

## Oxfordshire Transitional Safeguarding Procedure - November 2023

### Introduction

- This procedure outlines the transition arrangements between the Oxfordshire Safeguarding Children Board (OSCB) safeguarding procedures and the Oxfordshire Safeguarding Adults Board (OSAB) safeguarding procedures.
- It sets out the arrangements for young people aged 17 years and above, whose circumstances may mean that Safeguarding Adults procedures would apply when they are 18.
- This would be young people who would meet the definition of an adult at risk when they turn 18, I.E. they:
  - have needs for care and support (Care Act 2014 whether or not those needs are being met); and
  - are experiencing, or are at risk of, abuse or neglect; and
  - because of those needs are unable to protect themselves against the abuse or neglect or the risk of it. (Care Act, 2014, S42)
- The Care and Support Statutory Guidance (2014) states that people “should not limit their view of what constitutes abuse or neglect, as this can take many forms and the circumstances of the individual case should always be considered”. Abuse could be physical, financial, emotional, sexual or neglect. It also includes domestic abuse, organisational abuse, modern slavery, discriminatory and self-neglect.

### Background

- Together, the Children and Families Act 2014 and the Care Act 2014 create a comprehensive legislative framework for transition. The duties in both Acts are on the Local Authority, but this does not exclude the need for all organisations to work together to ensure that the Safeguarding Adults policy and procedures work in conjunction with those for children and young people.
- For young people who meet the criteria there should be robust joint working arrangements between Childrens and Adults' services. The care needs of the young person should be at the forefront of any support planning and requires a co-ordinated multi-agency approach. Assessments of care needs 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 that they need in order to maintain their independence, wellbeing and choice.

- Safeguarding Children's procedures cover children and young adults up to the age of 18 years.
- Safeguarding Adults procedures cover adults from the age of 18 years who may be in need of care or support services and who may be unable to take care of themselves, or unable to protect themselves against harm or exploitation.
- This procedure clarifies which service is responsible for leading a safeguarding investigation and putting protection plans (where required) in place. It also outlines the process to be followed at the point of case transfer to ensure that when a young person with care or support needs begins the transition from Children's Services to Adult Services, that any current or previous child protection or safeguarding concerns are reported to the Safeguarding Adults Team.

### **Aim**

- The aim of the procedure is to promote robust transitional arrangements, and ensure effective and timely referrals between Children and Adult Services in Oxfordshire.
- It recognises that harm is likely to continue post 18, and that abusers target vulnerability irrespective of age.
- Transition to adulthood can be a particularly challenging and vulnerable time for some young people.
- Learning from Safeguarding Adult Reviews and Child Safeguarding Practice Reviews have highlighted that ineffective transitional planning can contribute to young adults 'slipping through the net' or facing a 'cliff edge', often with tragic consequences.

### **Procedure**

1. If you have concerns regarding a young person (aged under 18) who is at risk of harm then you should first consult OSCB Safeguarding procedures and explore whether these apply. This could result in any of the following processes being undertaken as deemed appropriate:
  - a. Child Protection procedures
  - b. Care proceedings (up to age 17 years)
  - c. Court of protection (where restrictions are placed on a child)
2. If the young person subject to one of the above processes and is aged 17 years or over, they should be referred to Adult Safeguarding process by completing the [online form for professionals](#), except if the young person has a learning

and/or physical disability in which case there is a separate process (please see the **Children with Complex Needs** section below).

3. Usual requirements are expected to be followed in regard to providing a suitable Advocate for the adult as outlined in The Care Act 2014, if required.
4. The Adult Safeguarding Team has the responsibility to make the decision to implement the Safeguarding Adults procedures or not and will commit to contributing to the Children's Safeguarding activity if the young person is likely to meet the Section 42 criteria.  
<https://www.legislation.gov.uk/ukpga/2014/23/section/42/enacted>
5. Where it is agreed that Safeguarding Adults procedures are appropriate, a multi agency action plan should be agreed and written by Children's Social Care; this should include:
  - a. A date for the first Safeguarding Adults meeting.
  - b. The Safeguarding Adults meeting will where case management is formally transferred to Adult Safeguarding.
6. The Safeguarding Adults meeting will be chaired by a Practice Supervisor/Team Manager and should be held no later than one month prior to the young person's 18th birthday. It will be essential that services who are working with (or who previously supported) the young person attend this initial meeting. Consideration will need to be given as to how the young person will be engaged in the Safeguarding Adults meeting, whether they will need any support and what their preferred communication method is.
7. The Care Act (2014) guidance states that where someone is aged 18 years and over and a safeguarding issue is raised, the matter must be dealt with as a matter of course under Safeguarding Adults procedures. It would not be appropriate for this to be dealt with under Safeguarding Children procedures. However, the knowledge held about the young adult by Children's Services could inform any risk assessments or future work and should be shared as part of the adult safeguarding process.

### **Children placed out of county**

- The responsibility for a child placed out of area remains with the placing Local Authority. However, the adult safeguarding responsibility sits with the Authority in which they are resident.
- Therefore, in the event of a transitional safeguarding issue arising, Oxfordshire County Council's children's services will liaise with the adult safeguarding service in the locality where the child has been placed to discuss how they can be involved, ideally following this procedure as closely as possible.

### **Children with complex needs**

- If the young person has already been identified as having complex needs (e.g. they have a learning or physical disability) then they will be considered at a transition meeting between Children's Social Care and Adult Social Care and will be worked with by the Moving Into Adulthood team.
- Any concerns about the abuse or the risk of abuse of individual young people will be shared at one of these transition meetings. The Moving Into Adulthood Manager/Practice Supervisor has the responsibility to initiate and carry out the adult safeguarding investigation, ensuring this is recorded on the adult social care electronic record (LAS) in line with any other adult safeguarding concern.

### **Multi-Agency Risk Management (MARM) meetings**

- Where the young person has turned 18 but does not qualify for a statutory safeguarding response, Oxfordshire have a Multi-Agency Risk Management (MARM) process that can be initiated by any professional. As with Adult Safeguarding processes, if it is envisaged a coordinated response under MARM will be required, this should be discussed with the MARM Officer. Details can be found on the OSAB Website.

### Appendix 1: Responsibilities around safeguarding enquiries

- When an alleged victim is under the age of 18 years at the time the safeguarding incident is reported, any enquiry into concerns will be led by Children’s Social Care.
- When an alleged victim is over the age of 18 years by the time the safeguarding incident is reported, but the allegation occurred prior to the individual reaching that age, this should be shared with the MASH team.
- When an alleged victim is over 18 years and the allegation occurred after they reached that age, any enquiry into the concerns will be led by Adults Safeguarding.

### Appendix 2: The 15 principles of person-centred work (see slides)

Work with young people and adults must be guided by the principles of effective person-centred working:

Practitioners should work in a person-centred way, keeping the person at the heart of managing risk.	Young people should be treated as experts in their own lives	Practice should be flexible to individual need, informed by the persons social history and current/historical risks	Relevance of risk, current and historic should be considered carefully and proportionally	People leaving care have often suffered trauma which effects their development, ability to engage with services, and trust in public services. This must be taken into account when planning interventions.
Practitioners should use professional curiosity, and where appropriate and proportionate, an assertive approach when working directly with young people	Practitioners being open and honest is very important to young people	Young people do not want to be labelled or judged by professionals and it can reinforce past trauma	People who use services, and carers, should be supported to weigh up risks and benefits, including planning for problems which may arise	Management of risk should be proportionate to individual circumstances
Good information and advice around staying safe, including easy ways of reporting concerns through Adult Safeguarding should be shared with adults through planning	Where there have been difficult conversations or interactions young people benefit from being contacted very soon afterwards as this helps to reinforce positive and trusting relationships	Adults and their representatives should be aware of safeguarding referrals made about them, consent to referral, their rights in safeguarding, and outcomes	Information should be shared in ways that the people who are involved in services understand.	Good practice should be both inclusive and holistic, and outcomes should be negotiated with the person who the safeguarding referral is about

### Appendix 3: Mental capacity

- If there is need to consider the mental capacity of a vulnerable young person to make a decision and they are aged 16 years and over then a capacity assessment under the Mental Capacity Act 2005(MCA) must be considered for each specific decision. It is important to remember that mental capacity can be affected by the abusive situation the person is in and by any threats or coercion. Advice on the MCA can be given by the Safeguarding Adults Unit (01865 328232). Where there is a concern about capacity, this must be recorded. Most agencies have forms/templates for capacity assessments.

#### Appendix 4: Young people who may pose a risk to others

- Where there is a concern about a young person who is aged 17 years and above posing a risk to others, information about this risk should be shared appropriately with professionals who may work with the young person when they reach adulthood (where the young person would be considered to have needs for care and support under the Care Act 2014 adult safeguarding definition).
- Multi-agency forums where these issues may be discussed are:
  - **Transition meeting.** Any risks the young person may pose to others should be discussed at relevant transitions meetings. This will include the risk assessment, current care plan, chronology and the concerns regarding risk of abuse to others.
  - **Potentially Dangerous Person (PDP) procedures.** Multi-Agency Public Protection Arrangements (MAPPA) are for offenders assessed as posing a high or very high risk of causing serious harm and where the risk posed requires management at a senior level through a multi-agency collaboration. Referral into PDP occurs when person who is not eligible for management under MAPPA but whose behaviour gives reasonable grounds for believing that there is a present likelihood of them committing an offence or offences that will cause serious harm
  - **Multi-Agency Risk Assessment Conference (MARAC).** MARAC is for high-risk victims of domestic violence and includes people aged 16 and over.
  - **Safeguarding Adults or Children's Safeguarding procedures.** Where the risk posed is to other children or adults at risk, the Safeguarding Adults or Children's Safeguarding Procedures should be followed. This includes where the child or adult may pose a risk to themselves e.g. self-neglect.
- If none of the above applies, a multi-agency risk management (MARM) meeting should be considered. The need to refer into the statutory processes should be revisited should further information suggest they would apply. More information about MARM can be found on the OSAB website.

#### Appendix 5: Care Act 2014, Adult Safeguarding criteria

##### Enquiry by local authority

42(1) - This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) –

- (a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and  
(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

42(2) - The local authority must make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom.