶ Do not wash anything or in any way remove fibres, blood etc;
- ▶ Preserve the clothing and footwear of the victim;
- ▶ Preserve anything used to comfort or warm the victim, e.g. a blanket;
- ▶ Note in writing the state of the clothing of both the victim and person alleged to have caused the harm. Note injuries in writing. As soon as possible, make full written notes on the conditions and attitudes of the people involved in the incident;
- ▶ Take steps to secure the room or area where the incident took place. Do not allow anyone to enter until the Police arrive.
- ▶ If you believe that evidence, such as patient notes will be destroyed or collected, advise the Police immediately.

In addition, in cases of sexual assault:

- ▶ Preserve bedding and clothing where appropriate, do not wash;
- ▶ Try not to have any personal or physical contact with either the victim or the person alleged to have caused the harm. Offer reassurance and comfort as needed, but be aware that anyone touching the victim or source of risk can cross contaminate evidence

Professionals must contact Dorset Police Safeguarding Referral Unit (SRU). Contact Children's Social Care if a child/children are also at risk.

Whilst the above is necessary as an initial action, it is also vital to report the concern to the Safeguarding Adults contact point within the council, details on Page 5.

Raising Concerns with the Police

Dorset Police is resolute in its commitment to tackling all forms of crime against adults at risk. Every member of the community deserves protection from exploitation and harm by those entrusted with their care and the people they should be able to rely on to keep them safe.

People raising a concern must make it clear whether they are reporting a crime or suspected crime, or seeking advice. Discuss with the relevant authority's Adult Social Care safeguarding service who will advise. **In an emergency call the Police on 999.**

The Police will ask:

- ▶ Who is reporting the concern?
- ▶ What crime is suspected of being committed? Further information can sometimes be obtained in a joint visit.
- ▶ What did the adult at risk say happened?
- ▶ Who is alleged to have caused the harm?
- ▶ What else is known and who else saw it or knew about the incident?
- ▶ What is recorded in day to day records, if these exist? (The Police can only seize records after an arrest is made or on authority of a Court Order)
- ▶ Did the adult at risk give consent for the action (e.g. taking money or article)?
- ▶ Do they have the capacity to give that consent and were they under influence or duress?
- ▶ What does the person want to happen? Do they want the Police involved?

Partner agencies should contact the Safeguarding Referral Unit via email SRU@dorset.pnn.police.uk. This office is staffed 0800 to 1800 Monday to Friday.

Once the referral is sent then a telephone discussion can take place by phoning 01202 222229. The Safeguarding Referral Unit will facilitate early strategy discussions which will decide if the referral is suitable for joint Adult Social Services and Police investigation or single agency action.

A trained police officer will be responsible for arranging any forensic examination that is required. This will normally be conducted at Shores (a Sexual Assault Referral Centre). However, if this is not appropriate the officer will make arrangements for the examination to be facilitated elsewhere.

The Police will always determine whether a criminal investigation is required and decide which department will undertake the investigation. It is likely that offences against the person which are complex and serious will be investigated by the Criminal Investigation Department and lesser offences of concern to a local area will be dealt with by Neighbourhood Policing Teams (NPT). Criminal investigation by the Police will take priority over all other lines of Enquiry. However, safeguarding the adult at risk is of prime importance throughout the investigation.

Professionals must ensure the adult at risk is involved, consulted and consent gained unless any of the following apply:-

Other people or children could be at risk from the person causing harm.

- ▶ It is necessary to prevent crime.
- ▶ Where there is a high risk to the health and safety of the adult at risk.
- ▶ The person lacks capacity to consent, is under duress or being coerced.

If in doubt discuss this with the Local Authority or the Police.

Anonymous reporting & protecting anonymity

Anonymous reporting: It is preferable to know who is reporting a concern. It can make it more difficult to follow up concerns if the identity or contact details of the referrer are not known. Workers in paid or unpaid positions should always be expected to state who they are when reporting concerns. However even if the identity of the referrer has been withheld the adult safeguarding process will proceed in the usual way. This will include information being recorded as an adult safeguarding concern. It may be useful to point out to a person reporting concerns that if they are willing to provide their personal details it would make feedback possible (however limited that might be.)

Protecting anonymity: While every effort will be made to protect the identity of anyone reporting concerns who wishes to remain anonymous, this cannot be guaranteed throughout the process. It is particularly important to remember the following:

- ▶ In cases where the police are pursuing a criminal prosecution, people reporting concerns may be required to give evidence in court.
- ▶ All relevant information from safeguarding adult Enquiries and disciplinary investigations will be shared with the person identified as causing harm where a referral to the DBS is made.
- ▶ There is a possibility that workers raising concerns may be asked to give evidence at an employment tribunal.
- ▶ Anybody can be requested to give evidence when the employer has referred a member of staff to a professional body such as the Health Care Professionals Council (HCPC), the Nursing and Midwifery Council (NMC), or the General Medical Council (GMC).
- ▶ The person causing harm may request to see information held about them under the Data Protection Act (DPA) 1998

People causing harm who are employed in paid or unpaid Positions of Trust

Proportionate action should be taken to ensure the immediate protection of the adult(s) with care and support needs. [Appendix 19](#) refers.

If your agency has a lead officer or member of staff for safeguarding inform him/her of the concern. If your agency does not have a lead for safeguarding, see page 5 for the contact details about where to go for advice.

If the concerns require Police involvement, wherever possible liaise with them prior to speaking or communicating with the person who works in a Position of Trust.

If the person is a member of staff in your organisation, HR advice should be sought; an immediate decision may have to be made to take action to protect the adult or other service users against any potential risk of harm (e.g. suspension without prejudice, supervised working). Actions taken will need to be compliant with employment law and the employee will have a right to know in broad terms that allegations or concerns have been raised about them.

Organisations have whistle blowing policies which should be referred to if necessary.

Section 42 Enquiries

A statutory Section 42 Enquiry refers to the local authority being in receipt of information about an individual aged 18 or over who has care and support needs (whether or not these needs meet the National Eligibility criteria):

- ▶ has needs for care and support (whether or not the local authority is meeting any of those needs) **and**;
- ▶ is experiencing, or at risk of, abuse or neglect; **and**
- ▶ as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

What is meant by care and support?

Care and support means practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers. Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, domiciliary care, personal assistants, day services, or the provision of aids and adaptations.

Providing it is safe the Local Authority will check whether the person alleged to have been harmed knows that the concern has been shared, if this is not already clear. On receipt of a Safeguarding Adults concern the Local Authority will ensure that a decision is made based on initial information gathered about whether to take forward a Section 42 enquiry within 2 working days. Where it is considered that the criteria have been met arrangements will be made for an appropriate worker to be allocated and contact made with the individual or their representative as soon as possible. Any exceptions to this will be clearly recorded. The Local Authority will try to identify and take account of the individual's cultural and communication needs and

appropriate resources identified, i.e. interpreter, gender of worker etc.

Once it has been established that the alleged harm, abuse or neglect appears to meet the criteria for a Section 42 Enquiry, ensure full details of the concern are recorded and gather necessary information, undertake crosschecks with other data systems e.g. RIO, PNC etc. Notify other organisations e.g. CQC, CCG if required (see [Appendix 3](#)).

An important principle which will usually govern what actions are taken is about the resolve of an individual to act independently to address the issues of harm or abuse that they face. They may require some support from an agency or organisation and both the principle and a practical plan that results will need to be agreed with them.

The concern will be logged on the Local Authority's database as a safeguarding concern.

N.B. If there is difficulty gaining access to the individual at the centre of the concern, consideration must be given to agencies/organisations procedures on gaining access to service users.

Other Safeguarding Enquiries.

Where the criteria for a Statutory Enquiry is **not met**, e.g. where:

- ▶ The adult is at risk of abuse or neglect but does not have care & support needs,
- ▶ The adult has care & support needs and may have experienced abuse or neglect in the past, but is no longer experiencing or at risk of abuse or neglect,
- ▶ The adult has care & support needs, is at risk of abuse or neglect, but is able to protect themselves from abuse or neglect should they choose to do so,

The Local Authority will ensure the person raising the concern is made aware of this decision, if appropriate to do so. The Local Authority will discuss other options with the person such as signposting, assessment of need and referral to other services which could prevent deterioration and promote independence, health and wellbeing.

Who is to take action

It is important to get the person's account and a sense of what they want to happen. Notwithstanding this, the Local Authority will also need to decide in its own right if a Section 42 Enquiry is required. If this is the case, there are a range of options about who can undertake the Enquiry.

There are a number of key roles to be agreed. First the Local Authority will allocate a 'Safeguarding Adult Practitioner' (SAP). This person will be the safeguarding case worker who fulfils the council's responsibilities for coordinating and monitoring the Safeguarding Enquiry.

Second the Local Authority may propose that an individual agency/s involved on a professional level, will assist with the Enquiry and may take on the role of the Nominated Enquirer and associated tasks.

The organisation/person/s requested to undertake tasks relating to the Enquiry will also be agreed with the person concerned. See Page 29 which specifies who can be an NE.

The person allocated holds a discussion with the individual and/or their representative to get their views on what happened and an understanding of what outcomes and response they would like. This is where the initial Risk Assessment will be considered and safeguarding plan devised as appropriate (see [Appendix 4](#)). The local authority retains responsibility for coordinating and monitoring the Enquiry in relation to achieving the person's desired outcomes and supporting effective risk management.

There are options about who has the discussion with the individual/representative. This will usually be the person within the organisation or service who is best placed to do this or who knows the person best. Where this does not apply or it is not appropriate due to risks and concerns, a social worker, a member of the safeguarding service or another professional who is involved with the care of the individual will be nominated. The Local Authority SAP could also be

the NE in these circumstances.

Consideration must be given about whether an individual has substantial difficulty in participating in the Adult Safeguarding Enquiry and there is no other appropriate person to represent them. In these circumstances the lead agency must arrange for an independent advocate to support and represent them. See [Appendix 15](#) - Advocacy

Whilst an initial assumption will be made that an individual has capacity it may, (in the face of an individual's substantial difficulty) be necessary to determine if the person has capacity to express a view and make other associated decisions about what has happened.

See [Appendix 16](#) – Mental Capacity Act.

Where it has been identified that the person has capacity to decide whether to engage, the EM/SAP should consider referring to [Appendix 8](#) - Practice Guidance – Protocol for Working with Adults at Risk who do not wish to engage with services and are or may become at serious risk of harm.

The key issue in this discussion must be to consider the risks about the concern raised. Where the person or representative does not want a formal Enquiry to proceed and there are no known risks to any other individuals the nominated enquirer will feedback to Adult Social Care, using the 'Nominated Enquirer Form' (see [Appendix 5](#)), with a recommendation to close the Enquiry. The final decision to close the Section 42 Enquiry rests with Adult Social Care or the Police (depends on which Agency is leading the Enquiry). Even where there is a consensus about this, feedback must be sought from the individual within the 'Making Safeguarding Personal' framework because there is now an outcome and conclusion.

If there is evidence that harm, neglect or other concerns have been recognised, advice, guidance and support will be offered.

Roles & Responsibilities

It is vital that all Agencies involved at any stage in a Safeguarding Enquiry maintain written records, in line with their own Agencies procedures, that reflect as accurately as possible their involvement in the Enquiry. These records must be kept securely and may be used as evidence, including in some circumstance Court.

The local authority where the abuse/neglect occurred (host authority) will always take the initial lead on a concern, including taking immediate action to protect the adult, initial information gathering, background checks and ensure a prompt notification to the funding authority and other relevant agencies. An adult social services or health commissioner may be the funding authority.

It is the responsibility of the host authority to co-ordinate any institutional abuse/whole service Enquiry. See [Appendix 13](#) – Whole Service Enquiry Practice Guidance. This also refers to the Joint ADASS/LGA Revised Out of Area Safeguarding Guidance which provides the framework for the host authority to work within as well as the responsibilities of all parties.

CQC and Health and Social Commissioners will always be made aware of Enquiries involving regulated care or health providers and will make reference to national guidance regarding arrangements for the safeguarding of adults at risk.

Where allegations relate to one individual, it may be appropriate to negotiate with the funding authority that they undertake certain aspects of the Enquiry. However, the host authority will retain the overall coordinating role. The funding authority will be responsible for providing support to the adult at risk and planning their future care needs.

The funding authority will allocate a person for liaison purposes during the Enquiry. They will be invited to attend any Section 42 [Enquiry Planning Meetings \(EPM\)](#) and Enquiry Review Meetings (ERM) or may submit a written report. They will receive notes of relevant meetings.

Section 42 Enquiries can involve more than one line of Enquiry that needs to be co-ordinated.

Many Enquiries may run concurrently, for example, disciplinary processes or a criminal Enquiry. These need to be discussed, agreed and coordinated at the Section 42 EPM with the local authority taking the lead.

The organisation responsible for undertaking their part of the Enquiry be aware of their other responsibilities or their legal powers, i.e. employment law, criminal law and clinical governance.

Agreement must be reached at the EPM about respective roles and responsibilities of organisations during the Enquiry, including agreement on lead responsibilities, desired outcomes of the person concerned, specific tasks, co-ordination of different lines of Enquiry, communication channels, information sharing and the initial safeguarding plan.

Action that may lead to legal proceedings will take precedence over other proceedings; however, the safety of individuals, e.g. witness support, will not be compromised. There will be discussion and co-ordination of those processes to avoid prejudicing such Enquiries, e.g. use of complaints procedure, or if scrutiny of records could continue whilst witness statements are being taken or preventative measures, such as moving a person to different environment or making a referral to MARAC (see [Appendix 6](#)).

Each [EPM](#) and ERM must have a suitable Chair and note taker, and produce clearly recorded actions, accountabilities and timescales.

Continuing the Section 42 Enquiry

The Enquiry will continue and if not already completed a risk assessment will take place. If a decision is taken at the EPM to continue with an Enquiry, agreement should be reached on the following:

- ▶ Whether the agreed Enquiry plan, risk management plan and actions will need to be reviewed during the Enquiry and where possible, agree a date for that to happen.
- ▶ Timescales for actions will need to be agreed based on consultation with the person, taking account of the risk or the complexity of the Enquiry and a record made of the decision.
- ▶ More than one EPM may need to be held to ensure that a review is made of protection arrangements. Subsequent EPM's are called Enquiry Review Meetings (ERM).

The Purpose of the Enquiry is:

- ▶ To be clear about the views of the adult at risk, identify if a mental capacity assessment is required and instruct an Advocate/ IMCA or other appropriate person if indicated (see [Appendix 16](#) – Independent Advocacy).
- ▶ To establish the facts and contributing factors leading to the concern being raised.
- ▶ To identify and manage risk to ensure the safety of the individual and others.
- ▶ To assist them to recover from any trauma.
- ▶ To determine if the allegations or concerns are founded and what action should be taken.
- ▶ To review the management of the setting/service and any improvements required or sanctions to be recommended.

Things to consider:

- ▶ What needs to be found out?
- ▶ Who might have this information?
- ▶ What legal powers are needed?
- ▶ Check all necessary documentation required.
- ▶ Are any specialist assessments required for any of the adults at risk, prior to carrying out any interviews?
- ▶ Interview people, in the appropriate environment, taking into account any need for an independent advocate and/or any language, communication, gender or race issues.
- ▶ Plan interviews together with colleagues if necessary.
- ▶ Take statements and record interviews.
- ▶ Collate the evidence.

What information might need to be gathered?

As a guide, the following sorts of information will be needed to enable effective decision-making:

Details of the person raising the concern:

- ▶ Name, address and telephone number.
- ▶ Relationship to the adult.
- ▶ Details of the source of information e.g. other third party.
- ▶ Details of the place where the harm occurred.

Details of the adult at risk:

- ▶ Name, address and telephone number.
- ▶ Date of birth, or age.
- ▶ Details of informal carer/s.
- ▶ Details of any other members of the household including children.
- ▶ Information about the primary care needs of the adult (i.e. disability or illness).
- ▶ Any previous concerns or contact with the responsible local authority made (check appropriate databases).
- ▶ Funding authority, if relevant.
- ▶ Ethnic origin and religion.
- ▶ Gender (including transgender and sexuality).
- ▶ Communication needs due to sensory or other impairments (including dementia), including any interpreter or communication requirements.
- ▶ Whether the adult knows the concern was raised.
- ▶ Whether the adult has consented to the concern being raised and, if not, on what grounds the decision was made to report the concern.
- ▶ What is known of the person's mental capacity?
- ▶ What are their views about the abuse or neglect?
- ▶ What they want done about it (if that is known at this stage).
- ▶ Details of how to gain access to the person and who can be contacted if there are difficulties.

Information about the abuse or neglect:

- ▶ How and when did the concern come to light?
- ▶ When did the potential abuse or neglect occur?
- ▶ Where did the potential abuse or neglect take place?
- ▶ What are the details of the potential abuse or neglect?
- ▶ What impact is this having on the adult?
- ▶ What is the adult saying about the abuse or neglect?
- ▶ Are there details of any witnesses?
- ▶ Is there any potential risk in making contact with the adult?
- ▶ Is a child (under 18 years) at risk?

Details of the person alleged to have caused the harm (if known):

- ▶ Name, age and gender.
- ▶ What is their relationship to the adult?
- ▶ Are they the adult's main carer?
- ▶ Are they living with the adult?
- ▶ Are they a member of staff, paid carer or volunteer?
- ▶ What is their role?
- ▶ Are they employed through a Personal Budget / Direct Payment?
- ▶ Which organisation are they employed by?
- ▶ Are there other people at risk from the person alleged to have caused/causing the harm?

Evaluate the evidence sources:

Sources may include:

- ▶ Medical or forensic evidence.
- ▶ Background reports, service records and previous histories.

- ▶ Witness statements from formal/joint interviews.
- ▶ Adult's own account, depending on capacity and witness or communication skills.
- ▶ Circumstantial evidence.
- ▶ Assessment of the extent and seriousness of the harm and the effect on the adult at risk and others in their network.

'Standard of Proof'

The standard of proof for a criminal prosecution is higher as the case has to be proved beyond all reasonable doubt. For Civil, disciplinary or regulatory investigations, the standard of proof is based on the balance of probability.

Making a decision

Once all relevant information has been gathered, including the views of the adult in all circumstances where it is possible and safe to ask, the local Lead Agency should be in a position to make a decision about how the concern should be addressed and whether the criteria for Section 42 duty of Enquiry is met, i.e. where the Local Authority has reasonable cause to suspect that an adult aged 18 or over in its area:

- 1) has needs for care & support (whether or not the authority is meeting any of those needs),
- 2) is experiencing, or is at risk of, abuse or neglect, and
- 3) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Where the above criteria **are met**, the Section 42 Enquiry will continue.

REMEMBER: Adult Safeguarding in its wider sense means "protecting an adult's right to live in safety, free from abuse and neglect". It is about people and organisations working together to prevent and stop both the risks and experience of abuse and neglect, while at the same time making sure that the adult's wellbeing is promoted including, where appropriate, having regard to their views, wishes, feeling and beliefs in deciding on any action".

When the criteria for a Statutory Adult Safeguarding Enquiry under Section 42 of the Care Act is not met, doing nothing isn't an option and therefore other ways to reduce risks and assist the individual to live safely must be considered, for example:

- ▶ people can be supported to live safely through good quality assessment and support planning.
- ▶ people's right to live free from crime can be supported through Police interventions, and to recover from the experience of crime through victim support services.
- ▶ people's health & wellbeing, and experience of safe services, can be promoted through patient safety approaches in the NHS and good quality responses under Clinical Governance processes.

Where the criteria for statutory Enquiry are **not met**, other types of action, or provision of advice/information, could be, for example:

- ▶ Referral for a needs assessment under Section 9 of the Care Act.
- ▶ Referral for DOLS assessment.
- ▶ Referral for Mental Health Act assessment.
- ▶ Referral to other risk management processes, e.g. MARAC, MAPPA, local harm reduction processes.
- ▶ Referral or signposting to other agencies or support services, e.g. Police, victim support, domestic abuse support services, counselling services, GP, fire and rescue service or voluntary sector agencies.
- ▶ Written information and advice on how to keep safe, or how to raise a concern in the future.
- ▶ Information about how to make a formal complaint, for example, about substandard care or treatment.
- ▶ Information sharing with regulatory agencies (e.g. CQC) and commissioners to address service quality concerns.
- ▶ Service Provider to undertake appropriate internal responses, e.g. internal investigation,

- ▶ training, disciplinary process, audit & assurance activity.
- ▶ Concern is passed into other incident management processes, e.g. NHS Serious Incident under Investigation.
- ▶ Referral to the appropriate safeguarding lead in relation to concerns about people in a position of trust who may pose a risk of harm to adults.
- ▶ Referral for Safeguarding Adults Review (Care Act Section 44 refers).

Actions taken or information and advice provided should aim to promote the adult's wellbeing, prevent harm and reduce the risk of abuse or neglect, and promote an approach that concentrates on improving life for the adults concerned, and enables the person to achieve resolution and recovery.

Considering other lines of Enquiry

This may include:

- ▶ A police investigation/prosecution.
- ▶ Identifying powers to protect the adult at risk, for example, a restraining order
- ▶ Actions under civil law, for example, an injunction.
- ▶ Employee's disciplinary proceedings.
- ▶ Referrals to:
 - ▷ the Disclosure and Barring Service
 - ▷ the CQC in relation to a registered provider
 - ▷ commissioners of the service in relation to breach of contracts
 - ▷ a landlord in relation to a breach of a tenancy agreement.
- ▶ A community care assessment or assessment under Integrated Care Programme Approach (ICPA).
- ▶ A healthcare assessment e.g. appointment with specialist or GP.

Supporting an adult who makes repeated allegations

An adult who makes repeated allegations that are shown to be unfounded should be treated without prejudice.

- ▶ Each allegation must be risk assessed and reviewed to establish if there is new information that requires action under these procedures.
- ▶ A risk assessment must be undertaken and measures taken to protect staff and others, as necessary.
- ▶ Each incident must be recorded.
- ▶ Organisations should have procedures for responding to such allegations that respect the rights of the individual, while protecting staff from the risk of unfounded allegations.

Responding to family members, friends and neighbours who make repeated allegations

Allegations of abuse or neglect made by family members, friends or neighbours should be responded to without prejudice. However, where repeated allegations are made and there is no foundation to them and further Enquiries are not in the best interests of the adult, then local procedures for dealing with multiple, unfounded complaints should apply.

The Enquiry – specific responsibilities

The lead coordinating role as an EM in relation to individual cases is undertaken by operational managers of Adult Social Care. Jointly funded operational management posts e.g. CMHT/locality will also undertake the role of designated EM. An EM must be informed of any safeguarding concern arising in any organisation and has overall responsibility for coordinating the Safeguarding Adults Enquiry.

The Manager in Adult Social Care who has responsibility to oversee an Enquiry is called the EM and will identify an employee to be the designated SAP for the Enquiry.

Specific responsibilities of the Enquiry Manager

- ▶ The adult at risk is involved in all decisions that affect their daily life.
- ▶ Decisions are made in consultation with other relevant organisations to instigate the Safeguarding Adults Enquiry.
- ▶ An EPM or discussion is held to determine how the Safeguarding Adults Enquiry will be

conducted, who will conduct it and to ensure decisions are recorded and copied to relevant organisations.

- ▶ The actions being taken by organisations are coordinated and monitored.
- ▶ Those who need to know are kept informed.
- ▶ Effective supervision and ongoing support are provided for the SAP.
- ▶ The SAP monitors the accuracy of all records in line with their Agencies Quality Assurance Frameworks.
- ▶ Respond to issues highlighted by risk assessments of the situation, e.g. lone working protocols and any environmental risks etc.
- ▶ Preservation of confidentiality at all times of all concerned including employees under the Dorset Information Sharing Charter [See Appendix 9: Information Sharing](#)
- ▶ Identify and agree the named person who will link and communicate with the adult who is thought to be at risk.
- ▶ Task the SAP to produce a summary Enquiry report where complexity or other circumstances dictate.

Specific responsibilities of the Safeguarding Adult Practitioner (SAP)

The SAP should be a suitably experienced employee who has received specific training in undertaking safeguarding adults Enquiries and will work under the supervision of the Adult Social Care Manager (ASC). Neither the SAP nor ASC Manager should have line manager responsibilities for the person alleged to have caused harm, or work in the same department.

The SAP will:

- Coordinate and monitor the progress of the Enquiry
- Act as the NE if appropriate
- ▶ Ascertain the wishes of the individual/s
- ▶ Interview witnesses, including undertaking joint interviews with the Police or other agency
- ▶ Assess risks
- ▶ Formulate a safeguarding plan
- ▶ Undertake Capacity Assessment if required
- ▶ Consider the adult's needs for care and support and arrange assessment of these if required
- ▶ Provide advice and guidance to the adult to ensure their full involvement, to include identifying an advocate where necessary
- ▶ Help promote the person's capability to protect themselves or the ability of their networks to increase the support they offer.
- ▶ Identify the impact of the abuse/harm on the adult and the possible impact on important relationships
- ▶ Respond to risks of harm/abuse being repeated or increasing in seriousness
- ▶ Respond to risks that may involve children or other adults
- ▶ Research evidence to inform any interventions
- ▶ Agree with the adult any agencies or informal carers that need to be involved and liaise with as appropriate, to include appropriate sharing of information in line with OAISP
- ▶ Gather and formulate evidence and make recommendations regarding achieving desired outcomes
- ▶ Compile information for EPM and any other relevant records, e.g. chronology, case notes, Risk Assessment & Safeguarding Plan

The Nominated Enquirer

These procedures specify the need for an NE. This role could be undertaken by a person who is already involved with the individual or has been asked to become involved in an Enquiry.

Any conflict of interest issues must be considered before identifying a Nominated Enquirer. Examples of conflict of interests, where it may be better for an independent person to be appointed to undertake Enquiries, are a family run business where institutional abuse is alleged or where the manager/owner of a service is implicated or may be biased.

The person/s appointed therefore can be drawn from a very wide field as the following list demonstrates;

- ▶ Keyworker
- ▶ Local Authority employee
- ▶ Employer
- ▶ Care Manager
- ▶ Care Co-ordinator
- ▶ Professional Advocate, e.g. IMHA/IMCA/IDVA
- ▶ Care Worker/Agency/Other Providers in a person's life
- ▶ Police Officer
- ▶ CQC Inspector
- ▶ Contracts Monitoring
- ▶ Community Safety Officer/ASBO
- ▶ CCG
- ▶ Health Care Professionals, i.e. Ward staff/GP/Nurse
- ▶ Housing officer
- ▶ Support workers

There may be other options. As previously noted, it is also possible that in some circumstances the NE will also be the SAP. There may be more than one NE involved in the Enquiry.

There always needs to be a suitable healthcare professional to undertake Enquiries about treatment plans relating to any medical issues. Local Authority Staff should only contact the Safeguarding Adult lead in an NHS organisation will not directly approach any other NHS staff about their role. The NHS organisation will, when allocating the role, want to make sure it minimises the potential conflict of interest by appointing a Nominated Enquirer who is most appropriately placed to undertake it. The NE must agree actions with the SAP or the EM before taking this on and will take into account any cultural or language needs, including the provision of an advocate/interpreter.

Specific responsibilities of the NE

The specific role will be determined at the EPM by the EM or the SAP through discussions with the relevant agency as the Enquiry proceeds. The responsibilities may include:

- ▶ Talking to the adult or witnesses
- ▶ Gathering information from records held by their agency, case notes, financial records
- ▶ Alerting the Police to any actions they may need to take about preservation of records.
- ▶ Preserving evidence
- ▶ Reviewing and undertaking physical/mental health assessments as required.
- ▶ To report gaps in the provision of care or in recording.
- ▶ Contribute to risk assessment
- ▶ Reporting on elements of the safeguarding plan and taking specific responsibility for any agreed actions.
- ▶ Provide information regarding their own area of expertise, e.g. medication management
- ▶ Provide historical information, e.g. previous reports
- ▶ Provide verbal updates to the SAP/EM
- ▶ Complete Nominated Enquirer Report
- ▶ Attend meetings as required
- ▶ Ensure Risk Management Plan is in place
- ▶ Work to agreed actions

The local authority will include in its request for an agency or individual to undertake the NE role, the following information as a minimum:-

- ▶ The person's views on the enquiry and outcome wanted
- ▶ A view about the person's capacity to decide about issues relevant to the concern
- ▶ The period or dates under consideration which the NE should review
- ▶ The main issues of concern to be looked at.

Other Agencies will have their own roles and responsibilities for Safeguarding Enquiries and NE's will only be asked to undertake tasks related to their role. (See [Appendix 3](#)). A model of the [Nominated Enquirer form](#) is included at Appendix 5.

Enquiry Planning Meeting

For Role of Note Takers, (see [Appendix 11](#))

Purpose of the Enquiry Planning Meeting

Once the concern has been allocated, after discussion with the EM the SAP will arrange to contact the person to seek their views and desired outcomes. EM's and SAP's must consider if it is necessary to hold a formal multi-agency EPM or a series of discussions, which could be face to face or on the telephone etc. This should take place at the start of the formal Section 42 Enquiry to agree and plan the tasks required. The commencement of a Police investigation is an exception to this when vital evidence gathering is required.

In deciding whether to hold a formal meeting or a series of discussions, professional consideration must be given to the following:

- ▶ The potential risk to the person being harmed and their views and wishes.
- ▶ The risks to others from the person alleged to have caused/causing harm.
- ▶ Whether several individuals or organisations have concerns and need to share information, i.e. CQC, CCG, Contracts, Police, Health, Provider service, Legal Advisor, Children's Care Services etc.
- ▶ Whether there may be a number of actions by different organisations.
- ▶ Whether there may be legal or regulatory actions.
- ▶ Whether the allegation involves a member of staff/employees/volunteer or the safety of a service.
- ▶ Whether the situation could attract media attention.
- ▶ Safety of service (whole service review)

The purpose of the Section 42 Enquiry Planning Meeting or discussion is:

- ▶ To confirm if consent has been gained from the adult at risk.
- ▶ To consider the wishes of the adult at risk and the outcomes they are seeking.
- ▶ To agree how the person and others involved wish to be kept informed
- ▶ To agree timescales with the person at risk
- ▶ To agree a multi-agency plan to undertake an Enquiry into the allegations
- ▶ To assess the risk to the person who is being harmed and address any immediate needs.
- ▶ To co-ordinate the sharing and collection of information about the harm or abuse
- ▶ To identify and agree roles and responsibilities.
- ▶ To ensure the adult at risk has been offered an advocate (where appropriate). See [Appendix 15](#)
- ▶ To consider options if the person lacks capacity with reference to decision making, e.g. whether a court appointed deputy is required. See [Appendix 16](#) – Mental Capacity
- ▶ To consider other statutory duties, e.g. Mental Health Act assessment, Deprivation of Liberty Safeguards, Court of Protection etc. (See [Appendix 16](#))
- ▶ To consider how the family or carers can be involved if the adult at risk wishes this.
- ▶ To agree whether an Enquiry will take place, and if so, how it should be conducted and by whom.
- ▶ To agree who will interview the person alleged to have caused harm (bearing in mind if he/she is an employee, then the lead responsibility for this will be with the employer or if

- ▶ a criminal action is suspected, then the Police will lead this process).
- ▶ To make a clear record of the decisions and what information is shared.
- ▶ To agree a plan detailing actions, proposed timescales and person responsible, known as the Safeguarding Plan. The plan will be agreed with the adult at risk or their representative, include any contingency arrangements, how the plan will be shared and identify potential risks outside of office hours.
- ▶ Agree when the Safeguarding Plan will be reviewed and convene an ERM if necessary.
- ▶ Ensure any Safeguarding Plan is cross referenced in the MARAC and MAPPA if taking place.
- ▶ To consider whether a child (under 18 years) or other adults may be at risk. Refer to Children's Social Care, if necessary.

Involving Adults in Safeguarding Meetings

Effective involvement of adults and / or their representatives in safeguarding meetings requires professionals to be creative and to think in a person-centred way. Address the following issues when planning the meeting:

- ▶ How should the adult be involved? Is it best for the adult to attend the meeting, or would they prefer to feed in their views and wishes in a different way, e.g. a written statement? Is it best to hold one big meeting, or a number of smaller meetings?
- ▶ Where is the best place to hold the meeting? Where might the adult feel most at their ease and able to participate?
- ▶ How long should the meeting last? What length of time will meet the adult's needs and make it manageable for them?
- ▶ When should breaks be scheduled to best meet the adult's needs?
- ▶ What time of the day would be best for the adult? Consider the impact of a person's sleep patterns, medication, condition, dependency, care and support needs;
- ▶ What will the agenda be? Is the adult involved in setting the agenda?
- ▶ What preparation needs to be undertaken with the adult? How can they be supported to understand the purpose and expected outcome of the meeting?
- ▶ Who is the best person to chair? What can they do to gain the trust of the adult?
- ▶ Will all the meeting members behave in a way that includes the adult in the discussion?
- ▶ How can meeting members be encouraged to communicate and behave inclusively, using language the person understands?
- ▶ Representation by informal carers/family or advocates. See [Appendix 15](#) - Advocacy

Recording and Sharing Information:

A record should be made of the decisions and actions required. The record should be distributed to all relevant individuals and organisations and take account of data protection issues (See [Appendix 9](#) – Information Sharing). The record should include:

- ▶ Name of the adult at risk.
- ▶ Date and time of the meeting.
- ▶ Name and contact details of the EM.
- ▶ Names and contact details of attendees.
- ▶ Details of the incident or the concern, with time, location and relevant details to include the adults desired outcomes.
- ▶ An assessment of the risks for the adult and any other individuals, i.e. carers, children etc., to consider the seriousness/severity of harm.
- ▶ Name of the person alleged to have caused/causing harm.
- ▶ Whether there were any witnesses.
- ▶ Record of action plan, person responsible and realistic timescales agreed with the person at risk
- ▶ Name of the person(s) who will lead the Enquiry if appropriate
- ▶ Formulation of a risk management plan
- ▶ Details about any disagreements and how these will be resolved.
- ▶ Date for an ERM, if required.
- ▶ The Chairperson of the Enquiry Planning Meeting and any subsequent review meeting should tell all participants that independent recording of the discussion is not permitted.
- ▶ This particularly applies to any intention to make a "covert" recording. Any participant

may take brief “action notes” for example to remind them about follow up actions. All participants must be made aware that use of such notes are governed by the guidance on management of information generally and required respect for confidentiality. Appendix 9 refers.

Carrying out and Monitoring Agreed Actions

Potentially there are a wide variety of actions to be undertaken. These may include Enquiries into the activities of staff or volunteers within services or agencies or others who are alleged to have caused harm. The expectation will be that the employing agency will take responsibility for this at the appropriate management level.

In situations where an allegation has been made against an informal or unpaid carer a decision will need to be made by the EM in consultation with other agencies as necessary.

It is necessary for the NE and/or the allocated SAP will regularly review the situation to gather information and review any interim safeguarding plan. It is also essential to obtain regular feedback from all agencies or individuals undertaking actions as part of the Enquiry.

Key actions to be considered with the individual at the centre of the concern are:

- ▶ To ensure risks are managed effectively
- ▶ Ensure progress is made against actions
- ▶ Identify any further actions required
- ▶ Record the actions decided
- ▶ Keep the individual informed of any progress

It may be possible for this to be achieved by way of a series of telephone calls or a small meeting. The need for a larger meeting is a matter for professional judgment and is more likely to be required when there are a number of agencies involved in the Enquiry.

Continuing to work with the individual

It is important to emphasise that agreed actions and working with the adult at risk to achieve their desired outcomes may not always run according to plan. The adult at risk may choose to redefine their desired outcomes, or they may appear to not engage with services or options that were originally deemed to promote their safety or wellbeing.

Whilst it is vital to respect the adult at risk’s views, other factors may have to be considered:

- ▶ Analysis of why the adult at risk has redefined their desired outcomes, i.e. what has motivated them to change their mind.
- ▶ Are there issues of duress
- ▶ Are there any reasons to suggest it is necessary to undertake an assessment of capacity?
- ▶ Check that the adult at risk continues to agree with the actions.
- ▶ Is the adult at risk not engaging? Consider using the protocol for working with Adults at Risk who do not wish to engage with services and may be at serious risk of harm, (see [Appendix 2](#) – Self Neglect and [Appendix 8](#) about adults at risk who do not wish to engage with services.
- ▶ Is access to the adult at risk being prevented? (see [Appendix 10](#))

Enquiry Review Meeting

Purpose of ERM is to enable interagency, multi disciplinary discussion to:

- ▶ Consider the details of the case and the information contained in all the NE’s Reports and a summary Enquiry report if the SAP has been tasked to provide this by the EM. (See [Appendix 10](#) – Enquiry Summary Report)
- ▶ agree whether allegations have been “Substantiated-Fully”, “Substantiated –Partially”, “Not Substantiated”, “Inconclusive”, or “Enquiry Ceased at Individual’s request “. This must be recorded in the EPR meeting notes.
- ▶ Consider the outcomes of any other internal Enquiry/investigation.
- ▶ Consider the evidence and, if it is strong enough to be considered substantiated, plan

- ▶ what further safeguarding action is required.
- ▶ Obtain feedback from the adult at risk/representative about whether their outcomes have been met.
- ▶ Make a decision about the levels of current risks and a judgement about any likely future risks.
- ▶ Plan further action if the risks remain.
- ▶ Consider necessary regulatory action.
- ▶ Consider what legal or statutory action or redress is indicated.
- ▶ Review and amend the Safeguarding Plan and monitoring. Agree individual responsibilities for taking actions and timescales.
- ▶ Consider other statutory duties e.g. assessment of care and support needs etc.
- ▶ Consider closure if no further action under Section 42.
- ▶ Ensure “lessons learnt” are identified and disseminated accordingly.
- ▶ Feedback outcomes to person raising the concern if agreed by the individual.

The default position must be to include the individual in the ERM if they want to be. To support the attendance and effective participation of the adult at risk, it may be appropriate for the meeting to be divided into two parts. Always think about user friendly venues. There may be occasions when, due to the need to share confidential information (e.g. concerning a third party involved in the concern or disciplinary action for staff) it will not be possible for the individual to attend the whole of the meeting.

It is important to clearly record and communicate any decisions not to involve the person in multi agency meeting or collaborative discussions and ensure that appropriate communication is forwarded to the adult at the centre of the concerns.

Evaluation of Outcomes

There are a number of possible outcomes of a Section 42 Enquiry, amongst which are the following; outcomes met or not, risks removed, risk reduced, risks remain

Either at or following the ERM the NE or the SAP must evaluate with the adult at risk the extent to which their desired outcomes have been met and undertake an initial review of whether an ongoing safeguarding plan is needed. The adult at risk must be given every opportunity to provide comprehensive feedback about their experience of the Enquiry. The Local Authority and other agencies engaged in this specific Enquiry must also be satisfied that the adult at risk can protect themselves and risks to others are minimized, reduced or removed.

No further action under the Safeguarding Adults procedures

There are Safeguarding Adults concerns but the adult at risk has mental capacity, is living at home and they are confident that they can protect themselves from further harm and they do not wish any action to be taken under the procedures. Practitioners must be confident that the adult at risk is making this decision without undue influence, threats or intimidation. If there are no other people at risk from the person causing the harm, there will be no more action under the procedures at this time. In this situation there should be clear agreement about this with the adult at risk that there will be no more action under the procedures. They should be given information about harm and neglect, possible sources of help and support and whom they can contact if they should change their mind or the situation changes and they no longer feel able to protect themselves.

If a concern persists and the adult at risk’s refusal to consent to action is seen to have resulted from fear, loyalty, coercion or disempowerment as the result of long-term or persistent harm, the action under the procedures will continue and a multi-agency decision made about the best way to engage with the person and consider the legal powers available to intervene with the person(s) causing the harm.

A decision to discontinue the Safeguarding Adults process must be agreed by all relevant organisations and recorded and signed off by the EM. The reasons for closing the Safeguarding Adults concern should be recorded and a copy sent to ERM attendees. The person raising the concern should be informed unless inappropriate to do so. The adult at risk should have a copy

of the decisions that takes into account issues of confidentiality and the need for protection of personally identifiable information (See [Appendix 9](#)).

Closing the safeguarding adult Enquiry

The safeguarding adult Enquiry can be closed following review or any time where the safeguarding plan is no longer required. The safeguarding plan will no longer be required when the adult is no longer at risk of abuse or neglect, or risks have reduced to the level that they can adequately and appropriately be managed or monitored through single agency processes, e.g. assessment and support planning processes, community policing responses, health service monitoring. An adult with capacity can also choose for a safeguarding Enquiry to be closed where this simply concerns him/herself.

The Local Authority is likely to agree this where the concerns do not relate to serious harm. However all decisions about concluding the safeguarding Enquiry should be made by, or in agreement with, the local authority and other agencies involved, and should be clearly recorded with the rationale for the decision.

When the safeguarding Enquiry is concluded, feedback on the outcomes should be shared with the following agencies/individuals as appropriate:

- ▶ The adult.
- ▶ Their representative or advocate.
- ▶ The person / agency who raised the safeguarding concern.
- ▶ The person / agency who were identified as the potential source of risk.
- ▶ Key partner agencies.
- ▶ Any other involved stakeholder agency/individual.

The consent of the adult to share information should be gained, and usual information sharing rules apply. See [Appendix 9](#) – Information Sharing.

Resolution of Disagreements

Where there are disagreements from any agency, that cannot be resolved by discussions between front line workers or attendees at meetings, the issue should be brought to the attention of line managers or Safeguarding Adult Leads, who will hold discussions to try to resolve differences and prevent delays. Should those managers not be able to resolve the issue, it is always possible to escalate further. Disagreements, whilst most uncommon, can arise at any point. They may relate to circumstances where there is a decision to be made about how a particular concern, or set of concerns, is responded to or related to the way processes are dealt with. In general terms, the local authority has the final responsibility for safeguarding but will always seek to ensure its decisions and reasons are as transparent as possible.

Appendices

Appendix 1

Glossary

Glossary of terms and conditions

A&E (accident & emergency) a common name in the UK and Ireland for the emergency department of a hospital.

Abuse: The Care Act Statutory guidance does not provide a general definition of what constitutes abuse, harm or neglect so as not to limit thinking in this area. It is recognised that abuse or neglect can take many forms and the circumstances of the individual should always be considered. The following are identified as common types of abuse or neglect - physical, sexual, emotional, psychological, financial, material, neglect, acts of omission, discriminatory, organisational, domestic abuse, modern slavery and self-neglect (this list is not exhaustive).

ACPO (Association of Chief Police Officers): an organisation that leads the development of police policy in England, Wales and Northern Ireland.

ADASS (Association of Directors of Adult Social Services): the national leadership association for directors of local authority adult social care services.

Adult Safeguarding: the term used to cover all work undertaken to support adults with care and support needs to maintain their own safety and well being. It describes the preventative and responsive actions undertaken to support adults who are experiencing, or at risk of experiencing abuse or neglect

Adult safeguarding contact points: the place where safeguarding concerns are raised within the local area. This is the local authority single point of contact. The details are on Page 5.

Adult safeguarding co-ordinator/lead: these titles or similar are used to describe an individual who has safeguarding lead responsibilities across an organisation. For example, supporting the work of the Safeguarding Adults Board (SAB) and/or advising on adult safeguarding cases in the local authority. The role varies from council to council, and carries different titles.

Adult safeguarding process refers to the decisions and subsequent actions taken on receipt of a concern. This process can include safeguarding meetings or discussions, Enquiries, a safeguarding plan and monitoring and review arrangements.

Adult with care and support needs: someone 18 or above who has needs for care and support (whether or not the local authority is meeting any of those needs) and; is experiencing, or at risk of, abuse or neglect; and as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Advocacy: taking action to help people who experience substantial difficulty contributing to the safeguarding process to say what they want, secure their rights, represent their interests and obtain the services they need.

Appropriate adult: is an individual who provides support to a “vulnerable adult” (adult with care and support needs) who is suspected of committing a crime to ensure their interests are protected during detention and the police investigation. This role can be undertaken by a parent, guardian, and social worker of a local authority or other responsible adult over the age of 18 who is not a police officer or employed by the police.

Assessment and support planning: the process of assessment of need, planning and co-ordinating care for adults with care and support needs to meet their long-term care needs, improve their quality of life and maintain their independence for as long as possible.

Care and Support needs: The mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent – including older people, people with a disability or long-term illness, people with mental health problems, and carers. Care and support includes assessment of people's needs, provision of services and the allocation of funds to enable a person to purchase their own care and support. It could include care home, domiciliary care, personal assistants, day services, or the provision of aids and adaptations.

Care setting/services includes health care, nursing care, social care, domiciliary care, social activities, support setting, emotional support, housing support, emergency housing, befriending and advice services and services provided in someone's own home by an organisation or paid employee for a person by means of a personal budget (PB), direct payment or funded by the person themselves.

Carer refers to unpaid carers for example, relatives or friends of the adult with care and support needs. Paid workers, including personal assistants, whose job title may be 'carer', are called 'staff'.

Clinical Commissioning Group (CCG) A commissioning body responsible to NHS England for commissioning healthcare services in a defined area.

Clinical governance the framework through which the National Health Service (NHS) improves the quality of its services and ensures high standards of care.

Consent the voluntary and continuing permission of the person to the intervention based on an adequate knowledge of the purpose, nature, likely effects and risks of that intervention, including the likelihood of its success and any alternatives to it.

Community Mental Health Team a team of professionals and support staff who provide specialist mental health services to people within their community.

CPA (Care Programme Approach) introduced in England by the DH (Department of Health) in 1990 the CPA requires health authorities, in collaboration with social services departments, to put in place specified arrangements for the care and treatment of people with mental ill health in the community. The approach is not an alternative to utilising the safeguarding procedures. It can however be used to enhance the ongoing support following a safeguarding enquiry. The actual contact and support to a person may continue and therefore he/she may still be in receipt of care management or CPA input in which case their situation will be reviewed through those processes. This will include monitoring the safeguarding plan as necessary.

CPS (Crown Prosecution Service) the government department responsible for prosecuting criminal cases investigated by the police in England and Wales.

CQC (Care Quality Commission) responsible for the registration and regulation of health and social care in England.

Criminal Justice and Courts Act 2015 which has extended wilful neglect to all in receipt of services not just people who lack capacity under the Mental Capacity Act or who are defined as having a mental illness under the Mental Health Act.

DAA or IDVA (independent domestic violence adviser) a trained support worker who provides assistance and advice to victims of domestic violence, also known as Domestic Abuse Adviser (DAA)

DH (Department of Health) the government strategic leadership for public health, the NHS and social care in England.

DHR (domestic homicide review) a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by (a) a person to whom she or he was related or with whom she or he was or had been in an intimate personal relationship, or (b) a member of the same household as herself or himself. A DHR is held with a view to identifying the lessons to be learned from the death.

DBS (Disclosure and barring service) is a non-departmental public body of the Home Office of the United Kingdom. It supports organisations in the public, private and voluntary sectors to make safer recruitment decisions by identifying candidates who may be unsuitable for certain work, especially that involve children or adults, and provides wider access to criminal record information through its disclosure service for England and Wales.

DoLS (Deprivation of Liberty Safeguards): is an amendment to the MCA (2005) and provides safeguards for people who lack capacity specifically to consent to treatment or care in either a hospital or care home that, in their own interests, can only be provided in circumstances that amount to a deprivation of liberty. In March 2014 a judgment was made in the Supreme Court regarding two cases which have had a significant effect on DOLS work. The two cases are-

- ▶ “P v Cheshire West and Chester Council and another”
- ▶ “P and Q v Surrey County Council”

The full judgment can be found on the Supreme Court’s website at the following link:

http://supremecourt.uk/decided-cases/docs/UKSC_2012_0068_Judgment.pdf

Domestic Abuse is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological, physical, sexual, financial, and emotional

DPA (Data Protection Act 1998) an Act to make provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information.

DVCVA (Domestic Violence, Crime and Victims Act 2004) is an Act of the Parliament of the United Kingdom. It is concerned with criminal justice and concentrates upon legal protection and assistance to victims of crime, particularly domestic violence. It also expands the provision for trials without a jury, brings in new rules for trials for causing the death of a child or vulnerable adult (also known as an adult with care and support needs) and permits bailiffs to use force to enter homes.

DVCV(A)A (Domestic Violence, Crime and Victims (Amendment) Act 2012) Act to amend section 5 of the Domestic Violence, Crime and Victims Act 2004 to include serious harm to a child or vulnerable adult (also known as an adult with care and support needs): to make consequential amendments to the act; and for connected purposes.

DWP (Department for Work and Pensions) government department responsible for welfare and employment issues.

Out of Hours duty officer the social worker on duty in the Local Authority’s **Out of Hours Service** which is a social services team that responds to out-of-hours referrals where

intervention from the council is required to protect a vulnerable child or adult with care and support needs, and where it would not be safe, appropriate or lawful to delay that intervention to the next working day.

Out of Hours Service (GP) – this is provided through the 111 telephone number.

Enquiry is a range of actions undertaken or instigated by the Local Authority under S42 of the Care Act in response to a concern about abuse or neglect of an adult with care and support needs. As S42 requires the adult to have both care and support needs, the duty to undertake Enquiries will not typically extend to carers unless they have care and support needs in their own right.

FGM (female genital mutilation) is defined by the **World Health Organisation (WHO)** as ‘all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.’

FGMA (Female Genital Mutilation Act 2003) An Act to restate and amend the law relating to female genital mutilation.

GP (general practitioner) a general practitioner is a doctor who is responsible for diagnosing and treating a variety of injuries and diseases that fall under the general practice category.

Healthwatch is the independent consumer champion for health and social care, and the organisation has significant statutory powers to ensure the voice of the consumer is strengthened and heard by those who commission, deliver, and regulate health and social care services.

HMIPs (Her Majesty’s Inspectorate of Prisons) an independent inspectorate which reports on conditions for and treatment of those in prison, young offender institutions and immigration detention facilities.

HR (human resources) the division of an organisation that is focused on activities relating to employees. These activities normally include recruiting and hiring of new employees, orientation and training of current employees, employee benefits, and retention.

HRA (Human Rights Act 2000) legislation introduced into domestic law for the whole of the UK in October 2000, in order to comply with the obligations set out in European Convention of Human Rights. S73 of the Care Act 2014 extends the provisions of the Human Rights Act to protect people who are in receipt of personal care in the place where they reside at the time under the following circumstances. The care is arranged, or commissioned (partly or wholly) by a relevant Authority (public body currently covered by the Act).

HSCA (Health and Social Care Act 2012) provides legislative changes to the health and care system including giving GPs and other clinicians the primary responsibility for commissioning health care.

HSE (Health and Safety Executive) a national independent regulator that aims to reduce work-related death and serious injury across workplaces in the UK.

Ill treatment or wilful neglect: these are two separate offences outlined in the MCA 2005 (Section 44), the MHA 1983 (section 127) and the Criminal Justice and Courts Act (2015) introduces two new offences of Ill-treatment or wilful neglect: care worker offence (Section 20); Ill-treatment or wilful neglect: care provider offence (Section 21). The offence of Ill treatment involves deliberately ill-treating the person, or being reckless in the way they were ill-treating the person or not. It does not matter whether the behaviour was likely to cause, or actually caused, harm or damage to the victim’s health. Wilful neglect varies depending on the circumstances, but will usually mean an individual has deliberately failed to carry out an act they knew they had

a duty to do (DCA, 2007). Genuine errors or accidents by individuals fall outside of the scope of these offences.

IMCA (independent mental capacity advocate) established by the Mental Capacity Act (MCA) 2005 IMCAs are mainly instructed to represent people where there is no one independent of services, such as family or friend, who is able to represent them. IMCAs are a legal safeguard for people who lack the mental capacity to make specific important decisions about where they live, serious medical treatment options, care reviews or adult safeguarding concerns.

IMHA (Independent Mental Health Advocate): An IMHA is an independent advocate who is specially trained to work within the framework of the Mental Health Act 1983 to support people to understand their rights under the Act and participate in decisions about their care and treatment.

Inherent jurisdiction: Adults who have mental capacity are outside the jurisdiction of Mental Capacity Act 2005. The High Court can use its inherent jurisdiction in specific circumstances to intervene to protect adults with care and support when it is evidenced the adult is unable to make a decision that is free from influence or coercion from a third party.

IPCC (The Independent Police Complaints Commission) oversees the police complaints system in England and Wales. It is independent, making its decisions entirely independently of the police, government and complainants.

Intermediary someone appointed by the courts to help a vulnerable witness give their evidence either in a police interview or in court.

Making safeguarding personal: is about having conversations with people about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. It is a shift from a process supported by conversations to a series of conversations supported by a process.

MAPPA (multi-agency public protection arrangements) statutory arrangements for managing sexual and violent offenders.

MARAC (multi-agency risk assessment conference) the multi-agency forum of organisations that manage high-risk cases of domestic abuse, stalking and 'honour'- based violence.

Mental capacity refers to whether someone has the mental capacity to make a decision or not.

MCA (Mental Capacity Act 2005) The Mental Capacity Act 2005 provides a statutory framework to empower and protect people aged 16 and over who lack, or may lack, mental capacity to make certain decisions for themselves because of illness, a learning disability, or mental health problems. The act was fully implemented in October 2007 and applies in England and Wales.

MHA (Mental Health Act 2007) amends the Mental Health Act 1983 (the 1983 Act), the Mental Capacity Act 2005 (MCA) and the Domestic Violence, Crime and Victims Act 2004. This includes changing the way the 1983 Act defines mental disorder, so that a single definition applies throughout the Act, and abolishes references to categories of disorder.

NCA (National Crime Agency) a non-departmental public body of the government with a remit to tackle serious organised crime.

NHS (National Health Service) the publicly funded health care system in the UK.

Nominated Enquirer a person or persons appointed from one or more agency to undertake specific tasks as part of the Section 42 Enquiry. It is essential to involve the individual/s at the centre of the concern from the start of the safeguarding activity. A nominated enquirer will be specifically tasked to seek the views of the individual/s. This could be the Safeguarding Adults Practitioner

OAS (Offender Assessment System) a standardised process for the assessment of offenders developed jointly by the Probation and the Prison Services.

OPG (Office of the Public Guardian) established in October 2007, the OPG supports the Public Guardian in registering enduring powers of attorney, lasting powers of attorney and in supervising Court of Protection appointed deputies.

PACE (Police and Criminal Evidence Act 1984) and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, Enquiry, identification and interviewing detainees

PALS (Patient Advice and Liaison Service) a body created to provide advice and support to National Health Service (NHS) patients and their relatives and carers.

Personal budget (PB) is money allocated for social care services, allocated based on the needs of the individual following an assessment. They could be managed by councils or another organisation (such as a CCG) on behalf of individuals. They could also be paid as a direct payment, or a mixture of both.

PIDA (Public Interest Disclosure Act 1998) An Act to protect individuals who make certain disclosures of information in the public interest; to allow such individuals to bring action in respect of victimisation; and for connected purposes.

PPO (Police, Prison and Probation Ombudsman) The Prisons and Probation Ombudsman is appointed by the Home Secretary, and is an independent point of appeal for prisoners and those supervised by the Probation Service. It will take appeals from offenders and ex-offenders who are not satisfied with the handling of a complaint by the Prison Service, a prison or the National Probation Service.

Protection of Freedoms Act (2012) - An Act which addresses Safeguarding vulnerable groups, criminal records etc. amending the Safeguarding Vulnerable Groups Act (2006) and introducing the Disclosure and Barring Service (replacing the previous vetting and barring scheme).

Public interest a decision about what is in the public interest needs to be made by balancing the rights of the individual to privacy with the rights of others or society as a whole to protection.

QAF (Quality Assessment Framework) was introduced in 2003 and sets out the standards expected in the delivery of Supporting People services.

SAB (Safeguarding Adults Board) the SAB represents various organisations in a local authority who are involved in adult safeguarding.

Safeguarding Plan a risk management plan aimed at removing or minimising risk to the person and others who may be affected if it is not possible to remove the risk altogether. It will need to be monitored, reviewed and amended/ revised as circumstances arise and develop.

Safeguarding Adults Practitioner: the member of staff in the Local Authority who will have oversight for and monitor the Safeguarding Enquiry and Plan about an allegation of abuse, harm or neglect. The SAP may also be a nominated enquirer, and may lead in some circumstances.

Safer Lives a national charity supporting a strong multi-agency response to domestic violence. The DASH (Domestic Abuse, Stalking and Harassment and Honour-based violence) risk identification checklist (RIC) was developed by Safer Lives and the Association of Chief Police Officers (ACPO).

SAR (Safeguarding Adults Review) a review of the practice of agencies involved in a safeguarding matter. An SAR is commissioned by the Safeguarding Adults Board (SAB) when a serious incident(s) of adult abuse takes place or is suspected. The aim is for agencies and individuals to learn lessons to improve the way they work.

SIRI (serious incident requiring investigation) a term used by the National Patient Safety Agency (NPSA) in its national framework for serious incidents in the National Health Service (NHS) requiring investigation. It is defined as an incident that occurred in relation to NHS-funded services resulting in serious harm or unexpected or avoidable death of one or more patients, staff, visitors or members of the public.

SVGA (Safeguarding Vulnerable Groups Act): to make provision in connection with the protection of children and vulnerable adults (also known as adults with care and support needs). The Act provides the legislative framework for Vetting and Barring Scheme, put into place by the Independent Safeguarding Authority.

Vital interest a term used in the Data Protection Act (DPA) 1998 to permit sharing of information where it is critical to prevent serious harm or distress, or in life-threatening situations.

Wellbeing The Care Act 2014 states “Wellbeing” is a broad concept, and it is described as relating to the following areas in particular: personal dignity (including treatment of the individual with respect); physical and mental health and emotional wellbeing; protection from abuse and neglect; control by the individual over day-to-day life (including over care and support provided and the way it is provided); participation in work, education, training or recreation; social and economic wellbeing; domestic, family and personal relationships; suitability of living accommodation and the individual's contribution to society.

YJCEA (Youth Justice and Criminal Evidence Act) an Act to provide for the referral of offenders under 18 to youth offender panels; to make provision in connection with the giving of evidence or information for the purposes of criminal proceedings; to amend section 51 of the Criminal Justice and Public Order Act 1994; to make pre-consolidation amendments relating to youth justice; and for connected purposes. This includes special measures directions in case of vulnerable and intimidated witnesses

Appendix 2

This guidance must be read in conjunction with that at [Appendix 8](#) (Adults at risk who do not wish to engage).

[Bournemouth and Poole and Dorset Safeguarding Adults Boards
Self-Neglect and Hoarding Guidance for agencies V2.0](#)

Appendix 3

Roles and Responsibilities of other Agencies

Other agencies types of Enquiries

Type of Enquiry / risk assessment	Agency responsible
Criminal (Including assault, theft, fraud, misuse of property, possessions or benefits with criminal intent, hate crime, domestic violence and abuse or wilful neglect of a person lacking capacity).	Police.
Domestic violence or abuse – serious risk of harm.	Relevant organisation carries out a CAADA DASH risk assessment and referral to MARAC.
Fitness of registered service provider.	CQC
Unresolved serious complaint in healthcare setting.	CQC/ CCG and other bodies
Breach of rights of person detained under the Mental Capacity Act 2007 Deprivation of Liberty Safeguards (DoLS).	CQC Supervisory body eg: LA
Breach of terms of employment/ disciplinary procedures.	Employer
Breach of professional code of conduct.	Professional regulatory body
Breach of health and safety legislation and regulations.	Health and Safety Executive (HSE) Environmental Health Dept.
Complaint regarding failure of service provision (Including neglect of provision of care and failure to protect one service user from the actions of another).	Manager/ proprietor of service/ complaints department. CQC Ombudsman (if unresolved through complaints procedure).
Breach of contract to provide care and support.	Service commissioner (e.g.: social services, CCG, Supporting People).
<p>NHS providers and providers of care are required to comply with the duty of candour meaning providers must be open and transparent with service users about their care and treatment, including when it goes wrong.</p> <p>The duty is part of the fundamental standard requirements for all providers. It applies to all NHS trusts, foundation trusts and special health authorities and for all other providers, including social care.</p>	All NHS organisations. CQC.

Assessment of need for health and social care provision (service users and carers).	Social Services, NHS/ CMHT/ care trust.
Access to health and social care services to reduce risk of harm/ neglect.	Social Services, NHS/ CMHT/ care trust.
Misuse of enduring or lasting power of attorney or misconduct of or complaints against a court-appointed deputy.	PGO/ Court of Protection/ Police.
Inappropriate person making decisions about the care and well-being of an adult at risk who does not have mental capacity to make decisions about their safety which is not in their best interests.	PGO/ Court of Protection. www.gov.uk/court-of-protection
Misuse of appointeeship or agency.	Department of Work and Pensions.
Anti-social behaviour (e.g.: harassment and nuisance by neighbours).	Police Community Safety Team. Local Authority
Breach of tenancy agreement (e.g.: harassment and nuisance by neighbours).	Landlord/ registered social landlord/ Housing Trust/ Community Safety Team.
Bogus callers or rogue traders.	Police and Trading Standards officers.

The role of the General Practitioner in Safeguarding Adults

GPs have a significant role within Safeguarding Adults and should receive appropriate training in this area. They should be able to identify adults in their care who may be at risk of potential or actual harm. They need to ensure they have processes in place to recognize and report such issues in line with the Bournemouth, Dorset and Poole Multi Agency Safeguarding Adults Policy and Procedures, as this can be a vital first step in ensuring that he or she receives necessary support. They should contribute to strategy discussions, case conferences and protection plans where appropriate.

Additional Resources: British Medical Association: Safeguarding vulnerable adults – a tool kit for general practitioners

Role of all Health Employees

The safeguarding principles of empowerment, partnership & accountability reflect the central role of patients in safeguarding adults.

Empowerment is about involvement, having information to make choices and consent to care and treatment. This applies in day-to-day care and responses to harm and abuse.

Compliance with the Mental Capacity Act 2005 and Equalities Act 2010 are fundamental to safeguarding adults. This legislation provides important protection for patients who may be particularly at risk of harm e.g. people with impairments such as impaired mental capacity.

Partnerships with patients and carers will enable the personalized care that is fundamental to preventing harm, neglect and abuse. The Government's carers' strategy (DoH4) outlines the

importance of recognising the expertise of carers and supporting them in their role—this is an important component of prevention and responses to harm and abuse.

Accountability relates to how services are held to account for the quality of care. This will include taking additional measures to listen to patients and their families who may be most vulnerable and could be marginalised. Health professionals will help services identify potential risks as part of preventing poor care, neglect and harm i.e. communication that is culturally competent and appropriate to the needs of disabled people. Accountability to patients is also about how allegations of harm or abuse are managed, measuring success against patient related outcomes. Local Health Watch, advocacy and advice services will be important mechanisms to support patients in the most vulnerable situations, to make informed choices and to complain. Health Watch will ensure the views of patients, carers and the public are represented to commissioners and work alongside the role of public members.

All health professionals have duties under the Children Act 2004 to identify and respond where children may be at risk of harm and should consider the implications for children when responding to all safeguarding adults concerns.

References:

1. *Department of Health (2010) Liberating the NHS.*
2. *Department of Health (2011) Liberating the NHS—No decision about me without me*
3. *NHS Commissioning Board (2013) Safeguarding Vulnerable People in the Reformed*
4. *NHS: Accountability and Assurance Framework*
5. *Association of Directors of Social Services(2005)Safeguarding Adults: A national framework of standards for good practice and outcomes in adult protection work*
6. *Department of Health (2010) Recognised valued and supported. Next steps for the carer's strategy*
7. *Department of Health(2011) Safeguarding Adults: The Role of Health Service Managers & their Boards*
8. *Department of Health (2011) Safeguarding Adults: The Role of Health Service Practitioners*
9. *Manchester Health and Social Care Trust (2002) Commission for health Inspection report Rowan Ward*

All Employees and Volunteers

The first priority is always the safety of children, young people and adults at risk.

All employees and volunteers from any service or setting should know about this policy and procedures. All employees and volunteers from any service or setting who have contact with adults at risk have a responsibility to be aware of issues of harm, neglect or exploitation. This includes personal assistants paid for from direct payments or personal budgets.

All employees and volunteers have a duty to act in a timely manner on any concern or suspicion that an adult who is vulnerable is being or is at risk of being harmed, neglected or exploited and to ensure that the situation is assessed and investigated.

Employees or volunteers should:

- ▶ Be aware that they must call the police and/or an ambulance where appropriate in situations where the harm of the adult indicates an urgent need for medical treatment, or where there is immediate risk of harm indicating urgent action is needed to protect the person.
- ▶ Be authorized to make a report to the police and if a crime has been committed, ensure action is taken to preserve evidence. This could be where there has been a physical or sexual assault, especially if the suspect is still at the scene.
- ▶ Share their concern with colleagues and seek advice and support.
- ▶ Know they must inform their line manager. If their line manager is implicated in the harm then they should inform a more senior manager or Adult Social Services direct.
- ▶ Know how to access help and advice for the adult at risk.
- ▶ Know how and where to make a direct alert, where speaking to a manager would cause delay.
- ▶ Know that they must make a clear factual record of their concern and the action taken.

Role and responsibility of managers in all organisations

The role and responsibility of the manager is:

- ▶ To ensure the alleged victim is made safe.
- ▶ To ensure that any employee, volunteer or other person who may have caused harm is not in contact with service users and others who may be at risk. To ensure that appropriate information is provided in a timely way.
- ▶ To ensure that access to records and information relating to the adult at risk, regardless of whether they are funding their own care or support is given to the NE, SAP or Police.

The primary responsibility for co-ordinating information in response to a Safeguarding Adult concern is vested in the Enquiry Manager (EM) working with the Police if a crime is suspected. If this is the case, the Police will lead the investigation. All managers in all organizations have a key role to play.

Managers should ensure they:

- ▶ Make employees aware of their duty to report any allegations or suspicions of harm to their line manager, or if the line manager is implicated, to another responsible person or to the local authority.
- ▶ Meet their responsibilities and ensure compliance with the Care Act 2014.
- ▶ Operates safe recruitment practices and routinely take up and check references.
- ▶ Adhere to and operate within their own organisation's 'whistle-blowing' policy and support employees who raise concerns.

Managers of regulated activity providers must fulfil their legal obligations under the Vulnerable Groups Act 2006 and the Disclosure and Barring Service. Managers have responsibility for making checks on and referring employees and volunteers who have been found to have harmed an adult at risk or put an adult at risk from harm.

Managers in health settings should report concerns as a serious incident requiring investigation (SIRI) in line with the NHS safety reporting framework and a decision must be made whether the circumstances meet the criteria for reporting a concern to the Safeguarding Adults Team as required.

Human Resource & Disciplinary Actions

When a safeguarding allegation has been made in relation to an employee the person raising the concern must follow the safeguarding procedures and inform their line manager and Adult Social Services.

The line manager will inform their Human Resource department and follow the disciplinary procedures.

If their line manager is the person alleged to have caused harm, they must inform the line manager above their line manager or make direct contact with the local Adult Social Services, who will advise. The person concerned may need to follow the 'whistle blowing' procedure of their own organisation.

A restricted part of the safeguarding Enquiry meeting can determine how to proceed, drawing on the advice of the Human Resources staff. Both HR and safeguarding procedures will need to be followed remembering that priority must always be given to safeguarding the adult at risk and if a criminal investigation is taking place pursuing forensic evidence. Bournemouth, Dorset and Poole Local Authorities have a protocol which provides guidance where allegations are made against their employees.

Local Authorities

Lead co-ordinating agency for safeguarding

Local authorities have the lead role in co-ordinating the multi-agency approach to safeguard adults at risk. This includes assurance of the use of these procedures, co-ordination of activity between organisations, review of practice, facilitation of joint training, dissemination of information and monitoring and review of progress within the local authority area.

In addition to that strategic co-ordinating role, local authority adult social care, joint health and social care teams and CMHTs also have responsibility for coordinating the action taken by organisations in response to concerns that an adult at risk is being or is at risk of being harmed or neglected.

The local authority must:

- ▶ Ensure that any Safeguarding Adults concern is acted on consistent with these procedures.
- ▶ Co-ordinate the actions that relevant organizations take in accordance with their own duties and responsibilities.
- ▶ Ensure a continued focus on the adult at risk and due consideration to other adults or children.
- ▶ Ensure that key decisions are made to an agreed timescale.
- ▶ Ensure that an interim and a final safeguarding plan are put in place with adequate arrangements for review and monitoring.

- ▶ Ensure that actions leading from Enquiries are proportionate to the level of risk and enable the adult at risk to be in control, unless there are clear recorded reasons why this should not be the case.
- ▶ Ensure independent scrutiny of circumstances leading to the concern and to Safeguarding Adults work.
- ▶ Facilitate learning the lessons from practice and communicate these to SABs.

Lead Councillor for Safeguarding Adults

The lead councillor for Safeguarding Adults has a responsibility to make sure the Director for Adult Social Services and the SAB are effectively discharging their responsibilities in relation to adults at risk.

Director for Adult Social Services

The Director for Adult Social Services has specific responsibilities under statutory guidance issued by the Department of Health. Within adult social services, the director has a responsibility to:

- ▶ Maintain a clear organizational and operational focus on Safeguarding Adults and that statutory responsibilities are met.
- ▶ Make sure Disclosure & Barring Services standards are met.
- ▶ The director is also responsible for either chairing, or ensuring the effective chairing of, a local SAB as required by the Care Act 2014.

N.B.

If the person meets the criteria for a Section 42 Enquiry and there are concerns in one or more of the areas identified above then consideration must be given to instigating a Multi-Agency Risk Management Meeting Self-Neglect.

Appendix 4

Risk Assessment Document

Risk Assessment

Completed on behalf of Adult Social Care across Bournemouth, Poole and Dorset three Local Authorities.

Person Name:	<input type="text"/>	D.O.B.:	<input type="text"/>
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Hospital ID SS ID NHS No. NI No.

Date of this assessment: Date of Community Care Assessment:

Purpose of the Risk Assessment Assessment
Location:

Others Consulted:

Does the person have capacity: Y N

Is person aware of risk assessment: Y N

Has consent form been signed: Y N

<u>IDENTIFIED RISKS</u>	<u>CONSEQUENCE OF RISKS</u>	<u>PROPOSED ACTION TO MINIMISE THE RISK</u>	<u>BY WHOM</u>	<u>TIME SCALE</u>

Additional Comments: to include whether assessor and/or others disagree with service user perception of risk.
Individual, family, carer(s), assessor/managers comments

Person: I have participated in this assessment and agreed with action: Y N

Name of person completing this form:

Job Title

Date Completed:

Review Date

Contact No:

Manager Signature (if required):

Note:

Further work is planned concerning a risk assessment and management tool. Agencies with current risk assessment tools in place should continue to use them pending production of new guidance.

Appendix 5

Nominated Enquirer Form

The [Nominated Enquirer form](#) is for the person undertaking this role to record all aspects of their contact with the adult at risk. It will focus particularly on the presenting concerns/allegations, the persons views and capacity, actions taken and proposed. It will be used to report back to the lead agency and may, as necessary, feed into the Enquiry Planning Meeting/ Enquiry Review Meeting.

**Request to Undertake a Safeguarding Enquiry
Under Section 42 of the Care Act 2014**

**Nominated Enquiry Report Please note if some section are not relevant please state
N/A**

Details of Adult at Risk			
Surname:		First Names:	
Date of Birth:		ASC ID:	
Gender:		NHS ID:	
Usual address:			
Current address:			
Name of Safeguarding Adults Practitioner requesting this report:			
Name of Organisation:			
Name of Nominated Enquirer:			
Role of Nominated Enquirer:			
Nominated Enquirer Contact Details:			
Name of Organisation:			

Chronology of events leading to the concerns:
Information about the person(s) or organisation allegedly responsible:
Information about the nominated enquiry process: (to include witness statements and anyone else consulted).
Evaluation / results of the nominated enquiry process: (consideration if cause for concern is substantiated or not)
Nominated enquirers response to specific requirements requested, if not included above, if applicable:
Are there any continuing risk factors:
For the adult at risk
For any others

Suggested recommendations and learning:
What action will be taken as a result of this enquiry?
For the individual (s)
For the organisation
Family/carers
Have the contents of this report been discussed with the family/carers?
Yes <input type="checkbox"/>
No <input type="checkbox"/>
If yes, who was informed and what information was shared?
If no, please state the reason why not:
Family/carers comments:

Report signed by Nominated Enquirer

Date

Appendix 6

Referrals to MARAC (Multi-Agency Risk Assessment Conference)

A **MARAC** is a meeting where information is shared on the most serious risk domestic violence/abuse cases between representatives of local police, probation, health, safeguarding for children and adults, housing agencies, substance misuse services, Domestic Abuse Advisors (DAA also known as Independent Domestic Violence Abuse Advisors) and other specialists from statutory and voluntary sectors.

High risk victims are identified using the CAADA DASH risk indicator checklist.

The aims of a MARAC are as follows:

- ▶ To share information to increase the safety, health and wellbeing of victims, adults and children.
- ▶ To determine whether the perpetrator poses a significant risk to any particular individual or to the general community.
- ▶ To construct jointly and implement a risk management plan that provides professional support to all those at risk and that reduces harm.
- ▶ To reduce repeat victimisation.
- ▶ To improve accountability.
- ▶ To improve support for staff involved in high-risk cases.

After sharing all relevant information that they have about the high-risk victim, the representatives discuss options for increasing the safety of the victim and agree a co-ordinated action plan to manage and reduce risk. The MARAC is not a risk management process for children but will consider the risks posed to children and link to safeguarding children processes. Likewise the MARAC is not a risk management process for perpetrators but will link to MAPPA. At the heart of a MARAC is a working assumption that no single agency or individual can see the complete picture of the life of a high-risk victim but all may have insights that are crucial to their safety, as part of the co-ordinated community response to domestic violence and abuse.

The victim does not attend the meeting but is represented by a DAA/IDVA. The role of the DAA/IDVA is to provide an independent domestic violence and abuse support service and advocate on their behalf at the MARAC meeting, working with the victim for a short time until the risk is reduced. The service is offered to all high-risk victims referred to the MARAC but is not compulsory. The Pan Dorset DAA/IDVA Service is commissioned jointly by Bournemouth Borough Council, the Borough of Poole and Dorset County Council and is provided by Bournemouth Churches Housing Association (BCHA).

The MARAC will seek better protection for those who disclose domestic violence or abuse the DASH risk assessment, a referral should be made to MARAC. IF the referrer does not have authority to refer to MARAC, this can be done by the Safeguarding Adults Practitioner or the Enquiry Manager.

Where domestic abuse (see definition at page 7) is disclosed, indicated or suspected, the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk indicator checklist (RIC) should be completed. Check to see if a recent checklist has already been completed by another agency. This will indicate whether the individual is at high risk of harm from the perpetrator and if there is a need for referral to a Multi-Agency Risk Assessment Conference (MARAC) (see www.dorsetforyou.com/marac for more information on the MARAC process and for the DASH RIC,

MARAC referral process and MARAC referral form). See Section 4.12 and 4.13. Where the MARAC threshold is **not** met any agency dealing with a victim of domestic abuse should consider referral to a specialist domestic violence and abuse support service such as outreach (

Appendix 7

List of key Legislation and Regulations relevant for safeguarding adults

Care Act 2014 Care and Support Statutory Guidance Dept of Health February 2016

Counter Terrorism and Security Act 2015

Criminal Justice and Courts Act 2015

Data Protection Act 1998

Deprivation of Liberty Safeguards Code of Practice

Domestic Violence, Crime and Victims (Amendment) Act 2012

Domestic Violence, Crime and Victims Act 2004

Female Genital Mutilation Act 2003

Health & Social Care Act 2012

Human Rights Act 2000

Mental Capacity Act Code of Practice

Mental Health Act 1983(2007) Code of Practice - 2015

Police and Criminal Evidence Act 1984

Protection of Freedoms Act 2012

Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998,

www.pcaw.co.uk; <https://ico.org.uk/>

[Serious Crime Acts 2015](#)

Youth Justice and Criminal Evidence Act

Appendix 8

Practice Guidance – Protocol for Working with Adults at Risk who do not wish to engage with services and are or may become at serious risk of harm.

This guidance is to provide managers and practitioners working with adults who have mental capacity and refuse to engage with services, but are/or may become at serious risk of harm, with a framework to manage.

Managing the balance between protecting adults at serious risk against their rights to choice and control is a serious challenge to managers and practitioners. This guidance aims to support good practice in this area.

In the majority of cases the community care assessment/ care programme approach, review and risk assessment procedures will provide the most appropriate route to engage with adults at risk. Where this is not the case the multi-agency decision process outlined below should be followed.

Where an adult is at risk of harm from another person, or agency, the safeguarding adult's procedures must be used.

Please note: This protocol includes all people in need of community care services regardless of financial status i.e. people who self-fund or receive financial support from another organisation. Community Care Services should be interpreted in the wider context for the purposes of this protocol and includes local health services. Healthcare professionals need to consider if a service user is in need of community services, but has not been referred and to consider a referral in collaboration with these guidelines.

Key Practice Principles

- ▶ When an adult at risk with capacity is deemed to be at serious risk of harm, but declines to engage with suggested care and support, good practice requires consideration of the following:
 - ▶ Rights: Individuals have a right to receive advice and support to make choices about their service needs and take risks subject to the degree of impact those risks may have on other adults and children.
 - ▶ Duty of Care: Risk assessment and risk management are essential to establishing the likelihood and impact of risks which may be so serious that agencies need to take action to protect individuals.
 - ▷ A duty of care is established in common law in relation to all services. For an action to succeed in negligence there must be an identified duty of care. An action will only be successful where a duty of care is breached through negligent acts or omissions and where injury is suffered as a result.
 - ▷ Councils, health bodies, private care providers and individual care staff owe a duty of care to individuals to whom they provide services.
- ▶ Information: Should be provided in a form that the individual can understand.
- ▶ Equality: Services and support should be provided with dignity and respect and not discriminate because of disability, age, gender, sexual orientation, race, religion or belief or lifestyle.
- ▶ Work to engage: Every effort should be made to engage with the individual highlighting triggers that may increase dependency or harm and actions that may minimise or eliminate risks. Casework or input should never be ended on the basis that an adult has capacity to make their own choices if professionals have concerns that the person may be at serious risk.
- ▶ Multi-agency Risk Management Meeting: This will be the forum to involve all relevant agencies to work together for information sharing, planning proactive contact with the individual and monitoring on going risks.
- ▶ Open Door: Adults at risk should always be given contact details of various agencies to request support if their view of their circumstances and support needs change. Any details must be recorded in the case note section of files

Who does this guidance apply to?

- ▶ Adults (18+)
 - ▷ who appear to need Community Care Services and
 - ▷ have mental capacity to make decisions around choice and risk and
 - ▷ are at risk of harm as determined by a risk assessment but are refusing to accept support and /or engagement with the service.

Carers – please note that unpaid or informal carers are entitled to an assessment even if the person they are caring for (who is eligible for Community Care support) refuses any assistance.

When considering if an individual has mental capacity, it is important to ensure they fully understand the implications of the decision they are making. If there is doubt as to their understanding, a full Mental Capacity Assessment should be undertaken.

When does this Guidance Apply?

If an adult who has capacity refuses or declines an assessment, services or support a risk assessment must be carried out to determine the level of seriousness of each identified risk.

The risk assessment will determine:

- ▶ What the actual risks are; including any benefits and harms
- ▶ The impact of the risks on the individual, other adults at risk and children who may be at risk.
- ▶ The person's ability to protect themselves
- ▶ Factors that increase the risk (see below)
- ▶ Factors that decrease the risk (see below)
- ▶ The likelihood of risk of future harm and likelihood of risk re-occurring

Factors increasing potential risks include:

- ▶ Dependency on others including physical and financial dependency
- ▶ Difficulties in making choices due to influence from others
- ▶ Lack of information or access to it, not being aware of options available
- ▶ Issues related to language and culture
- ▶ Unwillingness to pay for support
- ▶ Lack of social support network, isolation or social exclusion
- ▶ Unrealistic expectation on others (family, neighbours etc.)
- ▶ Negative experiences of engagement in the past
- ▶ A lack of understanding of the implication of not receiving appropriate health related treatments.

Factors that minimise risk may include:

- ▶ Positive family relationships
- ▶ Active social life and circle of friends
- ▶ Able to participate in the wider community
- ▶ Good knowledge and access to community activities
- ▶ Remaining independent and active
- ▶ A protection plan in place that remains relevant
- ▶ Information that is received in a timely manner and fully explains the implication of care, support or health treatments.

Alongside identifying the individual's strengths and abilities, the individual and practitioner should clarify potential difficulties and possible risks that could lead to increased dependency, harm or danger including risks to carers or other close relationships if needs are not addressed.

There may be a role in supporting their family or carers, or offering other ways to meet their needs. Attempts should be made to fully understand the reasons for their refusal as well as clarifying the individual's perception of any associated risks. It may also be useful to clarify what other solutions the person has identified that may not include the involvement of Community Care Services. It is important to ensure they have all the information necessary to make an informed decision, and

consideration should be given as to whether any other influences may have affected their decision making ability.

Look for alternative options to engage with the individual in question and identify who is best placed to progress this action with the individual. It is appropriate to include health, voluntary sector and any other relevant professionals, family or carers in these discussions, as it may be that the individual is more likely to engage or respond to a person from a health or non statutory organisation.

Where they have been assessed to be at serious risk and are unable to provide adequate care for themselves and their decision could have an adverse impact on themselves, this guidance should be followed.

If identified risks could have an adverse affect on others including carers/families/children the Adults or Children's safeguarding procedures should be followed

Decision to follow this Guidance

A manager in the local authority will decide whether the level of risk will require action under this guidance. All decisions and concerns must be recorded.

This decision will be based on:

- ▶ Information gathered prior to and through a detailed assessment by either a health or social care professional and
- ▶ If The level of risk is assessed to be so serious that the local authority has a duty of care to override the person's wishes either to protect that person, another adult or child whilst being aware of the right to respect for private and family life (Human Rights Act 1998)

Where referrals have been received from concerned neighbours, family or other professionals (e.g. GP, District Nurse etc.) and an initial visit to assess has been declined then the referrer needs to be informed of the decline. Practitioners should attempt different approaches including:

- ▶ Providing different appointment times to suit them
- ▶ Including family members to be present if the individual wishes
- ▶ Offer of advocacy services to be present
- ▶ Joint visit with another professional known to them
- ▶ Meeting or appointment outside of the home environment
- ▶ Identify an individual who is already engaged in their life e.g. meals on wheels, library service someone with a similar interest or hobby
- ▶ Challenging other professionals or carers if you have concerns and they do not share these concerns.
- ▶ Not relying on telephone or doorstep interviews with family members.

If the professionals decide that there are no serious risks appropriate communication should be forwarded to the adult concerned setting out what services were offered and why and the fact of the person's refusal to accept them. This needs to make clear that the person can contact Community Care Services at any time in the future for support and include details of the various ways that contact can be made. Details of any appropriate agencies or voluntary services that would be able to provide support and or advice should also be included within the communication.

Multi-Agency Risk Management Plan

This plan will be focussed on the desired outcome to minimise risk and should include:

- ▶ Protective and preventative options to address risks
- ▶ Identification of agencies or persons taking responsibility and who would be most likely to succeed in engaging with the individual (this person should be the coordinator of the plan)
- ▶ Alternative ways to engage with the individual
- ▶ Monitoring and review arrangements (timescales and people involved)

Implementation of the Risk Management Plan

The coordinator or the person with responsibility for implementing or compiling the plan should maintain regular contact with everyone involved in the persons care to ensure:

- ▶ Appropriate changes in circumstances are shared and recorded.
- ▶ Outcomes are achieved
- ▶ Any deviation as to why the desired outcomes are not achievable is identified together with the reasons.

Monitoring of Risk Management Plan

This should follow the timescales, tasks allocated and people involved at the risk management meeting. Every opportunity should be taken to engage with the person and explore options for support.

Multi Agency Review Meeting

These should be held where possible within 6 weeks of the initial risk assessment (unless required earlier) and reviewed on a regular basis if the risks remain as determined by those present at the meeting.

If the plan is not accepted:

- ▶ Involvement should not cease on the ground that a person at serious risk has not accepted the plan
- ▶ Alternative plans should be considered
- ▶ Review circumstances and risk assessment
- ▶ Legal advice should be sought to ensure that the Council is fulfilling its responsibilities of the duty of care.

Appendix 9

Information Sharing

Personal Information Sharing Agreement (PISA)

The guiding rule is:

- ▶ If you need to share information in order to protect someone from harm or criminal activity, you must do so.

Introduction

This Personal Information Sharing Agreement is made under the Dorset Information Sharing Charter (DISC) which enables the legal and secure exchange of personal information between partner organisations that have a common obligation or desire to provide services within the community.

An Information Sharing agreement is a protocol that sets out the detail under which information can be exchanged under certain circumstances. Information Sharing protocols are not required before front-line practitioners can share information about an individual. By itself, the lack of an Information Sharing Agreement must never be a reason for not sharing information that could help a practitioner deliver services to an individual.

This PISA is concerned with Safeguarding and the specific information that needs to be shared in order to promote safeguarding.

This PISA is between members of Dorset, Bournemouth and Poole Adult Safeguarding Boards as follows:

- ▶ Bournemouth Borough Council (including representation from Housing)
- ▶ Borough of Poole (including representation from Housing)
- ▶ Dorset Clinical Commissioning Group
- ▶ Dorset Fire & Rescue
- ▶ Dorset County Council
- ▶ Dorset County Hospital NHS Foundation Trust
- ▶ Dorset HealthCare University NHS Foundation Trust
- ▶ Dorset Police
- ▶ Dorset, Devon and Cornwall Community Rehabilitation Company
- ▶ NHS England
- ▶ Poole Hospital NHS Foundation Trust
- ▶ Royal Bournemouth & Christchurch Hospitals NHS Foundation Trust
- ▶ South Western Ambulance Service
- ▶ Voluntary Sector – Safe Partnership Limited

For more information on DISC and the organisations that are signed up to it visit:

<https://www.dorsetforyou.gov.uk/disc>

The following additional organisations who have a relevant part to play in Safeguarding and some Safeguarding Adult Reviews:

- ▶ Care Quality Commission
- ▶ Coroners Office
- ▶ Office of the Public Guardian
- ▶ Professional Regulatory Body
- ▶ Border Agency
- ▶ Other housing associations in the Bournemouth, Poole and Dorset Area
- ▶ Hospitals and local authorities that border the county of Dorset
- ▶ Private health and social care providers not listed above

Each organisation is obliged to nominate a lead person for information sharing in each organisation.

Purpose of the PISA

The purpose of this PISA is to ensure that information is shared in an appropriate and timely manner between partnership agencies in relation to both Safeguarding practice and Safeguarding Adult Reviews as follows:

Safeguarding Adult Reviews, Domestic Homicide Reviews (Serious Case Reviews and Serious Case Audits)

The purpose of Safeguarding Adult Reviews is to identify and apply lessons learnt from cases where there is reasonable cause for concern about how the Safeguarding Adults Board, its members or other relevant organisations worked together in any particular case, so as to prevent risks of abuse or neglect arising in the future.

In safeguarding there have been a number of Serious Case reviews in the national media, two of which are shared below regarding incidences where the prevention of sharing information and misunderstandings have contributed to tragic consequences:

- ▶ The case of **Holly Wells** and **Jessica Chapman**, who were murdered by their school caretaker, Ian Huntley, demonstrated that misunderstandings about the Data Protection Act can lead to tragic consequences. In this case, information was not shared for fear that the law might be broken. The **Bichard Inquiry report** found a lack of effective review of intelligence information by the police, and flawed sharing information between police and social services.
- ▶ The serious case review concerning **Steven Hoskin** stated: ‘support officers were not seen as professional by social care colleagues ... a support officer made a referral to adult social care and was asked to leave the resultant meeting, even though she was an alerter and had a lot of understanding of the situation...’

Safeguarding practice

The aim is always to promote the safety and wellbeing of the adult at risk of potential or actual harm.

The purpose is then to:

- ▶ facilitate the secure exchange of information, where necessary to ensure the health, well being and safeguarding of Adults across Dorset, Bournemouth and Poole for example to:
 - ▷ seek immediate protection for a person through referral to another service;
 - ▷ make a referral to agencies who may need to take action against alleged or known perpetrators;
 - ▷ provide a framework for the secure and confidential sharing of personal information between partner organisations.

This agreement can include sharing the name of care providers where there are concerns that there is a risk of harm to adults at risk.

Lawful basis for the sharing of personal information

The principal legislation concerning the protection and use of personal information is listed below and all agencies signed up to the Dorset Information Sharing Charter have agreed to comply:

- ▶ Data Protection Act 1998;
- ▶ Common Law Duty of Confidentiality;
- ▶ Human Rights Act 1998.

The following are some of the relevant legislation that facilitates the lawful sharing of information. This is not an exhaustive list and some further guidance specific to safeguarding is listed below:

The Safeguarding Vulnerable Groups Act 2006 – places a specific duty on those providing “regulated services”. They must refer to the Disclosure and Barring Service (DBS). Anyone who has been dismissed or removed from their role because they have thought to have harmed or posed a risk of harm to a child or adult with care and support needs.

Mental Capacity Act 2005 – this Act is concerned with capacity and the sharing of data between agencies

Multi-Agency Risk Assessment Conferences (MARAC's) are regular local meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies this is done using the legislation listed above along with the Caldicott Guidelines;

Care Act 2015

In the past, there have been instances where the withholding of information has prevented organisations being fully able to understand what 'went wrong' and so has hindered them identifying, to the best of their ability, the lessons to be applied to prevent or reduce the risks of such cases reoccurring. If someone knows that abuse or neglect is happening they must act upon that knowledge, not wait to be asked for information.

A SAB may request a person to supply information to it or to another person. The person who receives the request **MUST** provide the information provided to the SAB if:

- ▶ The request is made in order to enable or assist the SAB to do its job
- ▶ The request is made of a person who is likely to have relevant information and then either
- ▶ The information requested relates to the person to whom the request is made and their functions or activities
- ▶ The information requested has already been supplied to another person subject to an SAB request for information
- ▶ Information will only be shared on a 'need to know' basis when it is in the best interests of an adult;
- ▶ Confidentiality must not be confused with secrecy;
- ▶ Informed consent should be obtained but, if this is not possible and other adults are at risk of abuse or neglect, it may be necessary to override the requirement;
- ▶ It is inappropriate for agencies to give assurances of absolute confidentiality in cases where there are concerns about abuse, particularly in those situations when other vulnerable people may be at risk.

Where an adult has refused to consent to information being disclosed for these purposes, then practitioners must consider whether there is an overriding public interest that would justify information sharing (e.g. because there is a risk that others are at risk of serious harm) and wherever possible, the appropriate Caldicott Guardian should be involved.

Decisions about who needs to know and what needs to be known should be taken on a case by case basis, within agency policies and the constraints of the legal framework.

Principles of confidentiality designed to safeguard and promote the interests of an adult should not be confused with those designed to protect the management interests of an organisation. These have a legitimate role but **MUST** never be allowed to conflict with the welfare of an adult. If it appears to an employee or person in a similar role that such confidentiality rules may be operating against the interests of the adult then a duty arises to make a full disclosure in the public interest.

Guidance from the Office of the Information Commissioner is appended to this document (Appendix one)

In certain circumstances, it will be necessary to exchange or disclose personal information which will need to be in accordance with the law on confidentiality and the Data Protection Act 1998 where this applies.

Duty of Candour

From October 2014, providers (of health and adult social care registered with the Care Quality Commission) will be required to comply with the duty of candour. Meaning providers must be open and transparent with service users about their care and treatment, including when it goes wrong.

Type of personal information that will be routinely shared

The type of personal information that will be routinely shared under this agreement is sensitive personal data as defined in the Data Protection Act 1998.

In addition specific personal data relevant to Safeguarding Adult Reviews (Serious Case Audits and Serious Case Reviews or Domestic Homicide Reviews). For example in a Serious Case Review in Surrey 'there was a lack of history relating to [them] that meant that the risk inherent in

placing them together in a supported housing setting were not fully appreciated' and... 'there was considerable concern amongst members of the SCR panel that an individual could potentially have a serious mental health and forensic history and pose a threat to the community, but that housing might know little or nothing about this'

How personal information will be shared

Verbal or written information will be requested and shared at safeguarding discussions, meetings or as requested as part of an action or protection plan arising from the safeguarding meeting/discussion. It will also include information that is requested or supplied by email or other electronic forms of communication. A record of all requests for information, meetings, and discussions will be maintained to facilitate an audit trail. Information can also be shared under any processes that are included with the Bournemouth, Dorset and Poole Safeguarding Adults Multi Agency Policy and Procedures.

Emails must always be sent using a confidential system - any disclosure made by email can only be transferred to a secure email address, such as .pnn, .gsi, .cjsm etc.

It is each organisations responsibility to ensure they have appropriate procedures/policies in place for staff to be aware of their individual requirements.

When considering what information should be recorded the following questions are a guide:

- ▶ What information do staff need to know in order to provide a high quality response to the adult concerned
- ▶ What information do staff need to know in order to keep adults safe under the services duty to protect them
- ▶ What information is not necessary
- ▶ What is the basis for any decision to share (or not) information with a third party?

It is the responsibility of individuals identified within each organisation to maintain accurate documentation outlining why information has been shared

Protective Marking System

The Protective Marking System and Asset Control comprise five markings in descending order of sensitivity they are: top secret, secret, confidential, restricted and protected. All government agencies and departments should be using the Protective Marking Scheme to classify all documents/assets produced. (Government Security Classifications April 2014)

Restrictions on the use of shared personal information

Information would be restricted by any Partner if deemed not to be in the best interest of the adult at Risk. The data shared with partners must not be disclosed to any unauthorised 3rd parties.

Breaches of confidentiality

Any breaches will be managed by the partner agency's Information Governance Policy and Data Protection Act and reported to the Caldicott Guardian/Data Protection Officer.

Review of PISA

Within 1 year of agreement or sooner if necessary. Thereafter two yearly or as the need arises. The agreement made herein however, remains in force irrespective of whether the agreement is officially reviewed.

Termination of PISA by an organisation

Termination must be in writing to the Chair of the Safeguarding Adults Board, with a minimum notice of three months.

Appendix 10

Safeguarding Adults Enquiry Summary Report

The [Enquiry Summary Report](#) is used to record an overview of the various Nominated Enquiry Reports and a summary of the discussions as part of the wider Safeguarding Enquiry. The Summary Report may be used at an Enquiry Review Meeting to pull together all the information gathered as part of the Enquiry.

Safeguarding Adults Enquiry Summary Report

Adult at Risk's Details

Name:

Address:

Date of Birth:

Age:

Gender: Male

Female

Identifier Number:

Date of Concern:

The attached summary enquiry report was written by:

(Name of Safeguarding Adults Practitioner)S.W:

Name of allocated co-worker or Nominated Enquirer/s (if applicable):

Name of Enquiry Manager :

Summary Report signed by SAP:

Date approved by Enquiry Manager:

Background information about the Adult at Risk

Consent and Capacity

Details of the Initial Concern/s

Include dates

Details of any previous related allegations

Include dates

The person's view of the situation and preferred outcome

Details of any previous/relevant safeguarding concerns(Identify Current Risks and include any benefits and identify actions to minimise Risks)

Information about the individual(s)/organisation alleged to have caused harm

Methods used to undertake the Enquiry

Include any consultations with other 3rd Parties

Findings of Enquiry :Brief Summary

Safeguarding Adults Practitioner's Summary
Recommendations or Conclusions

Appendix 11

Role of Note Takers

Practice Guidance - Note taking

The notes of meetings should provide a reflection of the meeting as a whole and accurately record what was discussed, the stated opinions of others and what the outcomes are in terms of actions, roles and responsibilities – (safeguarding plan). They do not necessarily need to be word for word. The notes are the responsibility of the Chair and therefore the note taker and Chair need to work closely together.

The following guidance should be considered when taking notes:

- ▶ Notes should be written in the past tense
- ▶ The full names of those involved in the meeting and those discussed should be used
- ▶ Where possible, written reports should be provided for the meeting and if agreed by the Chair, attached as a copy to the notes, thus saving the need for a further written précis of the reports.
- ▶ The Safeguarding Adults notes template should be used where available and the type of meeting must be clear e.g. EPM.
- ▶ The meeting Chair should spend some preparation time with the note taker prior to the meeting to familiarise them with the issues/agenda and any specific requirements for that meeting.
- ▶ The note taker may want to sit next to the Chair.
- ▶ The note taker should be able to request clarification, if required, during the meeting.
- ▶ Draft notes should be sent to the Chair of the meeting to check and amend, (if required) before circulation. All actions should have the full name of the person responsible and timescale.
- ▶ Circulation of notes is the responsibility of the Chair. An attendance sheet should be completed and all those attending and giving apologies should receive a copy unless agreed otherwise at the meeting.
- ▶ See Data Protection guidance for your LA to ensure confidentiality.
- ▶ Aim to have notes typed and circulated within 10 days of the meeting.
- ▶ Requests for amendments to notes following circulation must be addressed to the Chair.

Appendix 12

Guidelines for interviews of a 'person alleged to have caused harm' & for determining the outcomes of Adult Safeguarding Enquiries.

Key Principles

It is important that certain key principles are understood before further consideration is given to how different types of interviews should be conducted.

The primary purpose of the overall assessment is to determine if the adult is at risk and if so from whom & how to remove that risk.

To achieve a thorough and fair assessment/Enquiry and to increase the prospect of a clear outcome it will usually be necessary for a 'person alleged to have cause harm' to be interviewed. However the need for this must be evaluated in the context of any potential risk to the adult at risk and the possibility of prejudicing any police investigation, should this later become necessary.

A neutral, balanced and objective approach is necessary for any Enquiry because the aim is to gather information about whether harm has or has not been caused to the victim.

Safeguarding Enquiries conducted by Adult Services staff need to have a clear focus on the person who has or may have been harmed. Such investigations aim to establish whether, on the balance of probabilities, harm has been caused to an individual and to safeguard the individual from harm.

The aim of the safeguarding process, from EPM through the Enquiry to the ERM, is to protect individuals from harm. However, the conduct of an Enquiry may reveal information which indicates who may have caused the harm that has been alleged.

Some adults at risk will have the mental capacity to indicate whether they want the 'person alleged to have caused harm' to be interviewed. If an individual does not have the mental capacity to express a view, a professional judgement should be made by the SAP about whether to proceed.

The purpose of any interview of a 'person alleged to have cause harm' is to allow them the opportunity to give their account about what happened in relation to the allegations.

Interviews with the 'person alleged to have cause harm' should usually be conducted by an employer but in other circumstances this may be the SAP.

In individual cases interviews with the 'person alleged to have cause harm' should not be conducted by staff where this would give rise to a conflict of interest. An example would be where there is an allegation of financial abuse that is suspected to be a deprivation of assets.

Where it appears that a 'person alleged to have cause harm' is also an adult at risk, they must be offered the assistance of an independent advocate to support them throughout the interview process.

Categories of Interview

There are a number of different types of interviews relating to a 'person alleged to have cause harm' that may be required in a Safeguarding Adults Enquiry:

- 1) Interviews of a 'person alleged to have caused harm' in cases where a police investigation is being undertaken.
- 2) Interviews with a 'person alleged to have caused harm' regarding potential criminal matters where the Police do not intend to conduct a criminal investigation or to interview the 'person alleged to have caused harm' (including where the service user has declined Police involvement.)

- 3) Interviews where the 'person alleged to have caused harm' has an employer and category 1 above does not apply.
- 4) Interviews where the 'person alleged to have caused harm' fits none of the above categories. (For example, carer directly employed by service user through individual budget, carer is a family member who is not an adult at risk.)

1. Interviews of a 'person alleged to have caused harm' in cases where a police investigation is being undertaken.

Where it appears that a criminal offence may have been committed the matter should be referred to the Police so that they can decide whether they wish to conduct a criminal investigation.

If the Police decide to investigate they may interview the 'person alleged to have caused harm'. In such a case no interview should be conducted by the employer or SAP without the consent of the Police. Relevant information from the interview will be presented to the safeguarding conference.

If the case is still under investigation at the time of the ERM, a police update will be available on the current state of the investigation only.

If the case has been concluded by police at the time of the ERM, a police update on the outcome of the Enquiry will be available. Written interview summaries are not completed by police where a caution has been given or there is no further police action.

If the police decide not to interview the 'person alleged to have caused harm', paragraph 2 below applies.

2. Interviews with 'person alleged to have caused harm' regarding potential criminal matters where the Police do not intend to conduct a criminal investigation or to interview the 'person alleged to have caused harm' (including where the service user has declined Police involvement.)

Such interviews should not take place if to undertake them would pose an unacceptable risk to the victim, other adults at risk or children. This will be determined by the EM who must make a written record of this decision and the reasons for it.

The employer, EM or chair of the meeting will nominate a member of staff to conduct the interview. Employers will comply with their own procedures regarding such investigations. If the interview is conducted by the allocated SAP or other person nominated by EM or chair of the meeting they will:

- ▶ Explain to the 'person alleged to have caused harm' the aims of the interview in the context of a Safeguarding Enquiry and any ERM that may give consideration to that Enquiry.
- ▶ Inform the 'person alleged to have caused harm' that they are entitled to have someone in the interview to support him/her. It must be made clear that the role of that person is to support the 'person alleged to have caused harm' and not to respond to questions on behalf of the 'person alleged to have caused harm'.
- ▶ Inform the 'person alleged to have caused harm' that they do not have to attend any interview with the SAP but that if they do not do so the ERM will draw conclusions without their account having been given.
- ▶ Inform the 'person alleged to have caused harm' that if they do attend the interview they do not have to answer any questions they do not wish to.
- ▶ Make them aware that a written record of the interview will be produced. They will be given the opportunity to read and sign the record of interview to indicate that it is a true account of their version of events or to amend the record if it is not.
- ▶ Explain that their account will be shared with appropriate professionals at the ERM, stored on the Local Authority computer systems, and will be considered as part of the safeguarding Enquiry.
- ▶ Inform the 'person alleged to have caused harm' that if any information about a crime comes to light as a result of the interview it will be shared with the Police. In those circumstances the interview would be stopped.

3. Interviews where the 'person alleged to have caused harm' is employed by a Registered Care Provider or a non-registered employment service and category 1 above does not apply.

Where the 'person alleged to have cause harm' is employed by a Registered Provider responsibility for interviewing the 'person alleged to have cause harm' will rest with the employer.

Relevant information from the interview will be made available to the ERM to allow full consideration of any information the 'person alleged to have caused harm' has provided about the allegations. This information should be provided in the form of a summary of the investigative interview focussing particularly on evidence that will substantiate or refute whether harm has been caused.

4. Interviews where the 'person alleged to have caused harm' fits none of the above categories.

Interviews with the 'person alleged to have caused harm' should not take place if to undertake them would pose an unacceptable risk to the victim, other adults at risk or children. This will be determined by the EM who must make a written record of this decision and the reasons for it.

The obligations placed on the SAP in such a case are set out at 2 above.

Appendix 13

Whole Service Enquiry Practice Guidance

Practice Guidance for Large Scale or Whole Service Enquiry

This concerns Safeguarding Adults Enquiries involving regulated and contracted care services and is provided to assist in Section 42 Enquiries where a number of adults at risk have been harmed or are at risk of being harmed in a regulated or contracted care setting. This includes care homes, supported accommodation, day services, hospitals and domiciliary social care services, this list is not exhaustive.

It is clear from Care Act Guidance that Adult Safeguarding is NOT about the quality of health and care services; providers have primary responsibility for this with commissioners providing external challenge and review and CQC ensuring that the fundamental standards are met and taking enforcement action as necessary.

It follows that these Section 42 Enquiries will involve a wide range of agencies concerned with both the protection of individual adults and quality of care issues and careful planning and co-operative multi-agency working is required at all stages of the Enquiry. It is categorically clear from the Care Act Safeguarding Guidance that all agencies have a responsibility to work with the local authority and this may include an active role as nominated enquirer in a case or cases.

This protocol aims to reflect the Department of Health's Agenda for "Dignity in Care" and for the making safeguarding personal commitment set out in the Care Act Statutory Guidance.

Where cross-boundary considerations apply e.g. in relation to placements funding by one authority in a facility within another, the ADASS Out of Area Safeguarding Adults Arrangements will apply¹. Essentially this Guidance (link to be provided) places lead responsibilities on the "host" authority and expectations for all placing authorities to respond.

Indicators for large scale or whole service enquiries

On receipt of a concern and throughout the course of an Enquiry, the Enquiry Manager will need to consider if the alleged harm indicates that there could be a risk to others.

This may arise when conjunctions of some or all of the following factors suggest it:

- ▶ Complex concerns relating to four or more adults in the same service;
- ▶ Institutional types of harm e.g. neglectful care, serious medication errors, actual or potential dangerous actions by staff;
- ▶ Serious allegations of harm to a number of adults at risk
- ▶ A number of criminal offences may have been committed
- ▶ Multiple breaches of Health and Social Care Act 2008 may have occurred
- ▶ The service has an accumulation of deficits so that it is considered necessary to review each adult's service because alternative provision may be necessary.

The senior Safeguarding Manager and Head of Adult Social Services should always be notified of a decision to carry out a whole service Enquiry. It is in any case likely the former will have had a view about whether to call for this.

When it becomes apparent that a large scale or whole service Enquiry needs to take place, a Service Manager may decide to act as the Enquiry Manager, depending on the level of seriousness. Alternatively, the Service Manager may choose to delegate this responsibility to a direct report or another colleague. In the most complex and protracted of cases, consideration should be given to the appointment of an Independent Chair.

¹ ADASS Safeguarding Adults Policy Network Guidance June 2016

Partnership working

A number of different agencies are likely to be involved in the Enquiry so it is important that everyone involved is aware of their respective roles and responsibilities. All Enquiries will follow the guidance contained in the Multi-Agency Safeguarding Adults Policy and Procedures.

Multi-agency knowledge, skills and information sharing are essential to sound decision making and securing positive Enquiry outcomes for adults at risk.

Organising large scale or whole service enquiries

When an Enquiry involves a number of people who have experienced harm or are at risk of harm, the issues are often complex and are highly likely to involve standards of service as well as a series of individual safeguarding Enquiries.

It is essential that, whilst addressing concerns about the quality of service provision, each individual's civil rights are not compromised.

The Local Authority has lead responsibility for safeguarding adults. In carrying out this responsibility the Chair will co-ordinate the overall Enquiry and ensure that all relevant agencies are involved. In keeping with the Care Act Guidance and new procedures a variety of agencies can be expected to have key roles as staff appointed to Nominated Enquiries.

Whole service enquiry checklist

The checklist is not exhaustive and not all will be relevant to every Enquiry but it is important that consideration is given to all these issues to facilitate the detailed planning required. . Many of the above issues will need to be reconsidered as Enquiry progresses and new information is received.

Planning issues to be considered:

- ▶ Joint response and decision making between agencies
- ▶ Clarify issues to be investigated
- ▶ Agree what does not need a form Enquiry
- ▶ Agree roles and responsibilities for each agency (e.g. Local Authority, Police, CQC, Health, Provider Services etc)
- ▶ Agree timing of Enquiry actions (including complaints and disciplinary action concerning staff)
- ▶ Ensure any intervention does not compromise any possible Police investigation(unless there are overriding safety needs)
- ▶ Obtain background information
- ▶ Identify all those affected by Enquiry (staff and service users)
- ▶ Consider whether concerns warrant a recommendation for suspension of staff, local authority placements or service contracts
- ▶ Consider whether a review of services provided to all users is required
- ▶ Obtain documentary information e.g. protocols, care plans, plans of building and maps of area
- ▶ Maintain a chronology of all incidents related to the Enquiry
- ▶ Keep a clear record of all policy decisions related to the Enquiry, including copies of Enquiry Planning Meeting minutes
- ▶ Legal advice, where appropriate, should be taken as early as possible
- ▶ Identify Lead Safeguarding Adults Practitioner and agree information sharing arrangements
- ▶ Preservation of evidence and preparation for medical examination
- ▶ Joint response to risk assessment and management
- ▶ Consider capacity of those using the service
- ▶ Consider the need to involve informal carers and others who may need to know
- ▶ If necessary plan communication strategy and responses to possible media interest.

Management issues to be considered:

- ▶ Identify key managers from all appropriate agencies
- ▶ Clarify operational procedures and whether Police Major Incident procedures apply
- ▶ Jointly agree staffing commitment and location of Enquiry

- ▶ Ensure that employees involved do not or are not seen to have any non-professional interest in the service or other elements related to the Enquiry
- ▶ Prepare for interview of vulnerable witnesses – specialist staff and interview facilities to be made available (Police & Adult Social Care)
- ▶ Agree and prepare joint press release / liaise with press officer
- ▶ Seek the involvement of other Local Authorities who are funding the services for specific individuals including the provision of regular updates/information. Ensure the key contacts are clear (ADASS Guidance referred to above should be consulted).
- ▶ Where appropriate agree on issues relating to disciplinary action and suspension
- ▶ Plan for security of records
- ▶ Keep senior managers and Members informed.

Professional issues to be considered

- ▶ Identify differing agency priorities
- ▶ Regular briefing and information sharing for relevant staff and managers; which may need to be daily for some cases
- ▶ Support and protection for referrers
- ▶ Care arrangements for adults at risk; including therapeutic support
- ▶ Consideration of individual needs in relation to race, culture, age, gender, sexuality, religion, beliefs and disability
- ▶ Language and communication needs
- ▶ Advocacy services; including IMCA
- ▶ Help – line facilities or identified contact point

Post enquiry action

- ▶ Debriefing for all employees involved
- ▶ Lessons learnt or 'best practice' identified from the Enquiry should be made available to all employees and agencies involved in the Enquiry so that any training issues can be addressed
- ▶ A summary of all Whole Service Enquiries should be prepared and sent to the Safeguarding Adults Lead in the LA and the Chair of the SAB
- ▶ If circumstances warrant referral for a Safeguarding Adults Review then this should be arranged.

Appendix 14

Death of Adult at Risk

If a concern or complaint is received after an adult at risk has died

The concern or complaint could contain an allegation or suspicion that harm or neglect was contributory factor in the person's death. The allegation may be made by a family member or friend, a concerned member of employees who is 'whistle blowing', or as a result of a report from the Coroner. Such a concern will give rise to action under the Safeguarding Adults policy and procedures. It will be necessary to try and ensure no further adults are at risk from the same source and, if they are, to take steps to ensure their safety. Decisions may also be taken about whether a serious case review will be undertaken.

If the adult at risk dies during the Safeguarding Adults process

The Safeguarding Adults process will continue and an immediate review must take place to decide whether the death was as a result of the inadequacy of the safeguarding plan or whether poor inter-agency working was a contributory factor. In either of these situations the Police may be involved where there is evidence or suspicion:

- ▶ That the actions leading to harm were intended
- ▶ That adverse consequences were intended
- ▶ Of gross negligence and/or recklessness

The Coroner will be informed by the police of the death as soon as possible (and before burial or cremation) if harm or neglect is suspected to be a contributory factor.

If the incident occurred in a health or social care setting and involved unsafe equipment or systems of work a referral may be made to the Health and Safety Executive (HSE). The HSE will make a decision whether to investigate.

An Enquiry Planning Meeting of the relevant organisations should be convened to review the allegation or complaint and to agree a co-ordinated Enquiry/investigation. If there is to be a police investigation, that investigation will take primacy. All organisations will be expected to co-operate in the agreed process.

Consideration should be given to whether there should be an independent manager's review or a Safeguarding Adult Review to examine the circumstances involved.

Please contact Bournemouth & Poole Safeguarding Adults Board Business Manager or the equivalent for the Dorset Board for: Serious Case Review Protocol.

If the adult at risk was a victim of domestic violence and was murdered, a statutory duty to undertake a Domestic Homicide Review (DHR) exists. This duty can be met through the Safeguarding Adults Review process but the Home Office must be informed of any learning outcomes from the review through the Chair of the relevant Community Safety Partnership (CSP). <http://www.homeoffice.gov.uk/publications/crime/DHR-guidance>

Appendix 15

Independent advocacy and “substantial difficulty”.

Local Authorities have a duty to involve the adult in a Safeguarding Enquiry. Involvement requires supporting the adult to understand how they can be involved, how they can contribute and take part, and lead or direct the process. As part of the planning process, the Local Authority must consider and decide if the adult has “substantial difficulty” in participating in the Safeguarding Adult Enquiry. The Local Authority should make all reasonable adjustments to enable the person to participate before deciding the person has “substantial difficulty”.

“Substantial difficulty” does not mean the person cannot make decisions for themselves. It refers to situations where the adult has “substantial difficulty” in doing one or more of the following:

- ▶ Understanding relevant information. Many people can be supported to understand relevant information, if it is presented appropriately and if time is taken to explain it retaining that information. If a person is unable to retain information long enough to be able to weigh up options, and make decisions, then they are like to have substantial difficulty in participating.
- ▶ Using or weighing that information as part of the process of being involved, a person must be able to weigh up information, in order to participate fully and express preferences for or choose between options.
- ▶ Communicating their views, wishes or feelings. A person must be able to communicate their views, wishes and feelings whether by talking, writing, signing or any other means, to aid the decision process and to make priorities clear.

Where an adult has “**substantial difficulty**” being involved in the Safeguarding Adult Enquiry, the Local Authority must consider and decide whether there is an appropriate person to represent them. This would be a person who knows the adult well, and could be, for example, a spouse, family member, friend, informal carer, neighbour, Power of Attorney. The identified person will need to be willing and able to represent the adult.

An appropriate person to represent the adult cannot be a person who is involved in their care or treatment in a professional or paid capacity. Where the adult has capacity to consent to being represented by that person, the adult must consent to being represented by them. If the adult lacks capacity to consent to being represented by that person, the Local Authority must be satisfied that being represented by that person is in the adult’s best interests.

The person who is thought to be the source of risk to the adult may be the most readily identifiable person to represent them, for example, if the person thought to be the source of risk is a spouse, next of kin, or person closest to the adult in their social network. In such circumstances, careful thought needs to be given to whom is appropriate to represent the adult, but it is unlikely that the Local Authority would consider that it is in the adult’s best interests to be represented by a person who may pose a risk of harm to them.

Where an adult has “**substantial difficulty**” being involved in the Safeguarding Adult Enquiry, and where there is no other appropriate person to represent them, the Local Authority must arrange for an independent advocate to support and represent them. ([Appendix 16](#)) The Care and Support Statutory Guidance states that where the need for an independent advocate has been identified, the local authority must arrange for one to be provided.

Appendix 16

Mental Capacity Act and Deprivation of Liberty Safeguards

Mental Capacity

The presumption in the Mental Capacity Act 2005 is that adults have the mental capacity to make informed choices about their own safety and how they live their lives. Issues of mental capacity and the ability to give informed consent are central to decisions and actions in adult safeguarding. All interventions need to take into account the ability of adults to make informed choices about the way they want to live and the risks they want to take. This includes their ability:

- ▶ to understand the implications of their situation and to take action themselves to prevent abuse.
- ▶ to participate to the fullest extent possible in decision-making about interventions.

The MCA 2005 provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the adult safeguarding process must comply with the Act.

The Mental Capacity Act (MCA) states that if a person lacks mental capacity to make a particular decision then whoever is making that decision or taking any action on that person's behalf must do this in the person's best interests.

The person who has to make the decision is known as the 'decision-maker', and depending on the decision to be made this may be a carer responsible for the day to day care (including both care staff, relatives or friends), or a professional such as a doctor, nurse or social worker where decisions about treatment, care arrangements or accommodation have to be made.

Deprivation of Liberty Safeguards.

The Deprivation of Liberty Safeguards (DoLS) provides protection to people in hospitals and care homes. DoLS apply to people who have a mental disorder and who do not have mental capacity to decide whether or not they should be accommodated in the relevant care home or hospital to receive care or treatment.

Care homes and hospitals must make requests to their local authority supervisory body for authorisation to deprive someone of their liberty if they believe it is in their best interests. Some organisations may operate joint supervisory boards. All decisions on care and treatment must comply with the MCA and the DoLS codes of practice. Be mindful that case law is evolving in this area and there have been some significant cases that have been brought to the attention of the Court of Protection.

In March 2014 a judgment was made in the Supreme Court regarding two cases which have had a significant effect on the application of the Deprivation of Liberty Safeguards. The two cases are-

- ▶ "P v Cheshire West and Chester Council and another"
- ▶ "P and Q v Surrey County Council"

The full judgment can be found on the Supreme Court's website at the following link: http://supremecourt.uk/decided-cases/docs/UKSC_2012_0068_Judgment.pdf

The judgment is significant in the determination of whether arrangements made for the care and/or treatment of an individual lacking capacity to consent to those arrangements amount to a deprivation of liberty.

A deprivation of liberty for such a person must be authorised in accordance with one of the following legal regimes: a deprivation of liberty authorisation or Court of Protection order under the Deprivation of Liberty Safeguards (DoLS) in the Mental Capacity Act 2005 or (if applicable) the Mental Health Act 1983.

Key points from the Supreme Court judgment

Revised test for deprivation of liberty

The Supreme Court has clarified that there is a deprivation of liberty for the purposes of Article 5 of the European Convention on Human Rights in the following circumstances:

- ▶ The person is under complete or continuous supervision and control and is not free to leave, and the person lacks capacity to consent to these arrangements.

The Supreme Court held that factors which are NOT relevant to determining whether there is a deprivation of liberty include the person's compliance or lack of objection and the reason or purpose behind a particular placement. It was also held that the relative normality of the placement, given the person's needs, was not relevant. This means that the person should not be compared with anyone else in determining whether there is a deprivation of liberty. However, young persons aged 16 or 17 should be compared to persons of a similar age and maturity without disabilities.

Deprivation of liberty in "domestic" settings

The Supreme Court has held that a deprivation of liberty can occur in domestic settings where the State is responsible for imposing such arrangements. This will include a placement in a supported living arrangement in the community. Hence, where there is, or is likely to be, a deprivation of liberty in such placements that must be authorised by the Court of Protection.

Relevant staff should:

- ▶ Familiarise themselves with the provisions of the Mental Capacity Act, in particular the five principles and specifically the "least restrictive" principle.
- ▶ When designing and implementing new care and treatment plans for individuals lacking capacity, be alert to any restrictions and restraint which may be of a degree or intensity that mean an individual is being, or is likely to be, deprived of their liberty (following the revised test supplied by the Supreme Court)
- ▶ Take steps to review existing care and treatment plans for individuals lacking capacity to determine if there is a deprivation of liberty (following the revised test supplied by the Supreme Court)
- ▶ Where a potential deprivation of liberty is identified, a full exploration of the alternative ways of providing the care and/ or treatment should be undertaken, in order to identify any less restrictive ways of providing that care which will avoid a deprivation of liberty
- ▶ Where the care/ treatment plan for an individual lacking capacity will unavoidably result in a deprivation of liberty judged to be in that person's best interests, this MUST be authorised.

Local authorities should in addition

- ▶ Review their allocation of resources in light of the revised test given by the Supreme Court to ensure they meet their legal responsibilities

Authorising a deprivation of liberty

The DoLS process for obtaining a standard authorisation or urgent authorisation can be used where individuals lacking capacity are deprived of their liberty in a hospital or care home.

The Court of Protection can also make an order authorising a deprivation of liberty; this is the only route available for authorising a deprivation of liberty in domestic settings such as supported living arrangements. This route is also available for complex cases in hospital and/ or care home settings. Individuals may also be deprived of their liberty under the Mental Health Act if the requirements for detention under that Act are met.

Where the person is un-befriended or has no relatives it is important to engage the assistance of an Independent Mental Capacity Advocate.

Appendix 17

Guidance on pressure ulcers

[Practical Guidance—when Pressure Ulcers, Nutrition / Hydration and Falls become a Safeguarding Issue](#)

Introduction:

This guide aims to identify the issues that commonly lead to safeguarding alerts from health and social care. Prevention checklists are provided to help both commissioners and providers to work towards a reduction in occurrence of these issues. There are additional links to resources included in each section.

For more information see: [BPSAB Guidance on When Pressure Ulcers, Nutrition/Hydration and Falls Become a Safeguarding Issue](#).

In all cases of suspected neglect or harm, the Bournemouth, Dorset & Poole Multi-Agency Safeguarding Adults Policies and Procedures should be followed. The safety of the individual concerned should be of paramount importance, and all action taken and decisions made should be clearly recorded. Local protocols should determine when a concern should be alerted through safeguarding procedures.

Appendix 18

Links with Children's Services

Harm by children

If a child or children is/are causing harm to an adult at risk, this should be dealt with under the Safeguarding Adults policy and procedures but will also need to involve the local authority children's services and possibly anti-bullying and anti-social behaviour services.

Child Protection

Working Together to Safeguard Children 2015 provides the legislative framework for agencies to take decisions on behalf of children and to take action to protect them from harm and neglect.

Everyone must be aware that in situations where there is a concern that an adult at risk is or could be being harmed or neglected and there are children in the same house hold or in regular contact, they too could be at risk. Reference should be made to the [Pan-Dorset Inter-Agency Safeguarding Children's Procedures](#). If there are concerns about harm or neglect of children and young people under the age of 18, referral must be made to the relevant children and families social care department.

Transition/Care Leavers

Where someone is over 18 but still receiving children's services and a safeguarding concern is raised, this should be dealt with as a matter of course through adult safeguarding procedures. Where appropriate, they should involve the local authority's children's safeguarding colleagues as well as any relevant partners (e.g. police or NHS) or other persons relevant to the case. This also applies where someone is moving to a different local authority area after receiving a transition assessment but before moving to adult social care.

Robust joint working arrangements between children's and adults' services should be in place to ensure that the medical, psychosocial and vocational needs of children leaving care are assessed as they move into adulthood and begin to require support from adult services.

The care needs of the young person should be at the forefront of any support planning and require a coordinated multi-agency approach. Assessments of care needs at this stage should include issues of safeguarding and risk. Care planning needs to ensure that the young adult's safety is not put at risk through delays in providing the services they need to maintain their independence, wellbeing and choice.

Appendix 19

Allegations against employees, volunteers or councillors

All allegations against employees will be dealt with in accordance with the relevant organisations Disciplinary Policy and Procedure and or Whistleblowing Policy (Children's, Adults Services and/or the police will determine whether child protection or criminal investigations will take place).

Allegations against councillors will be dealt with via the Council's Standards Procedure. (Children and Young People's Service and/or the Dorset Police will determine whether child protection adult safeguarding or criminal investigations will take place).

The Sexual Offences Act 2003, Fraud Act 2006, Care Act Guidance 2011 and agencies own Codes of Conduct may all be relevant.

Appendix 20

Practice Guidance on Attendance of Solicitors at Adult Safeguarding Meetings

Summary

The Enquiry Review meeting is not a legal process. Therefore it is not a forum for legal representatives of service providers to attend. A separate meeting may be convened for legal representatives to meet and discuss issues relevant to them. Any request for solicitors to attend a safeguarding meeting will be considered on a case by case basis.

The Chair of the safeguarding meeting, will determine whether it is in the person's best interest.
Key points:

- ▶ It is necessary that the request to attend will be made by the service provider who wishes a solicitor to attend with them, in writing. On no account will a solicitor be permitted to attend in place of an organisational representative. A minimum of five days advance notice is required.
- ▶ The Chairperson should make it clear at the start of the meeting that the safeguarding enquiry meeting is to safeguard the victim and not to attribute blame for what may have occurred.
- ▶ If a solicitor is permitted to be present during a safeguarding meeting this is on the strict understanding that they are there to support their client and not in a participative capacity in relation to the issues discussed at the meeting

²MEMORANDUM OF UNDERSTANDING

Dorset Police
Bournemouth Borough, Dorset County, Poole Borough Council Adult Social
Care Services
Bournemouth Borough, Dorset County, Poole Borough Council Trading
Standards Services

November 2015

INTRODUCTION

During the course of their roles, Police, Trading Standards Officers and workers in Adult Social Care come into contact with adults who may be at risk or in need of safeguarding. This document is intended to provide guidance for how to identify and deal with safeguarding issues alongside investigating offences.

Furthermore, it is also designed to provide guidance to Police Officers, Trading Standards Officers and Adult Social Care workers on what to do when receiving information of an incident or concern. Staff are reminded that they should follow the Multi-Agency Procedures for the Protection of Adults with Care and Support Needs in Bournemouth, Dorset and Poole issued 11 – Aug - 2015.

² RESTRICTED when complete

POLICY CONTEXT

Home Office (2000) “Achieving Best Evidence in Criminal Proceedings”

Guidance for vulnerable or intimidated witnesses, including children

Multi-Agency Safeguarding Adults Policy for Bournemouth, Dorset and Poole (April 2015)

Local Authority Websites

Dorset - <http://www.dorsetforyou.com/safeguardingadults>

Poole – <http://www.poole.gov.uk/safeguarding>

Bournemouth – <http://www.bournemouth.gov.uk/adultsocialcare/protectingadultsfromabuse>

Public Interest Disclosure Act 1998

(Whistle Blowers Charter)

Data Protection Act 1988

The Freedom of Information Act 2000

Mental Capacity Act 2005

Fraud Act 2006

Consumer Protection from Unfair Trading Regulations 2008

The Cancellation of Contracts made in a Consumer’s Home or Place of Work etc. Regulations 2008

Care Act 2014 - Statutory Guidance.

Statutory Section 42 Enquiry - which refers to the duty placed on the Local Authority to undertake safeguarding enquiries or to ask other agencies to undertake these enquiries on their behalf where it is believed that an adult at risk may have been, is, or might be the subject of harm, abuse or neglect including self- neglect and is unable to protect themselves

Criminal Justice and Courts Act 2015

Offences relating to ill treatment and wilful neglect

BACKGROUND

WHAT IS ABUSE AND TYPES OF ABUSE OR RISKS THAT MAY CAUSE A SAFEGUARDING CONCERN

Physical abuse: including assault, hitting, slapping, pushing, and the misuse of medication, restraint or inappropriate physical sanctions.

Domestic violence: including psychological, physical, sexual, financial, emotional abuse; ‘honour’ based violence. Domestic abuse is about intimate partners and other family members. In 2013, the Home Office announced changes to the definition of domestic abuse: Incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality.

Includes: psychological, physical, sexual, financial, emotional abuse; ‘honour’ based violence; Female Genital Mutilation; forced marriage. Age range now includes age 16 upwards. (Ref: Care and Support Statutory Guidance)

Forced Marriage: Although forcing someone into a marriage and/or luring someone overseas for the purpose of marriage is a criminal offence – the civil route and the use of Forced Marriage Protection Orders is still available and can be used as an alternative to entering the criminal justice system. It may be that perpetrators will automatically be prosecuted where it is overwhelmingly in the public interest to do so, however, victims should be able to choose how they want to be assisted

Exploitation by radicalisation: The Home Office leads on the anti-terrorism strategy, CONTEST, and PREVENT is part of the overall CONTEST strategy, aiming to stop people becoming terrorists or supporting violent extremism. Local safeguarding structures have a role to play for those eligible for adult safeguarding.

A referral should be made to the Dorset Police Safeguarding Referral Unit regarding any individuals identified that present concern regarding violent extremism.

Sexual abuse: including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting or does not have the mental capacity to consent.

Sexual exploitation: The term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another

Psychological abuse: including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Financial or material abuse: including theft, fraud, internet scamming, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Modern slavery: encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

Discriminatory abuse: including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.

Organisational abuse: including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one’s own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Neglect and acts of omission: including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating

Self-neglect: this covers a wide range of behaviour neglecting to care for one’s personal hygiene, health or surroundings and includes behaviour such as hoarding.

Source- Bournemouth, Dorset and Poole Multi-Agency Safeguarding Adults Policy April 2015

WHEN TRADING STANDARDS WILL REFER A SAFEGUARDING ADULT CONCERN TO ADULT SERVICES

If the person meets the criteria as identified above, and/or

- If the person appears to be confused and disorientated
- When the person would seem to need external support to stop the abuse, or protect themselves from further abuse
- If there may be other adults at risk from the same alleged perpetrator
- Where there are signs and symptoms that other types of abuse or may be occurring or may have occurred

RESPONDING TO CONCERNS

1. Safeguard the adult at risk, alerting emergency services if necessary
2. Discuss with the adult as to who will be informed and why. It is always advisable to seek permission from the adult at risk to pass information to social care/mental health services or the police. However, it should be noted that confidentiality and consent is not absolute (as per the confidentiality statement)
3. Where a criminal offence is suspected or known to have been committed, the police should be informed immediately.
4. Take the account seriously. Be alert to the need for, and have regard to, current guidance on making first contact with vulnerable witnesses who may require special measures.
5. Refer the Safeguarding Adult concern by telephoning the relevant safeguarding team (details found in appendix 1) to discuss the issue. This can then be followed in writing if required
6. Where necessary, the Trading Standards Officer to complete an intelligence log

It is important for Trading Standards officers to pass on information to the Safeguarding Team (Adult Social Care). This service is provided for referrals from professionals and care agencies and the public. It is appropriate to contact staff to talk about concerns and in circumstances where there is uncertainty about whether to make a referral or not.

WHEN ADULT & COMMUNITY SERVICES WILL REFER A SAFEGUARDING ADULT CONCERN TO BOTH TRADING STANDARDS SERVICE AND POLICE

Contact should be made with Trading Standards and Police where it is suspected or known that a trader's* behaviour may give rise for concern. This includes:

- Any traders suspected of offering goods or services fraudulently;
- An adult who might be perceived as being at risk is dealing with a trader in their own home;
- Where an adult at risk has been threatened or intimidated in any way by a trader;
- Where an adult at risk has been, or is being, escorted to the bank by a trader to withdraw money;
- Where the price quoted for work appears inflated and excessive or the initial price quoted has increased dramatically;
- Where the trader has identified additional work and is requesting more money;
- Where a verbal or written contract has been agreed in the home, or consumer's place of work, for goods or services over £35 and the trader has not given a written cancellation notice, or the trader has refused or 'forgotten' to give the adult at risk any paperwork when requested;

- Where a trader 'cold called' to gain work, and especially in the high risk areas of roofing, guttering, fascias, driveways, other general building or gardening work;
- Where it appears that there is a lottery, bank or dating scam whether by way of mail, phone calls or the internet;
- Where a consumer responds to 'junk mail', large quantities of mail may be an indicator for concern.

The list above is not exclusive but aims to give an indication of where financial abuse may occur.

*Trader includes any person who contracts with the consumer (if in doubt contact the relevant Trading Standards office).

WHEN DORSET POLICE WILL NOTIFY A SAFEGUARDING ADULT CONCERN TO TRADING STANDARDS SERVICE

Contact should be made between Police and Trading Standards officers where it is suspected or known that a trader's behaviour may give rise for concern. Examples of this can be found on page 7.

The attending police officer takes details. A call is then made to the relevant Trading Standards office to inform them of the circumstances. A discussion will then take place by mutual negotiation for advice and a decision for who will take primacy for the investigation.

If a victim has been identified as vulnerable, then police to complete a SCARF form containing as much detail as possible about the circumstances and the suspect(s). The Safeguarding Referral Unit at Dorset Police will submit a referral to Adult Social Care.

CONFIDENTIALITY

Wherever possible, if the adult concerned is able to consent to agree to information being shared, this should be obtained where a disclosure has been made.

A person may positively refuse to give consent to disclosure or his/her consent may be absent. A person's right to confidentiality is not absolute and may be overridden where there is evidence that sharing information is necessary in exceptional cases because:

- a) A criminal offence has been or is likely to have been committed or
- b) The service user or someone else may be in imminent danger or
- c) There is a risk to health /wellbeing – physical or mental health or
- d) There are concerns about adult abuse/ neglect.

Consideration should be given to consulting colleagues where the disclosure of information without the person's consent is being considered.

CONTACT DETAILS

Dorset Police:

Telephone – 999 (in an emergency) or 101 to report a crime or an incident requiring immediate safeguarding.

Safeguarding Referral Unit – 01202 222229

Fax – 01202 220984

E mail- (preferred means of contact) SRU@dorset.pnn.police.uk

Dorset County Council Trading Standards Service:

Colliton Annex, County Hall, Colliton Park,
Dorchester, DT1 1XJ.

Office hours: Monday to Thursday 9:00 to 17:00; Friday 9:00 to 16:00.

Duty line: 01305 224702

Emergency out of hours: 07966 800 326

Email secure: tradingstandardssecure@dorsetcc.gcsx.gov.uk

Email: tradingstandards@dorsetcc.gov.uk

Dorset Adult Social Services (Triage):

Opening hours 08:40 – 17:20 Monday to Thursday
08:40 – 16:00 Friday

Telephone number 01929 557712

E-Mail - dorsetadultsafeguarding@dorsetcc.gcsx.gov.uk

Fax: 01929 554217

Out of Hours: 01202 657279

NB: The daytime number is not to be used to give out to the public

Poole Trading Standards Service:

Environmental and Consumer Protection, Unit 1, Newfields Business Park, 2 Stinsford Road, Poole, BH17 0NF.

Office hours: 09:00 – 17:15

Duty line: 01202 261733

Out of hours number: 0800 506050

Email secure: james.norman@poole.gcsx.gov.uk

Email: j.norman@poole.gov.uk

Poole Adult Social Services (helpdesk):

Opening hours 08:30 – 17:15 Monday – Thursday
08:30 – 16:45 Friday

Telephone number 01202 633902

OOHs number 01202 657279 (for emergencies)

E-Mail - pooleadultsafeguarding@poole.gcsx.gov.uk

Bournemouth Trading Standards Service:

St. Stephens Road, Bournemouth, BH2 6EB.

Opening hours 08:30-17:15 Monday to Thursday

08:30- 16:45 Friday

Telephone number 03454 040506

E mail address tradingstandards@bournemouth.gov.uk

(Police only line telephone 01202 451400)

Bournemouth Care Direct:

Opening hours 08:30 - 17:15 Monday to Thursday

08:30 – 16:45 Friday

Telephone number 01202 454979

OOHs number 01202 657279 (for emergencies)

E-Mail - caredirect@bournemouth.gcsx.gov.uk

DCC adult access: (for welfare concerns only):-

Opening hours 08:30 – 17:30 Monday to Friday

Tel no 01305 221016

Oohs number 01202 657279

Email adultaccess@dorsetcc.gcsx.gov.uk

CASE EXAMPLES

Examples of cases where Trading Standards Service may act and support.

Mrs 'H': 79yrs £1200

At the time she was targeted by bogus property repairmen, Mrs H was suffering from memory loss and had difficulty remembering recent actions. From what can be established, she was cold-called by bogus property repair men and persuaded to pay £1200 in cash upfront for some work to her garage – for which the offenders took Mrs H to the bank to collect the money. Mrs H's neighbours became concerned at what was going on at the property and called her daughter, who alerted the Police. The attending PC then contacted Trading Standards. Although there was no sign of the offenders at the time of the PCs arrival, it was apparent that such work as had been carried out by the offenders was done very badly, with large amounts of debris and rubble strewn around the front garden. It transpired that the offenders had attempted to get more money from Mrs H that day.

Mr 'G': 43yrs £25,000+

Mr G has a learning disability and was repeatedly targeted by scam prize draw mail amounting to approximately 100 letters a month. Mr G felt obliged to open the mail and regularly responded to claim the prize winnings. It is not known how much money Mr G had parted with in total for the mail scams but it is believed to be in excess of £5000. Recently Mr G has received telephone calls relating to what he was told was his American lottery win of £3,500,000. Carers became aware of Mr G's visits to international cash transfer facilities at a local convenience store where money was regularly transferred to meet bogus administrative and US Government requirements prior to the release of his lottery winnings. It is believed that Mr G has parted in total with a further £20,000 to secure his lottery win.

Mr 'T': 70Yrs £2000+

Mr T was persistently cold called by what was believed to be an extended family of doorstep traders who regularly offered to undertake small household jobs that appear to have been charged at greatly inflated prices. Investigation by Trading Standards found a pattern of financial abuse for alleged work that was impossible to prove was ever needed. In fact anecdotal evidence suggests that faults were introduced to Mr T's property by the cold callers prior to agreeing verbal contracts for its repair. The first steps taken by Trading Standards was to formally write in Mr T's best interests to all those involved advising them not to visit Mr T's property again. Once this letter was issued it was then a specific criminal offence for the traders to return. This stopped the persistent calls immediately while Trading Standards investigated the potential criminal offences.

DEFINITIONS

Operation Luna

Operation Luna is the Dorset response to a national form of courier fraud, targeting elderly victims. Offenders telephone the victim, purporting to be a police officer or from a bank. They tell the victim that their bank account has been targeted and they must transfer the money into another account (set up by the offenders) or withdraw the money and give it to a courier who is sent to their address.

This crime is occurring nationally and Dorset Police have a plan in place to deal with such reports.

Operation Liberal

This relates to distraction burglary which often affects the more vulnerable in our society. Offenders use a trick such as claiming to be from public organisations or use a story such as looking for a lost dog or ball to gain access to homes.

Closely linked are deceptions carried out by those undertaking building or gardening work who charge exorbitant amounts for shoddy or at times no work.

There is substantial evidence that the majority of offenders will travel large distances to commit their offences, which makes it more difficult to apprehend them.

Operation Liberal is a national initiative, involving all 43 forces in England and Wales, which is specifically designed to tackle this type of offence.

Dorset Police have a plan in place to deal with such reports.

Operation Montana

Operation Montana is the South West Regional response to offences of Distraction Burglary and Rogue Trading (commonly known as Artifice Crime). It is part of Operation Liberal, which offers a national co-ordinated approach to the investigation of these crime types.

Dorset Police have a plan in place to deal with such reports.