



Joint Working Protocol

S42 and S44 of the Care Act (2014)

Safeguarding Adults Boards (SABs) and Department for Work and Pensions (DWP)

March 2024

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Introduction

In 2023, Nottingham City Safeguarding Adults Board (NCSAB) published two separate Safeguarding Adults Reviews (SARS), 'Billy' and 'Valentina'. Both reviews included the same recommendation to develop a protocol between the Department of Work and Pensions (DWP) and Safeguarding Adults Boards (SABs) (below). This recommendation was escalated to the National Safeguarding Adult Board Chairs Network and was subsequently deemed to be of national significance and taken forward.

Recommendation from 'Billy' and 'Valentina' Safeguarding Adults Reviews:

The NCSAB Chair should escalate the recommendations from this SAR, using the agreed national escalation protocol, to the National SAB Chairs network. The aim of the escalation is to ensure that a protocol is developed to achieve the following outcomes:

1. The DWP to consider whether any case under internal review may meet criteria under the Care Act section 44 for a Safeguarding Adult Review and make referral to the relevant Safeguarding Adult Board.
2. Chairs of Safeguarding Adult Boards should identify where any SARs they have commissioned, indicate learning relevant to DWP. This should be referred through the relevant DWP channels so that the DWP Internal Process Review Group are sighted on that learning and themes can be considered by the DWP Serious Case Panel to inform organisational change.
3. The protocol should be evaluated within 12 months of implementation to understand effectiveness of application and outcomes achieved.

Safeguarding Adults Boards and DWP are committed to developing a positive working relationship and to work together to identify areas where adult safeguarding can be supported.

It has been agreed that this protocol should be expanded to cover both Section 42 and Section 44 of the Care Act (2014).

1. DWP Membership of Safeguarding Adults Boards

The National Network for SAB Chairs encourages each Safeguarding Adult Board to invite a DWP Advanced Customer Support Lead to attend Board meetings so that DWP can participate fully in each Board's strategic plan to prevent and to keep adults at risk safe from abuse and neglect. Such attendance will also facilitate DWP involvement in safeguarding adult reviews, where appropriate and indicated, and in the review of section 42 performance data.

2. Safeguarding Enquiry Process – Section 42 of the Care Act

Current legislation and process

Every local authority has a mechanism to receive Adult Safeguarding referrals from both professionals and members of the public to notify them of adults in their area who may meet the criteria for a Safeguarding Enquiry (Section 42 Enquiry). Section 42 of the Care Act

sets out the duty on local authorities to make enquiries (or cause enquiries to be made) when they have 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.

The Care Act (2014) Statutory Guidance (Section 14.137) states that Safeguarding requires collaboration between partners in order to create a framework of inter-agency arrangements. Local authorities and their relevant partners must collaborate and work together as set out in the co-operation duties in the Care Act and, in doing so, must, where appropriate, also consider the wishes and feelings of the adult on whose behalf they are working.

While DWP supports millions of people financially across the UK it does not have a social care function. As such it has only a limited view of its customers circumstances and has no legislative duty under the Care Act. However, it recognises that by engaging with other public authorities (including those that have statutory safeguarding responsibilities) it can help in the gathering and sharing of information about adults to whom the Act is designed to protect. As such it already cooperates with authorities covered by S.6 and S.7 of the Care Act.

Where DWP staff do have concerns similar to those described under S.42 above, they will engage with benefit claimants and, where appropriate, direct or refer them to agencies – including local authorities, social services and the police – who can investigate those concerns.

Where it is clear that a claimant or a child faces clear and significant risks to their welfare or safety DWP explicitly empowers its staff to proactively disclose information to the relevant body without the claimant providing explicit consent and to take any reasonable steps felt necessary in order to address those risks. It expects that staff will take action to volunteer to disclose information without any undue delay.

3. Safeguarding Adults Reviews – Section 44 of the Care Act (2014)

Current legislation and process

Section 44 of the Care Act (2014) places a statutory duty on Safeguarding Adults Board to carry out a Safeguarding Adults Review. Safeguarding Adult Boards (SAB) must arrange a Safeguarding Adults Review (SAR) when an adult in its area dies as a result of abuse or neglect, whether known or suspected, and there is concern that agencies could have worked more effectively to protect the adult. A SAB must also arrange a SAR if an adult in its area has not died, but it is known or suspected that the adult has experienced serious abuse or neglect.

SARs should seek to determine what the relevant agencies and individuals involved in the case might have done differently that could have prevented harm or death. This is so that lessons can be learned from the case and those lessons applied to future cases to prevent similar harm occurring again.

While DWP does not formally have statutory obligations in the same way that social care agencies do, it recognises the role it can play in the safeguarding adults review process.

It will consider referring cases for a SAR within its own review processes, and while there may never be a case where a referral is needed it will ensure it is considered as part of learning from cases.

It will also appropriately share relevant information with a Safeguarding Adults Board for a SAR in line with S.45 of the Care Act, and cooperate fully in the SAR process. It normally does this through the DWP Advanced Customer Support Senior Leader local to the SAB area.

Key among many improvements DWP has made better to support its most vulnerable customers is the recruitment and deployment of more than 30 Advanced Customer Support Senior Leaders across Great Britain. Their role is to reach across local communities to underpin DWP relationships with other organisations that provide support to benefit claimants. This includes building and maintaining a relationship with their local Safeguarding Adult Board and attending meetings with SAB members. They will also contribute appropriate information to and, where necessary, facilitate DWP's partaking in any relevant Safeguarding Adult Reviews and Domestic Homicide Reviews that the SAB may conduct.

4. Escalation and Challenge

In the course of adult safeguarding, partner agencies are expected and encouraged to provide constructive challenge to each other. Where a colleague in a partner agency wishes to raise a concern about either a Board process or another partner agency in relation to adult safeguarding, local SAB Escalation Protocols should be followed. Those SABs that do not have an Escalation Protocol should consider developing one.

5. Learning, Recommendations and Implementing Change

It is an aspiration for a Thematic Impact Report on the learning from cases and the strategic changes implemented as a result to come to the SAB Chair's network annually from DWP when ready.