

**Raising a safeguarding concern**

**or alternative action?**

This document has been produced in collaboration with:

Herefordshire Care Home Managers Forum

Herefordshire Adults Social Care

Wye Valley Trust

Herefordshire and Worcestershire CCG

West Mercia Police

And thanks go to “Keeping Adults Safe in Shropshire Board” for the original concept.

**Introduction**

Herefordshire Council and its Partners are a signatory to the West Midlands Adult Safeguarding Policy and Procedures. Everything within this document relates to that overarching Policy and Guidance. Herefordshire Safeguarding Adults Board supports the principles of Making Safeguarding Personal and implements a person centred, outcome focussed approach to Safeguarding Adults.

The following six statutory principles underpin all adult safeguarding work.

Empowerment – People being supported and encouraged to make their own decisions and informed consent.

“I am consulted about the outcomes I want from the safeguarding process and these directly inform what happens.”

Prevention – It is better to take action before harm occurs.

“I am provided with easily understood information about what abuse is, how to recognise the signs and what I can do to seek help.”

 Proportionality – The least intrusive response appropriate to the risk presented

“I am confident that the responses to risk will take into account my preferred outcomes or best interests.”

Protection – Support and representation for those in greatest need.

“I am provided with help and support to report abuse. I am supported to take part in the safeguarding process to the extent to which I want and to which I am able.”

Partnership – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

“I am confident that information will be appropriately shared in a way that takes into account its personal and sensitive nature. I am confident that agencies will work together to find the most effective responses for my own situation.”

Accountability – Accountability and transparency in delivering safeguarding.

“I am clear about the roles and responsibilities of all those involved in the solution to the problem.”

**Raising a Safeguarding Concern**

If you have identified an adult with care and supports needs who is experiencing abuse or neglect or is at risk of abuse or neglect, your first priority is with them, to make them safe (including reporting to the Police if immediate action is required). **Not all situations require reporting to the local authority as a safeguarding concern including: The impact on the person is low and you are satisfied that the abuse will not continue and you have taken action** (Accountability and Proportionality).

If you are not raising a concern, it is advisable for you to make a record of the rationale for your decision and what action you have taken on the form provided in Appendix 3 (Accountability). The completed document should be stored in a designated secure folder.

If you employ someone (or have a volunteer) who has harmed an adult with care and care and support needs, or poses a risk of abuse or neglect (current or historic) and you are likely to be using your disciplinary policy, you must raise a safeguarding concern. The local authority has a responsibility to retain oversight on how position of trust matters are dealt with (Partnership and Accountability). Further guidance is available here: [PiPoT Framework](https://herefordshiresafeguardingboards.org.uk/media/6539/wm-adult-pot-framework-v20-dec-2018.pdf).

If you identify a historic concern you must consider:

* Is there a potential current risk of harm to the adult or other adults? Where there is a current or potential risk posed by people working in a professional capacity with adults with care and support needs, you must raise a safeguarding concern. If there is no continuing risk to the adult consider completing a “Provider record for alternative actions” to evidence your decision making. (Appendix 3)
* Does it require criminal or other enquiry through a parallel process (e.g. complaints, inquests, regulatory, commissioning, health and safety investigations)?

In cases where an adult has died or suffered serious abuse or neglect and the cause is not clear, a safeguarding concern should be raised. In some circumstances, it will be appropriate to call the Police.

In cases where an adult has died or suffered serious abuse or neglect, and where there is concern that agencies should have worked more effectively to safeguard the adult, there is a statutory requirement for the Safeguarding Adults Board to undertake a Safeguarding Adults Review under section 44 of the Care Act. Please refer to the [Serious Case Review Procedure](https://herefordshiresafeguardingboards.org.uk/media/1081/formal-multi-agency-case-review-toolkit.pdf) for more information.

If you are not sure whether to raise a safeguarding concern, please ring the Safeguarding Team for advice. They are available on 01432 260715 (weekdays 9am-5pm) or 0330 123 9309 (after 5pm, weekends and public holidays).

To raise a concern you must complete the form [Safeguarding Adult Concern Form (AP1)](https://herefordshiresafeguardingboards.org.uk/media/2095/revised-ap1-november-2016.doc) and submit via secure e-mail to the Safeguarding Team. Fill in this form with as much detail as possible in order to ensure the team understand the impact of the alleged abuse or neglect and take proportionate action. Keep a record of the information you have provided to refer to.

Once the Safeguarding Team has received this they will review and may contact you for further clarification. You must be prepared to be answer questions including:

* whether the adult knows about the concern and what their views are
* the signs of abuse or neglect (including self-neglect) and why you think it is on-going
* what impact it is having on the person
* what you have done to reduce the risk to the person

**Concern Decision Making**

If the Safeguarding Team receive a Concern that is not about abuse, they will ensure the information is sent to the team that needs to know the information, if relevant.

If, as a result of their discussion with you, the Safeguarding Team discover that alleged abuse or neglect has been appropriately dealt with, they will close the concern down with guidance from a qualified safeguarding worker and explain why they have made that decision. If you have spoken to others about your concern, you will be asked to let them know what has happened.

Should the Safeguarding Team believe that abuse is ongoing or there is a risk of abuse or neglect to the person or others, the Safeguarding Concern will be passed to one of the Locality Teams for them to coordinate the decision about what happens next.

**Enquiry criteria**

In order for a Safeguarding Concern to progress to a statutory s42 enquiry the following criteria must be met:

* The adult has care and support needs
* The adult is experiencing or at risk of experiencing abuse or neglect

and

* As a result of their care and support needs they are unable to protect themselves against abuse or neglect or the risk of it

**Information gathering / Section 42 Enquiry**

Once the concern is passed to the Locality Team information gathering and information sharing then takes place led by a safeguarding managing officer. This may include talking to the adult affected or the person who poses a risk to them.

The information gathered will form part of the safeguarding record.

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

Remember: The duty to make an enquiry under the Care Act 2014 relates to abuse or neglect, or risk of abuse or neglect that is current. Concerns relating to historic abuse or neglect where the person is no longer at risk will not be the subject of a s42 enquiry but may be re-directed to another form of enquiry or assessment to address wellbeing.

Likewise, where a safeguarding concern is received for an adult who has died, the same considerations will apply and a s42 enquiry will only be made where there is a clear belief that other identifiable adults are experiencing, or are at risk of, abuse or neglect.

**“Other” Safeguarding Enquiries**

The local authority can choose to undertake or cause others to undertake an “other” safeguarding enquiries, if it deems it necessary and proportionate to do so. There are circumstances where the local authority would choose to undertake an enquiry when it didn’t have a duty to do so, most commonly this will be when:

* there is no ongoing abuse or risk of abuse because the person is no longer in that situation, but there is a need to understand what happened and consider the well-being and protection of others. An example of this is when someone died and we have not known how, but abuse or neglect was a possible factor.
* there have been significant allegations of neglect and the person is not returning to the environment but there is a need to understand what happened and consider the well- being and protection of others.
* when the person doesn’t have care and support needs but the risks relating to the abuse are so great we would want to intervene to safeguard the person.

“Other” enquiries will be caused when:

* It is line with an organisation’s responsibility. It fits with the wider well-being and prevention agenda.

**Planning a Section 42 or “Other” Enquiry**

When a Safeguarding Concern is progressing to a s42 or “other” enquiry, the appointed Locality Team will put together an initial enquiry plan and will include:

* Confirming who is undertaking what aspect of the Enquiry
* Considering what information or evidence is required to establish the facts and who is the best person to undertake those actions
* Ensuring the person/people undertaking the Enquiry understand what is required of them and that they confirm acceptance (or not) of the task in writing

When there is disagreement about accepting the responsibility for undertaking an Enquiry, the reasons must be clearly stated in writing. The Care Act Guidance (September 2016) states “Where a local authority or partner requests co-operation from each other in relation to a particular individual case, the local authority or relevant partner must co-operate as requested, unless doing so would be incompatible with their own duties or have an adverse effect on the exercise of their functions (15.26)”.

Disagreements should NEVER compromise the organisation or individual’s responsibility to take action to safeguard a person.

Every effort should be made to resolve the disagreement at the earliest opportunity. Where this is proving difficult you may want to refer to the HSAB guidance for [resolving professional disagreements.](https://herefordshiresafeguardingboards.org.uk/media/6254/hsab-guidance-to-resolving-professional-disagreements-feb-2019.pdf)

**Undertaking Section 42 or “Other” Enquiries**

The local authority can ask any agency to undertake an Enquiry on its behalf. An enquiry can range from a conversation with the adult affected to a Multi-Disciplinary Meeting including the person and/or their advocate. Any enquiry or intervention must be proportionate to the risk posed by the abuse.

More than one option may be selected and some examples of the form enquires may take are identified below:

* Conversation with the person
* Low level meeting with the person and one or two others
* Enquiries to be made in a registered setting, examining records etc.
* Visiting more than one setting to confirm all details are accurate
* Multi-disciplinary meeting
* Conversation with the person who may be the source of risk to a person

The Locality Team in Herefordshire will be expected to undertake the majority of enquiries when the local authority are the most appropriate organisation to do so.

Other organisations likely to be asked to undertake s42 enquiries are:

* Care homes
* Health organisations
* Domiciliary Care providers
* A voluntary or community organisation
* Community Mental Health
* A relevant employer
* Housing providers

This list is not exhaustive.

Whilst the timescale for the completion of the Enquiry is driven by the needs of the adult affected by the abuse, anyone asked to undertake a section 42 or “other” enquiry will be asked to confirm the outside date the Enquiry is expected to be completed by. If the date changes, the Locality Team holding the case will need to be notified.

**Writing a Section 42 or “Other” Enquiry Report**

This should address the actions taken, the people involved, evidence seen, witnesses interviewed (with attachments), and/or visits made. The level and risk of harm will be identified through risk assessment. The person’s wishes should be paramount and the Enquiry should endeavour to meet their expected outcomes. An advocate will be involved if the person has substantial difficulty engaging with the process and there is no-one appropriate to support them. This will be arranged by the Locality team responsible for leading the Enquiry.

Other assessments such as Care Act or Mental Capacity assessments will be carried out as necessary. The report (appendix 4) should cover:

* The facts
* The adult’s views and wishes
* The needs of the adult for protection, support and how they will be met
* Protection plan in accordance with the wishes of the adult
* What follow-up action will be taken with regard to the person or organisation responsible for the abuse or neglect
* How the adult wants to achieve resolution and recovery and redress
* How the professionals involved want the adult to achieve resolution and recovery and redress
* Any additional safeguarding actions required or recommended

The author of the Enquiry Report, should email it when complete, to the lead Safeguarding Managing Officer within the Locality team

**S42 or “Other” Enquiry Evaluation**

On receipt of the Enquiry Report it should be uploaded with all supporting documents, to the customer’s electronic record.

This safeguarding enquiry should only be marked as complete once the Safeguarding Managing Officer is confident the Enquiry Report meets the requirements as set out in the enquiry plan and the objectives of an enquiry as laid out in the Care Act Guidance has been met.

Only the local authority (or health organisations operating under formal delegation) can determine if further action is required following a s42 or “other” Enquiry. If this is the case, a Safeguarding Plan must be established and confirmed by the local authority.

**The Safeguarding Plan**

A safeguarding plan is only required when ongoing risk of abuse or neglect has been identified and it has not been possible to safeguard~~ing~~ the person solely as a result of undertaking the Enquiry. It should include:

* what steps are to be taken to maximise their safety in the future
* the provision of any support, treatment or therapy including on-going advocacy
* any modifications needed in the way services are provided (e.g. same gender care or placement) appointment of a court appointed Deputy
* how best to support the adult through any action they take to seek justice or redress
* any on-going risk management strategy as appropriate
* any action to be taken in relation to the person or organisation that has caused harm and a review date

A Safeguarding Plan should only be closed when everyone is in agreement that the adult is no longer at risk of abuse or neglect.

Appendix 1



Appendix 2



Appendix 3

**Provider Record for Alternative Actions to Raising a Safeguarding Concern**

If you have identified an adult with care and supports needs who is experiencing abuse or neglect or at risk of abuse or neglect, your first priority is with them, to make them safe. If you are happy that the abuse will not continue, there is no need to raise a safeguarding concern with the local authority but you may want to record your rationale for this and explain how you have dealt with the situation.

Summarise your discussion with the adult and/or their representative about what has happened to them

Type here (text box will expand to fit)

Explain what you have done to make the adult safe (including care plan and risk management changes if relevant)?

Type here (text box will expand to fit)

 Explain why you think the abuse will not continue?

Type here (text box will expand to fit)

For historic issues that requires an alternative response (e.g. criminal investigation, complaints, inquests, regulatory action, commissioning, health and safety investigations), please explain what action you have taken below.

Who have you contacted (include their contact details), why and what your expectations are of them?

Type here (text box will expand to fit)

What information has been discussed with the adult and/or their representative?

Type here (text box will expand to fit)

What support does the adult and/or their representative want to achieve recovery and/or redress?

Type here (text box will expand to fit)

A copy of this completed record should be kept on file and made available to any relevant visiting professional

Appendix 4

**Enquiry Report Template**

Name of person: MOSAIC number

To note that the adult can be identified in this report however others referenced should be anonymised by use of initials or other means.

Name of author: Organisation: Date:

Section 42 enquiry / Other enquiry (please delete where appropriate)

|  |
| --- |
| Establish the facts (include who you have spoken to, what information has been considered, what you believe to have happened. Clear differences of opinion should also be recorded).  |
| Type here (text box will expand to fit) |
| The needs of the adult for protection/support and how this will be met in accordance with the wishes of the adult: |
| Type here (text box will expand to fit) |
| What follow up action will be taken with source of risk, or organisation responsible for Abuse or Neglect: |
| Type here (text box will expand to fit) |
| Does the adult have mental capacity in relation to this concern? Is there are any need for a Best Interest Decision in relation to this concern? |
| Type here (text box will expand to fit) |
| Does the adult require an advocate? Who will be fulfilling this role? |
| Type here (text box will expand to fit) |
| How the adult wants to achieve resolution, recovery and redress: |
| Type here (text box will expand to fit) |
| How the enquirer wants the adult to achieve resolution, recovery and redress (if different from what the adult wants, explain how this will be managed): |
| Type here (text box will expand to fit) |
| Any additional safeguarding action required or recommended: |
| Type here (text box will expand to fit) |
| What is the enquirer's view of the risk assessment now? (none, low, medium, high) |
| Type here (text box will expand to fit) |