

# **Summary of Oxfordshire Safeguarding Adults Procedures**

## **Introduction**

This part of the procedures sets out clear expectations regarding the standards roles and responsibilities of agencies and organisations, and practice of staff and managers when responding to a safeguarding concern and undertaking enquiries.

### **Responsibilities and accountabilities**

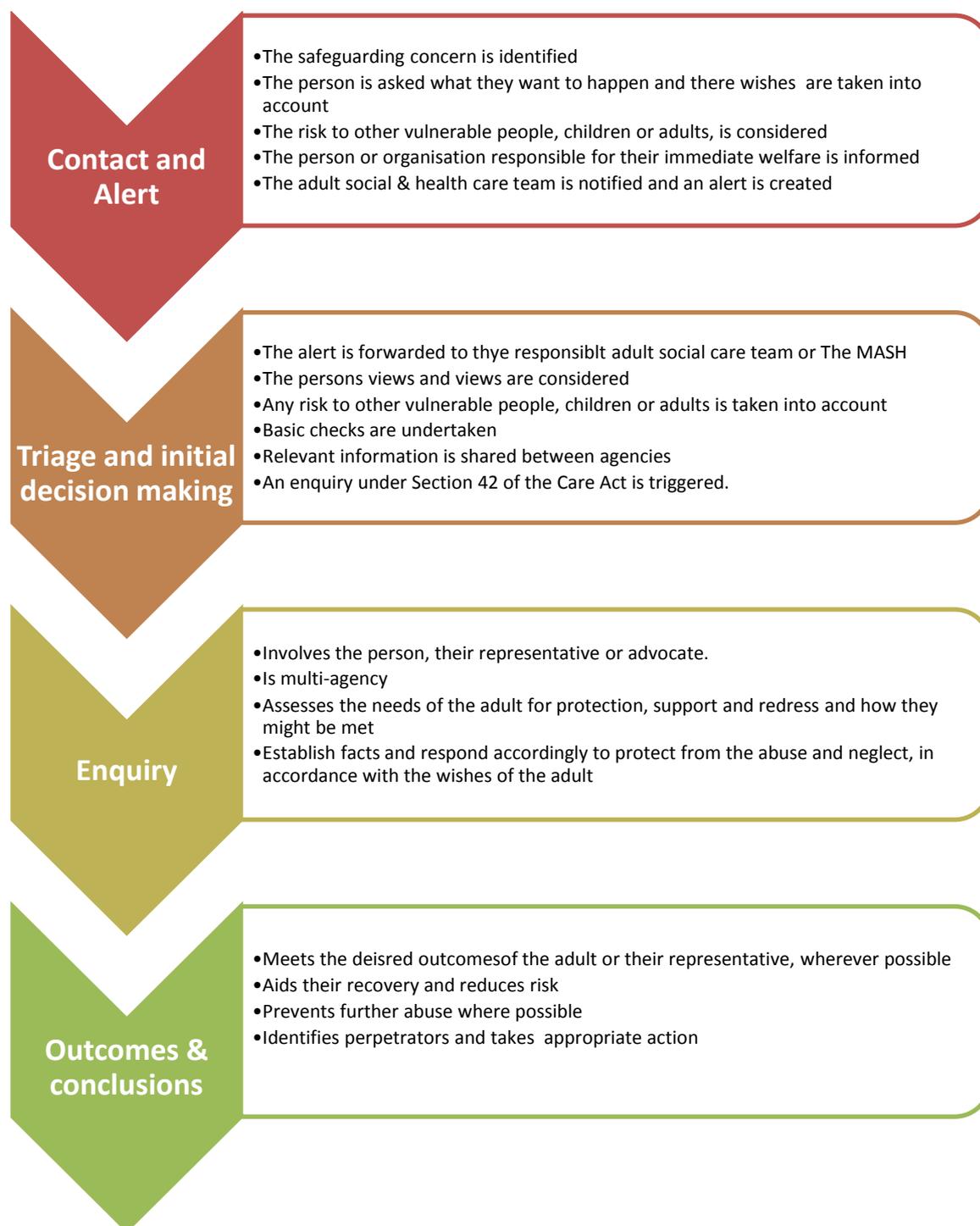
All staff and organisation working with people who are at risk of harm as a result of abuse and neglect are responsible for:

- ensuring that all incidents of suspected harm, abuse or neglect are reported and responded to proportionately to
- enabling people to maintain the maximum possible level of independence, choice and control
- promoting the wellbeing, security and safety of vulnerable people consistent with his or her rights, capacity and personal responsibility and to prevent abuse occurring wherever possible
- ensuring that people feel able to complain without fear of retribution
- ensuring they have the skills and knowledge to carry out this safeguarding function
- ensuring that safeguarding adults is integral to the development and delivery of services in Oxfordshire

Whilst everyone has a responsibility to ensure that a concern about the alleged abuse of adults is addressed the lead responsibility for managing and coordinating enquiries and investigations into adult safeguarding lies with the Social Services Agency.

However, the Care Act 2014 places a duty on Oxfordshire Safeguarding Adults Board members and providers of health and social care services in Oxfordshire to co-operate with the council in carrying out these responsibilities.

## Safeguarding Adults Procedures



## **Raising a concern**

All concerns should be reported to Oxfordshire County Council Social & Health care Team:

Telephone: 0845 050 7666

Fax: 01865 783111

Address: Social and Health Care team, PO Box 780, Oxford, OX1 9GX

Email: [socialandhealthcare@oxfordshire.gov.uk](mailto:socialandhealthcare@oxfordshire.gov.uk)

Out of hours emergency: 0800 833408

[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

For full guidance on recognising & responding to the abuse or neglect and reporting your concerns please refer to the relevant document.

[Recognising & responding to the abuse or neglect of adults with care & support needs](#)

[Report your concerns about an adult or a child](#)

## **Contact and Alert**

All contacts will be dealt with initially by the Social and Health Care Team.

A 'safeguarding concern' is when any person has a reasonable cause to think that an adult with care and support needs, who is unable to protect themselves because of those needs, is experiencing, or is at risk of, abuse or neglect.

The Social and Health Care Team will create a contact and safeguarding alert in all cases where there is cause to believe that an adult aged 18 or over:

1. has needs for care and support<sup>1</sup>; and
2. is experiencing, or at risk of, abuse or neglect; and
3. 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.

On receipt of a safeguarding contact the Social and Health Care Team will:

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<sup>1</sup> The Care Act guidance 2014 describes "care & support" as-

*"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, home care, personal assistants, day services, or the provision of aids and adaptations."*

1. Inform the referrer that an alert is being created and that they will be contacted wherever possible
2. Accurately record full details of the concern, including:
  - a. The actions already taken by the referrer to safeguard the person
  - b. The views and wishes of the person
  - c. Any potential risks to other people
  - d. Discuss with the referrer what they want to happen. Take account of the risks to them and to others
  - e. Address any immediate safety and protection needs. If the alert indicates the individual is at risk of immediate harm, or in need of medical attention appropriate services will be called immediately i.e. police, ambulance or GP

Once completed the alert will be forwarded to the responsible team (adult social care team of MASH) for initial triage.

## **MASH/Triage**

All cases meeting the basic threshold for an alert will be allocated to an Allocated Case Worker within the adult/MASH team to undertake the initial triage. This triage should include:

- a. Contact with the initial contact
- b. Review of existing adult social care records
- c. Review of existing reports (e.g. repeat perpetrators, abuse in care)
- d. Contact with other information sources (e.g. probation, tissue viability)

If the initial basic checks undertaken by the local authority at the point of receiving, or identifying, the information do not indicate the adult to whom it relates meets the three key tests then the information should not be treated as a 'safeguarding concern' and the local authority's duty to undertake an enquiry under Section 42 of the Care Act is not triggered.

In these circumstances the local authority will then determine the most appropriate response to address the issues involved in the same way as it would for any other contact requesting its action or assistance.

If the information received and / or identified through this initial basic checks stage appears to indicate the adult affected meets the three key tests then the information should be treated as a 'safeguarding concern' and the local authority's duty to undertake an enquiry under Section 42 of the Care Act is triggered.

If the local authority decides it is appropriate to undertake an enquiry but it is unclear whether the adult meets the criteria for an enquiry under the Care Act, it should be assumed the adult meets the criteria until further information is available to inform this decision, or until the safeguarding concern is addressed.

If the triage is done by the MASH this may also include a full adult MASH enquiry. The full adult MASH enquiry involves the sharing of information by the MASH partners. This will include both sensitive information (that cannot be share outside the MASH) and non-sensitive. The purpose of the MASH is to ensure that all such information can be shared quickly and effectively whilst providing the necessary level of assurance that sensitive information can be contained with the MASH unless absolutely required and with the agreement of the relevant MASH partner.

If the initial basic checks undertaken by the local authority at the point of receiving, or identifying, the information do not indicate the adult to whom it relates meets the three key tests then the information should not be treated as a 'safeguarding concern' and the local authority's duty to undertake an enquiry under Section 42 of the Care Act is not triggered.

There may be a number of possible responses at any stage in the process from initial triage to raising a formal Section 42 response (see below). These may include:

- It is not adult abuse or it is discounted following evaluation/assessment or Information received
- There is evidence of abuse and it appears more appropriate to address the problem in a less formal way e.g. through the provision of support services for a stressed carer
- It is not adult abuse but a care management assessment is instigated
- It is abuse but the victim does not have needs for care and support and a referral to a more appropriate service may be suggested e.g. housing services, Trading Standards Team, police
- The concerns relate to general poor standards of care in a regulated setting and referral to a regulatory, commissioning or contracting body is more appropriate.
- It appears to be abuse, the alleged victim is an adult at risk and a formal Section 42 Enquiry is raised

Once the local authority's duty to undertake an enquiry under Section 42 of the Care Act is triggered the safeguarding concern will immediately be allocated to a safeguarding manager.

### **Role of the Safeguarding Manager**

At the point where the local authority's duty of enquiry is triggered ie. the three key tests are met, a safeguarding manager will be appointed by the local authority.

Every enquiry undertaken under Section 42 will have a safeguarding manager appointed. Their overall role is to have responsibility for co-ordinating responses and decision making, and to ensure the local authority's duty under Section 42 of the Care Act is discharged appropriately. There may be an Enquiry Officer to support the Enquiry Manager. All Enquiry Managers must have appropriate training.

## Undertaking an Enquiry

### Principles and approach underpinning all responses to safeguarding concerns

These basic principles are set out in the Care Act, and by making safeguarding personal.

In doing so the following 6 key principles underpin all adult safeguarding work:

Principles	Definition
<b>Empowerment</b>	People being supported and encouraged to make their own decisions and informed consent.
<b>Prevention</b>	It is better to take action before harm occurs.
<b>Proportionality</b>	The least intrusive response appropriate to the risk presented.
<b>Protection</b>	Support and representation for those in greatest need.
<b>Partnership</b>	Working with other agencies in preventing, detecting and reporting neglect and abuse.
<b>Accountability</b>	Everyone has a responsibility to ensure that a concern about the alleged abuse of adults is addressed.

Making safeguarding personal means it should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety.

### Undertaking an enquiry

**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 and, if so, what and by whom.**

Local authorities must make enquiries, or cause others to do so, if they reasonably suspect an adult who is 18 or over:

- a. has needs for care and support; and

- b. is experiencing, or at risk of, abuse or neglect; and
- c. 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.

The purpose of the enquiry is to decide whether or not the local authority or another organisation, or person, should do something to help and protect the adult.

An enquiry is the action taken or instigated by the local authority in response to a concern that abuse or neglect may have/be taking place. Although the local authority is the lead agency for making enquiries, it can require others to undertake them. The specific circumstances will often determine who the right person to begin an enquiry is. In many cases a professional who already knows the adult will be the best person. They may be a social worker, a housing support worker, a GP or other health worker such as a community nurse.

An enquiry could range from a conversation with the adult, or if they lack capacity, or have substantial difficulty in understanding the enquiry their representative or advocate, prior to initiating a formal enquiry under section 42, right through to a much more formal multi-agency plan or course of action.

What happens as a result of an enquiry should reflect the adult's wishes wherever possible, as stated by them or by their representative or advocate. If they lack capacity it should be in their best interests if they are not able to make the decision, and be proportionate to the level of concern.

### **Planning the Enquiry**

The objectives of an enquiry into abuse or neglect are to:

- a. establish facts;
- b. ascertain the adult's views and wishes;
- c. assess the needs of the adult for protection, support and redress and how they might met;
- d. protect from the abuse and neglect, in accordance with the wishes of the adult;
- e. make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the abuse or neglect; and
- f. enable the adult to achieve resolution and recovery.

In planning the enquiry the safeguarding manager will have an initial strategy discussion with key parties/agencies. This may be conducted via telephone. However, where any or all of the following factors are present a formal planning/strategy meeting must be considered:

- a. Several people/agencies have concerns and a meeting will aid decision-making;
- b. Several individuals may be at risk;

- c. Several agencies are likely to be involved in an enquiry;
- d. A criminal prosecution is possible;
- e. Other legal or regulatory action may be necessary;
- f. One or more members of staff have been implicated/suspended;
- g. Where there is a need to clarify employment status of one or more individuals (this will be important in regard to personalised services including people employed via direct payment);
- h. The issue may attract media interest

Further strategy discussions may take place at any point during the safeguarding process. However, a formal strategy review must be arranged within 28 days of the initial strategy discussion occurring.

### **Attendance at safeguarding strategy meetings**

Safeguarding strategy meeting will be chaired by the designated safeguarding manager and should include a minimum of three disciplines/organisations e.g.

- Allocated worker
- Health care professionals, if involved
- Police
- Service provider if involved and appropriate
- CQC – if appropriate
- Probation
- The person about whom the alert has been raised
- Their advocate, where there is one
- Family member/s, if appropriate and agreed by the individual themselves

The invitees to any safeguarding meeting will be determined by the circumstances that lead to the meeting, and the safeguarding manager will need to closely liaise with the allocated worker to identify which agencies / people should be invited to the meeting.

The Chair will also need to agree with the allocated worker what support is needed for participants of the meeting to ensure that all participants are able to participate appropriately.

**The Police must be represented if a criminal offence is suspected**, but if police are unable to attend, their views must be ascertained (ideally in a written report) prior to the meeting. The Chair will need to ensure that a clear route for informing the police of the outcomes of the meeting is agreed.

Other agencies may be invited as appropriate e.g. Housing, relevant CCG's and in particular any referring agency or individual. Where a medical examination may be needed or has taken place, a doctor from the service undertaking the examination e.g. Sexual Assault

Referral Centre, Police or GP Practice should be included in the meeting. The person to whom the referral relates MUST be invited to the meeting in all cases unless it is thought that:

- Their presence will prejudice the investigation / evidence gathering process.
- Their attendance at the meeting may be distressing for them.
- They lack capacity to make a decision about attendance at the meeting and a best interest decision is subsequently made that their attendance would be distressing for them.
- They choose not to attend.

Where the information being shared relates to more than one individual and there are issues of confidentiality the chair of the meeting should attempt to resolve this prior to the meeting and consideration should be given to each individual; attending for part of the meeting.

In some circumstances it may be appropriate to invite the alleged perpetrator to the safeguarding strategy meeting, however this should be carefully considered and the chair of the meeting will make the final decision. If the alleged perpetrator is to be asked to attend the meeting (or part of the meeting) the alleged victim's consent must be gained first. If the victim does not consent to the alleged perpetrator(s) being present, this must be respected.

### **Who should undertake the enquiry?**

Although the local authority is the lead agency for making enquiries, it can request/require others to undertake them. The specific circumstances will often determine who the right person/agency to undertake the enquiry is.

A criminal investigation by the police takes priority over all other enquiries, although a multi-agency approach should be agreed to ensure that the interests and personal wishes of the adult will be considered throughout, even if they do not wish to provide any evidence or support a prosecution. The welfare of the adult and others, including children, is paramount and requires continued risk assessment to ensure the outcome is in their interests and enhances their wellbeing.

Where possible separate investigations should be co-ordinated and planned to be undertaken in parallel, e.g. criminal and disciplinary. Doing so prevents duplication of actions and prolonging the process both for the vulnerable adult and the alleged perpetrator. In order to achieve this, actions need to be planned to ensure that the requirements of each agency are met as far as possible and information is shared, with the vulnerable adult's consent, wherever possible.

Where a concern arises in relation to a care worker or other service user within a care setting, the local authority may request the organisation concerned to undertake enquiries.

When the local authority requests another organisation or agency to take action to respond to a safeguarding concern this is known as 'causing an enquiry to be made'.

Causing an enquiry to be made is distinct from requesting actions from another organisation and must be clearly communicated.

The local authority should agree the following with the adult and agency or organisation requested to undertake an enquiry:

- the nature, scope and purpose of the actions or enquiry the agency or organisation is being asked to undertake;
- the outcomes the adult is seeking from the actions or enquiry, how the adult will be advised of progress and the outcome, and who will be the lead professional responsible for communicating with the adult;
- the timescale for the enquiry;
- who is responsible for monitoring, evaluating and reviewing the safeguarding or support plan for the adult or others, and evaluating the outcomes it is achieving.

The local authority could request a number of different organisations to make enquiries depending on the nature of the safeguarding concerns and if there is more than one adult affected by these.

The local authority retains accountability and oversight of the enquiry and outcomes – it cannot delegate its duty of enquiry under Section 42 to another organisation or agency

### **Making Safeguarding Personal**

Not all meetings or conversations that are needed to ensure actions are taken forward may necessarily require the adult or their representative to be involved, and they may not wish to be involved in all, or in some cases, any of these. In many situations it may not be possible to involve the person (and/or their representative) at the initial strategy discussion

However, a Making Safeguarding Personal approach recommends that an adult should always be involved at every step of the way including in all conversations and meetings. The adult or their representative should always be asked if they wish to attend wherever possible.

Where discussions and meetings take place, staff involved in them should always consider whether the adult or their representative should be included, or how feedback will be provided if it is not feasible for them to attend.

If the subject matter discussed does not directly affect the adult or their representative, it will not be necessary or appropriate for them to attend. For example, a planning meeting

led by the commissioners of a service to discuss the approach to supporting the service regarding concerns about its quality.

### **What if the adult does not want any action taken?**

The purpose of adult safeguarding is to secure or return the adult's autonomy and recovery, as far as possible. If the adult has capacity and they are not being unduly pressurised or intimidated they may not wish for any intervention. Their desired outcomes and are paramount and should be recorded and respected. However where others, including children, may be at risk, this does not remove your responsibility to report concerns and where appropriate, for enquiries to be made. In addition if a crime has been committed we have a duty to consult with the police regarding the allegations. In order to be sure that the adult(s) are deciding for themselves, you must talk to the adult. It may be necessary to consider that a safe place and or opportunity may have to be facilitated, where an adult can safely refer to their desired outcomes and wishes.

### **Ensuring Processes Are Empowering For Adults or Their Representatives**

It is important that the adult or their representative's experience of the safeguarding process is as empowering and positive as possible.

Safeguarding meetings may be the best way to ensure effective co- ordination of different aspects of an enquiry that directly relate to the adult or decisions that affect them. They can be a positive experience for the adult or their representative, giving them an opportunity to have a discussion with all the relevant practitioners and organisations that have an impact on their situation, and to ensure the outcomes they want and do not want are clearly understood.

However, safeguarding meetings can also create disempowering and intimidating situations for adults or their representatives that can lead to negative experiences that run counter to the aims and ethos of safeguarding work.

To address this discussion should take place regularly with the adult or their representative to:

- ensure they are aware of the progress of the enquiry;
- check if their views and the outcomes they want to achieve from the process remain the same;
- ensure that actions needed are reviewed and agreed with them as the enquiry progresses.

This should be a regular and ongoing process.

Such conversations or meetings should be facilitated or led by the Enquiry Manager. Consideration should be given to how these conversations or meetings can be held in the

most person-centred and empowering way, taking account of the adult's individual needs and situation including:

- meeting at the adult's home or in person wherever possible, if they are in agreement with this;
- communication issues including the need for interpreters, signers, other equipment, support and advocacy, and clear information provided in accessible formats;
- how notes of conversations and meetings will be recorded and copies provided for the adult, and where these will be kept, particularly if there may be risks associated with this;
- how safeguarding plans will be included in or linked with the adult's support plan;
- how information sharing and confidentiality will be addressed including managing information that relates to other individuals, and who needs to be involved and have what information;
- how other actions will be taken forward, managed and fed back to the adult. For example, where this relates to quality of support or care services, police investigations, disciplinary processes etc

Any discussion regarding issues or decisions that affect the adult personally must always include them. The adult or their representative must always be invited to take part in discussions and meetings that relate directly to information or decisions about them.

Where meetings are needed these should be as person-centred as possible and should always include the adult or their representative where any of the issues discussed directly affects them.

### **Responsibilities Towards The Person Or Service Thought To Be The Cause Of Risk**

When a complaint or allegation has been made against a member of staff, including people employed by the adult, they should be made aware of their rights under employment legislation and any internal disciplinary procedures by their employer.

The Designated Adult Safeguarding Manager (DASM) for the employing organisation (where one is in place) and the local authority must always be contacted in these situations.

### **Where the Person Thought to be the Cause Of Risk is an Adult With Care and Support Needs**

Where the person who is alleged to have carried out the abuse has care and support needs themselves and is unable to understand the significance of questions put to them or their replies, they should be informed of their right to the support of an 'appropriate' adult if they

are questioned in relation to a suspected crime by the police under the Police and Criminal Evidence Act 1984 (PACE).

Victims of crime and witnesses may also require support.

Under the Mental Capacity Act, people who lack capacity who are alleged to be responsible for abuse are entitled to the help of an Independent Mental Capacity Advocate (IMCA) to support and represent them in the enquiries that are taking place. This is separate from the decision of whether or not to provide the victim of abuse with an independent advocate under the Care Act.

### **Involving People Thought To Be The Cause Of Risk In The Enquiry Process**

If the person thought to be the cause of risk is an adult covered by the Care Act, consideration should be given to how their involvement in the enquiry process can be approached in the most person-centred and empowering way, taking account of their individual needs and situation

### **Outcomes**

Once the wishes of the adult have been ascertained and an initial enquiry undertaken, a strategy review discussion/meeting should be held. The local authority should have a discussion with the adult as to whether further enquiry is needed and what further action could be taken.

That action could include disciplinary proceedings, complaints or criminal investigations, or work by commissioners and CQC to improve care standards.

The discussion should enable the adult to understand what their options are and how their wishes might best be realised. Social workers must set out both civil and criminal justice approaches, and other approaches that might help to promote the adult's well-being, such as therapeutic or family work, mediation and conflict resolution, peer or circles of support.

In complex domestic circumstances, it may take the adult some time to gain the confidence and self-esteem to protect themselves and take action, and their wishes may change.

The police, health service and others may need to be involved to ensure the adult's wishes are realised.

### **Outcomes and actions agreed with the adult as part of further enquiries**

When further action is needed because the adult is deemed to be at continuing risk of harm, work will continue with them to develop strategies to reduce or manage the risks they are facing.

The outcomes achieved will continue to be evaluated with the adult as work progresses. A safeguarding plan or actions will be agreed and reviewed with them, and timescales for future review and monitoring will also be agreed.

### **Recording actions on the adult's support plan**

One outcome of the enquiry may be the formulation of agreed action. This should be recorded on the adult's support plan. It will be the responsibility of the relevant agencies to implement this action.

The support plan should set out:

- what steps are to be taken to ensure the adult's safety in future;
- the provision of any support, treatment or therapy including ongoing advocacy;
- any modifications needed in the way services are provided (eg. same gender care or placement, appointment of an Office of the Public Guardian deputy);
- how best to support the adult in any action they take to seek justice or redress.
- any ongoing risk management strategy, as appropriate;
- any action to be taken in relation to the person or organisation that is responsible for the abuse or neglect.

### **Identifying possible further actions required**

A range of organisations or agencies and approaches may need to be considered to address the ongoing risks and safeguarding concerns.

All work to respond to and address safeguarding concerns should be undertaken in line with the key principles for safeguarding and should maintain Making Safeguarding Personal as the central approach.

### **Concluding an Enquiry**

When the safeguarding concern or issue is resolved and the adult is no longer at risk of abuse or neglect (real or suspected) the local authority's duty of enquiry under Section 42 concludes.

An enquiry can be concluded at any point, with the agreement of the core strategy group, where it becomes evident that:

1. all necessary enquiries have been undertaken, and
2. any action necessary to safeguard the person and or others has been assigned and implemented

In many cases this will be agreed at a strategy discussion or meeting. The discussion should include risks that have been identified and action taken in relation to them, what has happened to the risk or what is expected to happen once the enquiry and agreed actions are complete, and whether the risk remains, has been reduced or removed.

However, in some circumstances it may not be possible to fully remove or reduce the risk and the person may remain at risk. This may occur for a number of reasons, e.g.:

1. The person, where they are able to decide, may request that the enquiry cease or not wish to take further action regarding their circumstances.
2. Where the person is unable to decide a best interest assessment may determine that possible safeguarding interventions are disproportionate to the level of risk presented and it is the person's best interests to remain where they are.

In these circumstances a full multi-agency risk assessment must be completed.

### **Evaluating the need for any further action**

When the adult's outcomes have been achieved, the need for any other actions eg. advice, assessment, support planning will again be discussed and agreed with the adult.

### **Were the adult's desired outcomes achieved?**

At the conclusion of each enquiry the adult or their representative should be asked if their desired outcomes have been achieved fully, partly or not at all.

### **Out-of-Area Safeguarding Adults Arrangements**

When a Safeguarding alert or referral is received, the responsibility for coordinating the investigation rests with the local authority in which the incident is alleged to have taken place.

Should Oxfordshire County Council receive the referral first practitioners will:

- Pass this information onto the appropriate local authority for further investigation,
- Agree our participation in strategy meetings and
- Agree how relevant information regarding the ongoing investigation will be communicated.
- The placing authority retains 'care management' responsibility.

Where the person concerned is funded by Oxfordshire but lives outside the county a social care practitioner from OCC must undertake a review to ensure that the individual's needs are being met and that they are appropriately safeguarded.

Practitioners MUST record the safeguarding concern and which Local authority is leading and co-ordinating the safeguarding process.

When the individual subject to the safeguarding alert is funded by another local Authority, the NHS or privately but living within Oxfordshire, Oxfordshire County Council, as the host authority, is responsible for co-ordinating all safeguarding investigations within the area. Therefore should Oxfordshire County Council receive a safeguarding alert in relation to anyone residing in Oxfordshire County Council it is Oxfordshire County Council's responsibility to respond.

The funding authority (where there is one) retains 'care management' responsibility; therefore on receipt of an alert the practitioner will ascertain the funding arrangements of the support package and where appropriate inform the funding authorities as soon as possible.

In respect of privately funded support arrangements the alleged victim should be offered support throughout the process in the same way as an individual funded by the department.

All details of the investigation should be recorded on SWIFT in the same way as in previous sections of this document.

Please refer to the **ADASS Safeguarding Adults Policy Network Guidance - Out-of-Area Safeguarding Adults Arrangements** (December 2012) for further information.