

Safeguarding Adults Policy and Procedure 2018



New Policy & Procedure

- The new P&P was developed in consultation with members from the organisations represented at the SAB
- It was agreed by the SAB on 24th May 2018

It aims to:

- Encourage consistency
- Encourage natural justice
- Reduce the possibility of confirmation bias

Why was an updated P&P needed?

The previous version was:

- Too long
- Repetitive
- Lacked focus with information taken from different sources

The new version:

- Describes best practice
- Sets an agreed standard by the board
- Allows space for professional judgement
- Includes learning from Safeguarding Adult Reviews

Principles of the new Policy

- Avoiding duplication
- Minimising redundancy
- Describe good practice
- Allow variety of response

Who needs safeguarding?

- The adult has care and support needs; and
- They are experiencing, or are at risk of, abuse or neglect; and
- They are unable to protect themselves from the abuse or neglect, or the risk of it, as a result of those care and support needs

Definitions

The new P&P provides definitions which aim to clarify elements of the Care Act that can cause difficulty in practice:

- The meaning of “care and support needs”
- The meaning of “is experiencing, or is at risk of, abuse or neglect”
- The meaning of “at risk of abuse or neglect”
- The meaning of “unable to protect himself or herself”

This is taken from the Care Act 2014 and SCIE guidance

The meaning of “care and support needs”

SCIE - An adult with care and support needs may be:

- *an older person*
- *a person with a physical disability, a learning difficulty or a sensory impairment*
- *someone with mental health needs, including dementia or a personality disorder*
- *a person with a long-term health condition*
- *someone who misuses substances or alcohol to the extent that it affects their ability to manage day-to-day living.*

The Care and Support (Eligibility Criteria) Regulations 2014 - eligible care and support needs:

- *Arises from or is related to a physical or mental impairment or illness;*
- *Results in the adult being unable to achieve two or more of the outcomes specified in the regulations; and*
- *Which has, or is likely to have, a significant impact on the adult’s well-being*

The meaning of “is experiencing, or is at risk of, abuse or neglect”

The position of the Board is:

Unless and until there is case law that clarifies this, there will be uncertainty on this matter and a need for sound professional judgement

The starting point should be that if the tests in s42(1) were met at any point during the period from when the abuse occurred or the risk of it arose to when the decision is being made then the presumption should be that there will be an adult safeguarding enquiry

Factors that would strengthen this presumption might include there being risks to other adults with care and support needs, there being some public interest in the matter leading to an adult safeguarding enquiry, and an adult safeguarding enquiry being likely to promote public confidence in the services involved

Factors that may lead to a reversal of the presumption might include that there were no apparent risks to others, no questions to be addressed about the actions of any agencies involved, or if there was going to be another process that might provide sufficient scrutiny such as a Safeguarding Adults Review, taking account that the aims of an Enquiry and Review are different.

The meaning of “at risk of abuse or neglect”

The position of the Board is that, in applying section 42 of the Care Act in Surrey, “risk” means some clear and present risk. It must be more than simply a theoretical risk.

The meaning of “unable to protect himself or herself”

For the duty to have an adult safeguarding enquiry to apply, the person with care and support needs must be unable to protect himself or herself against the abuse and neglect because of the care and support needs they have.

This requires there to be a causal link between the care and support needs and the inability to protect themselves.

Clarification

The new P&P clarifies that:

- Adult safeguarding enquiries can't be about carers
- Self-neglect won't usually lead to an adult safeguarding enquiry
- Domestic abuse, sexual exploitation, and modern day slavery can only lead to adult safeguarding enquires if the person has care and support needs
- Adult safeguarding enquiries should reach a view whether the person experienced or was at risk of abuse or neglect
- Absence of consent is not a barrier to safeguarding adults work

Definitive roles in adult safeguarding enquiries

The new P&P describes set roles which should be assigned to people as part of the Safeguarding Enquiry:

- **Safeguarding Adults Enquiry Decision Maker ('SAD')**
This is the person with responsibility for making the decisions required by s42 Care Act on behalf of the local authority
- **Safeguarding Adults Enquiry Manager ('SAM')**
This is the person who carried out day-to-day management of the adult safeguarding enquiry
- **Lead Enquiry Office ('LEO')**
The Lead Enquiry Officer leads the carrying out of an adult safeguarding enquiry
- **Safeguarding Adults Enquiry Contributor(s) ('SAEC')**
Contributors to Safeguarding Adults Enquiry

The use of language in safeguarding adults

Working across organisations can introduce unintended confusion and misunderstandings purely through the language we use.

The new policy seeks to reduce the possibility of miscommunication by introducing consistency in language.

“**Enquiry Plan**” to mean the plan for the enquiries that the local authority will make or cause to be made (looking back)

“**Safeguarding Plan**” to mean the plan for the actions the local authority decides should be taken as a result of an adult safeguarding enquiry (looking forward)

Reporting

- *“No professional should assume that someone else will pass on information which they think may be critical to the safety and wellbeing of the adult. If a professional has concerns about the adult’s welfare and believes they are suffering or likely to suffer abuse or neglect, then they should share the information with the local authority and, or, the police if they believe or suspect that a crime has been committed.”*
- *“Concerns about abuse or neglect must be reported whatever the source of harm is. It is imperative that poor or neglectful care is brought to the immediate attention of managers and responded to swiftly, including ensuring immediate safety and well-being of the adult.”*

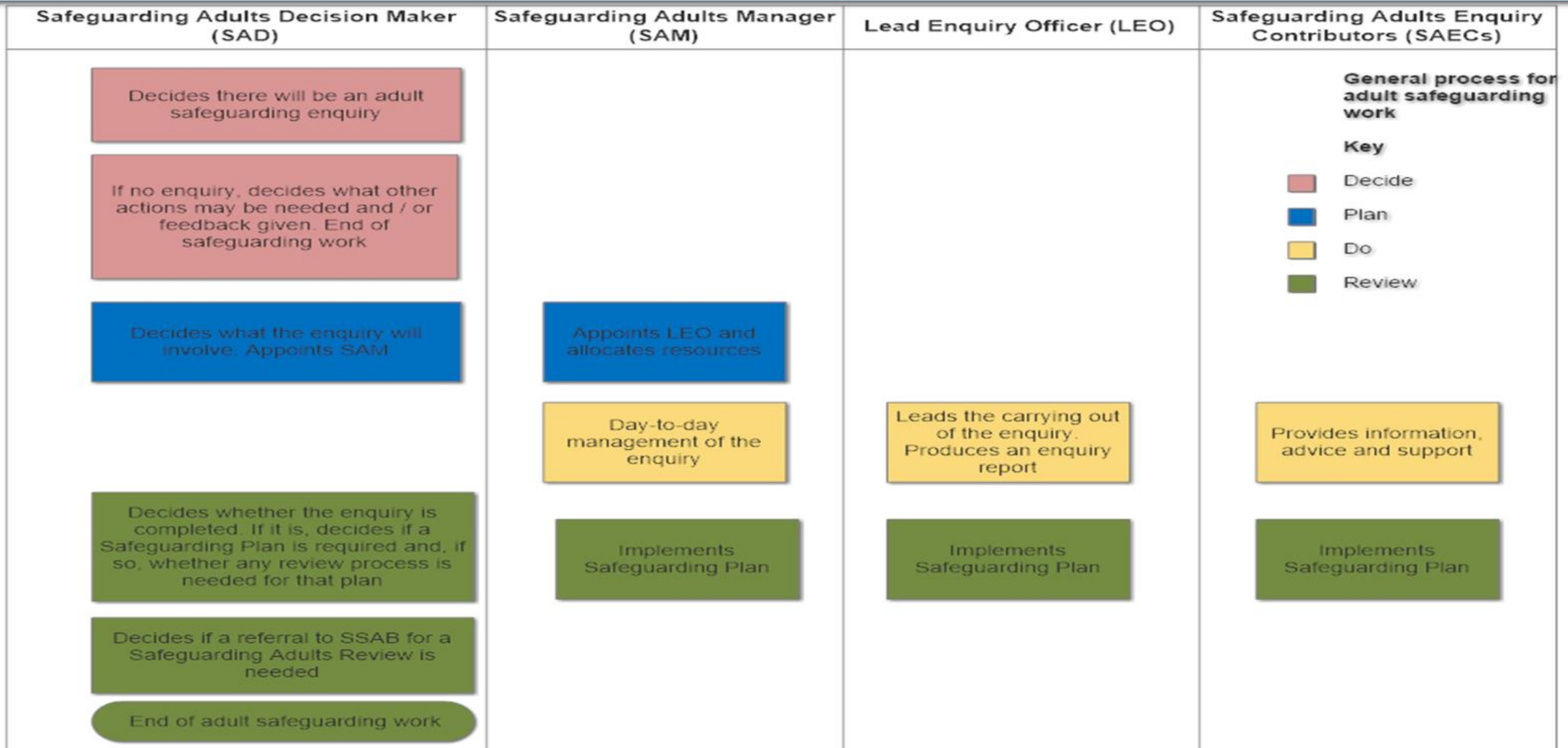
Statutory Guidance

Purpose of the Enquiry

The guidance says that the objectives of an enquiry are to:

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

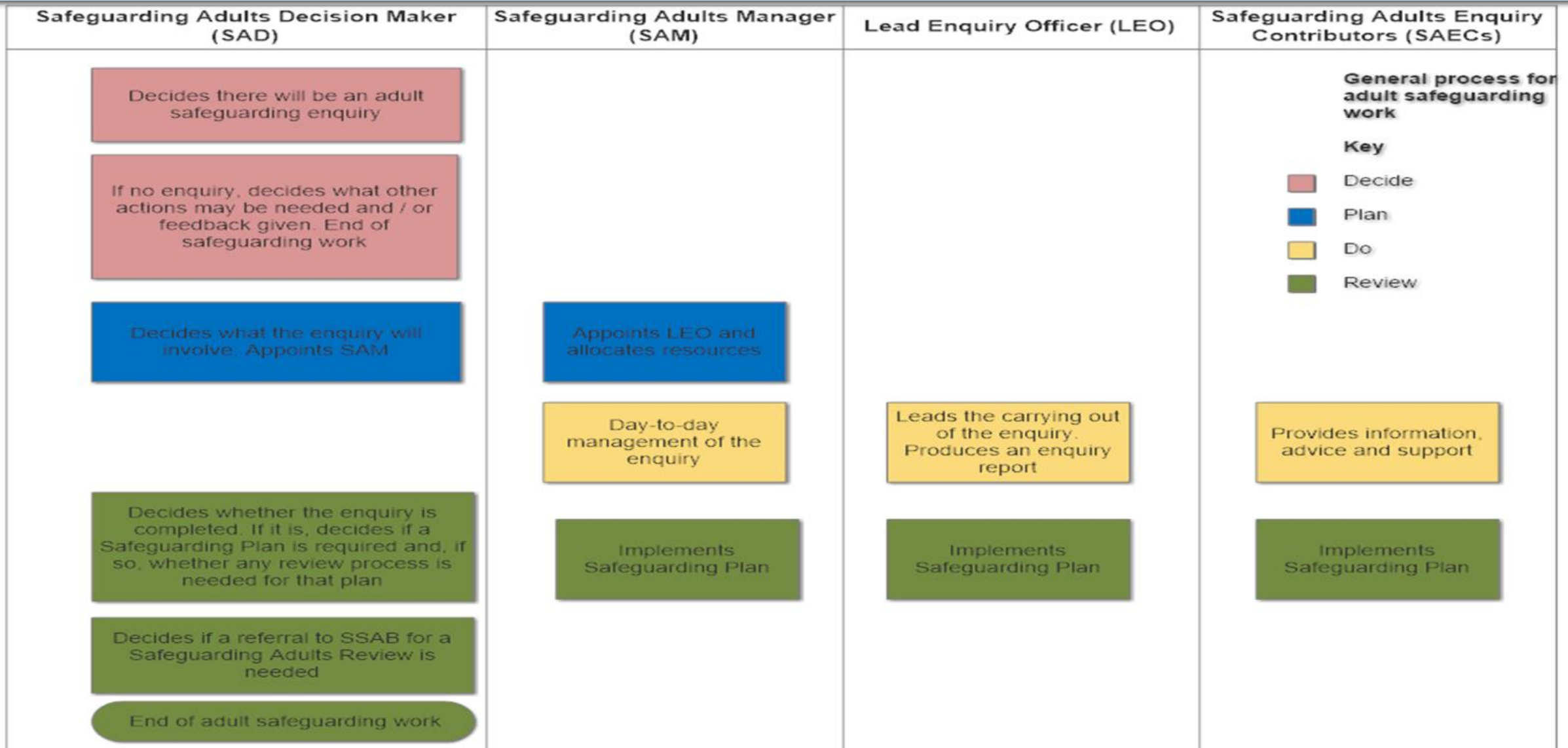
Enquiries Method



Timeliness

- The “Decide” phase should be completed by the end of the next working day after the adult safeguarding concern was referred to the local authority
- The “Plan” phase should result in an initial plan immediately after a decision has been made that there is a duty for a section 42 enquiry
- Completing the enquiry has no fixed timescale, but the expectation is
 - 50% of enquiries finish within 4 weeks
 - 85% of enquiries finish within 24 weeks
 - 100% of enquiries finish with 52 weeks

Enquiries Method



Natural Justice

“The employer should investigate any concern (and provide any additional support that the adult may need) unless there is compelling reason why it is inappropriate or unsafe to do this.

For example, this could be:

- a serious conflict of interest on the part of the employer,
- concerns having been raised about non-effective past enquiries or
- serious, multiple concerns, or
- a matter that requires investigation by the police.”

There must be a focus on the principle of ‘hear every side’

Confirmation Bias

West Sussex SAR – April 2018 – Matthew Bates and Gary Lewis

Both males were admitted to East Surrey Hospital:

- On the same day
- From the same care home
- With the same injury (fractured femurs)

What are the possible ways that this could have happened?

- Complete accident
- Avoidable accident
- Deliberate act

“There appears from an early stage of the enquiry, to have been **an assumption that manual handling was the probable** cause of the injuries to both individuals. At that time, there was **no evidence other than feedback from the care home management** that this was the cause of the injuries.”

“At an early stage handling and moving was the emerging explanation, and this was never strongly challenged. **‘Confirmation basis’ appears to have reduced ‘professional curiosity’ leading to the lack of consideration of other possibilities.**”

“The impact of failing to undertake a quality safeguarding enquiry, manifested itself in the resultant safeguarding enquiry report. This highlighted the deficiencies in the enquiry, **the lack of focus, consistency of evidence gathering and a failure to consider and evidence hypotheses other than manual handling.** The conclusion is **not clearly evidenced** and based on **assumptions rather than fact.**”

Dealing with allegations about people who work with adults with care and support needs

- Where concerns are raised about someone who works with adults with care and support needs, the employer must assess any potential risk to adults with care and support needs who use their services, and, if necessary, take action to safeguard those adults.
- The outgoing PiPOT protocol document was 36 pages, this has now been reduced to 4 pages.

Communication

A theme in every SAR is that communication within and between organisations could be improved.

Safeguarding Enquiries can be the precursor to, as a result of, or run in conjunction with:

- Serious Incidents
- Care Quality Concerns
- Police Investigations

Safeguarding Adult Reviews

A SAR is a multi-agency process that considers and uses the learning that enables the Board to improve services and prevent abuse and neglect in the future.

A SAR will be focused on ensuring learning and improvement of practice and is explicitly not about blaming any agency, service or individual.

SARs are not enquiries into how an adult with care and support needs died or who is culpable.

The focus is on multi-agency learning through consideration of how agencies worked together, with the intention of improving how they do so in the future through sharing best practice.

Information Sharing

Sharing the right information, at the right time, with the right people, is fundamental to good practice in safeguarding adults, though this is often complex. The Care Act 2014 emphasises the need to empower people, to balance choice and control for individuals against preventing harm and reducing risk, and to respond proportionately to safeguarding concerns.